

**CODE OF ORDINANCES
OF THE
CITY OF HARTFORD, IOWA, 1998**

Adopted July 21, 1998, by Ordinance No. 1

SUPPLEMENT RECORD

SUPPLEMENT		ORDINANCES AMENDING CODE		
Supp. No.	Repeals, Amends or Adds	Ord. No.	Date	Subject
Sep-98	Ch. 8	2	8-18-98	Urban Revitalization Plan
	3.03 (1)	3	8-18-98	Civil Penalties
	50.02 (7)	4	8-18-98	Nuisances
	60.06 & 62.01	5	8-18-98	Traffic Regulations
	121.01, 121.07 - 121.09	6	8-18-98	Cigarette Permits
	Ch. 146	7	8-18-98	Manufactured and Mobile Homes
Nov-99	Ch. 8	8	8-17-99	Urban Revitalization
	Ch. 165	9	7-20-99	Rezoning from R-2 to R-2(A)
Feb-00	1.10; 91.04; 95.10(2)	10	12-21-99	Penalty for Violation of Code of Ordinances
	62.01; 62.08	11	12-21-99	Traffic Regulations; Open Containers in Motor Vehicles
	75.02(1)	12	12-21-99	ATV Definition
	92.07	13	12-21-99	Lien Exemption
	Ch. 36	14	12-21-99	Hazardous Substance Spills
Jul-00	92.02	15	6-20-00	Water Rates
	35.14(1)	16	6-20-00	EMS Charges
Oct-00	Ch. 8	17	8-15-00	Urban Revitalization Plan
Jan-01	92.02	18	11-21-00	Water Rates
Sep-01	50.04	19	7-25-01	Right of Entry
Nov-01	Ch. 8	20	10-16-01	Urban Revitalization Plan
	69.11	21	10-16-01	No Parking Zones
Sep-02	Ch. 8	22	8-20-02	Urban Revitalization Plan
Dec-02	92.01	23	10-15-02	Water Service Charges
	92.02	24	10-15-02	Water Rates
	99.02	25	10-15-02	Sewer Rates
Mar-03	135.13	26	1-21-03	Driveway Culverts
Aug-03	Ch. 165	27	2003	Zoning
	69.11(3)	28	6-17-03	No Parking Zones
Sep-03	92.04(2)	29	8-19-03	Late Payment Penalty
	56.01; 56.02	30	8-19-03	Dog and Cat Licenses
Jan-04	55.15	31	12-16-03	Impounding Costs
Mar-04	55.13	32	2-17-04	At Large: Impoundment
Jul-04	50.02(10)	33	7-20-04	Nuisances: Weeds and Brush
Sep-04	Ch. 165	34	2004	Zoning
	145.01	35	8-24-04	Enforcement Officer

**PLACE IN FRONT SECTION OF CODE BOOK ALONG WITH ADOPTING
ORDINANCE AND TABLE OF CONTENTS**

SUPPLEMENT RECORD

SUPPLEMENT		ORDINANCES AMENDING CODE		
Supp. No.	Repeals, Amends or Adds	Ord. No.	Date	Subject
Oct-04	Ch. 8	36	9-21-04	Urban Revitalization Plan
Jul-05	92.02	37	6-21-05	Water Rates
	99.02	38	6-21-05	Sewer Rates
	106.08(1)	39	6-21-05	Solid Waste Collection Fee
Nov-05	90.07	40	10-25-05	Curb Box Access
	90.19	41	10-25-05	Mobile Home Park Water Service
	91.05	42	10-25-05	Meter Pits
	92.09	43	10-25-05	Requested Discontinuance Fee
May-06	55.13; 55.15	44	3-14-06	At Large: Impoundment and Impounding Costs
Sep-06	69.11(4 & 5)	45	7-25-06	No Parking Zones
	69.11(6)	46	8-15-06	No Parking Zones
	106.08(2)	47	8-15-06	Recycling Fee
Nov-06	Ch. 165	48	2006	Zoning
	Ch. 8	49	9-19-06	Urban Revitalization Plan
Dec-06	22.04—22.14	50	11-21-06	Board of Adjustment
Aug-07	75.02(1); 75.04(1)	51	12-19-06	ATVs and Snowmobiles
	Ch. 90-92; Ch. 116	52	12-19-06	Water Franchise
	Ch. 165	53		Zoning
	Ch. 156	54	3-13-07	International Property Maintenance Code
	Ch. 167	55	3-13-07	Site Plan Regulations
	99.02; 99.05	56	4-17-07	Sewer Service Charges and Billing
Oct-07	Ch. 137	57	2007	Alley Vacation
	Ch. 137	58	2007	Alley Vacation
	35.14	59	7-24-07	Emergency Rescue Fees
	Ch. 137	60	2007	Alley Vacation
	Ch. 137	61	2007	Alley Vacation
	Ch. 137	62	2007	Alley Vacation
	155.01	63	9-18-07	International Building Code
Jun-08	Ch. 137	64	2007	Alley Vacation
	69.11(7)	65	11-20-07	No Parking Zones
	Ch. 137	66	2007	Alley Vacation
	Ch. 160	67	12-18-07	Flood Plain Regulations
		68	5-20-08	Adopt 2008 Code of Ordinances
Sep-08	Ch. 150	69	7-15-08	Trees
	Ch. 8	70	9-16-08	Urban Revitalization Plan
	69.11(8)	71	9-16-08	No Parking Zones
Apr-10		72		Suspended Temporarily
	Not Codified	73	12-16-08	Board of Appeals
	Not Codified	74	1-20-09	Official Base Map
	160.03, 160.04; 160.09	75	2-17-09	Flood Insurance Rate Map
	35.15; 35.16	76	6-16-09	Emergency Fire Service; Key Vault
	Ch. 155; Ch. 156	77	7-21-09	Building Code; Permits

**PLACE IN FRONT SECTION OF CODE BOOK ALONG WITH ADOPTING
ORDINANCE AND TABLE OF CONTENTS**

GENERAL CODE PROVISIONS

Table of Contents

CHAPTER 1 — CODE OF ORDINANCES	1
CHAPTER 2 — CHARTER.....	7
CHAPTER 3 — MUNICIPAL INFRACTIONS.....	9
CHAPTER 5 — OPERATING PROCEDURES	21
CHAPTER 6 — CITY ELECTIONS.....	27
CHAPTER 7 — FISCAL MANAGEMENT	29
CHAPTER 8 — URBAN REVITALIZATION	39

ADMINISTRATION, BOARDS AND COMMISSIONS

Table of Contents

CHAPTER 15 — MAYOR	61
CHAPTER 16 — MAYOR PRO TEM.....	63
CHAPTER 17 — COUNCIL	65
CHAPTER 18 — CITY CLERK.....	69
CHAPTER 19 — CITY TREASURER	73
CHAPTER 20 — CITY ATTORNEY	75
CHAPTER 21 — PLANNING AND ZONING COMMISSION.....	77
CHAPTER 22 — BOARD OF ADJUSTMENT.....	81
CHAPTER 23 — BUILDING OFFICIAL	87

POLICE, FIRE AND EMERGENCIES

Table of Contents

CHAPTER 30 — CONTRACT LAW ENFORCEMENT	101
CHAPTER 35 — FIRE AND RESCUE DEPARTMENT	103
CHAPTER 36 — HAZARDOUS SUBSTANCE SPILLS.....	109

PUBLIC OFFENSES

Table of Contents

CHAPTER 45 — PUBLIC OFFENSES125

CHAPTER 46 — MINORS133

CHAPTER 47 — PARK REGULATIONS139

NUISANCES AND ANIMAL CONTROL

Table of Contents

CHAPTER 50 — NUISANCE ABATEMENT PROCEDURE	165
CHAPTER 51 — JUNK AND JUNK VEHICLES	171
CHAPTER 55 — ANIMAL PROTECTION AND CONTROL	185
CHAPTER 56 — DOG LICENSES	189

TRAFFIC AND VEHICLES

Table of Contents

CHAPTER 60 — ADMINISTRATION OF TRAFFIC CODE	205
CHAPTER 61 — TRAFFIC CONTROL DEVICES	209
CHAPTER 62 — GENERAL TRAFFIC REGULATIONS	211
CHAPTER 63 — SPEED REGULATIONS.....	219
CHAPTER 64 — TURNING REGULATIONS.....	221
CHAPTER 65 — STOP OR YIELD REQUIRED.....	223
CHAPTER 66 — LOAD AND WEIGHT RESTRICTIONS.....	225
CHAPTER 67 — PEDESTRIANS.....	227
CHAPTER 68 — ONE-WAY TRAFFIC.....	229
CHAPTER 69 — PARKING REGULATIONS.....	231
CHAPTER 70 — TRAFFIC CODE ENFORCEMENT PROCEDURES	237
CHAPTER 75 — ALL-TERRAIN VEHICLES AND SNOWMOBILES	251
CHAPTER 80 — ABANDONED VEHICLES.....	255

WATER
Table of Contents

CHAPTER 90 — WATER SERVICE SYSTEM.....281

SANITARY SEWER

Table of Contents

CHAPTER 95 — SANITARY SEWER SYSTEM	305
CHAPTER 96 — BUILDING SEWERS AND CONNECTIONS	311
CHAPTER 97 — USE OF PUBLIC SEWERS	315
CHAPTER 98 — PRIVATE ON-SITE WASTEWATER SYSTEMS.....	321
CHAPTER 99 — SEWER SERVICE CHARGES	323
CHAPTER 100 — STORMWATER MANAGEMENT SYSTEM AND FACILITIES	327
CHAPTER 101 — STORMWATER SERVICE CHARGES.....	331

GARBAGE AND SOLID WASTE

Table of Contents

CHAPTER 105 — SOLID WASTE CONTROL	335
CHAPTER 106 — COLLECTION OF SOLID WASTE.....	343

FRANCHISES AND OTHER SERVICES

Table of Contents

CHAPTER 110 — NATURAL GAS FRANCHISE.....	361
CHAPTER 111 — ELECTRIC FRANCHISE.....	363
CHAPTER 112 — TELEPHONE FRANCHISE.....	365
CHAPTER 113 — CABLE TELEVISION FRANCHISE AND REGULATIONS	367
CHAPTER 114 — REGULATION OF CABLE TELEVISION RATES.....	377
CHAPTER 115 — CABLE TELEVISION CUSTOMER SERVICE STANDARDS.....	381
CHAPTER 116 — WATER FRANCHISE	383

REGULATION OF BUSINESS AND VOCATIONS

Table of Contents

CHAPTER 120 — BEER, LIQUOR AND WINE CONTROL	405
CHAPTER 121 — CIGARETTE PERMITS	407
CHAPTER 122 — PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS	411
CHAPTER 125 — LICENSING OF ELECTRICAL, PLUMBING AND MECHANICAL CONTRACTORS	425

STREETS AND SIDEWALKS

Table of Contents

CHAPTER 135 — STREET USE AND MAINTENANCE	441
CHAPTER 136 — SIDEWALK REGULATIONS.....	447
CHAPTER 137 — VACATION AND DISPOSAL OF STREETS	453
CHAPTER 138 — STREET GRADES.....	455

BUILDING AND PROPERTY REGULATIONS

Table of Contents

CHAPTER 145 — DANGEROUS BUILDINGS	465
CHAPTER 146 — MANUFACTURED AND MOBILE HOMES.....	469
CHAPTER 150 — TREES.....	471
CHAPTER 155 — BUILDING CODE	485
CHAPTER 156 — PERMITS.....	491
CHAPTER 157 — PROPERTY MAINTENANCE CODE.....	499
CHAPTER 160 — FLOOD PLAIN REGULATIONS	507

ZONING AND SUBDIVISION

Table of Contents

CHAPTER 165 — ZONING REGULATIONS525

CHAPTER 166 — SUBDIVISION REGULATIONS527

CHAPTER 167 — SITE PLAN REGULATIONS.....529

CHAPTER 1

CODE OF ORDINANCES

1.01 Title	1.07 Amendments
1.02 Definitions	1.08 Catchlines and Notes
1.03 City Powers	1.09 Altering Code
1.04 Indemnity	1.10 Standard Penalty
1.05 Personal Injuries	1.11 Severability
1.06 Rules of Construction	

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

1.02 DEFINITIONS. Where words and phrases used in this Code of Ordinances are defined by State law, such definitions 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, have the following meanings, unless specifically defined otherwise in another portion of this Code of Ordinances:

1. “Alley” means a public right-of-way, other than a street, affording secondary means of access to abutting property.
2. “City” means the City of Hartford, Iowa.
3. “Clerk” means the city clerk of Hartford, Iowa.
4. “Code” means the specific chapter of this Code of Ordinances in which a specific subject is covered and bears a descriptive title word (such as the Building Code and/or a standard code adopted by reference).
5. “Code of Ordinances” means the Code of Ordinances of the City of Hartford, Iowa.
6. “Council” means the city council of Hartford, Iowa.
7. “County” means Warren County, Iowa.
8. “Measure” means an ordinance, amendment, resolution or motion.
9. “Month” means a calendar month.
10. “Oath” means 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” are equivalent to the words “swear” and “sworn.”

11. “Occupant” or “tenant,” applied to a building or land, includes any person who occupies the whole or a part of such building or land, whether alone or with others.
12. “Ordinances” means the ordinances of the City of Hartford, Iowa, as embodied in this Code of Ordinances, ordinances not repealed by the ordinance adopting this Code of Ordinances, and those enacted hereafter.
13. “Person” means an individual, firm, partnership, domestic or foreign corporation, company, association or joint stock association, trust, or other legal entity, and includes a trustee, receiver, assignee, or similar representative thereof, but does not include a governmental body.
14. “Preceding” and “following” mean next before and next after, respectively.
15. “Property” includes real property, and tangible and intangible personal property unless clearly indicated otherwise.
16. “Property owner” means a person owning private property in the City as shown by the County Auditor’s plats of the City.
17. “Public place” includes in its meaning, but is not restricted to, any City-owned open place, such as parks and squares.
18. “Public property” means 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.
19. “Public way” includes any street, alley, boulevard, parkway, highway, sidewalk, or other public thoroughfare.
20. “Sidewalk” means that surfaced portion of the street between the edge of the traveled way, surfacing, or curb line and the adjacent property line, intended for the use of pedestrians.
21. “State” means the State of Iowa.
22. “Statutes” and “laws” mean the latest edition of the Code of Iowa, as amended.
23. “Street” or “highway” means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.
24. “Writing” or “written” includes printing, typing, lithographing, or other mode of representing words and letters.
25. “Year” means a calendar year.

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

(Code of Iowa, Sec. 364.1)

1.04 INDEMNITY. The applicant for any permit or license under this Code of Ordinances, by making such application, assumes and agrees to pay for 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. The provisions of this section shall be deemed to be a part of any permit or license issued under this Code of Ordinances or any other ordinance of the City whether expressly recited therein or not.

1.05 PERSONAL INJURIES. When action is brought against the City for personal injuries alleged to have been caused by its negligence, the City may notify in writing any person by whose negligence it claims the injury was caused. The notice shall state the pendency of the action, the name of the plaintiff, the name and location of the court where the action is pending, a brief statement of the alleged facts from which the cause arose, that the City believes that the person notified is liable to it for any judgment rendered against the City, and asking the person to appear and defend. A judgment obtained in the suit is conclusive in any action by the City against any person so notified, as to the existence of the defect or other cause of the injury or damage, as to the liability of the City to the plaintiff in the first named action, and as to the amount of the damage or injury. The City may maintain an action against the person notified to recover the amount of the judgment together with all the expenses incurred by the City in the suit.

(Code of Iowa, Sec. 364.14)

1.06 RULES OF CONSTRUCTION. In the construction of 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. Verb Tense and Plurals. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular.
2. May. The word “may” confers a power.
3. Must. The word “must” states a requirement.
4. Shall. The word “shall” imposes a duty.
5. Gender. The masculine gender shall include 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 by a provision of the Code of Ordinances, the provision shall be construed as authorizing performance by a regular assistant, subordinate or a duly authorized designee of said officer or employee.

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

(Code of Iowa, Sec. 380.2)

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

1.09 ALTERING CODE. It is unlawful for any unauthorized 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)

1.10 STANDARD PENALTY. Unless another penalty is expressly provided by the Code of Ordinances for any particular provision, section or chapter, any person failing to perform a duty, or 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 two hundred dollars (\$200.00) or imprisonment not to exceed thirty (30) days.

(Ord. 10 – Feb. 00 Supp.)

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

1.11 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.

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CHAPTER 2

CHARTER

2.01 Title
2.02 Form of Government
2.03 Powers and Duties

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

2.01 TITLE. This chapter may be cited as the charter of the City of Hartford, Iowa.

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

(Code of Iowa, Sec. 372.4)

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

2.04 NUMBER AND TERM OF COUNCIL. The Council consists of five (5) Council Members elected at large for overlapping terms of four (4) years.

(Code of Iowa, Sec. 376.2)

2.05 TERM OF MAYOR. The Mayor is elected for a term of two (2) years.

(Code of Iowa, Sec. 376.2)

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

(Code of Iowa, Sec. 372.1)

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CHAPTER 3

MUNICIPAL INFRACTIONS

3.01 Municipal Infraction
3.02 Environmental Violation
3.03 Penalties

3.04 Civil Citations
3.05 Alternative Relief
3.06 Criminal Penalties

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

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

3.02 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:

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

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

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

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

1. Standard Civil Penalties.
 - A. First Offense - Not to exceed \$500.00

B. Each Repeat Offense - Not to exceed \$750.00

Each day that a violation occurs or is permitted to exist constitutes a repeat offense. *(Ord. 3 - Sep. 98 Supp.)*

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 one thousand dollars (\$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 one thousand dollars (\$1,000.00) for each occurrence. However, an environmental violation is not subject to such penalty if all of the following conditions are satisfied:

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

3.04 CIVIL CITATIONS. Any officer authorized by the City to enforce this Code of Ordinances may issue a civil citation to a person who commits a municipal infraction. The citation may be served by personal service as provided in Rule of Civil Procedure 56.1, by certified mail addressed to the defendant at defendant's last known mailing address, return receipt requested, or by publication in the manner as provided in Rule of Civil Procedure 60 and subject to the conditions of Rule of Civil Procedure 60.1. A copy of the citation shall be retained by the issuing officer, and one copy shall be sent to the Clerk of the District Court. The citation shall serve as notification that a civil offense has been committed and shall contain the following information:

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

1. The name and address of the defendant.
2. The name or description of the infraction attested to by the officer issuing the citation.
3. The location and time of the infraction.

4. The amount of civil penalty to be assessed or the alternative relief sought, or both.
5. The manner, location, and time in which the penalty may be paid.
6. The time and place of court appearance.
7. The penalty for failure to appear in court.

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

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

3.06 CRIMINAL PENALTIES. This chapter does not preclude a peace officer from issuing a criminal citation for a violation of this Code of Ordinances or regulation if criminal penalties are also provided for the violation. Nor does it preclude or limit the authority of the City to enforce the provisions of this Code of Ordinances by criminal sanctions or other lawful means.

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

[The next page is 21]

CHAPTER 5

OPERATING PROCEDURES

5.01 Oaths	5.07 Conflict of Interest
5.02 Bonds	5.08 Resignations
5.03 Duties: General	5.09 Removal of Appointed Officers and Employees
5.04 Books and Records	5.10 Vacancies
5.05 Transfer to Successor	5.11 Gifts
5.06 Meetings	5.12 Unlawful Use of City Property

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

1. Qualify for Office. Each elected or appointed officer shall qualify for office by taking the prescribed oath and by giving, when required, a bond. The oath shall be taken, and bond provided, after being certified as elected but not later than noon of the first day which is not a Sunday or a legal holiday in January of the first year of the term for which the officer was elected.

(Code of Iowa, Sec. 63.1)

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

(Code of Iowa, Sec. 63.10)

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

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

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

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

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

(Code of Iowa, Sec. 64.13)

2. Bonds Approved. Bonds shall be approved by the Council.
(Code of Iowa, Sec. 64.19)
3. Bonds Filed. All bonds, after approval and proper record, shall be filed with the Clerk.
(Code of Iowa, Sec. 64.23[6])
4. Record. The Clerk shall keep a book, to be known as the “Record of Official Bonds” in which shall be recorded the official bonds of all City officers, elective or appointive.
(Code of Iowa, Sec. 64.24[3])

5.03 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])

5.04 BOOKS AND RECORDS. All books and records required to be kept by law or ordinance shall be open to examination by the public upon request, unless some other provisions of law expressly limit such right or require such records to be kept confidential. Access to public records which are combined with data processing software shall be in accordance with policies and procedures established by the City.
(Code of Iowa, Sec. 22.2 & 22.3A)

5.05 TRANSFER TO SUCCESSOR. Each officer shall transfer to his or her successor in office all books, papers, records, documents and property in the officer’s custody and appertaining to that office.
(Code of Iowa, Sec. 372.13[4])

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

1. Notice of Meetings. Reasonable notice, as defined by State law, of the time, date and place of each meeting, and its tentative agenda, shall be given.
(Code of Iowa, Sec. 21.4)
2. Meetings Open. All meetings shall be held in open session unless closed sessions are held as expressly permitted by State law.
(Code of Iowa, Sec. 21.3)
3. Minutes. Minutes shall be kept of all meetings showing the date, time and place, the members present, and the action taken at each meeting. The minutes shall show the results of each vote taken and information sufficient to indicate the vote of each member present. The

vote of each member present shall be made public at the open session. The minutes shall be public records open to public inspection.

(Code of Iowa, Sec. 21.3)

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

(Code of Iowa, Sec. 21.5)

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

(Code of Iowa, Sec. 21.7)

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

(Code of Iowa, Sec. 21.8)

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

(Code of Iowa, Sec. 362.5)

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

(Code of Iowa, Sec. 362.5[1])

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[2])

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

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

4. Stock Interests. Contracts in which a City officer or employee has an interest solely by reason of employment, or a stock interest of the kind described in subsection 8 of this section, or both, if the 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])

5. Newspaper. The designation of an official newspaper.

(Code of Iowa, Sec. 362.5[6])

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

(Code of Iowa, Sec. 362.5[7])

7. Volunteers. Contracts with volunteer fire fighters or civil defense volunteers.

(Code of Iowa, Sec. 362.5[8])

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

(Code of Iowa, Sec. 362.5[9])

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

(Code of Iowa, Sec. 362.5[4])

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 dollars (\$2500.00) in a fiscal year.

(Code of Iowa, Sec. 362.5[11])

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[12])

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

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

5.09 REMOVAL OF APPOINTED OFFICERS AND EMPLOYEES.

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

(Code of Iowa, Sec. 372.15)

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

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

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

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

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

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

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

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

5.12 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])

CHAPTER 6

CITY ELECTIONS

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

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

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

(Code of Iowa, Sec. 376.3)

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

(Code of Iowa, Sec. 45.1)

6.03 ADDING NAME BY PETITION. The name of a candidate placed upon the ballot by any other method than by petition shall not be added by petition for the same office.

(Code of Iowa, Sec. 45.2)

6.04 PREPARATION OF PETITION AND AFFIDAVIT. Each eligible elector who signs a nominating petition shall add to the signature the elector's residence address, and date of signing. The person whose nomination is proposed by the petition shall not sign it. Each candidate shall complete and file a signed, notarized affidavit of candidacy. The affidavit shall be filed at the same time as the nomination petition. The affidavit shall be in the form prescribed by the Secretary of State and shall include information required by the Code of Iowa.

(Code of Iowa, Sec. 45.3)

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

(Code of Iowa, Sec. 45.4)

6.06 PERSONS ELECTED. The candidates who receive the greatest number of votes for each office on the ballot are elected, to the extent necessary to fill the positions open.

(Code of Iowa, Sec. 376.8[3])

CHAPTER 7

FISCAL MANAGEMENT

7.01 Purpose
7.02 Finance Officer
7.03 Cash Control
7.04 Fund Control

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

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

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

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

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

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

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

3. Petty Cash Fund. The finance officer shall be custodian of a petty cash fund, not to exceed \$50.00, 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 finance officer shall obtain some form of receipt or bill acknowledged as paid by the vendor or agent. At such time as the petty cash fund is approaching depletion, the finance officer shall draw a check for replenishment in the amount of the accumulated expenditures and said check and supporting detail shall be submitted to the Council as a claim in the usual manner for claims and charged to the proper funds

and accounts. It shall not be used for salary payments or other personal services or personal expenses.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. Council Review. The Council shall review the proposed budget and may make any adjustments 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. 384.16[2])

7. Adoption and Certification. After the hearing, the Council shall adopt, by resolution, a budget for at least the next fiscal year and the Clerk shall certify the necessary tax levy for the next fiscal year to the County Auditor and the County Board of Supervisors. The tax levy

certified may be less than, but not more than, the amount estimated in the proposed budget. Two copies each of the detailed budget as adopted and of the tax certificate must be transmitted to the County Auditor.

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

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

(Code of Iowa, Sec. 384.18)

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

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

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

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

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

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

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

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

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

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

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

3. Checks. Checks shall be prenumbered and signed by the Clerk and the Mayor or a designated Council member 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 finance officer shall perform and be responsible for accounting functions of the municipally owned utilities.

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

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

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

(Code of Iowa, Sec. 384.22)

[The next page is 39]

CHAPTER 8

URBAN REVITALIZATION

8.01 Designation of Revitalization Area

8.02 Urban Revitalization Plan

8.01 DESIGNATION OF REVITALIZATION AREA. The entire area within the corporate boundaries of the City is hereby declared, pursuant to Chapter 404 of the Code of Iowa, to be an Urban Revitalization Area.

8.02 URBAN REVITALIZATION PLAN. The Urban Revitalization Plan for the City, now on file with the Clerk, is hereby declared to be the Urban Revitalization Plan for the City's Urban Revitalization Area.

EDITOR'S NOTE

Ordinance No. 2, adopted August 18, 1998, extended the Urban Revitalization Plan for the City for an additional one year period beginning September 15, 1998 and ending September 15, 1999.

Ordinance No. 8, adopted August 17, 1999, extended the Urban Revitalization Plan for the City for an additional one year period beginning September 15, 1999 and ending September 15, 2000, and changed the schedule for tax exemptions on qualifying improvements as follows:

- A. 1st year — 100%
- B. 2nd year — 80%
- C. 3rd year — 60%
- D. 4th year — 40%
- E. 5th year — 20%

Ordinance No. 17, adopted August 15, 2000, extended the Urban Revitalization Plan for the City for an additional one year period beginning September 15, 2000 and ending September 15, 2001.

Ordinance No. 20, adopted October 16, 2001, extended the Urban Revitalization Plan for the City for an additional one year period beginning September 15, 2001 and ending September 15, 2002.

Ordinance No. 22, adopted August 20, 2002, extended the Urban Revitalization Plan for the City for an additional two year period beginning September 15, 2002 and ending September 15, 2004.

EDITOR'S NOTE

Ordinance No. 36, adopted September 21, 2004, extended the Urban Revitalization Plan for the City for an additional two year period beginning September 15, 2004 and ending September 15, 2006.

Ordinance No. 49, adopted September 19, 2006, extended the Urban Revitalization Plan for the City for an additional two year period beginning September 15, 2006 and ending September 15, 2008.

Ordinance No. 70, adopted September 16, 2008, extended the Urban Revitalization Plan for the City for an additional two year period beginning September 15, 2008 and ending September 15, 2010.

Ordinance No. 82, adopted November 16, 2010, extended the Urban Revitalization Plan for the City for an additional two year period beginning September 15, 2010 and ending September 15, 2012.

Ordinance No. 92, adopted October 16, 2012, extended the Urban Revitalization Plan for the City for an additional two year period beginning September 15, 2012 and ending September 15, 2014.

[The next page is 61]

CHAPTER 15

MAYOR

15.01 Term of Office
15.02 Powers and Duties
15.03 Appointments

15.04 Compensation
15.05 Voting

15.01 TERM OF OFFICE. The Mayor is elected for a term of two (2) years.

(Code of Iowa, Sec. 376.2)

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

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

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

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

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

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

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

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

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

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

6. Negotiations. Represent the City in all negotiations properly entered into in accordance with law or ordinance. The Mayor shall not represent the City where this duty is specifically delegated to another officer by law, ordinance, or Council direction.
7. Contracts. Whenever authorized by the Council, sign contracts on behalf of the City.
8. Professional Services. Upon order of the Council, secure for the City such specialized and professional services not already available to the City. In executing the order of the Council, the Mayor shall act in accordance with the Code of Ordinances and the laws of the State.
9. Licenses and Permits. Sign all licenses and permits which have been granted by the Council, except those designated by law or ordinance to be issued by another municipal officer.
10. Nuisances. Issue written order for removal, at public expense, any nuisance for which no person can be found responsible and liable.
11. Absentee Officer. Make appropriate provision that duties of any absentee officer be carried on during such absence.

15.03 APPOINTMENTS. The Mayor shall appoint the following officials:
(*Code of Iowa, Sec. 372.4*)

1. Mayor Pro Tem

15.04 COMPENSATION. The salary of the Mayor is one hundred dollars (\$100.00) per month, unless two (2) consecutive meetings are missed without good cause as determined by the Council.
(*Code of Iowa, Sec. 372.13[8]*)

15.05 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*)

CHAPTER 16

MAYOR PRO TEM

16.01 Vice President of Council
16.02 Powers and Duties

16.03 Voting Rights
16.04 Compensation

16.01 VICE PRESIDENT OF COUNCIL. The Mayor Pro Tem is vice president of the Council.

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

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

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

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

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

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

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

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CHAPTER 17

COUNCIL

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

17.04 Council Meetings
17.05 Appointments
17.06 Compensation

17.01 NUMBER AND TERM OF COUNCIL. The Council consists of five (5) Council Members elected at large for overlapping terms of four (4) years.

(Code of Iowa, Sec. 372.4 & 376.2)

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

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

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

2. 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])

3. 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])

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

(Code of Iowa, Sec. 384.100)

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

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

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

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

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

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

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

1. Action by Council. Passage of an ordinance, amendment or resolution requires a majority vote of all of the members of the Council. Passage of a motion requires a majority vote of a quorum of the Council. A resolution must be passed to spend public funds in excess of twenty-five thousand dollars (\$25,000.00) 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])

“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)

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

1. Regular Meetings. The time and place of the regular meetings of the Council shall be fixed by resolution of the Council.
2. Special Meetings. Special meetings shall be held upon call of the Mayor or upon the 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 its own rules and maintain records of its proceedings.

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

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

1. City Clerk
2. City Attorney
3. Planning and Zoning Commission
4. Zoning Board of Adjustment
5. Building Official

17.06 COMPENSATION. The salary of each Council member is fifty dollars (\$50.00) per month, unless two (2) consecutive meetings are missed without good cause as determined by the Council.

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

CHAPTER 18

CITY CLERK

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

18.07 Certify Measures
18.08 Records
18.09 Attendance at Meetings
18.10 Issue Licenses and Permits
18.11 Notify Appointees
18.12 Elections
18.13 City Seal

18.01 APPOINTMENT AND COMPENSATION. At its first meeting in January each year, the Council shall appoint by majority vote a City Clerk to serve for a term of one (1) year. The Clerk shall receive such compensation as established by resolution of the Council.

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

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

18.03 PUBLICATION OF MINUTES. 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 and a summary of all receipts and shall show the gross amount of the claim.

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

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

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

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

1. Time. If notice of an election, hearing, or other official action is required by 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 this 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:

Post Office

City Hall

Bank

Git 'n Go

The Clerk is hereby directed to post promptly such ordinances and amendments, and to leave them so posted for not less than ten (10) days after the first date of posting. Unauthorized removal of the posted ordinance or amendment prior to the completion of the ten days shall not affect the validity of said ordinance or amendment. The Clerk shall note the first date of such posting on the official copy of the ordinance and in the official ordinance book immediately following the ordinance.

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

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

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

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

(Code of Iowa, Sec. 380.11)

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

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

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

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

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

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

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

4. Provide Copy. Furnish upon request to any municipal officer a copy of any record, paper or public document under the Clerk's control when it may be necessary to such officer in the discharge of such officer's duty; furnish a copy to any citizen when requested upon payment of the fee set by Council resolution; under the direction of the Mayor or other authorized officer, affix the seal of the City to those public documents or instruments 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. Keep and file all communications and petitions directed to the Council or to the City generally. The Clerk shall endorse thereon the action of the Council taken upon matters considered in such communications and petitions.

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

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

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

18.10 ISSUE LICENSES AND PERMITS. The Clerk shall issue or revoke licenses and permits when authorized by this Code of Ordinances, and keep a record of licenses and permits issued which shall show date of issuance, license

or permit number, official receipt number, name of person to whom issued, term of license or permit and purpose for which issued.

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

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

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

18.12 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 o'clock (5:00) p.m. on the day following the last day on which nomination petitions can be filed.

(Code of Iowa, Sec. 376.4)

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

CHAPTER 19

CITY TREASURER

19.01 Appointment
19.02 Compensation

19.03 Duties of Treasurer

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

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

19.03 DUTIES OF TREASURER. The duties of the Treasurer are as follows:

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

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

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CHAPTER 20

CITY ATTORNEY

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

20.05 Review and Comment
20.06 Provide Legal Opinion
20.07 Attendance at Council Meetings
20.08 Prepare Documents

20.01 APPOINTMENT AND COMPENSATION. The Council shall appoint by majority vote a City Attorney to serve at the discretion of the Council and shall establish by resolution the City Attorney's compensation.

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

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

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

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

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

20.04 ORDINANCE PREPARATION. The City Attorney shall prepare those ordinances 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, Sec. 372.13[4])

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

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

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

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

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

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

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

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

CHAPTER 21

PLANNING AND ZONING COMMISSION

21.01 Planning and Zoning Commission
21.02 Term of Office
21.03 Vacancies

21.04 Compensation
21.05 Powers and Duties

21.01 PLANNING AND ZONING COMMISSION. There shall be appointed by the Council a City Planning and Zoning Commission, hereinafter referred to as the Commission, consisting of five (5) members, who shall be residents of the City and qualified by knowledge or experience to act in matters pertaining to the development of a City plan and who shall not hold any elective office in the City government.

(Code of Iowa, Sec. 414.6 & 392.1)

21.02 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)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 414.6)

4. Recommendations of Improvements. No statuary, memorial or work of art in a public place, and no public building, bridge, viaduct, street fixtures, public structure or appurtenances, shall be located or erected, or site therefor obtained, nor shall any permit be issued by any department of the City for the erection or location thereof until and unless the design and proposed location of any such improvement shall have been submitted to the Commission and its recommendations thereon obtained, except such requirements and recommendations shall not act as a stay upon action for any such improvement when the Commission after thirty (30) days' written notice requesting such recommendations, shall have failed to file same.

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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CHAPTER 22

BOARD OF ADJUSTMENT

22.01 Board of Adjustment Created	22.07 Filing Fee for Appeal
22.02 Chairperson	22.08 Variances to Be Consistent with Intent of the Zoning Ordinance
22.03 Meetings	22.09 Appeals from the Board of Adjustment
22.04 Powers and Duties of the Board of Adjustment	22.10 Power to Permit Specific Exceptions
22.05 Standing to Appeal	22.11 Exceptions to Promote Public Welfare
22.06 Procedure for Appeals	

22.01 BOARD OF ADJUSTMENT CREATED. The Council shall appoint five (5) persons to the Board of Adjustment. Each member of the Board shall serve a five-year term, and terms shall be staggered so that no more than one term expires per year. A majority of the Board shall be persons not involved in the business of purchasing or selling real estate.

22.02 CHAIRPERSON. The Board shall select, by majority vote, one of its members to serve as Chairperson. The Chair shall preside at meetings of the Board.

22.03 MEETINGS. The meetings of the Board shall be held at the call of the Chairperson or at such other times as the Board may determine. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member on each question, or if absent or failing to vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. The presence of three (3) members shall be necessary to constitute a quorum.

22.04 POWERS AND DUTIES OF THE BOARD OF ADJUSTMENT. The Board of Adjustment shall have only the following powers and duties:

1. Administrative Review. To hear and decide appeals where it is alleged there is error in any order, requirement, decisions or determination made by the Zoning Administrator in the enforcement of this Zoning Ordinance or any regulation relating to the location or soundness of structures.
2. Special Use Permits. To hear and decide the approval of applications for special use permits, as provided by this chapter.
3. Variances to Relieve Hardships Relating to Property. To authorize, upon appeal, variances from the strict application of this chapter where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the

zoning regulations; or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, such strict application would result in peculiar and exceptional practical difficulties to or exceptional and undue hardships upon the owner of such property.

A. Requirements for Grant of a Variance. No such variance shall be authorized by the Board unless it finds that:

(1) Strict application of the zoning ordinance will produce undue hardship and would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter.

(2) Such hardship is not shared generally by other properties in the same zoning district and in the same vicinity.

(3) The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance.

(4) The granting of such variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit or caprice.

(5) The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable a general regulation to be adopted as an amendment to this Zoning Ordinance.

(6) The granting of the variance will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of any ordinance or resolution.

B. Findings by Board. The Board of Adjustment shall make findings that the requirements of this section have been met by the applicant for a variance.

C. Conditions for Grant of Variance.

(1) In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which

the variance is granted, shall be deemed a violation of this chapter and punishable under this chapter.

(2) Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this chapter in the district involved, or any use expressly or by implication prohibited by the terms of this chapter in said district.

(3) No nonconforming use of neighboring lands, structures, or buildings in the same district and non-permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

D. Board Has Powers of Zoning Administrator on Appeals; Reversing Decisions of Zoning Administrator. In exercising the above mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decisions, or determination as ought to be made, and to that end shall have the powers of the Zoning Administrator from whom the appeal is taken.

E. The concurring vote of a majority of the entire Board shall be necessary to reverse any order, requirements, decision or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to effect any variation in the application of this chapter.

F. All meetings of the Board of Adjustment shall be open to the public. The Zoning Administrator shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Zoning Administrator and shall be a public record. The presence of a majority of the entire Board shall be necessary to constitute a quorum.

G. A resolution signed by the Chairperson or acting Chair of the Board of Adjustment shall be kept in the office of the Zoning Administrator. The resolution shall set forth the full reason for its decision and the vote of each member participating therein.

(Ord. 50 – Dec. 06 Supp.)

22.05 STANDING TO APPEAL. Appeals to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the Commission. At the hearing, any party may appear in person or by agent, or by attorney.

22.06 PROCEDURE FOR APPEALS.

1. Appeals shall be made to the Board of Adjustment through the office of the Zoning Administrator in written form as determined by the Zoning Administrator. The Board shall fix a reasonable time for the hearing of the appeal and shall decide the appeal within thirty (30) days of the date of the public hearing. An appeal stays all proceedings in furtherance of the action, unless the Zoning Administrator certifies to the Board that by reason of the facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life or property.
2. Notices. The Zoning Administrator shall provide a notice of a public hearing on any question before it by publication in a newspaper of general circulation in the City of Hartford at least ten (10) days before and no more than twenty (20) days before the date of public hearing. The Zoning Administrator shall post an agenda in City Hall and at the location of the meeting prior to the Board of Adjustment meeting. The Zoning Administrator shall attempt to notify adjacent property owners within 200 feet of the property in question by mail prior to the Board of Adjustment meeting. Failure to notify 100% of all adjacent property owners shall not stop Board of Adjustment from considering the application request or acting on the petition.
3. Upon the public hearing, any party may appear in person or by agent or attorney. The concurring vote of a majority of the entire Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the appellant on any matter upon which it is required to pass under this Zoning Ordinance, or to effect any variation in such Zoning Ordinance.
4. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board that a stay would, in his/her opinion, cause imminent danger to life, property, or the public safety. In such a case, the proceedings shall be stayed only by a restraining order granted by the Board or by a court of record on application, on notice to the Zoning Administrator.
5. The processing of special use permits shall follow the same procedures for hearings and public notifications as variance or administrative review appeals.

(Ord. 50 – Dec. 06 Supp.)

22.07 FILING FEE FOR APPEAL. Before an appeal is filed with the Board of Adjustment, the appellant shall pay a fee of fifteen dollars (\$15.00) to the Clerk to be credited to the General Fund of the City.

22.08 VARIANCES TO BE CONSISTENT WITH INTENT OF THE ZONING ORDINANCE. All variations granted under this chapter shall be in harmony with the general purpose and intent of the zoning ordinance.

22.09 APPEALS FROM THE BOARD OF ADJUSTMENT. Any person or persons, the City, or any board, taxpayer, officer, department, board or bureau of the City aggrieved by any decision of the Board of Adjustment may seek review of such decision by a court of record in the manner provided by the laws of the State and particularly by Chapter 414, Code of Iowa.

(Ord. 50 – Dec. 06 Supp.)

22.10 POWER TO PERMIT SPECIFIC EXCEPTIONS. The Board shall permit the following exceptions to the district regulations set forth in the zoning ordinance:

1. To permit erection and use of a building or the use of premises or vary the height, yard or other area regulations in any location for a public service corporation for public utility purposes, or for purposes of public communication, which the Board determines is reasonably necessary for the public convenience or welfare.
2. To permit the use of property in residential districts for off-street parking purposes as accessory to permitted residential district uses where said parking lots do not immediately adjoin the permitted residential district use.
3. To permit the extension of a zoning district where the boundary line of a district divides a lot in single ownership as shown of record or by existing contract of purchase at the time of the passage of the zoning ordinance, but in no case shall such extension of the district boundary line exceed forty (40) feet in any direction.

22.11 EXCEPTIONS TO PROMOTE PUBLIC WELFARE. All exceptions shall, by their design, construction and operation, adequately safeguard the health, safety and welfare of the occupants of adjoining and surrounding property, shall not impair an adequate supply of light and air to adjacent property, shall not increase congestion on the public streets, shall not increase public danger of fire and safety and shall not diminish or impair established property values in surrounding areas.

(Sections 22.08, 22.10, 22.12 Repealed by and Remaining Sections Renumbered by Ord. 50 – Dec. 06 Supp.)

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CHAPTER 23

BUILDING OFFICIAL

23.01 Appointment and Compensation

23.02 Powers and Duties

23.01 APPOINTMENT AND COMPENSATION. The Council shall appoint by majority vote a Building Official to serve at the discretion of the Council, and shall establish by resolution the Building Official's compensation.

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

23.02 POWERS AND DUTIES. The Building Official has the following powers and duties:

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

1. The Building Official is responsible for the enforcement of the Building, Electrical, Mechanical, Plumbing, Fire, Life Safety, Dangerous Buildings and Housing Codes, the zoning regulations, and such other ordinances as shall assign the Building Official that function. The Building Official shall perform such other duties as may be required by the Council.
2. The Building Official shall issue all applicable permits and the determination of value or valuation under the provisions of the Building Code shall be made by the Building Official.
3. The Building Official shall keep a permanent, accurate account of all fees and other moneys collected and received, 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. The Building Official shall submit a report to the Council not less than once a year, covering the work of the Building Official during the preceding period.

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CHAPTER 30

CONTRACT LAW ENFORCEMENT

30.01 CONTRACT LAW ENFORCEMENT. The Council may contract with the County Sheriff or any other qualified lawful entity to provide law enforcement services within the City, and the Sheriff or such other entity shall have and exercise the powers and duties as provided in said contract and as required by law or ordinance.

(Code of Iowa, 28E.30)

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CHAPTER 35

FIRE AND RESCUE DEPARTMENT

35.01 Establishment and Purpose
35.02 Organization
35.03 Training
35.04 Compensation
35.05 Election of Officers
35.06 Fire Chief: Duties
35.07 Obedience to Fire Chief
35.08 Constitution

35.09 Accidental Injury Insurance
35.10 Liability Insurance
35.11 Calls Outside Fire District
35.12 Mutual Aid
35.13 Authority to Cite Violations
35.14 Emergency Rescue Service
35.15 Emergency Fire Service
35.16 Key Vault

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

(Code of Iowa, Sec. 364.16)

35.02 ORGANIZATION. The department consists of the Fire Chief and such other officers and personnel as may be authorized by the Council.

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

35.03 TRAINING. All members of the department shall attend and actively participate in regular or special training drills or programs as directed by the Chief.

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

35.04 COMPENSATION. Members of the department shall be designated by rank and receive such compensation as shall be determined by resolution of the Council. The Fire Chief shall be paid five hundred dollars (\$500.00) per year, payable every 6 months.

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

35.05 ELECTION OF OFFICERS. The department shall elect a Fire Chief and such other officers as its constitution and bylaws may provide, but the election of Fire Chief shall be subject to the approval of the Council. In case of absence of the Fire Chief, the officer next in rank shall be in charge and have and exercise all the powers of Fire Chief.

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

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

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

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

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

(Code of Iowa, Sec. 102.2)

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

(Code of Iowa, Sec. 102.2)

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

(Code of Iowa, Sec. 102.3)

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

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

8. Notification. Whenever death, serious bodily injury, or property damage in excess of two hundred thousand dollars (\$200,000) has occurred as a result of a fire, or if arson is suspected, notify the State Fire Marshal's Division immediately. For all fires causing an estimated damage of fifty dollars (\$50.00) or more or emergency responses by the department, file a report with the Fire Marshal's Division within ten (10) days following the end of the month. The report shall indicate all fire incidents occurring and state the name of the owners and occupants of the

property at the time of the fire, the value of the property, the estimated total loss to the property, origin of the fire as determined by investigation, and other facts, statistics, and circumstances concerning the fire incidents.

(Code of Iowa, Sec. 100.2 & 100.3)

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

(Code of Iowa, Sec. 100.12)

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

(Code of Iowa, Sec. 100.13)

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

(Code of Iowa, Sec. 100.4)

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

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

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

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

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

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

35.10 LIABILITY INSURANCE. The Council shall contract to insure against liability of the City or members of the department for injuries, death or

property damage arising out of and resulting from the performance of departmental duties within or outside the corporate limits of the City.

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

35.11 CALLS OUTSIDE FIRE DISTRICT. The department shall answer calls to fires and other emergencies outside the Fire District if the Fire Chief determines that such emergency exists and that such action will not endanger persons and property within the Fire District.

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

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

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

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

(Code of Iowa, Sec. 100.41)

35.14 EMERGENCY RESCUE SERVICE. The department is authorized to provide emergency rescue services and the accidental injury and liability insurance provided for herein shall include such operation.

1. Fees. The following schedule of charges shall be imposed for all EMS calls made by the Hartford Fire Department:

Advanced Life Support Base Rate.....	\$550.00 per occurrence
Advanced Life Support 2 Base Rate.....	\$669.00 per occurrence*
Basic Life Support Base Rate	\$450.00 per occurrence
Mileage and Costs.....	\$9.13 per loaded mile plus cost of supplies used.

Vehicle Accidents

Clean Up.....	\$100.00
Extrication	\$300.00
Tool Assisted Extrication	\$500.00

*EMS response when a paramedic is present.

(Ord. 59 – Oct. 07 Supp.)

35.15 EMERGENCY FIRE SERVICE. Fire service fees and charges are:

1. Fees. The following schedule of charges shall be imposed for all fire calls made by the Hartford Fire Department:

A. Vehicle Fires.

(1) Cars	\$150.00
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	(2) Trucks and vans (<10,000 lbs.)	\$200.00
	(3) Vehicles (>10,000 lbs.)	\$500.00
B.	Grass Fires.	
	(1) First incident (per calendar year)	No charge
	(2) Second incident (per calendar year)	\$100.00
	(3) Third and each thereafter (per calendar year)	\$200.00
C.	Residential Fires.	
	(1) Any residential structure needing fire suppression	\$500.00
D.	Commercial Structure Fires.	
	(1) Any commercial structure needing fire suppression	\$500.00
E.	Residential Structure burned at owner's request	\$500.00
F.	Hazardous Materials.	
	(1) All fees for hazardous material spills shall be billed according to the Code of Iowa, 455B.381, and the City of Hartford Code of Ordinances, Chapter 36.	

2. The City will accept insurance payments as full and complete payment of the charges adopted by resolution, except for grass fires, dwellings burned at the owner's request (as outlined in resolution), arson and/or an insurance claim which has been denied for reasons other than lack of coverage in the policy. All charges shown as an exception in this subsection will be the responsibility of the landowner.

3. The Fire Chief and City Clerk are authorized to issue invoices for such fire services and to collect such fees on behalf of the City. All moneys collected through these fees shall be deposited into a Hartford Fire & Rescue Equipment Trust and Agency Fund, which will be used to purchase equipment for Hartford Fire & Rescue or to retire debt related to the purchase of said equipment.

4. The City of Hartford Fire & Rescue shall only be entitled to receive said fees if the fire incident takes place within the City or Townships within their defined or contracted fire protection area.

(Ord. 76 – Apr. 10 Supp.)

35.16 KEY VAULT. All new commercial, industrial and institutional buildings shall install a key vault on the exterior of the building at a location determined by the Fire Chief. The box will be installed at the building owner's expense and will only be used by the Fire Department to gain access to the building during an emergency situation. All existing commercial, industrial and

institutional buildings shall install a key vault at such time as improvements are made to the property, which require a building permit to be obtained.

(Ord. 76 – Apr. 10 Supp.)

CHAPTER 36

HAZARDOUS SUBSTANCE SPILLS

36.01 Purpose
36.02 Definitions
36.03 Notifications
36.04 Authority

36.05 Cleanup Required
36.06 Liability for Cleanup Cost
36.07 City Liability
36.08 Penalty

36.01 PURPOSE. In order to reduce the danger to the public health, safety and welfare resulting from conditions created by the storage, transportation or handling of hazardous substances and/or wastes in the City, these regulations are promulgated to establish responsibility for the removal, disposing and/or cleaning involving hazardous substances and/or hazardous wastes for the City.

36.02 DEFINITIONS. For purposes of this chapter these terms have the following meanings:

1. “Authorized person” means the duly appointed Fire Chief, Warren County Sheriff’s Office, his/her duly appointed designee or the Warren County Emergency Management Coordinator.
2. “Cleanup” means the same as defined in Section 455B.381(6), Code of Iowa.
3. “Hazardous condition” means any circumstances as defined in Section 455B.381(2), Code of Iowa.
4. “Hazardous substance” means any substance as defined in Section 455B.381(1), Code of Iowa.
5. “Hazardous waste” means such wastes as defined in Section 455B.411(4)(a, b), Code of Iowa.
6. “Person having control over a hazardous substance and/or hazardous waste” means a person who at any time in the City produces, handles, stores, uses, transports, refines, or disposes of a hazardous substance and/or hazardous waste, the release of which creates a hazardous condition.
7. “Release” means the same as defined in Section 455B.381(9), Code of Iowa.
8. “Treatment” means the same as defined in Section 455B.411(10), Code of Iowa.

36.03 NOTIFICATIONS.

1. Any person manufacturing, storing, handling, transporting, or disposing of a hazardous substance and/or waste shall notify 911 of the occurrence of a hazardous condition as soon as possible but no later than two (2) hours after the onset of the hazardous condition or discovery of the hazardous condition. The 911 Communications Center will immediately notify the appropriate Fire Department, Law Enforcement Agency and the Warren County Emergency Management Agency.
2. Any municipal employee or member of Fire Department, Law Enforcement Agency or Ambulance Service who discovers a hazardous condition shall immediately notify the 911 Communications Center. The authorized person shall notify the proper State authority in the manner established by State regulation.

36.04 AUTHORITY. If the circumstances require, the authorized person may:

1. Order evacuation of persons to areas away from the site of a hazardous condition, and/or
2. Establish perimeters or other boundaries at or near the site of a hazardous condition and limit access to such site.

No person shall disobey an order of the authorized person or any Fire or Law Enforcement Official acting under direction of the authorized person issued under this section. Disobedience of an order issued under this section is punishable as stated in Section 36.08 of this chapter.

36.05 CLEANUP REQUIRED.

1. Whenever a hazardous condition is created, the person having control over a hazardous substance and/or hazardous waste shall alleviate the condition by cleanup and/or treatment, as defined by Section 36.02, and shall restore the affected area to its condition prior to the hazardous condition as far as practicable. The cost of cleanup and/or treatment shall be borne by the person having control over a hazardous substance and/or hazardous waste.
2. If the person having control over a hazardous substance and/or hazardous waste cannot be located within a two hour period of time, if the person having control over a hazardous substance and/or hazardous waste does not cause the cleanup and/or treatment to begin within a two hour period of time, the City may by the authorized person give notice (which shall be reasonable in form considering the character of the hazardous condition). The notice shall state:

- A. A deadline for accomplishing the cleanup and/or treatment.
 - B. The City will proceed to procure cleanup and/or treatment services if the cleanup and/or treatment are not accomplished within the deadline.
 - C. A reasonable estimate of the cost of cleanup and/or treatment.
 - D. The person having control over a hazardous substance will be billed for all cost associated with the cleanup and/or treatment, including, but not limited to, equipment rendered unserviceable, personnel cost (including overtime), disposal cost and any other cost associated with the cleanup and/or treatment.
3. If the bill for the above services is not paid within thirty (30) days, the City may proceed, after service of notice, either by certified mail or by three publications in a newspaper having general circulation within Warren County and hearing before the Council, to obtain payment by all available legal means.
4. If the cost of cleanup and/or treatment is beyond the capacity of the City to finance it, the authorized person shall proceed pursuant to Section 455B.423, Code of Iowa, and immediately seek any State or Federal funds available for such cleanup or treatment.

36.06 LIABILITY FOR CLEANUP COST. The person having control over a hazardous substance and/or hazardous waste shall be strictly liable to the City for cleanup cost incurred by the City. The scope of the liability for cleanup cost shall be consistent with liability to the State as defined in Section 455B.392 and 455B.418(1)(C), Code of Iowa.

36.07 CITY LIABILITY. Except where the City is the responsible person as defined in Section 36.02, the City shall not be liable to any person for claims of damages, injuries, and/or loss resulting from any hazardous condition(s).

36.08 PENALTY. Any person violating any provision, section or paragraph of this chapter shall be guilty of a simple misdemeanor, and upon conviction be subject to a fine not exceeding one hundred dollars (\$100.00) or be imprisoned for not more than thirty (30) days. Each day of violation shall constitute a separate offense.

(Ch. 36 – Ord. 14 – Feb. 00 Supp.)

[The next page is 125]

CHAPTER 45

PUBLIC OFFENSES

45.01 Assault	45.12 Antenna and Radio Wires
45.02 Harassment	45.13 Barbed Wire and Electric Fences
45.03 Disorderly Conduct	45.14 Discharging Weapons
45.04 Unlawful Assembly	45.15 Throwing and Shooting
45.05 Failure to Disperse	45.16 Criminal Mischief
45.06 Urinating and Defecating	45.17 Defacing Proclamations or Notices
45.07 Distributing Dangerous Substances	45.18 Unauthorized Entry
45.08 False Reports to or Communications with Public Safety Entities	45.19 Trespassing Prohibited
45.09 Refusing to Assist Officer	45.20 Fraud
45.10 Harassment of Public Officers and Employees	45.21 Theft
45.11 Abandoned or Unattended Refrigerators	45.22 Fireworks Permit

45.01 ASSAULT. No person shall, without justification, commit 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])

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

(Code of Iowa, Sec. 708.1)

45.02 HARASSMENT. No person shall commit harassment.

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

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

(Code of Iowa, Sec. 708.7)

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

(Code of Iowa, Sec. 708.7)

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

(Code of Iowa, Sec. 708.7)

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

(Code of Iowa, Sec. 708.7)

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

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

1. Fighting. Engage in fighting or violent behavior in any public place or in or near any lawful assembly of persons, provided that

participants in athletic contests may engage in such conduct 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])

45.04 UNLAWFUL ASSEMBLY. It is 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)

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

(Code of Iowa, Sec. 723.3)

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

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

(Code of Iowa, Sec. 727.1)

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

(Code of Iowa, Sec. 718.6)

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

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

(Code of Iowa, Sec. 719.2)

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

(Code of Iowa, Sec. 718.4)

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

(Code of Iowa, Sec. 727.3)

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

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

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

45.14 DISCHARGING WEAPONS.

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

45.15 THROWING AND SHOOTING. It is unlawful for a person to throw stones, bricks 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, public way, public ground or public building, without written consent of the Council.

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

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

(Code of Iowa, Sec. 716.1)

45.17 DEFACING PROCLAMATIONS OR NOTICES. It is unlawful for a person intentionally to deface, obliterate, tear down, or destroy in whole or in part, any transcript or extract from or of any law of the United States or the State, or any proclamation, advertisement or notification, set up at any place

within the City by authority of the law or by order of any court, during the time for which the same is to remain set up.

(Code of Iowa, Sec. 716.1)

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

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

(Code of Iowa, Sec. 716.7 and 716.8)

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

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

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

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

3. Interfering with Lawful Use of Property. Entering upon or in 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. Using Property Without Permission. Being upon or in property and wrongfully using, removing therefrom, altering, damaging, harassing, or placing thereon or therein anything animate or inanimate, without the implied or actual permission of the owner, lessee, or person in lawful possession.

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

None of the above shall be construed to prohibit entering upon the property of another for the sole purpose of retrieving personal property 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))

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

(Code of Iowa, Sec. 714.8)

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

(Code of Iowa, Sec. 714.1)

45.22 FIREWORKS PERMIT. 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:

1. Personal Injury: - \$250,000.00 per person.
2. Property Damage: - \$50,000.00.
3. Total Exposure: - \$1,000,000.00.

(Code of Iowa, Sec. 727.2)

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CHAPTER 46

MINORS

46.01 Curfew

46.02 Cigarettes and Tobacco

46.03 Contributing to Delinquency

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

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

A. “Emergency errand” means, but is not limited to, an errand relating to a fire, a natural disaster, an automobile accident or any other situation requiring immediate action to prevent serious illness, bodily injury or loss of life.

B. “Home” means the minor’s dwelling place. It need not be the minor’s permanent dwelling place.

C. “Knowingly” means knowledge which a responsible adult should reasonably be expected to have concerning the whereabouts of a minor in that responsible adult’s custody. It is intended to continue to hold the neglectful or careless adult responsible for a minor to a reasonable community standard of adult responsibility. It is therefore no defense that an adult responsible for a minor was completely indifferent to the activities or conduct or whereabouts of the minor.

D. “Minor” means any unemancipated person under the age of eighteen (18) years.

E. “Nonsecured custody” means custody in an unlocked multipurpose area, such as a lobby, office or interrogation room which is not designed, set aside or used as a secure detention area, and the person arrested is not physically secured during the period of custody in the area; the person is physically accompanied by a law enforcement officer or a person employed by the facility where the person arrested is being held; and the use of the area is

limited to providing nonsecured custody only while awaiting transfer to an appropriate juvenile facility or to court, for contacting of and release to the person's parents or other responsible adult or for other administrative purposes; but not for longer than six (6) hours without the oral or written order of a judge or magistrate authorizing the detention. A judge shall not extend the period of time in excess of six hours beyond the initial six-hour period.

F. "Public place" includes stores, parking lots, parks, playgrounds, streets, alleys and sidewalks dedicated to public use; and also includes such parts of buildings and other premises whether publicly or privately owned which are used by the general public or to which the general public is invited commercially for a fee or otherwise; or in or on which the general public is permitted without specific invitation; or to which the general public has access. For purposes of this section, a vehicle or other conveyance is considered to be a public place when in the areas defined above.

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

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

2. Hours. It is unlawful for any minor to remain in or upon any public place in the City between the hours of ten o'clock (10:00) p.m. and six o'clock (6:00) a.m. of the following day.

3. Exceptions. The following are exceptions to the curfew hours:

A. The minor is accompanied by a responsible adult.

B. The minor is on the sidewalk or property where the minor resides or on either side of the place where the minor resides and the adult responsible for the minor has given permission for the minor to be there.

C. The minor is present at or is traveling between home and one of the following:

(1) Minor's place of employment in a business, trade or occupation in which the minor is permitted by law to be engaged or, if traveling, within 30 minutes after the end of work or within 30 minutes before the beginning of work;

- (2) Minor's place of religious activity or, if traveling, within 30 minutes after the end of the religious activity or 30 minutes before the beginning of the religious activity;
 - (3) Governmental or political activity or, if traveling, within thirty (30) minutes after the end of the activity or thirty (30) minutes before the beginning of such activity;
 - (4) School activity or, if traveling, within 30 minutes after the end of the activity or thirty (30) minutes before the beginning of the activity;
 - (5) Assembly such as a march, protest, demonstration, sit-in or meeting of an association for the advancement of economic, political, religious or cultural matters, or for any other activity protected by the First Amendment of the U.S. Constitution guarantees of free exercise of religion, freedom of speech, freedom of assembly or, if traveling, within 30 minutes after the end of the activity or thirty (30) minutes before the beginning of the activity.
- D. The minor is on an emergency errand for a responsible adult;
- E. The minor is engaged in interstate travel through the City beginning, ending or passing through the City when such travel is by direct route.
4. Responsibility of Adults. It is unlawful for any responsible adult knowingly to permit or to allow a minor to be in any public place in the City within the time periods prohibited by this section unless the minor's presence falls within one of the above exceptions.
5. Enforcement Procedures.
- A. Determination of Age. In determining the age of the juvenile and in the absence of convincing evidence such as a birth certificate or driver's license, a law enforcement officer on the street shall, in the first instance, use his or her best judgment in determining age.
- B. Grounds for Arrest; Conditions of Custody. Grounds for arrest are that the person refuses to sign the citation without qualification; persists in violating the ordinance; refuses to provide proper identification or to identify himself or herself; or constitutes an immediate threat to the person's own safety or to the safety of the public. A law enforcement officer who takes into custody a minor for a curfew violation may keep the minor in

custody either in a shelter care facility or in any non-secured setting. The officer shall not place bodily restraints, such as handcuffs, on the minor unless the minor physically resists or threatens physical violence when being taken into custody. A minor shall not be placed in detention following a curfew violation, unless by legal order from a court with proper jurisdiction.

C. Notification of Responsible Adult. After a minor is taken into custody, the law enforcement officer shall notify the adult responsible for the minor as soon as possible. The minor shall be released to the adult responsible for the minor upon the promise of such person to produce the child in court at such time as the court may direct.

D. Minor Without Adult Supervision. If a law enforcement officer determines that a minor does not have adult supervision because the law enforcement officer cannot locate the minor's parent, guardian or other person legally responsible for the care of the minor, within a reasonable time, the law enforcement officer shall attempt to place the minor with an adult relative of the minor, an adult person who cares for the child or another adult person who is known to the child.

6. Penalties.

A. Responsible Adult's First Violation. In the case of a first violation by a minor, the Law enforcement officer shall, by certified mail, send to the adult responsible for the minor, written notice of the violation with a warning that any subsequent violation will result in full enforcement of the curfew ordinance against both the responsible adult and minor, with applicable penalties.

B. Responsible Adult's Second Violation. Any responsible adult as defined in this section who, following receipt of a warning, knowingly allows the minor to violate any of the provisions of this section is guilty of a simple misdemeanor.

C. Minor's First Violation. In the case of a first violation by a minor, the law enforcement officer shall give the minor a written warning, which states that any subsequent violation will result in full enforcement of the curfew ordinance against the responsible adult and the minor, with applicable penalties.

D. Minor's Second Violation. For the minor's second and subsequent violations of any of the provisions of this section, the minor is guilty of a simple misdemeanor.

46.02 CIGARETTES AND TOBACCO. It is unlawful for any person under eighteen (18) years of age to smoke, use, possess, purchase or attempt to purchase any tobacco, tobacco products or cigarettes.

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

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

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

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CHAPTER 47

PARK REGULATIONS

47.01 Purpose
47.02 Use of Drives Required
47.03 Fires

47.04 Littering
47.05 Parks Closed
47.06 Camping

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

(Code of Iowa, Sec. 364.12)

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

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

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

47.05 PARKS CLOSED. No person, except those camping in designated areas, shall enter or remain within any park between the hours of ten o'clock (10:00) p.m. and six o'clock (6:00) a.m.

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

[The next page is 165]

CHAPTER 50

NUISANCE ABATEMENT PROCEDURE

50.01 Definition of Nuisance
50.02 Nuisances Enumerated
50.03 Nuisances Prohibited
50.04 Nuisance Abatement
50.05 Notice to Abate: Contents
50.06 Method of Service

50.07 Request for Hearing
50.08 Abatement in Emergency
50.09 Abatement by City
50.10 Collection of Costs
50.11 Installment Payment of Cost of Abatement
50.12 Failure to Abate

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

(Code of Iowa, Sec. 657.1)

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

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

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

2. **Filth or Noisome Substance.** Causing or suffering any offal, filth or noisome substance to be collected or to remain in any place to the prejudice of others.

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

3. **Impeding Passage of Navigable River.** Obstructing or impeding without legal authority the passage of any navigable river, harbor or collection of water.

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

4. **Water Pollution.** Corrupting or rendering unwholesome or impure the water of any river, stream or pond, or unlawfully diverting the same from its natural course or state, to the injury or prejudice of others.

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

5. **Blocking Public and Private Ways.** Obstructing or encumbering, by fences, buildings or otherwise, the public roads, private ways, streets, alleys, commons, landing places or burying grounds.

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

6. 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])

7. Cottonwood Trees. *(Repealed by Ord. No. 4 - 8-18-98)*

8. Storing of Flammable Junk. Depositing or storing of flammable junk, such as old rags, rope, cordage, rubber, bones and paper, by dealers in such articles within the fire limits of the City, unless in a building of fireproof construction. **(See also Chapter 51)**

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

9. Air Pollution. Emission of dense smoke, noxious fumes or fly ash.

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

10. Weeds, Brush. Dense growth of all weeds, vines, brush or other vegetation on residential and/or commercial properties in the City so as to constitute a health, safety or fire hazard. The City may impose a fine of twenty-five dollars (\$25.00) to owners of record per week for non-mowed properties. Mowing performed by City personnel for residential/commercial properties will be done at the service rate of one hundred dollars (\$100.00) per hour. Unpaid costs accrued may be certified to the County Treasurer and such costs shall then be collected with, and in the same manner as, general property taxes.

(Ord. 33 – Jul. 04 Supp.)

(Code of Iowa, 657.2[12])

11. Dutch Elm Disease. Trees infected with Dutch Elm Disease.

(Code of Iowa, Sec. 657.2[13])

12. 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])

13. Houses of Ill Fame. Houses of ill fame, kept for the purpose of prostitution and lewdness; gambling houses; places resorted to by persons participating in criminal gang activity prohibited by Chapter 723A of the Code of Iowa or places resorted to by persons using

controlled substances, as defined in Section 124.101 of the Code of Iowa, in violation of law, or houses where drunkenness, quarreling, fighting or breaches of the peace are carried on or permitted to the disturbance of others.

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

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

(Code of Iowa, Sec. 657.3)

50.04 NUISANCE ABATEMENT. Whenever the Mayor or other authorized municipal officer finds that a nuisance exists, such officer shall cause to be served upon the property owner a written notice to abate the nuisance within a reasonable time after notice. The Mayor, or the Mayor's designee, shall have the right to enter upon any property at any reasonable time for the purpose of carrying out the Mayor's duties in the enforcement of abatement violations. In the event that the owner of the property located within the City refuses to permit entry to the Mayor, or the Mayor's designee, the Mayor may make an application to any judge of the court for the issuance of an entry warrant. Any warrant issued pursuant to such application shall command such owner or occupant to permit entry to the Mayor, or the Mayor's designee.

(Ord. 19 – Sep. 01 Supp.)

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

50.05 NOTICE TO ABATE: CONTENTS. The notice to abate shall contain:

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

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

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

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

50.07 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.

50.08 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 50.10 after notice to the property owner under the applicable provisions of Sections 50.04, 50.05 and 50.06 and hearing as provided in Section 50.07.

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

50.09 ABATEMENT BY CITY. If the person notified to abate a nuisance or condition neglects or fails to abate as directed, the City may perform the required action to abate, keeping an accurate account of the expense incurred. The itemized expense account shall be filed with the Clerk who shall pay such expenses on behalf of the City.

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

50.10 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 (1) month, the Clerk shall certify the costs to the County Treasurer and such costs shall then be collected with, and in the same manner, as general property taxes.

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

50.11 INSTALLMENT PAYMENT OF COST OF ABATEMENT. If the amount expended to abate the nuisance or condition exceeds one hundred dollars (\$100.00), the City may permit the assessment to be paid in up to ten (10) annual installments, to be paid in the same manner and with the same interest rates provided for assessments against benefited property under State law.

(Code of Iowa, Sec. 364.13)

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

EDITOR'S NOTE

A suggested form of notice for the abatement of nuisances is included in the appendix of this Code of Ordinances.

Caution is urged in the use of this administrative abatement procedure, particularly where cost of abatement is more than minimal or where there is doubt as to whether or not a nuisance does in fact exist. If compliance is not secured following notice and hearings, we recommend you review the situation with your attorney before proceeding with abatement and assessment of costs. Your attorney may recommend proceedings in court under Chapter 657 of the Code of Iowa rather than this procedure.

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CHAPTER 51

JUNK AND JUNK VEHICLES

51.01 Definitions

51.02 Junk and Junk Vehicles Prohibited

51.03 Junk and Junk Vehicles a Nuisance

51.04 Exceptions

51.05 Notice to Abate

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

1. “Junk” means all old or scrap copper, brass, lead, or any other non-ferrous metal; old or discarded rope, rags, batteries, paper, trash, rubber, debris, waste or used lumber, or salvaged wood; dismantled vehicles, machinery and appliances or parts of such vehicles, machinery or appliances; iron, steel or other old or scrap ferrous materials; old or discarded glass, tinware, plastic or old or discarded household goods or hardware. Neatly stacked firewood located on a side yard or a rear yard is not considered junk.

2. “Junk vehicle” means any vehicle legally placed in storage with the County Treasurer or unlicensed and which has any of the following characteristics:

A. Broken Glass. Any vehicle with a broken or cracked windshield, window, headlight or tail light, or any other cracked or broken glass.

B. Broken, Loose or Missing Part. Any vehicle with a broken, loose or missing fender, door, bumper, hood, steering wheel or trunk lid.

C. Habitat for Nuisance Animals or Insects. Any vehicle which has become the habitat for rats, mice, or snakes, or any other vermin or insects.

D. Flammable Fuel. Any vehicle which contains gasoline or any other flammable fuel.

E. Inoperable. Any motor vehicle which lacks an engine or two or more wheels or other structural parts, rendering said motor vehicle totally inoperable, or which cannot be moved under its own power or has not been used as an operating vehicle for a period of thirty (30) days or more.

F. Defective or Obsolete Condition. Any other vehicle which, because of its defective or obsolete condition, in any other way constitutes a threat to the public health and safety.

G. Any unlicensed vehicle, other than those officially placed in storage through the County motor vehicle department.

(Ord. 83 – Feb. 11 Supp.)

Mere licensing of such vehicle shall not constitute a defense to the finding that the vehicle is a junk vehicle.

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

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

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

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

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

1. Structure. A garage or other enclosed structure; or
2. Salvage Yard. An auto salvage yard or junk yard lawfully operated within the City.

51.05 NOTICE TO ABATE. Upon discovery of any junk or junk vehicle located upon private property in violation of Section 51.03, the City may initiate abatement procedures as outlined in Chapter 50 of this Code of Ordinances.

(Ord. 84 – Sep. 11 Supp.)

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

[The next page is 185]

CHAPTER 55

ANIMAL PROTECTION AND CONTROL

55.01 Definitions	55.09 Vicious Dogs
55.02 Animal Neglect	55.10 Rabies Vaccination
55.03 Livestock Neglect	55.11 Owner's Duty
55.04 Abandonment of Cats and Dogs	55.12 Confinement
55.05 Livestock	55.13 At Large: Impoundment
55.06 At Large Prohibited	55.14 Disposition of Animals
55.07 Damage or Interference	55.15 Impounding Costs
55.08 Annoyance or Disturbance	

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

1. "Animal" means a nonhuman vertebrate.
(*Code of Iowa, Sec. 717B.1*)
2. "At large" means off the premises of the owner and not under the control of a competent person, restrained within a motor vehicle, or housed in a veterinary hospital or kennel.
3. "Livestock" means an animal belonging to the bovine, caprine, equine, ovine or porcine species; farm deer, as defined in Section 481A.1 of the Code of Iowa; ostriches, rheas, emus or poultry.
(*Code of Iowa, Sec. 717.1*)
4. "Owner" means any person owning, keeping, sheltering or harboring an animal.

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

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

55.03 LIVESTOCK NEGLECT. It is unlawful for a person who impounds or confines livestock in any place to fail to provide the livestock with care consistent with customary animal husbandry practices or to deprive the

livestock of necessary sustenance or to injure or destroy livestock by any means which causes pain or suffering in a manner inconsistent with customary animal husbandry practices.

(Code of Iowa, Sec. 717.2)

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 351.33)

55.11 OWNER'S DUTY. It is 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 is the duty of physicians and veterinarians to report to the local board of health the existence of any animal known or suspected to be suffering from rabies.

(Code of Iowa, Sec. 351.38)

55.12 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)

55.13 AT LARGE: IMPOUNDMENT. Animals found at large in violation of this chapter shall be seized and impounded. City personnel will immediately transport animals to the Animal Rescue League or other licensed agency approved by the Council for boarding and care during regular working hours. Animals impounded during non-business hours, weekends and holidays will be held in impound at City facilities until the designated facility is available for intake.

(Ord. 44 – May 06 Supp.)

55.14 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)

55.15 IMPOUNDING COSTS. Impounding costs include a base fee of fifty dollars (\$50.00) per incidence and daily boarding costs of one hundred dollars (\$100.00) per day for a maximum of three (3) days in custody of the City.

(Ord. 44 – May 06 Supp.)

(Code of Iowa, Sec. 351.37)

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CHAPTER 56

DOG LICENSES

56.01 Annual License Required
56.02 License Fees
56.03 Dog Tags

56.04 Immunization
56.05 Kennel Dogs

56.01 ANNUAL LICENSE REQUIRED. Every owner of a dog and/or cat over the age of six (6) months shall procure a license from the Clerk on or before the first day of May of each year. Upon payment of the license fee, the Clerk shall issue to the owner a license, which shall contain the name of the owner, the owner's place of residence and a description of the dog and/or cat.

(Ord. 30 – Sep. 03 Supp.)

56.02 LICENSE FEES. The annual license fee shall be fifteen dollars (\$15.00) per year per dog or cat. Licenses become delinquent May 1 of each year and the delinquent license fee shall be twenty dollars (\$20.00).

(Ord. 30 – Sep. 03 Supp.)

56.03 DOG TAGS. Upon issuance of the license, the Clerk shall deliver to the owner a metal tag stamped with the number of the license and the year for which it is issued. The license tag shall be securely fastened to a collar or harness which shall be worn by the dog for which the license is issued. Any dog found running at large without a license tag attached to its collar or harness shall be deemed unlicensed.

56.04 IMMUNIZATION. Before issuance of the license, the owner shall furnish a veterinarian's certificate showing that the dog for which the license is sought has been vaccinated and that the vaccination does not expire within six (6) months from the effective date of the dog license. A tag showing evidence of proper vaccination shall be worn by every dog when not confined.

56.05 KENNEL DOGS. Kennel dogs which are kept or raised solely for the bona fide purpose of sale and which are kept under constant restraint, are not subject to the provisions of this chapter.

[The next page is 205]

CHAPTER 60

ADMINISTRATION OF TRAFFIC CODE

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

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

60.01 TITLE. Chapters 60 through 70 of this Code of Ordinances may be known and cited as the “Hartford Traffic Code.”

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

(Code of Iowa, Sec. 321.1)

1. “Business District” means the territory contiguous to and including the following designated streets:
 - A. Vine between Main and Locust;
 - B. Elm between Vine and Reynolds;
 - C. Along south side of Highway 5.
2. “Park” or “parking” means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.
3. “Peace officer” means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.
4. “Residence district” means the territory contiguous to and including a highway not comprising a business, suburban or school district, where forty percent (40%) or more of the frontage on such a highway for a distance of three hundred (300) feet or more is occupied by dwellings or by dwellings and buildings in use for business.
5. “School district” means the territory contiguous to and including a highway for a distance of two hundred (200) feet in either direction from a school house.
6. “Stand” or “standing” means the halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.

7. “Stop” means when required, the complete cessation of movement.
8. “Stop” or “stopping” means when prohibited, any halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control sign or signal.
9. “Suburban district” means all other parts of the city not included in the business, school or residence districts.
10. “Traffic control device” means all signs, signals, markings, and devices not inconsistent with this chapter, lawfully placed or erected for the purpose of regulating, warning, or guiding traffic.
11. “Vehicle” means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, street, or alley.

60.03 ADMINISTRATION AND ENFORCEMENT. Provisions of this chapter and State law relating to motor vehicles and law of the road are enforced by the peace officer.

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

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

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

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

(Code of Iowa, Sec. 321.273 & 321.274)

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

vehicle may require exhibition of the proof of financial liability coverage card issued for the vehicle.

(Ord. 5 - Sep. 98 Supp.)

(Code of Iowa, Sec. 321.492)

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

(Code of Iowa, Sec. 321.229)

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

1. Definition. "Parade" means any march or procession of persons or vehicles organized for marching or moving on the streets in an organized fashion or manner or any march or procession of persons or vehicles represented or advertised to the public as a parade.
2. Approval Required. No parade shall be conducted without first obtaining approval from the Council. The person organizing or sponsoring the parade shall provide information concerning the time and date for the parade and the streets or general route therefor, and any approval given to such person includes all participants in the parade, provided they have been invited to participate.
3. Parade Not A Street Obstruction. Any parade for which approval has been given and the persons lawfully participating therein shall not be deemed an obstruction of the streets, notwithstanding the provisions of any other ordinance to the contrary.
4. Control By Peace Officers and Fire Fighters. Persons participating in any parade shall at all times be subject to the lawful orders and directions in the performance of their duties of law enforcement personnel and members of the Fire Department.

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CHAPTER 61

TRAFFIC CONTROL DEVICES

61.01 Traffic Control Devices
61.02 Installation
61.03 Compliance
61.04 Crosswalks

61.05 Traffic Lanes
61.06 Necessity of Signs
61.07 Moving or Damaging Devices
61.08 Standards

61.01 TRAFFIC CONTROL DEVICES. The Council shall establish by resolution, and cause to be placed and maintained, appropriate traffic control devices to indicate parking spaces and zones, no parking zones, limited parking zones, reserved parking zones, loading zones, safety zones, school zones, hospital zones, quiet zones, traffic zones other than the above, truck routes, school stops, stop intersections, yield right-of-way intersections, one-way streets, streets to be laned for traffic and play streets. The Council shall also have the power to designate and indicate by resolution intersections at which traffic shall be controlled by traffic signals; intersections at which left turns, right turns and U-turns shall be prohibited; and intersections at which markers, buttons or other indications shall be placed to indicate the course to be traveled by vehicles traversing or turning at such intersections.

61.02 INSTALLATION. The Council shall cause to be placed and maintained traffic control devices to carry out the provisions of the Traffic Code of the City under State law or to regulate, guide or warn traffic. The City shall keep a record of all such traffic control devices.

(Code of Iowa, Sec. 321.254 & 321.255)

61.03 COMPLIANCE. No driver of a vehicle shall disobey the instructions of any official traffic control device placed in accordance with the provisions of this Traffic Code unless at the time otherwise directed by a peace officer.

(Code of Iowa, Sec. 321.256)

61.04 CROSSWALKS. The Council is hereby authorized to designate and maintain crosswalks by appropriate traffic control devices at intersections where, due to traffic conditions, there is particular danger to pedestrians crossing the street or road-way, and at such other places as traffic conditions require.

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

61.05 TRAFFIC LANES. Where traffic lanes have been marked on street pavements at such places as traffic conditions require, 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, Sec. 372.13[4] & 321.255)

61.06 NECESSITY OF SIGNS. No provision of this Traffic Code for which signs are required shall be enforced against an alleged violator if, at the time and place of the alleged violation, an official sign is not in a viewable position and sufficiently legible to an ordinarily observant person.

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

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

(Code of Iowa, Sec. 321.255)

CHAPTER 62

GENERAL TRAFFIC REGULATIONS

62.01 Violation of Regulations
62.02 Play Streets Designated
62.03 Vehicles on Sidewalks
62.04 Clinging to Vehicle
62.05 Quiet Zones
62.06 Funeral Processions

62.07 Tampering with Vehicle
62.08 Open Containers in Motor Vehicles
62.09 Obstructing View at Intersections
62.10 Reckless Driving
62.11 Careless Driving
62.12 Milling

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

1. Section 321.32 — Registration card, carried and exhibited.
2. Section 321.37 — Display of plates.
3. Section 321.38 — Plates, method of attaching, imitations prohibited.
4. Section 321.79 — Intent to injure.
5. Section 321.98 — Operation without registration.
6. Section 321.174 — Operators licensed.
7. Section 321.174A — Operation of motor vehicles with expired license.
8. Section 321.180 — Instruction permits.
9. Section 321.180B — Graduated driver's licenses for persons aged fourteen through seventeen.
10. Section 321.193 — Restricted licenses.
11. Section 321.194 — Special minor's licenses.
12. Section 321.216 — Unlawful use of license and nonoperator's identification card.
13. Section 321.216B — Use of driver's license or nonoperator's identification card by underage person to obtain alcohol.
14. Section 321.219 — Permitting unauthorized minor to drive.
15. Section 321.220 — Permitting unauthorized person to drive.

16. Section 321.221 — Employing unlicensed chauffeur.
17. Section 321.222 — Renting motor vehicle to another.
18. Section 321.223 — License inspected.
19. Section 321.224 — Record kept.
20. Section 321.232 — Radar jamming devices; penalty.
21. Section 321.234A — All-terrain vehicles.
22. Section 321.247 — Golf cart operation on City streets.
23. Section 321.259 — Unauthorized signs, signals or markings.
24. Section 321.262 — Damage to vehicle.
25. Section 321.263 — Information and aid.
26. Section 321.264 — Striking unattended vehicle.
27. Section 321.265 — Striking fixtures upon a highway.
28. Section 321.275 — Operation of motorcycles and motorized bicycles.
29. Section 321.278 — Drag racing prohibited.
30. Section 321.288 — Control of vehicle; reduced speed.
31. Section 321.295 — Limitation on bridge or elevated structures.
32. Section 321.297 — Driving on right-hand side of roadways; exceptions.
33. Section 321.298 — Meeting and turning to right.
34. Section 321.299 — Overtaking a vehicle.
35. Section 321.302 — Overtaking on the right.
36. Section 321.303 — Limitations on overtaking on the left.
37. Section 321.304 — Prohibited passing.
38. Section 321.307 — Following too closely.
39. Section 321.308 — Motor trucks and towed vehicles; distance requirements.
40. Section 321.309 — Towing; convoys; drawbars.
41. Section 321.310 — Towing four-wheel trailers.
42. Section 321.312 — Turning on curve or crest of grade.
43. Section 321.313 — Starting parked vehicle.
44. Section 321.314 — When signal required.

45. Section 321.315 — Signal continuous.
46. Section 321.316 — Stopping.
47. Section 321.317 — Signals by hand and arm or signal device.
48. Section 321.319 — Entering intersections from different highways.
49. Section 321.320 — Left turns; yielding.
50. Section 321.321 — Entering through highways.
51. Section 321.322 — Vehicles entering stop or yield intersection.
52. Section 321.323 — Moving vehicle backward on highway.
53. Section 321.324 — Operation on approach of emergency vehicles.
54. Section 321.329 — Duty of driver — pedestrians crossing or working on highways.
55. Section 321.330 — Use of crosswalks.
56. Section 321.332 — White canes restricted to blind persons.
57. Section 321.333 — Duty of drivers.
58. Section 321.340 — Driving through safety zone.
59. Section 321.341 — Obedience to signal of train.
60. Section 321.342 — Stop at certain railroad crossings; posting warning.
61. Section 321.343 — Certain vehicles must stop.
62. Section 321.344 — Heavy equipment at crossing.
63. Section 321.354 — Stopping on traveled way.
64. Section 321.359 — Moving other vehicle.
65. Section 321.362 — Unattended motor vehicle.
66. Section 321.363 — Obstruction to driver's view.
67. Section 321.364 — Preventing contamination of food by hazardous material.
68. Section 321.365 — Coasting prohibited.
69. Section 321.367 — Following fire apparatus.
70. Section 321.368 — Crossing fire hose.
71. Section 321.369 — Putting debris on highway.

72. Section 321.370 — Removing injurious material.
73. Section 321.371 — Clearing up wrecks.
74. Section 321.372 — School buses.
75. Section 321.381 — Movement of unsafe or improperly equipped vehicles.
76. Section 321.382 — Upgrade pulls; minimum speed.
77. Section 321.383 — Exceptions; slow vehicles identified.
78. Section 321.384 — When lighted lamps required.
79. Section 321.385 — Head lamps on motor vehicles.
80. Section 321.386 — Head lamps on motorcycles and motorized bicycles.
81. Section 321.387 — Rear lamps.
82. Section 321.388 — Illuminating plates.
83. Section 321.389 — Reflector requirement.
84. Section 321.390 — Reflector requirements.
85. Section 321.392 — Clearance and identification lights.
86. Section 321.393 — Color and mounting.
87. Section 321.394 — Lamp or flag on projecting load.
88. Section 321.395 — Lamps on parked vehicles.
89. Section 321.398 — Lamps on other vehicles and equipment.
90. Section 321.402 — Spot lamps.
91. Section 321.403 — Auxiliary driving lamps.
92. Section 321.404 — Signal lamps and signal devices.
93. Section 321.404A — Light-restricting devices prohibited.
94. Section 321.405 — Self-illumination.
95. Section 321.406 — Cowl lamps.
96. Section 321.408 — Back-up lamps.
97. Section 321.409 — Mandatory lighting equipment.
98. Section 321.415 — Required usage of lighting devices.
99. Section 321.417 — Single-beam road-lighting equipment.
100. Section 321.418 — Alternate road-lighting equipment.

101. Section 321.419 — Number of driving lamps required or permitted.
102. Section 321.420 — Number of lamps lighted.
103. Section 321.421 — Special restrictions on lamps.
104. Section 321.422 — Red light in front.
105. Section 321.423 — Flashing lights.
106. Section 321.430 — Brake, hitch and control requirements.
107. Section 321.431 — Performance ability.
108. Section 321.432 — Horns and warning devices.
109. Section 321.433 — Sirens, whistles, and bells prohibited.
110. Section 321.434 — Bicycle sirens or whistles.
111. Section 321.436 — Mufflers, prevention of noise.
112. Section 321.437 — Mirrors.
113. Section 321.438 — Windshields and windows.
114. Section 321.439 — Windshield wipers.
115. Section 321.440 — Restrictions as to tire equipment.
116. Section 321.441 — Metal tires prohibited.
117. Section 321.442 — Projections on wheels.
118. Section 321.444 — Safety glass.
119. Section 321.445 — Safety belts and safety harnesses — use required.
120. Section 321.446 — Child restraint devices.
121. Section 321.449 — Motor carrier safety regulations.
122. Section 321.450 — Hazardous materials transportation.
123. Section 321.454 — Width of vehicles.
124. Section 321.455 — Projecting loads on passenger vehicles.
125. Section 321.456 — Height of vehicles; permits.
126. Section 321.457 — Maximum length.
127. Section 321.458 — Loading beyond front.
128. Section 321.460 — Spilling loads on highways.
129. Section 321.461 — Trailers and towed vehicles.

- 130. Section 321.462 — Drawbars and safety chains.
- 131. Section 321.463 — Maximum gross weight.
- 132. Section 321.465 — Weighing vehicles and removal of excess.
- 133. Section 321.466 — Increased loading capacity - reregistration.

(Ord. 11 - Feb. 00 Supp.)

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

(Code of Iowa, Sec. 321.255)

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

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

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

62.06 FUNERAL PROCESSIONS. Upon the immediate approach of a funeral procession, the driver of every other vehicle, except an authorized emergency vehicle, shall yield the right-of-way. An operator of a motor vehicle which is part of a funeral procession shall not be charged with violating traffic rules and regulations relating to traffic signals and devices while participating in the procession unless the operation is reckless.

(Code of Iowa, Sec. 321.324A)

62.07 TAMPERING WITH VEHICLE. It is unlawful for any person, either individually or in association with one or more other persons, willfully to injure or tamper with any vehicle or break or remove any part or parts of or from a vehicle without the consent of the owner.

62.08 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)

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.

(Ord. 11 - Feb. 00 Supp.)

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

62.10 RECKLESS DRIVING. No person shall drive any vehicle in such manner as to indicate a willful or a wanton disregard for the safety of persons or property.

(Code of Iowa, Sec. 321.277)

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

(Code of Iowa, Sec. 321.277A)

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.

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

CHAPTER 63

SPEED REGULATIONS

63.01 General

63.02 State Code Speed Limits

63.03 Parks, Cemeteries and Parking Lots

63.04 Special Speed Restrictions

63.05 Minimum Speed

63.06 Emergency Vehicles

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

(Code of Iowa, Sec. 321.285)

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

1. Business District — Twenty (20) miles per hour.
(Code of Iowa, Sec. 321.285 [1])
2. Residence or School District — Twenty-five (25) miles per hour.
(Code of Iowa, Sec. 321.285 [2])
3. Suburban District — Forty-five (45) miles per hour.
(Code of Iowa, Sec. 321.285 [4])

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

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

63.04 SPECIAL SPEED 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 listed in Section 63.02 is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of the City street system, the Council shall determine and adopt by ordinance such higher or lower speed limit as it deems reasonable and safe at such location. The following special speed zones have been established:

(Code of Iowa, Sec. 321.290)

- NONE -

63.05 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, Sec. 321.294)

63.06 EMERGENCY VEHICLES. The speed limitations set forth in this chapter do not apply to authorized emergency vehicles when responding to an emergency call or when in the pursuit of an actual or suspected perpetrator of a felony or in response to an incident dangerous to the public and the drivers thereof use an audible signaling device or a visual signaling device. This provision does not relieve such driver from the duty to drive with due regard for the safety of others.

(Code of Iowa, Sec. 321.231)

CHAPTER 64

TURNING REGULATIONS

64.01 Authority to Mark

64.02 U-turns

64.03 Left Turn for Parking

64.01 AUTHORITY TO MARK. The Council may cause markers, buttons or signs to be placed within or adjacent to intersections and thereby require and direct, as traffic conditions require, that a different course from that specified 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, Sec. 321.311)

64.02 U-TURNS. It is unlawful for a driver to make a U-turn except at an intersection, however, U-turns are prohibited within the business district and at any intersection where a sign prohibiting U-turns is posted in accordance with Chapter 61 of this Traffic Code.

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

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

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CHAPTER 65

STOP OR YIELD REQUIRED

65.01 Stop or Yield
65.02 School Stops

65.03 Stop Before Crossing Sidewalk
65.04 Stop When Traffic Is Obstructed
65.05 Yield to Pedestrians in Crosswalks

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

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

(Code of Iowa, Sec. 321.249)

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

(Code of Iowa, Sec. 321.353)

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

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

(Code of Iowa, Sec. 321.327)

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CHAPTER 66

LOAD AND WEIGHT RESTRICTIONS

66.01 Temporary Embargo
66.02 Permits for Excess Size and Weight
66.03 Load Limits Upon Certain Streets

66.04 Load Limits on Bridges
66.05 Truck Route

66.01 TEMPORARY EMBARGO. If the Council declares an embargo when it appears by reason of deterioration, rain, snow or other climatic conditions that certain streets will be seriously damaged or destroyed by vehicles weighing in excess of an amount specified by the signs, no such vehicles shall be operated on streets so designated by such signs erected in accordance with Chapter 61 of this Traffic Code.

(Code of Iowa, Sec. 321.471 & 472)

66.02 PERMITS FOR EXCESS SIZE AND WEIGHT. The Council may, upon application and good cause being shown therefor, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight or load exceeding the maximum specified by State law or 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, Sec. 321.473 & 321E.1)

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

(Code of Iowa, Sec. 321.473 & 475)

66.04 LOAD LIMITS ON BRIDGES. Where it has been determined that any City bridge has a capacity less than the maximum permitted on the streets of the City, or on the street serving the bridge, the Council may cause to be posted and maintained signs, in accordance with Chapter 61 of this Traffic Code, on said bridge and at suitable distances ahead of the entrances thereof to warn drivers of such maximum load limits, and no person shall drive a vehicle weighing, loaded or unloaded, upon said bridge in excess of such posted limit.

(Code of Iowa, Sec. 321.471)

66.05 TRUCK ROUTE. When truck routes have been designated in accordance with Chapter 61, any motor vehicle exceeding established weight limits shall comply with the following:

1. Use of Established Routes. Every such motor vehicle having no fixed terminal within the City or making no scheduled or definite stops within the City for the purpose of loading or unloading shall travel over or upon those streets within the City designated as truck routes and none other.

(Code of Iowa, Sec. 321.473)

2. Deliveries Off Truck Route. Any such motor vehicle, when loaded or empty, having a fixed terminal, making a scheduled or definite stop within the City for the purpose of loading or unloading shall proceed over or upon the designated routes to the nearest point of its scheduled or definite stop and shall proceed thereto, load or unload and return, by the most direct route to its point of departure from said designated route.

(Code of Iowa, Sec. 321.473)

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

(Code of Iowa, Sec. 321.473)

CHAPTER 67

PEDESTRIANS

67.01 Walking in Street
67.02 Hitchhiking

67.03 Pedestrian Crossing

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

(Code of Iowa, Sec. 321.326)

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

(Code of Iowa, Sec. 321.331)

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

(Code of Iowa, Sec. 321.328)

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CHAPTER 68

ONE-WAY TRAFFIC

68.01 ONE-WAY TRAFFIC REQUIRED. When appropriate signs are in place, as provided for in Chapter 61 of this Traffic Code, vehicular traffic, other than permitted cross traffic, shall move only in the direction indicated on such signs.

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

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CHAPTER 69

PARKING REGULATIONS

69.01 Parking Limited or Controlled

69.02 Park Adjacent to Curb

69.03 Park Adjacent to Curb — One-way Street

69.04 Angle Parking

69.05 Angle Parking — Manner

69.06 Parking for Certain Purposes Illegal

69.07 Parking Prohibited

69.08 Persons With Disabilities Parking

69.09 Truck Parking Limited

69.10 Snow Emergency

69.11 No Parking Zones

69.01 PARKING LIMITED OR CONTROLLED. Parking of vehicles shall be controlled or limited where so indicated by designated traffic control devices in accordance with Chapter 61 of this Traffic Code. No person shall stop, park or stand a vehicle in violation of any such posted parking regulations unless in compliance with the directions of a peace officer.

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

(Code of Iowa, Sec. 321.361)

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

(Code of Iowa, Sec. 321.361)

69.04 ANGLE PARKING. Angle or diagonal parking is permitted only in the following locations:

(Code of Iowa, Sec. 321.361)

1. Vine Street on the west side in front of school;
2. Vine Street on the east side from the alley to Elm Street.

69.05 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

or in the center 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, Sec. 321.361)

69.06 PARKING FOR CERTAIN PURPOSES ILLEGAL. No person shall park a vehicle upon public property for more than seventy-two (72) hours or for any of the following principal purposes:

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

1. Sale. Displaying such vehicle for sale.
2. Repairing. For lubricating, repairing or for commercial washing of such vehicle except such repairs as are necessitated by an emergency.
3. Advertising. Displaying advertising.
4. Merchandise Sales. Selling merchandise from such vehicle except in a duly established market place or when so authorized or licensed under the Code of Ordinances.

69.07 PARKING PROHIBITED. No one shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control device, in any of the following places:

1. Crosswalk. On a crosswalk.
(Code of Iowa, Sec. 321.358 [5])
2. Center Parkway. On the center parkway or dividing area of any divided street.
(Code of Iowa, Sec. 321.236 [1])
3. Mailboxes. Within twenty (20) feet on either side of a mailbox which is so placed and so equipped as to permit the depositing of mail from vehicles on the roadway.
(Code of Iowa, Sec. 321.236 [1])
4. Sidewalks. On or across a sidewalk.
(Code of Iowa, Sec. 321.358 [1])
5. Driveway. In front of a public or private driveway.
(Code of Iowa, Sec. 321.358 [2])
6. Intersection. Within, or within ten (10) feet of an intersection of any street or alley.
(Code of Iowa, Sec. 321.358 [3])

7. Fire Hydrant. Within five (5) feet of a fire hydrant.
(Code of Iowa, Sec. 321.358 [4])
8. Stop Sign or Signal. Within ten (10) feet upon the approach to any flashing beacon, stop or yield sign, or traffic control signal located at the side of a roadway.
(Code of Iowa, Sec. 321.358 [6])
9. Railroad Crossing. Within fifty (50) feet of the nearest rail of a railroad crossing, except when parked parallel with such rail and not exhibiting a red light.
(Code of Iowa, Sec. 321.358 [8])
10. Fire Station. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance when properly sign posted.
(Code of Iowa, Sec. 321.358 [9])
11. Excavations. Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.
(Code of Iowa, Sec. 321.358 [10])
12. Double Parking. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
(Code of Iowa, Sec. 321.358 [11])
13. Hazardous Locations. When, because of restricted visibility or when standing or parked vehicles would constitute a hazard to moving traffic, or when other traffic conditions require, the Council may cause curbs to be painted with a yellow color and erect no parking or standing signs.
(Code of Iowa, Sec. 321.358 [13])
14. Churches, Nursing Homes and Other Buildings. A space of fifty (50) feet is hereby reserved at the side of the street in front of any theatre, auditorium, hotel having more than twenty-five (25) sleeping rooms, hospital, nursing home, taxicab stand, bus depot, church, or other building where large assemblages of people are being held, within which space, when clearly marked as such, no motor vehicle shall be left standing, parked or stopped except in taking on or discharging passengers or freight, and then only for such length of time as is necessary for such purpose.
(Code of Iowa, Sec. 321.360)
15. Alleys. No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten (10)

feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property. The provisions of this subsection 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])

16. Ramps. In front of a curb cut or ramp which is located on public or private property in a manner which blocks access to the curb cut or ramp.

(Code of Iowa, Sec. 321.358[15])

17. Area Between Lot Line and Curb Line. That area of the public way not covered by sidewalk and lying between the lot line and the curb line, where curbing has been installed.

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

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

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

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

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

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

B. Use by an operator of a motor vehicle displaying a persons with disabilities parking permit but not being used by a person issued a permit or being transported in accordance with Section 321L.2[1b] of the Code of Iowa;

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

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

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

1. Business District. Excepting only when such vehicles are actually engaged in the delivery or receiving of merchandise or cargo, no person shall park or leave unattended such vehicle on any streets within the business district. When actually receiving or delivering merchandise or cargo such vehicle shall be stopped or parked in a manner which will not interfere with other traffic.
2. Noise. No such vehicle shall be left standing or parked upon any street, alley, public or private parking lot, or drive of any service station between the hours of six o'clock (6:00) p.m. and eight o'clock (8:00) a.m. with the engine, auxiliary engine, air compressor, refrigerating equipment or other device in operation giving off audible sounds excepting only the drive of a service station when actually being serviced, and then in no event for more than ten (10) minutes.
3. Livestock. No such vehicle containing livestock shall be parked on any street, alley or highway for a period of time of more than thirty (30) minutes.

69.10 SNOW EMERGENCY. A snow emergency is defined as any accumulation of snow of one inch or more requiring street clearance. The emergency shall continue through the duration of the snow or ice storm and the forty-eight (48) hour period after cessation of such storm. Such emergency conditions shall be determined by the Mayor, and may be extended or shortened when conditions warrant. No person shall park, abandon or leave unattended any vehicle on any public street, alley, or City-owned off-street parking area during any snow emergency unless the snow has been removed or plowed from said street, alley or parking area and the snow has ceased to fall. Such ban shall be of uniform application and the Mayor is directed to publicize the requirements widely, using all available news media, in early November each year. When predictions or occurrences indicate the need, the Mayor shall inform the news media to publicize the emergency and the parking rules thereunder.

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

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

1. Vine Street, on both sides from Highway 5 to Main Street.
2. Vine Street, on both sides from Locust Street to South Street.
(Ord. 21 – Nov. 01 Supp.)
3. Dayton Street, on the south side, from South Vine Street to Washington Street.
(Ord. 28 – Aug. 03 Supp.)
4. Paint Street, on the south side, from Duncan Street to Washington Street, except for church functions.
5. East Street, on the east side, from Paint Street to George Street.
(Ord. 45 – Sep. 06 Supp.)
6. Wall Street, on the south side, from Vine Street east to the location of the no parking sign located west of Washington Street.
(Ord. 46 – Sep. 06 Supp.)
7. North West Street, on both sides from Main Street to West Paint Street.
(Ord. 65 – Jun. 08 Supp.)
8. West Street, on the east side of West Street northbound from West Locust Street to West Elm Street.
(Ord. 71 – Sep. 08 Supp.)
9. Parking shall be permitted on a portion of the public lot north of Walnut Drive described as follows: Beginning at a point 12 feet north of the centerline of Walnut Drive, which is 132 feet west of the center point of Vine Street; thence north 18 feet, thence west 100 feet, thence south 18 feet, thence east 100 feet to the point of beginning.
(Ord. 89 – Dec. 12 Supp.)

CHAPTER 70

TRAFFIC CODE ENFORCEMENT PROCEDURES

70.01 Arrest or Citation

70.02 Scheduled Violations

70.03 Parking Violations: Alternate

70.04 Parking Violations: Vehicle Unattended

70.05 Presumption in Reference to Illegal Parking

70.06 Impounding Vehicles

70.01 ARREST OR CITATION. Whenever a peace officer has reasonable cause to believe that a person has violated any provision of the Traffic Code, such officer may:

1. Immediate Arrest. Immediately arrest such person and take such person before a local magistrate, or
2. Issue Citation. Without arresting the person, prepare in quintuplicate a combined traffic citation and complaint as adopted by the Iowa Commissioner of Public Safety 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)

70.02 SCHEDULED VIOLATIONS. For violations of the Traffic Code which are designated by Section 805.8 of the Code of Iowa to be scheduled violations, the scheduled fine for each of those violations shall be as specified in Section 805.8 of the Code of Iowa.

(Code of Iowa, Sec. 805.6, 805.8)

70.03 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 five dollars (\$5.00) for all violations except improper use of a persons with disabilities parking permit. If such fine is not paid within thirty (30) days, it shall be increased to ten dollars (\$10.00). The simple notice of a fine for improper use of a persons with disabilities 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])

70.04 PARKING VIOLATIONS: VEHICLE UNATTENDED. When a vehicle is parked in violation of any provision of the Traffic Code, and the driver is not present, the notice of fine or citation as herein provided shall be attached to the vehicle in a conspicuous place.

70.05 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING. In any proceeding charging a standing or parking violation, a prima facie presumption that the registered owner was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred, shall be raised by proof that:

1. Described Vehicle. The particular vehicle described in the information was parked in violation of the Traffic Code, and
2. Registered Owner. The defendant named in the information was the registered owner at the time in question.

70.06 IMPOUNDING VEHICLES. A peace officer is hereby authorized to remove, or cause to be removed, a vehicle from a street, public alley, public parking lot or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the City, under the circumstances hereinafter enumerated:

1. Disabled Vehicle. When a vehicle is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.

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

2. Illegally Parked Vehicle. When any vehicle is left unattended and is so illegally parked as to constitute a definite hazard or obstruction to the normal movement of traffic.

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

3. Snow Removal. When any vehicle is left parked in violation of a ban on parking during snow removal operations.

4. Parked Over Seventy-two Hour Period. When any vehicle is left parked for a continuous period of seventy-two (72) hours or more. A diligent effort shall first be made to locate the owner. If the owner is found the owner shall be given an opportunity to remove the vehicle.

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

5. Costs. In addition to the standard penalties provided, the owner or driver of any vehicle impounded for the violation of any of the provisions of this chapter shall be required to pay the reasonable cost of towing and storage.

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

[The next page is 251]

CHAPTER 75

ALL-TERRAIN VEHICLES AND SNOWMOBILES

75.01 Purpose

75.02 Definitions

75.03 General Regulations

75.04 Places of Operation

75.05 Negligence

75.06 Accident Reports

75.01 PURPOSE. The purpose of this chapter is to regulate the operation of all-terrain vehicles and snowmobiles within the City.

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

1. “All-terrain vehicle” or “ATV” means a motorized flotation-tire vehicle with not less than three (3) low pressure tires, but not more than six (6) low pressure tires, or a two-wheeled, off-road motorcycle. Two-wheeled, off-road motorcycles shall be considered all-terrain vehicles only for the purpose of titling and registration and not for the purpose of regulation. *(Ord. 51 – Aug. 07 Supp.)*

(Code of Iowa, Sec. 321G.1[1])

2. “Snowmobile” means a motorized vehicle weighing less than one thousand (1,000) pounds which uses sled-type runners or skis, endless belt-type tread, or any combination of runners, skis or tread, and is designed for travel on snow or ice.

(Code of Iowa, Sec. 321G.1 [18])

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

(Code of Iowa, Ch. 321G)

75.04 PLACES OF OPERATION. The operators of ATV’s and snowmobiles shall comply with the following restrictions as to where ATV’s and snowmobiles may be operated within the City:

1. Streets. ATV’s and snowmobiles shall be operated only upon streets which have not been plowed during the snow season.

(Ord. 51 – Aug. 07 Supp.)

(Code of Iowa, Sec. 321G.9[4a])

2. Exceptions. ATV's and snowmobiles may be operated on prohibited streets only under the following circumstances:

A. Emergencies. ATV's and snowmobiles may be operated on any street in an emergency during the period of time when and at locations where snow upon the roadway renders travel by conventional motor vehicles impractical.

(Code of Iowa, Sec. 321G.9[4c])

B. Direct Crossing. ATV's and snowmobiles may make a direct crossing of a prohibited street provided:

(1) The crossing is made at an angle of approximately ninety degrees (90°) to the direction of the street and at a place where no obstruction prevents a quick and safe crossing;

(2) The ATV or snowmobile is brought to a complete stop before crossing the street;

(3) The driver yields the right-of-way to all on-coming traffic which constitutes an immediate hazard; and

(4) In crossing a divided street, the crossing is made only at an intersection of such street with another street.

(Code of Iowa, Sec. 321G.9[2])

3. Railroad Right-of-way. ATV's and snowmobiles shall not be operated on an operating railroad right-of-way. An ATV or snowmobile may be driven directly across a railroad right-of-way only at an established crossing and notwithstanding any other provisions of law may, if necessary, use the improved portion of the established crossing after yielding to all oncoming traffic.

(Code of Iowa, Sec. 321G.13[8])

4. Trails. ATV's shall not be operated on snowmobile trails and snowmobiles shall not be operated on all-terrain vehicle trails except where so designated.

(Code of Iowa, Sec. 321G.9[4f and g])

5. Parks and Other City Land. ATV's and snowmobiles shall not be operated in any park, playground or upon any other City-owned property without the express permission of the City. A snowmobile shall not be operated on any City land without a snow cover of at least one-tenth of one inch.

6. Sidewalk or Parking. ATV's and snowmobiles shall not be operated upon the public sidewalk or that portion of the street located between the curb line and the sidewalk or property line commonly

referred to as the “parking” except for purposes of crossing the same to a public street upon which operation is authorized by this chapter.

75.05 NEGLIGENCE. The owner and operator of an ATV or snowmobile is liable for any injury or damage occasioned by the negligent operation of the ATV or snowmobile.

(Code of Iowa, Sec. 321G.18)

75.06 ACCIDENT REPORTS. Whenever an ATV or snowmobile is involved in an accident resulting in injury or death to anyone or property damage amounting to two hundred dollars (\$200.00) or more, either the operator or someone acting for the operator shall immediately notify a law enforcement officer and shall file an accident report within forty-eight (48) hours, in accordance with State law.

(Code of Iowa, Sec. 321G.10)

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CHAPTER 80

ABANDONED VEHICLES

80.01 Definitions

80.02 Authority to Take Possession of Abandoned Vehicles

80.03 Notice by Mail

80.04 Notification in Newspaper

80.05 Extension of Time

80.06 Fees for Impoundment

80.07 Disposal of Abandoned Vehicles

80.08 Disposal of Totally Inoperable Vehicles

80.09 Proceeds from Sales

80.10 Duties of Demolisher

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

1. “Abandoned vehicle” means any of the following:
(*Code of Iowa, Sec. 321.89[1b]*)
 - 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.
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])

80.02 AUTHORITY TO TAKE POSSESSION OF ABANDONED VEHICLES. A police authority, upon the authority's own initiative or upon the request of any other authority having the duties of control of highways or traffic, shall take into custody an abandoned vehicle on public property and may take into custody any abandoned vehicle on private property. 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])

80.03 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 the personal property. A court in any case in law or equity shall not recognize any right, title, claim, or interest of the owner, lienholders or claimants after the expiration of the ten (10) day reclaiming period.

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

80.04 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 80.03. The published notice may contain multiple listings of abandoned vehicles and personal property but shall be published within the same time requirements and contain the same information as prescribed for mailed notice in Section 80.03.

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

80.05 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])

80.06 FEES FOR IMPOUNDMENT. The owner, lienholder or claimant shall pay all towing and storage fees as established by the storage facility, whereupon the vehicle shall be released.

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

80.07 DISPOSAL OF ABANDONED VEHICLES. If an abandoned vehicle has not been reclaimed as provided herein, the police authority or

private entity shall make a determination as to whether or not the motor vehicle should be sold for use upon the highways, and shall dispose of the motor vehicle in accordance with State law.

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

80.08 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])

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

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

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

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

[The next page is 281]

CHAPTER 90

WATER SERVICE SYSTEM

90.01 MANDATORY CONNECTIONS. All residences and business establishments within the City limits intended or used for human habitation, occupancy or use shall be connected to the public water system, if it is reasonably available and if the building is not furnished with pure and wholesome water from some other source. *(Ord. 52 – Aug. 07 Supp.)*

(See Chapter 116, Water Franchise)

[The next page is 305]

CHAPTER 95

SANITARY SEWER SYSTEM

95.01 Purpose
95.02 Definitions
95.03 Superintendent
95.04 Prohibited Acts
95.05 Sewer Connection Required

95.06 Service Outside the City
95.07 Right of Entry
95.08 Owner's Liability Limited
95.09 Use of Easements
95.10 Special Penalties

95.01 PURPOSE. The purpose of the chapters of this Code of Ordinances pertaining to Sanitary Sewers is to establish rules and regulations governing the treatment and disposal of sanitary sewage within the City in order to protect the public health, safety and welfare.

95.02 DEFINITIONS. For use in these chapters, unless the context specifically indicates otherwise, the following terms are defined:

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

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

(IAC, 567-69.3[1])

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

(IAC, 567-69.3[1])

4. "Combined sewer" means a sewer receiving both surface run-off and sewage.

5. "Customer" means any person responsible for the production of domestic, commercial or industrial waste which is directly or indirectly discharged into the public sewer system.

6. "Garbage" means solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

7. “Industrial wastes” means the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
8. “Inspector” means the person duly authorized by the Council to inspect and approve the installation of building sewers and their connections to the public sewer system; and to inspect such sewage as may be discharged therefrom.
9. “Natural outlet” means any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
10. “On-site wastewater treatment and disposal system” means all equipment and devices necessary for proper conduction, collection, storage, treatment, and disposal of wastewater from a dwelling or other facility serving the equivalent of fifteen persons (1500 gpd) or less.
11. “pH” means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
12. “Public sewer” means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
13. “Sanitary sewage” means sewage discharging from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories or institutions, and free from storm, surface water, and industrial waste.
14. “Sanitary sewer” means a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.
15. “Sewage” means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.
16. “Sewage treatment plant” means any arrangement of devices and structures used for treating sewage.
17. “Sewage works” or “sewage system” means all facilities for collecting, pumping, treating, and disposing of sewage.
18. “Sewer” means a pipe or conduit for carrying sewage.
19. “Sewer service charges” means any and all charges, rates, fees, or rentals levied against and payable by customers, as consideration for the servicing of said customers by said sewer system.
20. “Slug” means any discharge of water, sewage, or industrial waste 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.

21. “Storm drain” or “storm sewer” means a sewer which carries storm and surface waters and drainage but excludes sewage and industrial wastes, other than unpolluted cooling water.

22. “Superintendent” means the Superintendent of sewage works and/or of water pollution control of the City or any authorized deputy, agent, or representative.

23. “Suspended solids” means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

24. “Watercourse” means a channel in which a flow of water occurs, either continuously or intermittently.

95.03 SUPERINTENDENT. The Superintendent shall exercise the following powers and duties:

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

1. Operation and Maintenance. Operate and maintain the City sewage system.
2. Inspection and Tests. Conduct necessary inspections and tests to assure compliance with the provisions of these Sanitary Sewer chapters.
3. Records. Maintain a complete and accurate record of all sewers, sewage connections and manholes constructed showing the location and grades thereof.

95.04 PROHIBITED ACTS. No person shall do, or allow, any of the following:

1. Damage Sewer System. Maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewer system.

(Code of Iowa, Sec. 716.1)

2. Surface Run-off or Groundwater. Connect a roof downspout, sump pump, exterior foundation drain, areaway drain, or other source of surface run-off or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

3. Manholes. Open or enter any manhole of the sewer system, except by authority of the Superintendent.

4. Objectionable Wastes. Place or deposit in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage, or other objectionable waste.

5. Septic Tanks. Construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage except as provided in these chapters.

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

6. Untreated Discharge. Discharge to any natural outlet within the City, or in any area under its jurisdiction, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of these chapters.

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

95.05 SEWER CONNECTION REQUIRED. The owners of any houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley or right-of-way in which there is now located, or may in the future be located, a public sanitary or combined sewer, are hereby required to install, at such owner's expense, suitable toilet facilities therein and a building sewer connecting such facilities directly with the proper public sewer, and to maintain the same all in accordance with the provisions of these Sanitary Sewer chapters, such compliance to be completed within sixty (60) days after date of official notice from the City to do so provided that said public sewer is located within one hundred (100) feet (30.5 meters) of the property line of such owner and is of such design as to receive and convey by gravity such sewage as may be conveyed to it. Billing for sanitary sewer service will begin the date of official notice to connect to the public sewer.

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

(IAC, 567-69.3[3])

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

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

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

95.08 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.

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

95.10 SPECIAL PENALTIES. The following special penalty provisions shall apply to violations of these Sanitary Sewer chapters:

1. Notice of Violation. Any person found to be violating any provision of these chapters except subsections 1, 3 and 4 of Section 95.04, shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
2. Continuing Violations. Any person who shall continue any violation beyond the time limit provided for in subsection 1 hereof shall be in violation of this Code of Ordinances. Each day in which any such violation shall continue shall be deemed a separate offense.

(Ord. 10 – Feb. 00 Supp.)

3. Liability Imposed. Any person violating any of the provisions of these chapters shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation.

CHAPTER 96

BUILDING SEWERS AND CONNECTIONS

96.01 Permit
96.02 Fees
96.03 Plumber Required
96.04 Connection Requirements

96.05 Sewer Tap
96.06 Inspection Required
96.07 Property Owner's Responsibility
96.08 Abatement of Violations

96.01 PERMIT. No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City. The application for the permit shall set forth the location and description of the property to be connected with the sewer system and the purpose for which the sewer is to be used, and shall be supplemented by any plans, specifications, or other information considered pertinent. The permit shall require the owner to complete construction and connection of the building sewer to the public sewer within sixty (60) days after the issuance of the permit, except that when a property owner makes sufficient showing that due to conditions beyond the owner's control or peculiar hardship, such time period is inequitable or unfair, an extension of time within which to comply with the provisions herein may be granted. Any sewer connection permit may be revoked at any time for a violation of these chapters.

96.02 FEES. The following fees shall be paid to the Clerk at the time the permit application is filed.

1. Permit. A permit fee of \$10.00
2. Inspection. An inspection fee of \$20.00
3. Connection. A connection charge of \$150.00.

96.03 PLUMBER REQUIRED. All installations of building sewers and connections to the public sewer shall be made by a plumber licensed by the City. The Council shall have the power to suspend the license of any plumber for violation of any of the provisions of these Sanitary Sewer chapters.

96.04 CONNECTION REQUIREMENTS. Any connection with a public sanitary sewer must be made under the direct supervision of the Superintendent and in accordance with the following:

1. Installation. The installation of the building sewer and its connection into the public sewer shall conform to the requirements of the Plumbing Code adopted by the City, applicable rules and regulations of the City, or the procedures set forth in the A.S.T.M. and the W.P.C.F.

Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

2. 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.

3. 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.

96.05 SEWER TAP. Connection of the building sewer into the public sewer shall be made at the “Y” branch, if such branch is available at a suitable location. If no properly located “Y” branch is available, a “Y” saddle shall be installed at the location specified by the Superintendent. The public sewer shall be tapped with a tapping machine and a saddle appropriate to the type of public sewer shall be glued and attached with stainless steel clamps to the sewer. At no time shall a building sewer be constructed so as to enter a manhole unless special written permission is received from the Superintendent and in accordance with the Superintendent’s direction if such connection is approved.

96.06 INSPECTION REQUIRED. All connections with the sanitary sewer system before being covered shall be inspected and approved, in writing, by the Superintendent. As soon as all pipe work from the public sewer to inside the building has been completed, and before any backfilling is done, the Superintendent shall be notified and the Superintendent shall inspect and test the work as to workmanship and material; no sewer pipe laid under ground shall be covered or trenches filled until after the sewer has been so inspected and approved. If the Superintendent refuses to approve the work, the plumber or owner must proceed immediately to correct the work.

96.07 PROPERTY OWNER’S RESPONSIBILITY. All costs and expenses incident to the installation, connection and maintenance of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

96.08 ABATEMENT OF VIOLATIONS. Construction or maintenance of building sewer lines whether located upon the private property of any owner or in the public right-of-way, which construction or maintenance is in violation of any of the requirements of this chapter, shall be corrected, at the owner’s expense, within thirty (30) days after date of official notice from the Council of such violation. If not made within such time the Council shall, in addition to

the other penalties herein provided, have the right to finish and correct the work and assess the cost thereof to the property owner. Such assessment shall be collected with and in the same manner as general property taxes.

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

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CHAPTER 97

USE OF PUBLIC SEWERS

97.01 Storm Water
97.02 Surface Waters Exception
97.03 Prohibited Discharges
97.04 Restricted Discharges

97.05 Restricted Discharges - Powers
97.06 Special Facilities
97.07 Control Manholes
97.08 Testing of Wastes

97.01 STORM WATER. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof run-off, sub-surface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.

97.02 SURFACE WATERS EXCEPTION. Special permits for discharging surface waters to a public sanitary sewer may be issued by the Council upon recommendation of the Superintendent where such discharge is deemed necessary or advisable for purposes of flushing, but any permit so issued shall be subject to revocation at any time when deemed to the best interests of the sewer system.

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

1. Flammable or Explosive Material. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
2. Toxic or Poisonous Materials. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) milligrams per liter as CN in the wastes as discharged to the public sewer.
3. Corrosive Wastes. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

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

5. Excessive B.O.D., Solids or Flow. Any waters or wastes having (a) a five (5) day biochemical oxygen demand greater than three hundred (300) parts per million by weight, or (b) containing more than three hundred fifty (350) parts per million by weight of suspended solids, or (c) 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 the owner's expense, such preliminary treatment as may be necessary to (a) reduce the biochemical oxygen demand to three hundred (300) parts per million by weight, or (b) reduce the suspended solids to three hundred fifty (350) parts per million by weight, or (c) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and no construction of such facilities shall be commenced until said approvals are obtained in writing.

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

1. High Temperature. Any liquid or vapor having a temperature higher than one hundred fifty (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, that is, to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half ($\frac{1}{2}$) inch in any dimension.

5. Acids. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solution whether neutralized or not.

6. Toxic or Objectionable Wastes. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.

7. Odor or Taste. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

8. Radioactive Wastes. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.

9. Excess Alkalinity. Any waters or wastes having a pH in excess of 9.5.

10. Unusual Wastes. Materials 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 B.O.D., chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

D. Unusual volume of flow or concentration of wastes constituting “slugs” as defined herein.

11. Noxious or Malodorous Gases. Any noxious or malodorous gas or other substance 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.

97.05 RESTRICTED DISCHARGES - POWERS. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 97.04 and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

1. Rejection. Reject the wastes by requiring disconnection from the public sewage system;
2. Pretreatment. Require pretreatment to an acceptable condition for discharge to the public sewers;
3. Controls Imposed. Require control over the quantities and rates of discharge; and/or
4. Special Charges. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Chapter 99.

97.06 SPECIAL FACILITIES. If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the

plants and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances, and laws. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

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

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

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CHAPTER 98

PRIVATE ON-SITE WASTEWATER SYSTEMS

98.01 When Prohibited
98.02 When Required
98.03 Compliance with Regulations
98.04 Permit Required
98.05 Discharge Restrictions

98.06 Maintenance of System
98.07 Systems Abandoned
98.08 Disposal of Septage
98.09 Minimum Lot Area

98.01 WHEN PROHIBITED. Except as otherwise provided in this chapter, it is unlawful to construct or maintain any on-site wastewater treatment and disposal system or other facility intended or used for the disposal of sewage.

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

98.02 WHEN REQUIRED. Where a public sanitary is not available under the provisions of Section 95.05, every building wherein persons reside, congregate or are employed shall be provided with a private on-site wastewater treatment and disposal system complying with the provisions of this chapter.

98.03 COMPLIANCE WITH REGULATIONS. The type, capacity, location and layout of a private on-site wastewater treatment and disposal system shall comply with the specifications and requirements set forth by the Iowa Administrative Code 567, Chapter 69, and with such additional requirements as are prescribed by the regulations of the County Board of Health.

(IAC, 567-69.3[3])

98.04 PERMIT REQUIRED. No person shall install or reconstruct a private on-site wastewater treatment and disposal system without first obtaining a permit from the County Board of Health.

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

(IAC, 567-69.3[3])

98.06 MAINTENANCE OF SYSTEM. The owner of a private on-site wastewater treatment and disposal system shall operate and maintain the system in a sanitary manner at all times and at no expense to the City.

98.07 SYSTEMS ABANDONED. At such time as a public sewer becomes available to a property served by a private on-site wastewater treatment and disposal system, as provided in Section 95.05, a direct connection shall be made to the public sewer in compliance with these Sanitary Sewer chapters and the on-site wastewater treatment and disposal system shall be abandoned and filled with suitable material.

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

98.08 DISPOSAL OF SEPTAGE. No person shall dispose of septage from an on-site treatment system at any location except an approved disposal site.

98.09 MINIMUM LOT AREA. No permit shall be issued for any private on-site wastewater treatment and disposal system employing sub-surface soil absorption facilities where the area of the lot is less than five (5) acres, or the lot is less than three hundred (300) feet from a public sewer.

CHAPTER 99

SEWER SERVICE CHARGES

99.01 Sewer Service Charges Required
99.02 Rate
99.03 Special Rates
99.04 Private Water Systems
99.05 Payment for Service

99.06 Lien for Nonpayment
99.07 Special Agreements Permitted
99.08 Accounting and Auditing
99.09 Rate Review

99.01 SEWER SERVICE CHARGES REQUIRED. Every customer shall pay to the City sewer service fees as hereinafter provided.

(Code of Iowa, Sec. 384.84)

99.02 RATE. Each customer shall pay sewer service charges for the use of and for the service supplied by the municipal sanitary sewer system based upon the amount of water consumed as follows:

Effective July 1, 2011 through June 30, 2012

1. First 2,999 gallons or lesser amount per month, @ \$21.41 (minimum bill).
2. All over 2,999 gallons per month, @ \$5.86 per 1,000 gallons.

Effective July 1, 2012 through June 30, 2013

1. First 2,999 gallons or lesser amount per month, @ \$23.55 (minimum bill).
2. All over 2,999 gallons per month, @ \$6.45 per 1,000 gallons.

Effective July 1, 2013 through June 30, 2014

1. First 2,999 gallons or lesser amount per month, @ \$25.91 (minimum bill).
2. All over 2,999 gallons per month, @ \$7.09 per 1,000 gallons.

Effective July 1, 2014

1. First 2,999 gallons or lesser amount per month, @ \$28.50 (minimum bill).
2. All over 2,999 gallons per month, @ \$7.80 per 1,000 gallons.

Each customer shall also pay a total of \$4.00 per month as a surcharge to establish and maintain a reserve fund for repair and maintenance of the City's sewer systems. The total surcharge to be paid by each customer pursuant to this section of the City Code shall not exceed \$4.00.

(Ord. 85 – Sep. 11 Supp.)

99.03 SPECIAL RATES. Where, in the judgment of the Superintendent and the Council, special conditions exist to the extent that the application of the sewer charges provided in Section 99.02 would be inequitable or unfair to either the City or the customer, a special rate shall be proposed by the Superintendent and submitted to the Council for approval by resolution.

(Code of Iowa, Sec. 384.84)

99.04 PRIVATE WATER SYSTEMS. Customers whose premises are served by a private water system shall pay sewer charges based upon the water used as determined by the City either by an estimate agreed to by the customer or by metering the water system at the customer's expense. Any negotiated, or agreed upon sales or charges shall be subject to approval of the Council.

(Code of Iowa, Sec. 384.84)

99.05 PAYMENT FOR SERVICE. Payment for sewer service charges shall be in accordance with the following:

1. Bills Payable. Bills are payable on the first day of the month and shall be paid at the office of the Clerk.
2. Late Payment Penalty. Bills not paid by the fifteenth (15th) day of the month shall be considered delinquent and a delayed payment charge of five dollars (\$5.00) shall be added to each delinquent bill.
3. Returned Check Charge. If any payment by check is made which is not honored, when presented the first time, by the financial institution on which it is drawn, a charge of twenty-five dollars (\$25.00) shall be added thereto and collected therewith. Payments shall be required to be by cash or money order whenever two such separate occurrences take place during a calendar year.

(Ord. 56 – Aug. 07 Supp.)

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

(Code of Iowa, Sec. 384.84)

99.07 SPECIAL AGREEMENTS PERMITTED. No statement in these chapters shall be construed as preventing a special agreement, arrangement or contract between the Council, and any industrial concern whereby an industrial waste of unusual strength or character may be accepted subject to special conditions, rate and cost as established by the Council.

99.08 ACCOUNTING AND AUDITING. The City shall establish a proper system of accounts and shall keep proper records, books and accounts in which complete and correct entries shall be made of all transactions relative to the sewer system and at regular annual intervals the Council shall cause an audit of the books to be made by the State Auditor or an independent auditing concern to show the receipts and disbursements of the sewer system.

99.09 RATE REVIEW. The City shall review the user charge system at least every two years and revise the sewer service charges as necessary to ensure that the system generates adequate revenues to pay the costs of operation and maintenance, bond reserve and improvement/replacement and that the system continues to provide for the proportional distribution of operation and maintenance including replacement costs among users and user classes. The City will notify each user at least annually, in conjunction with a regular bill, of the rate(s) being charged for operation and maintenance and improvement/replacement of the treatment works.

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CHAPTER 100

STORMWATER MANAGEMENT SYSTEM AND FACILITIES

100.01 Purpose

100.02 Definitions

100.03 Scope and Responsibility for the Stormwater Utility

100.04 Director of Public Works

100.05 Prohibited Acts

100.06 Right of Entry

100.07 Penalties

100.01 PURPOSE. The purpose of this chapter is to establish a Stormwater Utility which shall be responsible for stormwater management within the corporate boundaries of the City of Hartford and shall provide for the management, protection, control, regulation, use and enhancement of stormwater management systems and facilities.

100.02 DEFINITIONS.

1. “Commercial/Industrial” means any developed land whereon multiple family dwellings, town homes, commercial retail and office, industrial and manufacturing buildings, storage buildings and storage areas covered with impervious surfaces, parking lots, public and private school buildings, churches, hospitals, convalescent centers and where anything other than residential has been constructed.
2. “Customers of the Stormwater Utility” includes all persons, properties and entities served by and/or benefiting from the utility’s acquisition, management, maintenance, extension and improvement of the public storm water management system and facilities.
3. “Developed Land” means land that has been altered from its natural state by construction or installation of more than 500 square feet of impervious surface area as defined in this chapter.
4. “Duplex Dwelling” means a building containing only two (2) dwelling units and designed for and occupied exclusively by not more than two (2) families with separate housekeeping and cooking facilities for each. In the application of stormwater service charge rates, duplex dwelling properties shall be treated as two (2) single family dwellings.
5. “Duplex Unit” means a singular unit or apartment providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.
6. “Impervious Surface Area” means those areas which prevent or impede the infiltration of stormwater into the soil as it enters in natural conditions prior to development. Common impervious surface areas include, but are not limited to, rooftops, sidewalks, driveways, patios, parking lots, storage areas, compacted gravel surfaces and other surfaces which prevent or

impede the natural infiltration of stormwater runoff which existed prior to development.

7. “Multiple Family Dwelling” means a building or portion thereof containing more than three (3) dwelling units designed for or occupied by more than three (3) families with separate housekeeping and cooking facilities for each. In the application of stormwater service charge rates, multiple family dwelling properties shall be treated as commercial/ industrial.

8. “Pollutant” means anything that causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter or other discarded or abandoned objects, so that the same may cause or contribute to pollution; pesticides, herbicides and fertilizers; hazardous substances and wastes; sewage, fecal coli form bacteria and pathogens; dissolved and particulate metals; animal wastes; waste and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

9. “Residential” means any developed land whereon a single family dwelling or a duplex dwelling has been constructed.

10. “Service Charge” means the periodic rate, fee or charge applicable to a parcel of developed land, which charge shall be reflective of the service provided by the City of Hartford stormwater utility. Service charges are based on measurable parameters which influence the stormwater utility’s cost of providing services and facilities, with the most important factor being the amount of impervious surface area on each parcel of developed property. The service charge shall be determined from time to time by resolution of the City Council.

11. “Single Family Dwelling” means a building containing only one (1) dwelling unit and designed for and occupied exclusively for residence purposes by only one (1) family.

12. “Stormwater Management Systems and Facilities” addresses the issue of drainage management (flooding) and environmental quality (pollution, erosion and sedimentation) of receiving rivers, streams, creeks, lakes and ponds through improvements, maintenance, regulation and funding of plants, structures and property used in the collection, retention, detention and treatment of stormwater or surface water drainage.

13. “Substantial Completion” represents the date when the construction has been completed and the City of Hartford has acknowledged that the construction has been completed in accordance with the approved plans and specifications through the issuance of a temporary certificate of occupancy or permanent certificate of occupancy.

14. “Townhome Dwelling” means a dwelling unit which is detached or attached horizontally, and not vertically to one or more other dwelling units,

wherein the land or lot beneath each dwelling may be individually owned in common by a townhome association. In the application of stormwater service charge rates, each townhome dwelling shall be treated as one (1) single family dwelling.

15. “Undeveloped Land” means land in its unaltered natural state or which has been modified to such minimal degree as to have a hydrologic response comparable to land in an unaltered state shall be deemed undeveloped. Undeveloped land shall have less than 500 square feet of pavement, asphalt or compacted gravel surfaces or structures which create an impervious surface area that would prevent infiltration of stormwater or cause stormwater to collect, concentrate or flow in a manner materially different than that which would occur when the land was in an unaltered natural state.

100.03 SCOPE AND RESPONSIBILITY FOR THE STORMWATER UTILITY. The City of Hartford stormwater utility consists of 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 of Hartford which control and/or convey stormwater through which the City intentionally diverts surface waters from its public streets and properties. The City of Hartford owns or has legal access for purposes of operation, maintenance and improvement to those segments of this system which (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 of Hartford has adequate access for operation, maintenance and improvement of systems or facilities. Operation, maintenance and improvement of stormwater systems and facilities which are located on private property or public property not owned by the City of Hartford 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.

100.04 DIRECTOR OF PUBLIC WORKS. The Director or Public Works has the following powers and duties related to the City of Hartford Stormwater Utility:

1. Operations and Maintenance. Operation and maintenance of the stormwater management systems and facilities.
2. Inspection and Tests. Conduct necessary inspections and tests to assure compliance with the provisions of this chapter.
3. Records. Maintain a complete and accurate record of all stormwater management systems and facilities.
4. Policies. Recommend to the City Council policies to be adopted and enforced to implement the provisions of this chapter.

100.05 PROHIBITED ACTS. No person shall do, or allow, any of the following:

1. Damage Stormwater Management Systems and Facilities. Maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, pipe, appurtenance or equipment which is part of the stormwater management systems or facilities.
2. Illicit Discharges. No person shall throw, drain or otherwise discharge or cause to throw, drain, run or allow to seep or otherwise be discharged into the City of Hartford stormwater management system and facilities, including but not limited to pollutants or waters containing any pollutants, other than stormwater.
3. Manholes. Open or enter any manhole, structure or intake of the stormwater system, except by authority of the Director of Public Works.
4. Connection. Connection of any private stormwater system to the City's stormwater management system and facilities, except by authority of the Director of Public Works.

100.06 RIGHT OF ENTRY. The Director of Public Works and other authorized employees of the City of Hartford bearing proper credentials and identification shall be permitted to enter all private properties for the purpose of inspection, observation, measurement, sampling and testing all private stormwater discharges directly or indirectly entering into any public stormwater management system or facility in accordance with the provisions of this chapter.

100.07 PENALTIES. The following penalty provisions shall apply to violations of the Stormwater Utility chapters (of this Code of Ordinances).

1. Notice of Violation. Any person found to be violating any provisions of these chapters shall be served by the City of Hartford 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 remedy all violations.
2. Continuing Violations. Any person who shall continue any violation beyond the time limit provided for in subsection 1 thereof, shall be subject to a civil penalty as set forth in the Schedule of Civil Penalties in Chapter 3 of this Code of Ordinances. Each day which said violation shall continue shall be deemed a separate offense.
3. Liability Imposed. Any person violating any of the provisions of this chapter shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation.

(Ch. 100 – Ord. 86 – Jan. 12 Supp.)

CHAPTER 101

STORMWATER SERVICE CHARGES

101.01 Stormwater Service Charges Required
101.02 Effective Date of Stormwater Service Charges
101.03 Rates
101.04 Rate Appeals
101.05 Exemptions from Charges

101.06 Billing for Stormwater Service
101.07 Lien for Nonpayment
101.08 Lien Notice
101.09 Discontinuance of Service
101.10 Annual Revision of Rates

101.01 STORMWATER SERVICE CHARGES REQUIRED. Every customer whose premises is served by a connection with the stormwater management system and facilities of the City of Hartford, either directly or indirectly, shall pay to the City stormwater service charges hereinafter established and specified for the purpose of contributing towards the costs of construction, maintenance and operation of the stormwater management system and facilities.

101.02 EFFECTIVE DATE OF STORMWATER SERVICE CHARGES. The rates shall be effective for meter readings taken on or after October 1, 2011, and shall be billed monthly thereafter to all customers.

101.03 RATES. Except as hereinafter noted, each customer whose property lies within the corporate limits of the City shall pay to the City, through its collection agent, at the same time payment for City sewer is made, at a rate as follows:

1. Undeveloped. A flat stormwater availability charge at the rate of \$0 per month, regardless of the amount of consumption by such customer.
2. Residential. A flat stormwater availability charge at the rate of \$3.00 per month, regardless of the amount of consumption by such customer.
3. Commercial/Industrial. A flat stormwater availability charge at the rate of \$5.00 per month, regardless of the amount of consumption by such customer.

101.04 RATE APPEALS. Any customer who believes the provisions of this chapter have been applied in error may appeal in the following manner:

1. An appeal must be filed in writing with the City of Hartford City Administrator. In the case of service charge appeals, the appeal shall include a survey prepared by a registered Iowa land surveyor or professional engineer containing information on the total property area, the impervious surface area and any other features or conditions which influence the hydrologic response of the property to rainfall events.
2. Using the information provided by the appellant, the City Administrator shall conduct a technical review of the conditions on the property and respond to the appeal in writing within thirty (30) days.

3. In response to an appeal, the City Administrator may adjust the stormwater service charge applicable to a property in conformance with the general purpose and intent of this chapter.
4. A decision of the City Administrator which is adverse to an appellant may be further appealed to the City Council within thirty (30) days of receipt of notice of the adverse decision. Notice of the appeal shall be served on the City Council by the appellant, stating the grounds for the appeal. The City Council shall schedule a public hearing within thirty (30) days. All decisions of the City Council shall be served on the appellant by registered mail, sent to the billing address of the appellant.
5. All decisions of the City Council shall be final.

101.05 EXEMPTIONS FROM CHARGES. Exemptions from charges are those permitted as follows:

1. Property owned by a public governmental entity, such as:
 - A. The State of Iowa;
 - B. The County of Warren;
 - C. The City of Hartford;
2. Railroad right-of-way (tracks); and
3. A subdivided lot until a substantially completed structure has been built on the lot.

101.06 BILLING FOR STORMWATER SERVICE. Billing and payment for stormwater services shall be in accordance with the following:

1. Bills Issued. The City Clerk shall prepare and issue bills for stormwater service on or before the first day of the month following each monthly billing period.
2. Bills Payable. Bills for stormwater service shall be due and payable upon receipt at the office of the City Clerk following the end of each monthly billing period.
3. Late Payment Penalty. Bills not paid after the fifteenth (15th) of the month shall be considered delinquent. A one-time late payment penalty of ten percent (10%) of the amount due shall be added to each delinquent bill.
4. Returned Checks. A fee, as set forth in the fee schedule established by City Council of the City of Hartford, shall be charged for all checks not honored by the bank.

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

101.08 LIEN NOTICE. A lien for delinquent stormwater service charges shall not be certified to the County Treasurer unless prior written notice of intent to certify a lien is given to the customer. If the customer is a tenant and if the owner or landlord of the property has made a written request for notice, the notice shall also be given to the owner or landlord. The notice shall be sent to the appropriate persons by ordinary mail not less than thirty (30) days prior to certification of the lien to the County Treasurer.

101.09 DISCONTINUANCE OF SERVICE. After giving reasonable notice, the Director of Public Works may discontinue water service to any customer who has failed to pay the amounts due and owing under this chapter and who has not contested the payment therefor in good faith.

101.10 ANNUAL REVISION OF RATES. The City will review the stormwater service charges at least yearly and revise the stormwater service charges as necessary to ensure that such charges as herein established and specified generate adequate revenues to pay the costs of maintenance and operation (including replacement and debt service) of a stormwater management system and facilities and that the stormwater service charges continue to provide for the proportional distribution of maintenance and operation costs (including replacement costs and debt service) for a stormwater management system and facilities among the users and user classes. The liability of a stormwater service user to pay for charges as provided in this chapter shall not be contingent, however, upon any such review or revision.

(Ch. 101 – Ord. 87 – Jan. 12 Supp.)

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CHAPTER 105

SOLID WASTE CONTROL

105.01 Purpose	105.07 Littering Prohibited
105.02 Definitions	105.08 Open Dumping Prohibited
105.03 Sanitary Disposal Required	105.09 Toxic and Hazardous Waste
105.04 Health and Fire Hazard	105.10 Waste Storage Containers
105.05 Open Burning Restricted	105.11 Prohibited Practices
105.06 Separation of Yard Waste Required	

105.01 PURPOSE. The purpose of the chapters in this Code of Ordinances pertaining to Solid Waste Control is to provide for the sanitary storage, collection and disposal of solid waste and, thereby, to protect the citizens of the City from such hazards to their health, safety and welfare as may result from the uncontrolled disposal of solid waste.

105.02 DEFINITIONS. For use in these chapters the following terms are defined:

1. “Collector” means any person authorized to gather solid waste from public and private places.

2. “Director” means the director of the State Department of Natural Resources or any designee.

(Code of Iowa, Sec. 455B.101[2b])

3. “Discard” means to place, cause to be placed, throw, deposit or drop.

(Code of Iowa, Sec. 455B.361[2])

4. “Dwelling unit” means 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.

5. “Garbage” means all solid and semisolid, putrescible animal and vegetable waste resulting from the handling, preparing, cooking, storing, serving and consuming of food or of material intended for use as food, and all offal, excluding useful industrial by-products, and includes all such substances from all public and private establishments and from all residences.

(IAC, 567-100.2)

6. “Landscape waste” means any vegetable or plant waste except garbage. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery and yard trimmings.

(IAC, 567-20.2[455B])

7. “Litter” means any garbage, rubbish, trash, refuse, waste materials or debris.

(Code of Iowa, Sec. 455B.361[1])

8. “Owner” means in addition to the record titleholder any person residing in, renting, leasing, occupying, operating or transacting business in any premises, and as between such parties the duties, responsibilities, liabilities and obligations hereinafter imposed shall be joint and several.

9. “Refuse” means putrescible and non-putrescible waste, including but not limited to garbage, rubbish, ashes, incinerator residues, street cleanings, market and industrial solid waste and sewage treatment waste in dry or semisolid form.

(IAC, 567-100.2)

10. “Residential waste” means any refuse generated on the premises as a result of residential activities. The term includes landscape waste grown on the premises or deposited thereon by the elements, but excludes garbage, tires and trade waste.

(IAC, 567-20.2[455B])

11. “Rubbish” means non-putrescible solid waste consisting of combustible and non-combustible waste, such as ashes, paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery or litter of any kind.

(IAC, 567-100.2)

12. “Sanitary disposal” means a method of treating solid waste so that it does not produce a hazard to the public health or safety or create a nuisance.

(IAC, 567-100.2)

13. “Sanitary disposal project” means all facilities and appurtenances including all real and personal property connected with such facilities, 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 Director.

(Code of Iowa, Sec. 455B.301)

14. “Solid waste” means garbage, refuse, rubbish, and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and

domestic activities. Solid waste may include vehicles, as defined by subsection one of Section 321.1 of the Code of Iowa.

(Code of Iowa, Sec. 455B.301)

105.03 SANITARY DISPOSAL REQUIRED. It is the duty of each owner to provide for the sanitary disposal of all refuse accumulating on the owner's premises before it becomes a nuisance. Any such accumulation remaining on any premises for a period of more than thirty (30) days shall be deemed a nuisance and the City may proceed to abate such nuisances in accordance with the provisions of Chapter 50 or by initiating proper action in district court.

(Code of Iowa, Ch. 657)

105.04 HEALTH AND FIRE HAZARD. It is unlawful for any person to permit to accumulate on any premises, improved or vacant, or on any public place, such quantities of solid waste that constitute a health, sanitation or fire hazard.

105.05 OPEN BURNING RESTRICTED. No person shall allow, cause or permit open burning of combustible materials where the products of combustion are emitted into the open air without passing through a chimney or stack, except that open burning is permitted in the following circumstances:

(IAC, 567-23.2[455B] and 567-100.2)

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

(IAC, 567-23.2[3a])

2. Trees and Tree Trimmings. The open burning of trees and tree trimmings at a City-operated burning site, provided such burning is conducted in compliance with the rules established by the State Department of Natural Resources.

(IAC, 567-23.2[3b])

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

(IAC, 567-23.2[3d])

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[3e])

5. Back Yard Burning. The open burning of residential waste on the property where such waste is generated, at dwellings of four-family units or less.

(IAC, 567-23.2[3f] and 567-20.2[455B])

6. Training Fires. Fires set for the purpose of bona fide training of public or industrial employees in fire fighting methods, provided that the training fires are conducted in compliance with rules established by the State Department of Natural Resources.

(IAC, 567-23.2[3g])

7. Pesticide Containers and Seed Corn Bags. Paper or plastic pesticide containers and seed corn bags resulting from farming activities occurring on the premises if burned in accordance with rules established by the State Department of Natural Resources.

(IAC, 567-23.2[3h])

8. Agricultural Structures. The open burning of agricultural structures if in accordance with rules and limitations established by the State Department of Natural Resources.

(IAC, 567-23.2[3i])

9. Variance. Any person wishing to conduct open burning of materials not permitted herein may make application for a variance to the Director.

(IAC, 567-23.2[2])

No person shall allow any open burning permitted by this section to occur between the hours of nine o'clock (9:00) p.m. and six o'clock (6:00) a.m. and no person shall allow any fire to be left unattended.

105.06 SEPARATION OF YARD WASTE REQUIRED. All yard waste shall be separated by the owner or occupant from all other solid waste accumulated on the premises and shall be composted or burned on the premises or placed in acceptable containers and set out for collection. As used in this section, "yard waste" means any debris such as grass clippings, leaves, garden waste, brush and trees. Yard waste does not include tree stumps.

105.07 LITTERING PROHIBITED. No person shall discard any litter onto or in any water or land, except that nothing in this section shall be construed to affect the authorized collection and discarding of such litter in or on areas or receptacles provided for such purpose. When litter is discarded from a motor vehicle, the driver of the motor vehicle shall be responsible for the act in any

case where doubt exists as to which occupant of the motor vehicle actually discarded the litter.

(Code of Iowa, Sec. 455B.363)

105.08 OPEN DUMPING PROHIBITED. No person shall dump or deposit or permit the dumping or depositing of any solid waste on the surface of the ground or into a body or stream of water at any place other than a sanitary disposal project approved by the Director, unless a special permit to dump or deposit solid waste on land owned or leased by such person has been obtained from the Director. However, this section does not prohibit the use of dirt, stone, brick or similar inorganic material for fill, landscaping, excavation, or grading at places other than a sanitary disposal project.

(Code of Iowa, Sec. 455B.307 and IAC, 567-100.2)

105.09 TOXIC AND HAZARDOUS WASTE. No person shall deposit in a solid waste container or otherwise offer for collection any toxic or hazardous waste. Such materials shall be transported and disposed of as prescribed by the Director. As used in this section, "toxic and hazardous waste" means waste materials, including but not limited to, poisons, pesticides, herbicides, acids, caustics, pathological waste, flammable or explosive materials and similar harmful waste which requires 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)

(IAC, 567-102.14[2] and 400-27.14[2])

105.10 WASTE STORAGE CONTAINERS. Every person owning, managing, operating, leasing or renting any premises, dwelling unit or any place where refuse accumulates shall provide and at all times maintain in good order and repair portable containers for refuse in accordance with the following:

1. Container Specifications. Waste storage containers shall comply with the following specifications:

A. Residential. Residential waste containers, whether they be reusable, portable containers or heavy-duty disposable garbage bags, shall be of not less than twenty (20) gallons or more than thirty-five (35) gallons in nominal capacity, and shall be leakproof and waterproof. The total weight of any container and contents shall not exceed seventy-five (75) pounds. Disposable containers shall be kept securely fastened and shall be of sufficient strength to maintain integrity when lifted, and reusable containers shall be in conformity with the following:

- (1) Be fitted with a fly-tight lid which shall be kept in place except when depositing or removing the contents of the container;
- (2) Have handles, bails or other suitable lifting devices or features;
- (3) Be of a type originally manufactured for the storage of residential waste with tapered sides for easy emptying;
- (4) Be of lightweight and sturdy construction.

Galvanized metal containers, rubber or fiberglass containers and plastic containers which do not become brittle in cold weather may be used.

B. Commercial. Every person owning, managing, operating, leasing or renting any commercial premise where an excessive amount of refuse accumulates and where its storage in portable containers as required above is impractical, shall maintain metal bulk storage containers approved by the City.

2. Storage of Containers. Residential solid waste containers shall be stored upon the residential premises. Commercial solid waste containers shall be stored upon private property, unless the owner has been granted written permission from the City to use public property for such purposes. The storage site shall be well drained; fully accessible to collection equipment, public health personnel and fire inspection personnel. All owners of residential and commercial premises shall be responsible for proper storage of all garbage and yard waste to prevent materials from being blown or scattered around neighboring yards and streets.

3. Location of Containers for Collection. Containers for the storage of solid waste awaiting collection shall be placed at the curb or alley line by the owner or occupant of the premises served. Containers or other solid waste placed at the curb line shall not be so placed more than twelve (12) hours in advance of the regularly scheduled collection day and shall be promptly removed from the curb line following collection.

4. Nonconforming Containers. Solid waste containers which are not adequate will be collected together with their contents and disposed of after due notice to the owner.

105.11 PROHIBITED PRACTICES. It is unlawful for any person to:

1. Unlawful Use of Containers. Deposit refuse in any solid waste containers not owned by such person without the written consent of the owner of such containers.
2. Interfere with Collectors. Interfere in any manner with solid waste collection equipment or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors be those of the City, or those of any other authorized waste collection service.
3. Incinerators. Burn rubbish or garbage except in incinerators designed for high temperature operation, in which solid, semisolid, liquid or gaseous combustible refuse is ignited and burned efficiently, and from which the solid residues contain little or no combustible material, as acceptable to the Environmental Protection Commission.
4. Scavenging. Take or collect any solid waste which has been placed out for collection on any premises, unless such person is an authorized solid waste collector.

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CHAPTER 106

COLLECTION OF SOLID WASTE

106.01 Collection Service
106.02 Collection Vehicles
106.03 Loading
106.04 Frequency of Collection
106.05 Bulky Rubbish

106.06 Right of Entry
106.07 Contract Requirements
106.08 Collection Fees
106.09 Lien for Nonpayment

106.01 COLLECTION SERVICE. The City shall provide by contract for the collection of all solid waste except bulky rubbish as provided in Section 106.05 within the City.

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

(IAC, 567-104.9[455B])

106.03 LOADING. Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak, or spill therefrom, and shall be covered to prevent blowing or loss of material. Where spillage does occur, the material shall be picked up immediately by the collector or transporter and returned to the vehicle or container and the area properly cleaned. No person operating a collection vehicle shall lock up the wheels of the vehicle when applying the brakes except in an emergency situation. The collection company shall be liable for any damage to City streets as a result of such excessive braking.

106.04 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.

106.05 BULKY RUBBISH. Bulky rubbish which is too large or heavy to be collected in the normal manner of other solid waste may be collected by the collector upon request in accordance with procedures therefor established by the Council.

106.06 RIGHT OF ENTRY. Solid waste collectors are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom

as required by this chapter; however, solid waste collectors shall not enter dwelling units or other residential buildings.

106.07 CONTRACT REQUIREMENTS. No person shall engage in the business of collecting, transporting, processing or disposing of solid waste for the City without first entering into a contract with the City. This section does not prohibit an owner from transporting solid waste accumulating upon premises owned, occupied or used by such owner, provided such refuse is disposed of properly in an approved sanitary disposal project. Furthermore, a contract is not required for the removal, hauling, or disposal of earth and rock material from grading or excavation activities, provided that all such materials are conveyed in tight vehicles, trucks or receptacles so constructed and maintained that none of the material being transported is spilled upon any public right-of-way.

106.08 COLLECTION FEES. The collection and disposal of solid waste as provided by this chapter are declared to be beneficial to the property served or eligible to be served and there shall be levied and collected fees therefor in accordance with the following:

(Goreham vs. Des Moines, 1970, 179 NW 2nd, 449)

1. Fee For Collection. The fee for solid waste collection and disposal service, used or available, is as established by the Council. The Council reserves the right to adjust, modify or eliminate the fee in special circumstances. Monthly collection fee, effective July 1, 2005, is as follows:

Regular	\$10.00 per month
Senior Citizen	\$ 8.75 per month

(Ord. 39 – Jul. 05 Supp.)

2. Recycling Fee. An additional fee of \$2.75 per month shall be charged to each customer receiving the Curb-It Recycling Program service.

(Ord. 47 – Sep. 06 Supp.)

3. Payment of Bills. All fees are due and payable under the same terms and conditions provided for payment of a combined service account as contained in Section 92.04 of this Code of Ordinances. Solid waste collection service may be discontinued in accordance with the provisions contained in Section 92.05 if the combined service account becomes delinquent, and the provisions contained in Section 92.08 relating to lien notices shall also apply in the event of a delinquent account.

106.09 LIEN FOR NONPAYMENT. The owner of the premises served and any lessee or tenant thereof are jointly and severally liable for fees for solid waste collection and disposal. Fees remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

(Code of Iowa, Sec. 384.84)

[The next page is 361]

CHAPTER 110

NATURAL GAS FRANCHISE

110.01 Franchise Granted

110.02 Regulatory Power of City

110.01 FRANCHISE GRANTED. Midwest Gas, a division of Midwest Power Systems, a corporation, its successors and assigns are hereby granted and vested with the right, franchise and privilege for a period of twenty-five (25) years from and after the adoption and approval of the ordinance codified by this chapter, as provided by law, to acquire, construct, operate and maintain in the City the necessary facilities for the production, distribution, transmission and sale of gas for public and private use and to construct and maintain along, upon, across, and under the streets, highways, avenues, alleys, bridges and public places the necessary fixtures and equipment for such purposes, and for the term of the franchise the Company is further granted the right of eminent domain, the exercise of which is subject to Council approval upon application by the Company.

110.02 REGULATORY POWER OF CITY. The franchise shall not be exclusive and shall not restrict in any manner the right of the Council or any other governing body of the City in the exercise of any regulatory power which it may now have or hereafter be authorized or permitted by the laws of the State.

EDITOR'S NOTE

Ordinance No. 94 adopting a gas franchise for the City was passed and adopted on August 17, 1993.

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CHAPTER 111

ELECTRIC FRANCHISE

111.01 Franchise Granted

111.02 Regulatory Power of City

111.01 FRANCHISE GRANTED. Midwest Power Systems, Inc., a corporation, its successors or assigns are hereby granted and vested with the right, franchise and privilege for a period of twenty-five (25) years from and after the adoption and approval of the ordinance codified by this chapter, as provided by law, to acquire, construct, operate and maintain in the City the necessary facilities for the production, distribution, transmission and sale of electric energy for public and private use and to construct and maintain along, upon, across, and under the streets, highways, avenues, alleys, bridges and public places the necessary fixtures and equipment for such purposes; and for the term of the franchise the Company is further granted the right of eminent domain, the exercise of which is subject to Council approval upon application by the Company.

111.02 REGULATORY POWER OF CITY. The franchise shall not be exclusive and shall not restrict in any manner the right of the City Council or any other governing body of the City in the exercise of any regulatory power which it may now have or hereafter be authorized or permitted by the laws of the State.

EDITOR'S NOTE

Ordinance No. 93 adopting an electric franchise for the City was passed and adopted on July 20, 1993.

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CHAPTER 112

TELEPHONE FRANCHISE

112.01 FRANCHISE GRANTED. Northwestern Bell Telephone Company, a corporation, its successors and assigns are hereby granted and vested with the right, franchise and privilege for a period of twenty-five (25) years from and after the adoption and approval of the ordinance codified by this chapter, as provided by law, to acquire, construct and maintain in the City the necessary facilities for the production, distribution, transmission and sale of telephone and related services for public and private use; and to construct and maintain along, upon, across or under the streets, highways, avenues, alleys, bridges and public places the necessary fixtures and equipment for such purposes.

EDITOR'S NOTE

Ordinance No. 8 adopting a telephone franchise for the City was passed and adopted on January 10, 1983.

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CHAPTER 113

CABLE TELEVISION FRANCHISE AND REGULATIONS

113.01 Purpose	113.14 City Rights
113.02 Definitions	113.15 Payments to City
113.03 Granting of Franchise	113.16 Rates and Charges
113.04 Compliance Required Generally	113.17 Record Keeping
113.05 National Electric Safety Code	113.18 Service Procedures
113.06 FCC Regulations	113.19 Protection of Privacy
113.07 Modification of FCC Rules	113.20 Program Content Restrictions
113.08 Transfer	113.21 Discrimination Prohibited
113.09 Company Rules and Regulations	113.22 Liability and Indemnification
113.10 Franchise Term	113.23 Activities Prohibited
113.11 Franchise Renewal	113.24 Violation; Penalty
113.12 System Construction, Maintenance and Procedures	
113.13 Line Extensions	

113.01 PURPOSE. The purpose of this chapter is to provide regulatory provisions of cable television systems in the City.

113.02 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 Oak Cable System, Incorporated, an Iowa corporation maintaining its offices in Huxley, Iowa, the grantee of rights under the regulatory ordinance codified in 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 installations.

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.

113.03 GRANTING OF FRANCHISE. The regulatory ordinance codified herein 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. The 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.

113.04 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.

113.05 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.

113.06 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.

113.07 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.

113.08 TRANSFER. The Company shall not sell or transfer its system to another, 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.

113.09 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 law.

113.10 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.

113.11 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.

113.12 SYSTEM CONSTRUCTION, MAINTENANCE AND PROCEDURES.

1. 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 and 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 property damaged or destroyed shall be promptly repaired or replaced by the Company and restored to serviceable 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 the 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 of reasonable convenience of property owners who adjoin any of the said streets, alleys or other public ways and places. In the event the 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, or surface of any street or alley or other public or private property in as good condition as before said work was commenced.

6. 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.

7. 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.

8. 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.

9. 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. All tree trimming to be done at the expense of the Company.

10. 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.

113.13 LINE EXTENSIONS. It shall be the obligation of the Company to serve all residents of the City except to the extent that density of homes, adverse terrain or other factors render providing service impracticable, technically infeasible or economically noncompensatory. For purposes of determining compliance with the provisions of this section, and to provide for a reasonable and nondiscriminatory policy governing extensions of cable service with the City, the Company shall extend service to new subscribers at the normal installation charge and monthly rate for customers of that classification where there is an average of forty-five (45) homes per each linear mile of new cable construction. In the event that the requirements of this section are not met, extensions of service shall be required only on a basis which is reasonable and compensatory.

113.14 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. Emergency or Disaster. In the case of any emergency or disaster, the Company shall, upon request of the City, make available its facilities to the City for emergency use during the emergency or disaster period.

3. 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.

4. 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.

5. 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.

113.15 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. 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.

113.16 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.

113.17 RECORD KEEPING. The Company shall keep full, true, accurate and current books, records, maps, plans, financial statements and other like materials which shall be made available for inspection and copying by the City upon reasonable notice and during normal business hours.

113.18 SERVICE PROCEDURES. During the term of the franchise, and any renewal thereof, the Company shall maintain within the City a nearby 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 nearby 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. Any complaints from subscribers shall be investigated and acted upon as soon as possible, but at least within four (4) 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.

113.19 PROTECTION OF PRIVACY. 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.

113.20 PROGRAM CONTENT RESTRICTIONS. In addition to providing basic cable television service consisting of broadcast, locally originated, access 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.

113.21 DISCRIMINATION PROHIBITED. The Company shall not refuse to hire, nor discharge from employment, nor 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.

113.22 LIABILITY AND INDEMNIFICATION. The Company shall indemnify the City for, 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 Worker's 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 Worker's 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. Within six (6) months after the effective date of the ordinance codified by this chapter, the Company shall file with the Federal Communications Commission such request, petition or other application as is then proper to secure from said Federal Communications Commission any and all necessary permits, licenses, waivers or the like as may be necessary to be secured from said Federal Communications Commission to fully comply with the terms of this chapter. The Company shall thereafter diligently pursue such application with the Federal Communications Commission 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.

113.23 ACTIVITIES PROHIBITED.

1. 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.
2. 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.
3. No person shall wrongfully or unlawfully intercept the signals of the Company.

113.24 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.

EDITOR'S NOTE

Ordinance No. 25 adopting a cable TV franchise for the City was passed and adopted on May 9, 1983.

CHAPTER 114

REGULATION OF CABLE TELEVISION RATES

114.01 Authority
114.02 Rate Regulation Proceedings
114.03 Certification

114.04 Notice of Rate Change
114.05 Delegation of Powers

114.01 AUTHORITY. The City has the legal authority to administer and shall enforce against any non-municipally owned cable television system operator, as permitted therein, the provisions of Part 76, Subpart N of the Rules and Regulations of the Federal Communications Commission (FCC), concerning Cable Rate Regulation, 47 C.F.R. §§76.900 *et. seq.*, as they currently read and hereafter may be amended, which are herewith incorporated by reference.

114.02 RATE REGULATION PROCEEDINGS. Any rate regulation proceedings conducted hereunder shall provide a reasonable opportunity for consideration of the views of any interested party, including but not limited to, the City or its designee, the Cable Operator, subscribers, and residents of the franchise area. In addition to all other provisions required by the laws of the State of Iowa and by the City, and in order to provide for such opportunity for consideration of the views of any interested party, the City shall take the following actions:

1. The City shall publish notice as provided in Section 362.3 of the Code of Iowa and shall mail, by certified mail, to the Cable Operator a notice of the intent to conduct a public proceeding on basic service tier rates and/or charges for equipment to receive such basic service tier, as defined by the FCC.
2. The public notice shall state, among other things, that cable television rates are subject to municipal review and explain the nature of the rate review in question; that any interested party has a right to participate in the proceeding; that public views may be submitted in the proceeding, explaining how they are to be submitted and the deadline for submitting any such views; that a decision concerning the reasonableness of the cable television rates in question will be governed by the Rules and Regulations of the FCC; and that the decision of the City is subject to review by the FCC.
3. The City shall conduct a public proceeding to determine whether or not the rates or proposed rate increases are reasonable. The City may delegate the responsibility to conduct the proceeding to any duly

qualified and eligible individual(s) or entity. If the City or its designee cannot determine the reasonableness of a proposed rate increase within the time period permitted by the FCC Rules and Regulations, it may announce the effective date of the proposed rates for an additional period of time as permitted by the FCC Rules and Regulations, and issue any other necessary or appropriate order and give public notice accordingly.

4. In the course of the rate regulation proceeding, the City may request additional information from the Cable Operator that is reasonably necessary to determine the reasonableness of the basic service tier rates and equipment charges. Any such additional information submitted to the City shall be verified by an appropriate official of the cable television system supervising the preparation of the response on behalf of the entity, and submitted by way of affidavit or under penalty of perjury, stating that the response is true and accurate to the best of that person's knowledge, information and belief formed after reasonable inquiry.

5. The City may request proprietary information, provided that the City shall consider a timely request from the Cable Operator that said proprietary information shall not be made available for public information, consistent with the procedures set forth in Section 0.459 of the FCC Rules and Regulations. Furthermore, said proprietary information may be used only for the purpose of determining the reasonableness of the rates and charges or the appropriate rate level based on a cost-of-service showing submitted by the Cable Operator.

6. The City may exercise all powers under the laws of evidence applicable to administrative proceedings under the laws of the State of Iowa and the City to discover any information relevant to the rate regulation proceeding, including, but not limited to, subpoena, interrogatories, production of documents, and deposition.

7. Upon termination of the rate regulation proceeding, the City shall adopt and release a written decision as to whether or not the rate or proposed rate increase is reasonable or unreasonable, and, if unreasonable, its remedy, including prospective rate reduction, rate prescription, and refunds.

8. The City may not impose any fines, penalties, forfeitures or other sanctions, other than permitted by the FCC Rules and Regulations, for charging an unreasonable rate or proposing an unreasonable rate increase.

9. Consistent with FCC Rules and Regulations, the City's decision may be reviewed only by the FCC.

10. The City shall be authorized, at any time, whether or not in the course of a rate regulation proceeding, to gather information as necessary to exercise its jurisdiction as authorized by the Communications Act of 1934, as amended, and the FCC Rules and Regulations. Any information submitted to the City shall be verified by an appropriate official of the cable television system supervising the preparation of the response on behalf of the entity, and submitted by way of affidavit or under penalty of perjury, stating that the response is true and accurate to the best of that person's knowledge, information and belief formed after reasonable inquiry.

114.03 CERTIFICATION. The City has filed with the FCC the required certification form (FCC Form 328) and has notified the Cable Operator that the City has been certified by the FCC and that it has adopted all necessary regulations so as to begin regulating basic service tier cable television rates and equipment charges.

114.04 NOTICE OF RATE CHANGE. With regard to the cable programming service tier, as defined by the Communications Act of 1934, as amended, and the FCC Rules and Regulations, and over which the City is not empowered to exercise rate regulation, the Cable Operator shall give notice to the City of any change in rates for the cable programming service tier or tiers, any change in the charge for equipment required to receive the tier or tiers, and any changes in the nature of the services provided, including the program services included in the tier or tiers. Said notice shall be provided within five (5) business days after the change becomes effective.

114.05 DELEGATION OF POWER. The City may delegate its powers to enforce this chapter to municipal employees or officers (the "cable official"). The cable official will have the authority to:

1. Administer oaths and affirmations;
2. Issue subpoenas;
3. Examine witnesses;
4. Rule upon questions of evidence;
5. Take or cause depositions to be taken;
6. Conduct proceedings in accordance with this chapter;
7. Exclude from the proceeding any person engaging in contemptuous conduct or otherwise disrupting the proceedings;
8. Hold conferences for the settlement or simplification of the issues by consent of the parties; and

9. Take actions and make decisions or recommend decisions in conformity with this chapter.

CHAPTER 115

CABLE TELEVISION CUSTOMER SERVICE STANDARDS

115.01 Enforcement of Customer Service Standards
115.02 Notification

115.03 Rules and Procedures
115.04 Penalty

115.01 ENFORCEMENT OF CUSTOMER SERVICE STANDARDS.

The City has the legal authority to adopt and enforce customer service standards for the cable television system in the City as permitted by the Cable Television Consumer Protection and Competition Act of 1992. Upon review of the customer service standards adopted by the FCC on March 11, 1993, by MM Docket No. 92-263 of the FCC, and deeming it in the best interests of the City, the Council hereby adopts by reference the above mentioned customer service standards for cable television service.

115.02 NOTIFICATION. The Clerk shall notify the Cable Operator by registered mail with return receipt that the City has adopted said customer service standards for cable television service.

115.03 RULES AND PROCEDURES. The Council shall establish rules and procedures regarding the process to remedy possible violations of the customer service standards by the Cable Operator. The Council shall provide for notice and opportunity for hearing for both the customers and the Cable Operator in such process.

115.04 PENALTY. If after notice and opportunity for hearing, the City determines that the Cable Operator is not in complete compliance with all the provisions of the customer service standards, the Cable Operator shall reduce the rate for the basic tier of cable service by ten percent (10%) until such time that the City has been satisfied that the Cable Operator is in compliance with all the provisions of the customer service standards. In addition, the Cable Operator shall pay to the City the sum of \$100.00 for each day that the Cable Operator fails to be in compliance with all the provisions of the standards after the date that the Council has passed a resolution stipulating the sections where the Cable Operator is in noncompliance.

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CHAPTER 116

WATER FRANCHISE

116.01 Definitions	116.10 Water Supply
116.02 Purpose	116.11 Rates and Charges
116.03 Grant of Franchise	116.12 Rules and Regulations
116.04 Term	116.13 Default
116.05 Jurisdiction of Franchise	116.14 Termination Provisions
116.06 Expansion of Franchise	116.15 Purchase of Facilities on Termination of Franchise
116.07 Ownership and Use of Public Grounds	116.16 Assignment of Franchise
116.08 Assumption of Debt	116.17 Approval of USDA and City Electorate
116.09 Construction, Connections and Enforcement Provisions	116.18 Transition
	116.19 Binding Effect

116.01 DEFINITIONS.

1. “City” means the City of Hartford.
2. “District” means Warren Water District.
3. “Public Grounds” means all roads, streets, alleys, avenues, bridges, parkways, or other public places, all hereinafter referred to as Public Grounds over which the city has an easement or right of way.
4. “Transferred Assets” means all existing water mains, water towers, pumps, meters, and meter pits and all appurtenances thereto owned by the City (except the well and water treatment plant) and currently used to provide water to the City’s water customers.
5. “Urban Standards” means Iowa Statewide Urban Design and Specifications (SUDAS), including the Urban Design Standards for Public Improvements and the Urban Standard Specifications for Public Improvements in effect on the date of the acceptance of this Franchise or as they may be thereafter amended, modified, and effective.
6. “USDA” means United States Department of Agriculture, Rural Development, an agency charged with the financing of water utilities.
7. “Water System” means all water mains, water towers, pumps, meters, and meter pits and all appurtenances thereto now owned by the City (or hereinafter acquired or constructed by the District) necessary for the transmission and distribution of potable water, except the City’s well and water treatment plant.

116.02 PURPOSE. The purpose of this Agreement is to set forth the terms and conditions for the City to grant a Franchise to the District under the provisions of Chapter 364 of the Code of Iowa for the acquisition, construction, operation, maintenance, and improvement of a water transmission and

distribution system for the City and the right to supply and sell treated water to the City and to individuals and corporations, both inside and outside the City limits, but within the jurisdiction of the City, for all purposes for which water may be used, for a period of forty (40) years commencing immediately upon the passage, publication, and approval by the City electorate of this Franchise and acceptance thereof by the District according to the laws of the State of Iowa and approval by the United States Department of Agriculture (USDA), but subject to the provision that after twenty-five (25) years from the date of this agreement, either party shall have the right and option pursuant to Section 116.14 to terminate this Franchise for any reason upon twelve (12) months prior written notice to the other party (except that the District's termination after twenty-five years is subject to the fulfillment of the provisions of Section 116.04 hereof). For the purpose of carrying into effect the privileges granted hereunder, the District is authorized to make all necessary excavations in the Public Grounds, but such excavations shall be carried out with reasonable dispatch and with as little interference with, or inconvenience to, the rights of the public as possible. The District shall restore all Public Grounds to the condition of safety, appearance and utility as required by the terms of this Franchise and the Urban Standards then in effect and adopted by the City.

116.03 GRANT OF FRANCHISE. The City hereby agrees to grant to the District, its successors and assigns, a Franchise to construct, erect, maintain, operate, supply, repair, replace, renew, and reconstruct in the City as provided herein a Water System in accordance with the laws and regulations of the United States of America, the State of Iowa, the County of Warren, the Ordinances of the City, the Iowa Department of Natural Resources, and any other governmental agencies or bodies having jurisdiction and control over such Water System, including the right, privilege, and authority: (a) to sell and supply treated water to individuals and corporations to the City and to individuals and corporations, both inside and outside the City limits but within the jurisdiction of the City; (b) to acquire all existing water mains, water towers, pumps, meters, and meter pits and all appurtenances thereto owned by the City and currently used to provide water to the City; (c) to maintain and operate systems for water services to the City and its residents; (d) to construct, operate, maintain, repair, improve, or equip any of the water transmission and distribution works and facilities; (e) to finance all or part of the cost of acquiring, constructing, maintaining, repairing, improving, or equipping any water transmission and distribution works and facilities, and to refinance all or part of said cost; (f) to use public property within the City for purposes of this Franchise; (g) to operate and maintain lines under, over, along, through, the streets, alleys, and public rights of way of the City; and (h) to engage in such further activities within the City as may now or hereinafter be consistent with the accepted principles applicable to the operation of the Water System. The

Water System that will be operated by the District as authorized by this Franchise shall be kept in good working condition and of sufficient capacity to handle all reasonable demands of the City and the inhabitants thereof, provided that such demands do not exceed the requirements of the laws and regulations of the United States of America, the State of Iowa, the County of Warren, the Ordinances of the City, the Urban Standards, the Iowa Department of Natural Resources, and any other governmental agencies or bodies having jurisdiction and control over such Water System in effect at the time of such demands.

116.04 TERM. The Franchise is granted for an initial term of forty (40) years commencing immediately upon its passage, publication, and approval by the City electorate and acceptance by the District according to the laws of the State of Iowa and approval by the USDA. However, this Franchise may be terminated after twenty-five (25) years as provided by Section 116.02 and Section 116.14. Thereafter, as permitted by law, the Franchise may be renewed for an additional term upon such terms and conditions as may be mutually acceptable to the City and the District.

116.05 JURISDICTION OF FRANCHISE. The terms of this Franchise shall apply to [a] all territory, present and future, within the City limits, [b] all territory, present and future, within two (2) miles of the City limits, and [c] all territory to which the City currently serves potable water and/or over which the City has jurisdiction. The current service territory of the City and the current boundaries of the City are identified on Exhibit 1, which is on file at City Hall and by this reference made a part hereof.

116.06 EXPANSION OF FRANCHISE. The District agrees to serve all future annexations, expansions, and growth of the City under the terms of this Franchise with said Water System without restriction or penalty to the City.

116.07 OWNERSHIP AND USE OF PUBLIC GROUNDS.

1. In consideration of the District's assumption of the City's debt as described in Section 116.08 below, the City grants the District title to its Water System including all existing water mains, water towers, pumps, meters, and meter pits and all appurtenances thereto owned by the City (except the well and water treatment plant) and currently used to provide water to the City's water customers (also referred to herein as the Transferred Assets) which items the District accepts in their "as is condition" and without warranty or guarantee by the City and the District does hereby assent to becoming the owner thereof. This Franchise does not include any real property owned by the City. This Franchise does include the right to use, for the term of this Franchise, all easements and public rights of way held or owned by the City as needed by the District

to construct, erect, maintain, operate, supply, repair, replace, renew, and reconstruct the Water System which is the subject of this Franchise; and this Franchise also includes the right of the District to lease the land from the City where the water towers are located in accordance with the terms of the next paragraph. Further this Franchise does not include the transfer to the District of any water fund balances held by the City.

2. The City shall lease the land where the City's water towers are located to the District for the term of this Franchise for \$1.00 annual rent (so long as said water towers are needed for the Water System) but subject to the City being able to use same for storage of City equipment and materials thereon so long as same does not interfere with the District's operation of the Water System.

3. So long as the water towers (or any replacements thereof) are located within the City, the District shall maintain the name "Hartford" on said towers in the same size and position on said tower sites as exists at the time of the acceptance of this Franchise; and the District shall not change the color of said water towers without the consent of the City Council of the City.

4. The City shall retain title to the City water treatment plant and City wells, which the City hereby covenants, upon acceptance of this Franchise or at such other time as is mutually agreed to by the City and the District, to immediately separate from the existing distribution system by valving and to permanently disconnect from the water distribution system and abandon as soon as reasonably possible.

5. The District acknowledges that it has been advised that ownership of the meters within Hartford Mobile Home Park is in dispute and that the City does not own the water lines (nor easements for the water lines) within Hartford Mobile Home Park. The District will provide service to the Hartford Mobile Home Park via master meter(s) to be installed by the District. It will be the Hartford Mobile Home Park owner(s)' responsibility to pay the water bill for Hartford Mobile Home Park as determined by the master meter(s). The District will not separately meter or bill any individual residence or customer within the Hartford Mobile Home Park.

116.08 ASSUMPTION OF DEBT. In consideration of the above, the District agrees to assume and pay [a] all sums owned in regard to the City of Hartford Water Revenue Capital Loan Note, DW019906R, which has a current principal balance of approximately \$344,000 (subject to the provision that the City shall pay its prorated share of accrued interest through the completion of the April 2007 meter readings conducted by the City, or such earlier date as

agreed to by the parties, for the accrued interest due and payable June 1, 2007); AND [b] all sums owed in regard to the City of Hartford note to Great Western Bank which has a current principal balance of approximately \$73,400 (subject to the provision that the City shall pay its prorated share of accrued interest through the completion of the April 2007 meter readings conducted by the City, or such earlier date as agreed to by the parties, for the accrued interest due and payable June 1, 2007). The District shall pay the principal installments owed in regard to said indebtedness which are due and owing June 1, 2007.

116.09 CONSTRUCTION, CONNECTIONS, AND ENFORCEMENT PROVISIONS.

1. New Construction. All plants, works, mains, services, conduits, pipes, tanks, and apparatus erected, installed, or placed under this Franchise by the District shall be constructed in accordance with the Urban Standards then in effect and adopted by the City and shall be located in the public rights of way whether in roads, streets, alleys, avenues, bridges, parkways, or other public places, all hereinafter referred to as Public Grounds, so as not to interfere unnecessarily with the use of such Public Grounds; and all the aforesaid work done by the District shall be done in accordance with the provisions of any and all general ordinances of the City governing the excavation in, and repair of, said Public Grounds of the City.

2. Reciprocal Notice of New Construction and Reconstruction. The District shall give written notification to the City of intended new construction and reconstruction within the City and within two miles of the City limits, except in cases of service failure or other emergency. Such written notice shall be given to the City not less than sixty (60) days prior to initiation of the intended new construction or reconstruction except in cases of service failure or other emergency. Such written notice by the District shall include submission of a summary of the plans for the intended new construction or reconstruction and an explanatory letter to the City Clerk or Mayor of the intended new construction and reconstruction. Within thirty (30) days of receipt of such notice, the City shall advise the District in writing of any conflict such construction may have with existing or proposed City uses of the Public Grounds. The District shall take all such actions as are necessary to avoid any conflict with existing or proposed City uses of the Public Grounds and shall be solely responsible for paying all costs and expenses associated therewith. The City shall give written notification to the District of intended new construction and reconstruction within the City and within two miles of the City limits that affects the Water System, except in cases of service failure or other emergency. Such written notice shall be given to the

District not less than sixty (60) days prior to initiation of the intended new construction or reconstruction except in cases of service failure or other emergency. Such written notice by the City shall include a summary of the plans for the intended new construction or reconstruction and submission of an explanatory letter to the District's manager of the intended new construction and reconstruction. Within thirty (30) days of receipt of such notice, the District shall advise the City in writing of any conflict such construction may have with planned or anticipated public improvements. The District shall take all such actions as are necessary to eliminate any conflict with existing or proposed City uses of the Public Grounds, and the City shall reimburse the District for the District's time and material in an amount equal to the costs and expenses incurred by the District as a result of such conflict; provided, however, that the District shall pay the cost of any upgrades made by the District to the system in eliminating such conflict (i.e., the difference between the District's cost of replacing existing system infrastructure resulting from such conflict and the cost of any upgrades made by the District to the portion of the system replaced as a result of such conflict).

3. Private Easements. The District shall not, without prior written consent of the City (which consent shall not be unreasonably withheld), acquire private easements on property within the City or within two miles of the City's limits, present and future, for purposes of this Franchise; provided that in all events, said private easements shall have the same legal effect as if the easements were Public Grounds and shall inure to the benefit of the City and be subject to all terms of this Franchise as through they were Public Grounds. Private easements are defined to be easements obtained by the District for purposes related to the operation of the Water System. Private easements do not include easements owned by the City which the District has the use of for purposes of this Franchise.

4. Liabilities.

A. All water mains and appurtenant structures installed under this Franchise shall be located as not to injure or damage unnecessarily any of said Public Grounds, drains, storm sewers, catch basins, or other like improvements, but should any of said Public Grounds, drains, storm sewers, catch basins, or other like improvements be injured by such location, the District shall forthwith repair the damage caused and restore said Public Grounds, drains, storm sewers, catch basins, or other like improvements to as good condition as existed prior to undertaking such work and the District shall hold the City harmless therefrom.

B. In case the District refuses or neglects to repair any of said Public Grounds, drains, storm sewers, catch basins, or other like improvements within a reasonable time after work is completed and reasonable notice in writing of such refusal or neglect shall have been given by the City to the District, the City Council may direct the necessary repairs thereof to be made at the expense of the District and the District shall reimburse the City the costs thereof, and the District shall be responsible for all damages sustained by any person or persons by reason of such refusal or neglect on the part of the District; and the District shall hold the City free and harmless from any and all claims, demands, actions, or causes of action arising out of or by reason of the occupancy or use of said Public Grounds of the City by the District, including any expenses and attorneys' fees incurred by the City in defending itself against any such claims, demands, actions, or causes of action.

C. Except as modified by the provisions of Section 116.18 subsection 1, the District shall indemnify and hold the City harmless from all loss, claims, or damages on account of injury to or death of persons, or injury to property, arising from claims involving the Transferred Assets, which claims occur and accrue and become capable of assertion, after the date the City completes its last meter readings (which date is expected to be on or about April 20, 2007). The District shall hire legal counsel, of its choice and at its own expense, to defend, without regard to fault of the City, any action at law, in equity, or in an administrative proceeding brought against the City on account thereof. The City shall give the District prompt notice of the filing of such claim or suit and extend its full cooperation in defense thereof. The City assigns to the District the right to assert all defenses which the City could itself raise in any such action on behalf or itself or others.

D. Except as modified by the provisions of Section 116.18 subsection 1, the City shall indemnify and hold the District harmless from all loss, claims, or damages on account of injury to or death of persons, or injury to property, arising from claims involving the Transferred Assets, which claims occurred and accrued and were capable of assertion, on or before date the City completes its last meter readings (which date is expected to be on or about April 20, 2007). The City shall hire legal counsel, of its choice and at its own expense, to defend, without regard to fault of the District, any action at law, in equity, or in an administrative

proceeding brought against the District on account thereof. The District shall give the City prompt notice of the filing of any such claim or suit and extend its full cooperation in defense thereof. The District assigns to the City the right to assert all defenses which the District could itself raise in any such action on behalf of itself or others.

5. **Costs of Construction.** The District shall not assess and/or charge the costs of any new construction, reconstruction, repair, maintenance, or operation within the City or within two miles of the City's limits directly to the City or any resident thereof beyond those rates and charges described in Section 116.11, subject to the provisions described in Section 116.09, subsection 2, which allow the District to charge the City (but not its individual residents) for the District's time and material costs under certain circumstances relating to conflicting uses within Public Grounds.

116.10 WATER SUPPLY.

1. The quality of water distributed by the District under this Franchise shall be of such standard as to conform to standards fixed by the United States of America, the State of Iowa, the County of Warren, the Urban Standards, the Iowa Department of Natural Resources, and any other governmental agencies or bodies having jurisdiction and control over such potable water systems.

2. All water distributed to the City under this Franchise shall be softened.

3. The District shall provide water to the City sufficient to maintain current fire flow pressure subject to the understanding that the District complies with the provisions of subsection 6 below.

4. The District shall take no action or limit or object to annexation of land to the City and shall provide such water service as is necessary to accommodate future growth and development of the City. The City shall give the District written notification of any and all proposed annexations not less than thirty (30) days before the City holds a public hearing regarding whether said proposed annexations should be approved.

5. The District shall provide a coin operated bulk water dispenser similar to that currently operated by the City until such time as the District determines it is no longer economically feasible to operate same, at which time the District shall notify the City in writing and give the City the option to operate said bulk water dispenser. The District shall exclusively bear the cost of establishing and maintaining same and shall also exclusively determine the charge for water dispensed from the bulk water dispenser.

6. The Urban Standards and the Iowa Department of Natural Resources require a minimum normal working pressure of not less than 35 psi and a minimum pressure of 20 psi under fire flow conditions. The District is aware that there are locations within the City which are substandard in such regard, which locations are described as follows: [1] Walnut Street: from East Street to halfway between Duncan Street and Trulow Street, [2] Duncan Street: from Walnut Street to Jalea Drive, and [3] East Street: from George Street to a point approximately 145 feet north. It has been the intention of the City to upgrade the Water System in these locations to rectify this situation. The District agrees that it will endeavor to make initial improvements to the Water System at the three (3) above-described locations in a timely manner to provide flows and pressures to all residents of the City in conformance with the Urban Standards.

7. No Current Customer of the City (a Current Customer being defined in Section 116.11, subsection 4, shall be required to pay a connection/membership fee to the District and each such customer shall, upon approval of this Franchise, be deemed a member of the District.

116.11 RATES AND CHARGES.

1. Initial Rates and Charges. The rates and charges assessed by the District to users under this Franchise for the first two (2) years of this Franchise shall be as shown on the rate schedule on file at City Hall as Exhibit 2 and incorporated herein by this reference, subject to a minimum monthly fee of \$22.00.

2. Increases in Rates and Charges. Rate changes and increases in the minimum monthly fee thereafter shall be made only at such time as the District adjusts its rates for other Franchise customers of the entire District, provided however that the District may not change its rates more than once in any calendar year.

3. Increases in Rates and Charges for Franchise Customers. All District rate changes applied to Hartford water users under this Franchise shall be proportionately equal to or less than the rate changes applied to the rest of the District's Franchise customers. By way of example, if the rates applied to the rest of the District's Franchise customers are increased by 3%, then the rates charged to the customers served by this Franchise may not be increased by an amount greater than 3% for the same term.

4. Connection/Membership Fees. Connection/membership fees shall be assessed by the District as follows:

- A. For all properties within the City on the date of the approval and acceptance of this Franchise with an existing water main adjacent to the property with existing water service including corporation valve (a/k/a corp cock) and curb stop with existing meter servicing an existing structure (e.g., occupied home, business, or vacant house), the District shall assess no connection/membership fee. These properties are deemed Current Customers of the City for purposes of this Franchise.
- B. For all properties within the City on the date of the approval and acceptance of this Franchise with an existing water main adjacent to the property with existing water service line including service tap valve and curb stop but without a meter or structure (e.g., vacant lot without service), the District shall assess a one-time connection/membership fee of \$500.00.
- C. For all properties within the City on the date of the approval and acceptance of this Franchise with an existing water main adjacent to the property without a water service line, meter, or structure (e.g., vacant lot without service), the District shall assess a one-time connection/membership fee of \$3,000.00.
- D. For all other properties, the future membership or connection fees assessed under this Franchise shall be equal to or less than the connection/membership fees assessed by the District to all other new Franchise customers served by the District in the City or elsewhere.
5. City Water Services. The District hereby agrees to furnish during the term of this Franchise, without charge to the City, water from the fire hydrants for extinguishing fires. The fire hydrants are the property of the District pursuant to the terms of this Franchise. The District shall maintain the fire hydrants in good working order for fire fighting purposes, including, but not limited to, establishing a hydrant and valve exercise program and performing the necessary activities to implement said program. For all other structures and facilities of the City, including City Hall, the City fire station, the City wastewater treatment plant, the City public works department, and City parks, the District shall furnish water to the City at the District's Bulk Water Rate for a fixed flat monthly fee. Such flat monthly fee shall not be changed more than once in any calendar year. In addition, the District and the City agree to negotiate an agreed upon charge for extraordinary water use by the City for firefighter games or other uses that substantially increase the City's water use above and beyond the City's current, regular water use covered by the agreed upon, flat monthly fee.

6. **Billing and Collection.** The District and City agree to coordinate billings and collections for District water services and for City sewer, solid waste, recycling, and storm water services in a single consolidated monthly invoice administered by the District. This means the District will mail said invoice, receive all sums due thereby and remit to the City its share thereof on a monthly basis. The District shall be paid a reasonable monthly fee as agreed upon by the District and the City for the District's administrative services regarding said billings and collections.

7. **Meters.** The District shall provide new water meters with radio read meters to all existing customers of the City (as identified on Exhibit 3 on file at City Hall) at no charge within two (2) years of the acceptance of this Franchise.

8. **Enforcement of Nonpayment.** In the event a customer fails to pay for water supplied by the District or for sanitary sewer, storm water, solid waste, or recycling services provided by the City, then the District shall be deemed the governing body of the City's water utility for the term of this Franchise and the District shall discontinue water service to said customer until all such services (sanitary sewer, storm water, solid waste, and recycling services) have been fully paid for; provided further that the City shall retain the right to certify to the County Treasurer all such delinquent sums and cause same to be assessed as a lien as provided for by Iowa Code §384.84 for the benefit of the District and/or the City.

116.12 RULES AND REGULATIONS. The District agrees to adopt such reasonable Rules and Regulations as are necessary to regulate the use of the Water System. The City shall adopt necessary Ordinances to enforce said Rules and Regulations, including the requirement of mandatory connections to the water transmission and distribution system, and to provide penalties for violation thereof.

116.13 DEFAULT. Notwithstanding any of the prior provisions set forth herein, if either party fails to timely perform any material term or condition of this Franchise, the other party shall have the right and option to terminate this Franchise by forfeiture. Forfeiture against the District may be exercised by the District's refusal to eliminate or correct such material failure or material violation of the Franchise within one year of written notice to the District by the City. In the event of the District's failure to cure a notice of forfeiture, the Water System as it then exists (i.e. all water mains, water towers, pumps, meters, and meter pit and all appurtenances thereto and things necessary to the operation thereof [a] then owned by the District and [b] which are then located within the corporate limits of the City which are necessary for the transmission

and distribution of potable water within the corporate limits of the City) on the date the forfeiture becomes effective shall be deemed to become the City's sole property without further payment or compensation to the District and the District shall pay and hold the City harmless from any indebtedness assumed by the District pursuant to this Franchise and from any outstanding indebtedness incurred for the construction, reconstruction, or maintenance of said Water System and the District shall reimburse the City for all expenses incurred in connection with the default(s) that caused the forfeiture, including attorney fees and costs relating to the enforcement hereof. In the event that the District fails to cure a notice of forfeiture, then the City shall be entitled to receive all revenues generated by the Water System from the date of default through the forfeiture period and until the District has paid all sums owed the City as set forth above. Forfeiture against the City may be exercised by the City's refusal to eliminate or correct such material failure or material violation of the Franchise within one year of written notice to the City by the District. In the event of the City's failure to cure a notice of forfeiture, the Water System as it then exists (i.e. all water mains, water towers, pumps, meters, and meter pits and all appurtenances thereto and things necessary to the operation thereof [a] then owned by the District and [b] which are then located within the corporate limits of the City which are necessary for the transmission and distribution of potable water within the corporate limits of the City) on the date the forfeiture becomes effective shall be deemed to become the City's sole property subject to the City paying a sum which equals the greater of [a] any outstanding indebtedness incurred by the District directly for the Water System due and owing as of the date the forfeiture becomes effective plus all payments the District has made with respect to the obligations assumed by the City pursuant to this Franchise or [b] the then fair market value of the Water System as determined in accordance with the provisions of Section 116.14; and provided further that in addition the City shall reimburse the District for all expenses incurred in connection with the default(s) that caused the forfeiture. In the event that the City fails to cure a notice of forfeiture, then the District shall be entitled to receive all revenues generated by the Water System from the date of default through the forfeiture period and until the City has paid all sums owed the District as set forth above. For purposes of this forfeiture, date of default shall be deemed to be the date a notice of forfeiture is served. The parties shall also be entitled to utilize any and all other remedies or actions at law or in equity available to them.

116.14 TERMINATION PROVISIONS.

1. The term of this Franchise is forty (40) years. After twenty-five (25) years from the date of this agreement, either party shall have the right and option to terminate this Franchise for any reason upon twelve (12) months prior written notice to the other party (except that the

District's termination after twenty-five years is subject to the fulfillment of the provisions of Section 116.04 hereof) EXCEPT THAT, the District may not terminate this Franchise before the expiration of the forty (40) year term without the City's prior written approval if the District has unpaid debt obligations incurred for that part of the construction, reconstruction, or maintenance of said Water System located within the City limits of the City.

2. In the event either party exercises its right and option to terminate this Franchise, the City is hereby obligated to purchase the property and assets owned and used by the District in furnishing services pursuant to this Franchise which are located within the City limits of the City of Hartford, Iowa, for the reasonable fair market value thereof, which shall not be less than the then existing and unpaid debt obligations incurred for the construction, reconstruction, or maintenance of said water transmission and distribution system located within the City limits of the City of Hartford, Iowa.¹ If the City and the District are unable to agree upon the valuation of the property and assets owned and used by the District in furnishing services pursuant to this Franchise, then each party shall have an independent appraisal thereof made and the average of the two (2) independent appraisals shall be deemed to be the fair market value of the property and assets owned and used by the District in furnishing services pursuant to this Franchise.

116.15 PURCHASE OF FACILITIES ON TERMINATION OF FRANCHISE. In the event the Franchise granted to the District is not renewed the City is hereby obligated to purchase the property and assets owned and used by the District in furnishing services pursuant to this Franchise which are located within the City limits of the City of Hartford, Iowa, for the reasonable fair market value thereof, which shall not be less than the then existing and unpaid debt obligations incurred by the District for the construction, reconstruction, or maintenance of said water transmission and distribution system located within the City limits of the City of Hartford, Iowa.² If the City and the District are unable to agree upon the valuation of the property and assets owned and used by the District in furnishing services pursuant to this Franchise, then each party shall have an independent appraisal thereof made and the average of the two (2) independent appraisals shall be deemed to be the

¹ Upon termination, and subject to the fulfillment of the provisions of Section 116.04, the City will also be obligated to pay the unpaid portion of any debt the District has incurred for the Water System including USDA note(s) allocated to the Hartford water distribution system as set forth in the "Letter of Conditions" issued by USDA in connection with such loans; which indebtedness was used to acquire or construct assets which the City is obligated to purchase for fair market value upon termination of the Franchise.

² Same as footnote 1.

fair market value of the property and assets owned and used by the District in furnishing services pursuant to this Franchise.

116.16 ASSIGNMENT OF FRANCHISE. The District shall not have the right to sell, lease, or assign the Franchise, or any interest in all or any part of its facilities that are installed or operated hereunder, except upon prior written approval by Ordinance of the City Council of Hartford, Iowa, except that the District may sell, lease, or assign its interest in the Franchise, any and all property interests, whether real or personal, any and all facilities to be constructed hereunder, and any and all revenues derived from the Franchise or assets, to any successor in interest of the District, in the event of a merger or reorganization of the District, or to the USDA, or to any other lender, as collateral security for present or future loans.

116.17 APPROVAL OF USDA AND CITY ELECTORATE. The District's approval and acceptance of this Franchise is conditioned upon the approval of its Board of Directors and the State Director of USDA. The City's approval and acceptance of this Franchise is conditioned upon the approval of its City Council and upon the approval of the voters of the City, by majority vote.

116.18 TRANSITION. If this Franchise is approved by the City electorate and accepted by WWD, then the transition of water service shall occur as follows:

1. Unless an earlier date is agreed upon by the parties, the City shall operate the Water System through the completion of the April meter readings conducted by the City and the City shall assume all liability for the Transferred Assets, the Water System, and the Water System operation through said date, subject to the provisions of subsection 3 of this section. It is anticipated the date of the last water meter readings by the City will be April 20, 2007. After the date of the last water meter readings by the City, the District shall assume all liability for the Transferred Assets, the Water System, and the Water System operation, subject to the provisions of subsection 3 of this section.
2. Unless an earlier date is agreed upon by the parties, all revenues generated by the sales of water by the Water System through the April meter readings conducted by the City shall be the property of the City. All revenues generated by the sales of water by the Water System thereafter shall be the property of the District.
3. The District shall be entitled to use all Public Grounds for purposes related to this Franchise and shall have access to all meters and appurtenant structures upon acceptance of this Franchise for purposes of

installing radio read meters, for purposes of installing the master meter for Hartford Mobile Home Park and for such other purposes as the District deems reasonably necessary to facilitate transition to the District's operation of the Water System; subject to the understanding and agreement that the District shall independently assume, fully pay and hold the City harmless from all claims arising as a result of any actions taken by the District pursuant to the provisions of this paragraph.

4. The City shall provide the District with such customer account information as the District reasonably requires to establish the billing system necessary for its operation of the Water System.

116.19 BINDING EFFECT. This Agreement and the Franchise shall have the effect of and shall be a contract between the City and the District and shall bind the City and the District and their legal representatives, successors, and assigns.

EDITOR'S NOTE

Ordinance No. 52 adopting a water franchise for the City was passed and adopted on December 19, 2006.

[The next page is 405]

CHAPTER 120

BEER, LIQUOR AND WINE CONTROL

120.01 General Prohibition

120.02 Persons Under Legal Age

120.03 Public Consumption or Intoxication

120.04 Open Container on Streets and Highways

120.05 License or Permit Required

120.01 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 terms, conditions, limitations, and restrictions enumerated in State law and this Code of Ordinances.

(Code of Iowa, Sec. 123.2)

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

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

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

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

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

120.03 PUBLIC CONSUMPTION OR INTOXICATION.

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

A. “Arrest” means the same as defined in section 804.5 of the Code of Iowa and includes taking into custody pursuant to section 232.19 of the Code of Iowa.

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

C. "Peace Officer" means the same as defined in section 801.4 of the Code of Iowa.

D. "School" means a public or private school or that portion of a public or private school 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)

120.04 OPEN CONTAINER ON STREETS AND HIGHWAYS. *(See Section 62.10 of this Code of Ordinances.)*

120.05 LICENSE OR PERMIT REQUIRED. It is unlawful for any person to manufacture for sale, sell, offer or keep for sale, possess or transport 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. 123.2 and 123.171)

CHAPTER 121

CIGARETTE PERMITS

121.01 Definitions
121.02 Permit Required
121.03 Application
121.04 Fees
121.05 Issuance and Expiration

121.06 Refunds
121.07 Persons Under Legal Age
121.08 Self-service Sales Prohibited
121.09 Permit Revocation

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

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

1. “Carton” means a box or container of any kind in which ten or more packages or packs of cigarettes or tobacco products are offered for sale, sold or otherwise distributed to consumers.
2. “Cigarette” means any roll for smoking made wholly or in part of tobacco, or any substitute for tobacco, irrespective of size or shape and irrespective of tobacco or any substitute for tobacco being flavored, adulterated or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material. However, this definition is not to be construed to include cigars.
3. “Package” or “pack” means a container of any kind in which cigarettes or tobacco products are offered for sale, sold, or otherwise distributed to consumers.
4. “Place of business” means any place where cigarettes are sold, stored or kept for the purpose of sale or consumption by a retailer.
5. “Retailer” means every person who sells, distributes or offers for sale for consumption, or possesses for the purpose of sale for consumption, cigarettes, irrespective of the quantity or amount or the number of sales.
6. “Self-service display” means any manner of product display, placement, or storage from which a person purchasing the product may take possession of the product, prior to purchase, without assistance from the retailer or employee of the retailer, in removing the product from a restricted access location.
7. “Tobacco products” means the following: cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco; snuff; 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. *(Ord. 6 - Sep. 98 Supp.)*

121.02 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.

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

121.03 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)

121.04 FEES. The fee for a retail cigarette permit shall be as follows:

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

FOR PERMITS GRANTED DURING:	FEE:
July, August or September	\$ 75.00
October, November or December	\$ 56.25
January, February or March	\$ 37.50
April, May or June	\$ 18.75

121.05 ISSUANCE AND EXPIRATION. Upon proper application and payment of the required fee, a permit shall be issued. Each permit issued shall describe clearly the place of business for which it is issued and shall be nonassignable. All permits expire on June 30 of each year.

121.06 REFUNDS. A retailer may surrender an unrevoked permit and receive a refund from the City, except during April, May or June, in accordance with the schedule of refunds as provided in Section 453A.13 of the Code of Iowa.

(Code of Iowa, 453A.13)

121.07 PERSONS UNDER LEGAL AGE. No person shall sell, give or otherwise supply any tobacco, tobacco products or cigarettes to any person under eighteen (18) years of age. The provision of this section includes prohibiting a minor from purchasing cigarettes or tobacco products from a vending machine. If a retailer or employee of a retailer violates the provisions of this section, the Council shall, after written notice and hearing, and in addition to the 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.

The Clerk shall give ten (10) days' written notice to the retailer by mailing a copy of the notice to the place of business as it appears on the application for a permit. The notice shall state the reason for the contemplated action and the time and place at which the retailer may appear and be heard.

(Code of Iowa, Sec. 453A.2, 453A.22 and 453A.36[6])

(Ord. 6 - Sep. 98 Supp.)

121.08 SELF-SERVICE SALES PROHIBITED. Beginning January 1, 1999, except for the sale of cigarettes through a cigarette vending machine as provided in Section 453A.36 (6) of the Code of Iowa, a retailer shall not sell or offer for sale cigarettes or tobacco products, in a quantity of less than a carton, through the use of a self-service display.

(Ord. 6 - Sep. 98 Supp.)

(Code of Iowa, Sec. 453A.36A)

121.09 PERMIT REVOCATION. Following a written notice and an opportunity for a hearing, as provided by the Code of Iowa, the Council may revoke a permit issued pursuant to this chapter for a violation of Division I of Chapter 453A of the Code of Iowa or any rule adopted thereunder. If a permit is revoked, no new permit shall be issued to the retailer or for the place of business for one (1) year after the date of revocation unless good cause to the contrary is shown to the Council.

(Ord. 6 - Sep. 98 Supp.)

(Code of Iowa, Sec. 453A.22)

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CHAPTER 122

PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

122.01 Purpose	122.10 Display of License
122.02 Definitions	122.11 License Not Transferable
122.03 License Required	122.12 Time Restriction
122.04 License Exemptions	122.13 Revocation of License
122.05 Religious and Charitable Organizations	122.14 Notice
122.06 Application for License	122.15 Hearing
122.07 License Fees	122.16 Record and Determination
122.08 Bond Required	122.17 Appeal
122.09 License Issued	122.18 Effect of Revocation

122.01 PURPOSE. The purpose of this chapter is to protect residents of the City against fraud, unfair competition, and intrusion into the privacy of their homes by licensing and regulating peddlers, solicitors, and transient merchants.

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

1. “Peddler” means any person carrying goods or merchandise who sells or offers for sale for immediate delivery such goods or merchandise from house-to-house or upon the public street.
2. “Solicitor” means any person who solicits or attempts to solicit from house-to-house or upon the public street any order for goods, subscriptions or merchandise to be delivered at a future date.
3. “Transient merchant” means 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 does not exempt any person, firm or corporation from being considered a transient merchant.

122.03 LICENSE REQUIRED. Any person engaging in peddling, soliciting or in the business of a transient merchant in the City without first obtaining a license as herein provided is in violation of this chapter.

122.04 LICENSE EXEMPTIONS. The following are excluded from the application of this chapter.

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 Carlisle 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. Residents. All residents of the City of Hartford, Iowa.

122.05 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 Sections 122.06 through 122.13. 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 and the amount thereof. If the Clerk shall find that the organization is a bona fide charity or religious organization, the Clerk shall issue, free of charge, a license containing the above information to the applicant.

122.06 APPLICATION FOR LICENSE. An application in writing shall be filed with the Clerk for a license under this chapter. Such application shall set forth the applicant's name, permanent and local address, and business address if any. The application shall also set forth the applicant's employer, if any, and the employer's address, the nature of the applicant's business, the last three places of such business and the length of time sought to be covered by the license. An application fee of two dollars (\$2.00) shall be paid at the time of filing such application to cover the cost of investigating the facts stated therein.

122.07 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 ten dollars (\$10.00) per year.
2. Peddlers or Transient Merchants.
 - A. For one day\$ 25.00
 - B. For one week\$ 50.00
 - C. For up to six (6) months\$100.00
 - D. For one year or major part thereof\$200.00

122.08 BOND REQUIRED. Before a license under this chapter is issued to a transient merchant, an applicant shall provide to the Clerk evidence that the applicant has filed a bond with the Secretary of State in accordance with Chapter 9C.4 of the Code of Iowa.

122.09 LICENSE ISSUED. If the Clerk finds the application is completed in conformance with the requirements of this chapter, the facts stated therein are found to be correct, and the license fee paid, a license shall be issued immediately.

122.10 DISPLAY OF LICENSE. Each solicitor or peddler shall at all times while doing business in the City keep in such person’s possession the license provided for in Section 122.08 and shall, upon the request of prospective customers, exhibit the license as evidence of compliance with all requirements of this chapter. Each transient merchant shall display publicly such merchant’s license in the merchant’s place of business.

122.11 LICENSE NOT TRANSFERABLE. Licenses issued under the provisions of this chapter are not transferable in any situation and are to be applicable only to the person filing the application.

122.12 TIME RESTRICTION. All peddler’s and solicitor’s licenses shall provide that said licenses are in force and effect only between the hours of 8:00 a.m. and 6:00 p.m.

122.13 REVOCATION OF LICENSE. The Clerk may revoke any license issued pursuant to this chapter for the following reasons:

1. Fraudulent Statements. The licensee has made fraudulent statements in the application for the license or in the conduct of the business.
2. Violation of Law. The licensee has violated this chapter or has otherwise conducted the business in an unlawful manner.

3. Endangered Public Welfare, Health, or Safety. The licensee has conducted the business in such manner as to endanger the public welfare, safety, order, or morals.

122.14 NOTICE. The Clerk shall send a notice to the licensee at the licensee's local address, not less than ten (10) days before the date set for a hearing on the possible revocation of a license. Such notice shall contain particulars of the complaints against the licensee, the ordinance provisions or State statutes allegedly violated, and the date, time, and place for hearing on the matter.

122.15 HEARING. The Clerk shall conduct a hearing at which both the licensee and any complainants shall be present to determine the truth of the facts alleged in the complaint and notice. Should the licensee, or authorized representative, fail to appear without good cause, the Clerk may proceed to a determination of the complaint.

122.16 RECORD AND DETERMINATION. The Clerk shall make and record findings of fact and conclusions of law, and shall revoke a license only when upon review of the entire record the Clerk finds clear and convincing evidence of substantial violation of this chapter or State law.

122.17 APPEAL. If the Clerk revokes or refuses to issue a license, the Clerk shall make a part of the record the reasons therefor. The licensee, or the applicant, shall have a right to a hearing before the City Council at its next regular meeting. The Council may reverse, modify, or affirm the decision of the Clerk by a majority vote of the Council members present and the Clerk shall carry out the decision of the Council.

122.18 EFFECT OF REVOCATION. Revocation of any license shall bar the licensee from being eligible for any license under this chapter for a period of one (1) year from the date of the revocation.

(Ch. 122 – Ord. 88 – Jan. 12 Supp.)

[The next page is 425]

CHAPTER 125

LICENSING OF ELECTRICAL, PLUMBING AND MECHANICAL CONTRACTORS

125.01 License Required
125.02 Bond

125.03 Insurance
125.04 License Fee and Renewal

125.01 LICENSE REQUIRED. No electrical, plumbing or mechanical contractor shall do work in the City without first obtaining an annual license from the City. Application for a license shall be made to the Clerk. In order to receive a City license the applicant must be currently licensed by another local government approved by the City.

125.02 BOND. The application for a license shall be accompanied by a surety bond in the sum of five thousand dollars (\$5,000.00), conditioned that the applicant will indemnify and keep harmless the City from all liability for any accidents or damages, claims, judgments, costs or expenses caused by any negligence or unskillfulness or from any unfaithful or inadequate work done under such license.

125.03 INSURANCE. Each applicant shall also file a certificate of insurance with the Clerk indicating that the applicant is carrying public liability insurance in effect for the duration of the license in the following amounts:

Bodily Injury: — \$20,000 per person.
— \$100,000 per occurrence.

Property Damage: — \$20,000.

125.04 LICENSE FEE AND RENEWAL. The fee for a license required by this chapter is twenty-five dollars (\$25.00) for one year or any part thereof. Licenses may be renewed within thirty (30) days of the expiration date by payment of a renewal fee of ten dollars (\$10.00).

[The next page is 441]

CHAPTER 135

STREET USE AND MAINTENANCE

135.01 Removal of Warning Devices

135.02 Obstructing or Defacing

135.03 Placing Debris On

135.04 Playing In

135.05 Traveling on Barricaded Street or Alley

135.06 Use for Business Purposes

135.07 Washing Vehicles

135.08 Burning Prohibited

135.09 Excavations

135.10 Maintenance of Parking or Terrace

135.11 Failure to Maintain Parking or Terrace

135.12 Dumping of Snow

135.13 Driveway Culverts

135.01 REMOVAL OF WARNING DEVICES. It is unlawful for a person to willfully remove, throw down, destroy or carry away from any street or alley any lamp, obstruction, guard or other article or things, or extinguish any lamp or other light, erected or placed thereupon for the purpose of guarding or enclosing unsafe or dangerous places in said street or alley without the consent of the person in control thereof.

(Code of Iowa, Sec. 716.1)

135.02 OBSTRUCTING OR DEFACING. It is unlawful for any person to obstruct, deface, or injure any street or alley in any manner.

(Code of Iowa, Sec. 716.1)

135.03 PLACING DEBRIS ON. It is unlawful for any person to throw or deposit on any street or alley any glass, glass bottle, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, leaves, grass or any other debris likely to be washed into the storm sewer and clog the storm sewer, or any substance likely to injure any person, animal or vehicle.

(Code of Iowa, Sec. 321.369)

135.04 PLAYING IN. It is unlawful for any person to coast, sled or play games on streets or alleys, except in the areas blocked off by the City for such purposes.

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

135.05 TRAVELING ON BARRICADED STREET OR ALLEY. It is unlawful for any person to travel or operate any vehicle on any street or alley temporarily closed by barricades, lights, signs, or flares placed thereon by the authority or permission of any City official, police officer or member of the fire department.

135.06 USE FOR BUSINESS PURPOSES. It is unlawful to park, store or place, temporarily or permanently, any machinery or junk or any other goods, wares, and merchandise of any kind upon any street or alley for the purpose of

storage, exhibition, sale or offering same for sale, without permission of the Council.

135.07 WASHING VEHICLES. It is unlawful for any person to use any public sidewalk, street or alley for the purpose of washing or cleaning any automobile, truck equipment, or any vehicle of any kind when such work is done for hire or as a business. This does not prevent any person from washing or cleaning his or her own vehicle or equipment when it is lawfully parked in the street or alley.

135.08 BURNING PROHIBITED. No person shall burn any trash, leaves, rubbish or other combustible material in any curb and gutter or on any paved or surfaced street or alley.

135.09 EXCAVATIONS. No person shall dig, excavate or in any manner disturb any street, parking or alley except in accordance with the following:

1. Permit Required. No excavation shall be commenced without first obtaining a permit therefor. A written application for such permit shall be filed with the City and shall contain the following:
 - A. An exact description of the property, by lot and street number, in front of or along which it is desired to excavate;
 - B. A statement of the purpose, for whom and by whom the excavation is to be made;
 - C. The person responsible for the refilling of said excavation and restoration of the street or alley surface; and
 - D. Date of commencement of the work and estimated completion date.
2. Public Convenience. Streets and alleys shall be opened in the manner which will cause the least inconvenience to the public and admit the uninterrupted passage of water along the gutter on the street.
3. Barricades, Fencing and Lighting. Adequate barricades, fencing and warning lights meeting standards specified by the City shall be so placed as to protect the public from hazard. Any costs incurred by the City in providing or maintaining adequate barricades, fencing or warning lights shall be paid to the City by the permit holder/property owner.

4. **Bond Required.** The applicant shall post with the City a penal bond in the minimum sum of one thousand dollars (\$1,000.00) issued by a surety company authorized to issue such bonds in the State. The bond shall guarantee the permittee's payment for any damage done to the City or to public property, and payment of all costs incurred by the City in the course of administration of this section. In lieu of a surety bond, a cash deposit of one thousand dollars (\$1,000.00) may be filed with the City.
5. **Insurance Required.** Each applicant shall also file a certificate of insurance indicating that the applicant is carrying public liability insurance in effect for the duration of the permit covering the applicant and all agents and employees for the following minimum amounts:
 - A. **Bodily Injury** - \$50,000.00 per person; \$100,000.00 per accident.
 - B. **Property Damage** - \$50,000.00 per accident.
6. **Restoration of Public Property.** Streets, sidewalks, alleys and other public property disturbed in the course of the work shall be restored to the condition of the property prior to the commencement of the work, or in a manner satisfactory to the City, at the expense of the permit holder/property owner.
7. **Inspection.** All work shall be subject to inspection by the City. Backfill shall not be deemed completed, nor resurfacing of any improved street or alley surface begun, until such backfill is inspected and approved by the City. The permit holder/property owner shall provide the City with notice at least twenty-four (24) hours prior to the time when inspection of backfill is desired.
8. **Completion by the City.** Should any excavation in any street or alley be discontinued or left open and unfinished for a period of twenty-four (24) hours after the approved completion date, or in the event the work is improperly done, the City has the right to finish or correct the excavation work and charge any expenses therefor to the permit holder/property owner.
9. **Responsibility for Costs.** All costs and expenses incident to the excavation shall be borne by the permit holder and/or property owner. The permit holder and owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by such excavation.
10. **Permit Fee.** A permit fee of three hundred dollars (\$300.00) shall be payable at the time of filing the application with the City. A separate permit shall be required for each excavation.

11. Permit Issued. Upon approval of the application, filing of bond and insurance certificate, and payment of any required fees, a permit shall be issued.

12. Permit Exemption. Utility companies are exempt from the permit application requirement of this section. They shall, however, comply with all other pertinent provisions and shall post with the City a yearly bond in the amount of one thousand dollars (\$1,000.00) to guarantee such compliance.

135.10 MAINTENANCE OF PARKING OR TERRACE. It shall be the responsibility of the abutting property owner to maintain all property outside the lot and property lines and inside the curb lines upon the public streets, except that the abutting property owner shall not be required to remove diseased trees or dead wood on the publicly owned property or right-of-way. Maintenance includes timely mowing, trimming trees and shrubs and picking up litter.

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

135.11 FAILURE TO MAINTAIN PARKING OR TERRACE. If the abutting property owner does not perform an action required under the above section within a reasonable time, the City may perform the required action and assess the cost against the abutting property for collection in the same manner as a property tax.

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

135.12 DUMPING OF SNOW. It is unlawful for any person to throw, push, or place or cause to be thrown, pushed or placed, any ice or snow from private property, sidewalks, or driveways onto the traveled way of a street or alley so as to obstruct gutters, or impede the passage of vehicles upon the street or alley or to create a hazardous condition therein; except where, in the cleaning of large commercial drives in the business district it is absolutely necessary to move the snow onto the street or alley temporarily, such accumulation shall be removed promptly by the property owner or agent. Arrangements for the prompt removal of such accumulations shall be made prior to moving the snow.

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

135.13 DRIVEWAY CULVERTS.

1. The property owner shall, at the owner's expense, install any culvert deemed necessary by the City under any driveway or any other access to the owner's property. The property owner shall also be responsible for the cost of the culvert itself.

2. In the event culver repairs are needed at any time, it shall be the responsibility of the property owner to make such repairs at the property owner's expense. In the event the owner fails to do so, upon written notice from the City, the City shall have the right to make the repairs. In the event the property owner fails to reimburse the City for the cost of said repairs, the costs shall be certified to the County Treasurer and specially assessed against the property as by law provided.
3. In the event the property owner wishes to install a culvert, the property owner must first obtain written approval from the City.
4. At any time a culvert is to be installed, the size and type of culvert to be installed and the method of installation shall be determined by the City.
5. In the event the City deems the installation of a culvert to be necessary to a property, other than driveways, to facilitate water drainage and/or soil erosion, the City shall install said culvert at its expense. Physical repairs of any culvert so installed shall be the responsibility of the property owner at the property owner's expense.
6. In the event any culvert needs to be flushed at any time, the City may provide said service at its expense.

(Ord. 26 – Mar. 03 Supp.)

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CHAPTER 136

SIDEWALK REGULATIONS

136.01 Purpose	136.10 Failure to Repair or Barricade
136.02 Definitions	136.11 Interference with Sidewalk Improvements
136.03 Removal of Snow, Ice and Accumulations	136.12 Awnings
136.04 Responsibility for Maintenance	136.13 Encroaching Steps
136.05 City May Order Repairs	136.14 Openings and Enclosures
136.06 Sidewalk Construction Ordered	136.15 Fires or Fuel on Sidewalks
136.07 Permit Required	136.16 Defacing
136.08 Sidewalk Standards	136.17 Debris on Sidewalks
136.09 Barricades and Warning Lights	136.18 Merchandise Display
	136.19 Sales Stands

136.01 PURPOSE. The purpose of this chapter is to enhance safe passage by citizens on sidewalks, to place the responsibility for the maintenance, repair, replacement or reconstruction of sidewalks upon the abutting property owner and to minimize the liability of the City.

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

1. “Broom finish” means a sidewalk finish that is made by sweeping the sidewalk when it is hardening.
2. “Established grade” means that grade established by the City for the particular area in which a sidewalk is to be constructed.
3. “One-course construction” means that the full thickness of the concrete is placed at one time, using the same mixture throughout.
4. “Owner” means the person owning the fee title to property abutting any sidewalk and includes any contract purchaser for purposes of notification required herein. For all other purposes, “owner” includes the lessee, if any.
5. “Portland cement” means any type of cement except bituminous cement.
6. “Sidewalk” means all permanent public walks in business, residential or suburban areas.
7. “Sidewalk improvements” means the construction, reconstruction, repair, replacement or removal, of a public sidewalk and/or the excavating, filling or depositing of material in the public right-of-way in connection therewith.
8. “Wood float finish” means a sidewalk finish that is made by smoothing the surface of the sidewalk with a wooden trowel.

136.03 REMOVAL OF SNOW, ICE AND ACCUMULATIONS. It is the responsibility of the abutting property owners to remove snow, ice and accumulations promptly from sidewalks. If a property owner does not remove snow, ice or accumulations within a reasonable time, the City may do so and assess the costs against the property owner for collection in the same manner as a property tax.

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

136.04 RESPONSIBILITY FOR MAINTENANCE. It is the responsibility of the abutting property owners to maintain in a safe and hazard-free condition any sidewalk outside the lot and property lines and inside the curb lines or traveled portion of the public street.

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

136.05 CITY MAY ORDER REPAIRS. If the abutting property owner does not maintain sidewalks as required, the Council may serve notice on such owner, by certified mail, requiring the owner to repair, replace or reconstruct sidewalks within a reasonable time and if such action is not completed within the time stated in the notice, the Council may require the work to be done and assess the costs against the abutting property for collection in the same manner as a property tax.

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

136.06 SIDEWALK CONSTRUCTION ORDERED. The Council may order the construction of permanent sidewalks upon any street or court in the City and may specially assess the cost of such improvement to abutting property owners in accordance with the provisions of Chapter 384 of the Code of Iowa.

(Code of Iowa, Sec. 384.38)

136.07 PERMIT REQUIRED. No person shall remove, reconstruct or install a sidewalk unless such person has obtained a permit from the City and has agreed in writing that said removal, reconstruction or installation will comply with all ordinances and requirements of the City for such work.

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

1. Cement. Portland cement shall be the only cement used in the construction and repair of sidewalks.
2. Construction. Sidewalks shall be of one-course construction.
3. Sidewalk Base. Concrete may be placed directly on compact and well-drained soil. Where soil is not well drained, a three (3) inch sub-

base of compact, clean, coarse gravel or sand shall be laid. The adequacy of the soil drainage is to be determined by the City.

4. Sidewalk Bed. The sidewalk bed shall be so graded that the constructed sidewalk will be at established grade.

5. Length, Width and Depth. Length, width and depth requirements are as follows:

A. Residential sidewalks shall be at least four (4) feet wide and four (4) inches thick, and each section shall be no more than four (4) feet in length.

B. All sidewalks throughout the Business District shall be constructed from lot line to the curb line unless the location of the sidewalk is varied by an appropriate resolution of the Council upon application by the landowner.

C. Driveway areas shall be not less than six (6) inches in thickness.

6. Location. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) one foot outside the property line, unless the Council establishes a different distance due to special circumstances.

7. Grade. Curb tops shall be on level with the centerline of the street which shall be the established grade.

8. Elevations. The street edge of a sidewalk shall be at an elevation even with the curb at the curb or not less than one-half ($\frac{1}{2}$) inch above the curb for each foot between the curb and the sidewalk and shall be elevated one-half ($\frac{1}{2}$) inch above the adjoining ground.

9. Slope. All sidewalks shall slope one-quarter ($\frac{1}{4}$) inch per foot toward the curb.

10. Finish. All sidewalks shall be finished with a "broom" or "wood float" finish.

11. Ramps for Persons with Disabilities. 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 inch of rise per eight (8) inches lineal distance may be used where necessary, shall have a nonskid surface, and shall otherwise be so constructed as to allow reasonable access to the crosswalk for persons with disabilities using the sidewalk.

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

136.09 BARRICADES AND WARNING LIGHTS. Whenever any material of any kind is deposited on any street, avenue, highway, passageway or alley when sidewalk improvements are being made or when any sidewalk is in a dangerous condition, it shall be the duty of all persons having an interest therein, either as the contractor or the owner, agent, or lessee of the property in front of or along which such material may be deposited, or such dangerous condition exists, to put in conspicuous places at each end of such sidewalk and at each end of any pile of material deposited in the street, a sufficient number of approved warning lights or flares, and to keep them lighted during the entire night and to erect sufficient barricades both at night and in the daytime to secure the same. The party or parties using the street for any of the purposes specified in this chapter shall be liable for all injuries or damage to persons or property arising from any wrongful act or negligence of the party or parties, or their agents or employees or for any misuse of the privileges conferred by this chapter or of any failure to comply with provisions hereof.

136.10 FAILURE TO REPAIR OR BARRICADE. It is the duty of the owner of the property abutting the sidewalk, or the owner's contractor or agent, to notify the City immediately in the event of failure or inability to make necessary sidewalk improvements or to install or erect necessary barricades as required by this chapter.

136.11 INTERFERENCE WITH SIDEWALK IMPROVEMENTS. No person shall knowingly or willfully drive any vehicle upon any portion of any sidewalk or approach thereto while in the process of being improved or upon any portion of any completed sidewalk or approach thereto, or shall remove or destroy any part or all of any sidewalk or approach thereto, or shall remove, destroy, mar or deface any sidewalk at any time or destroy, mar, remove or deface any notice provided by this chapter.

136.12 AWNINGS. It is unlawful for a person to erect or maintain any awning over any sidewalk unless all parts of the awning are elevated at least eight (8) feet above the surface of the sidewalk and the roof or covering is made of duck, canvas or other suitable material supported by iron frames or brackets securely fastened to the building, without any posts or other device that will obstruct the sidewalk or hinder or interfere with the free passage of pedestrians.

136.13 ENCROACHING STEPS. It is unlawful for a person to erect or maintain any stairs or steps to any building upon any part of any sidewalk without permission by resolution of the Council.

136.14 OPENINGS AND ENCLOSURES. It is unlawful for a person to:

1. Stairs and Railings. Construct or build a stairway or passageway to any cellar or basement by occupying any part of the sidewalk, or to enclose any portion of a sidewalk with a railing without permission by resolution of the Council.
2. Openings. Keep open any cellar door, grating or cover to any vault on any sidewalk except while in actual use with adequate guards to protect the public.
3. Protect Openings. Neglect to properly protect or barricade all openings on or within six (6) feet of any sidewalk.

136.15 FIRES OR FUELS ON SIDEWALKS. It is unlawful for a person to make a fire of any kind on any sidewalk or to place or allow any fuel to remain upon any sidewalk.

136.16 DEFACING. It is unlawful for a person to scatter or place any paste, paint or writing on any sidewalk.

(Code of Iowa, Sec. 716.1)

136.17 DEBRIS ON SIDEWALKS. It is unlawful for a person to throw or deposit on any sidewalk any glass, nails, glass bottle, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or any substance likely to injure any person, animal or vehicle.

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

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

136.19 SALES STANDS. It is unlawful for a person to erect or keep any vending machine or stand for the sale of fruit, vegetables or other substances or commodities on any sidewalk without first obtaining a written permit from the Council.

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CHAPTER 137

VACATION AND DISPOSAL OF STREETS

137.01 Power to Vacate
137.02 Notice of Vacation Hearing

137.03 Findings Required
137.04 Disposal of Vacated Streets or Alleys
137.05 Disposal by Gift Limited

137.01 POWER TO VACATE. When, in the judgment of the Council, it would be in the best interest of the City to vacate a street, alley, portion thereof or any public grounds, the Council may do so by ordinance in accordance with the provisions of this chapter.

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

137.02 NOTICE OF VACATION HEARING. The Council shall cause to be published a notice of public hearing of the time at which the proposal to vacate shall be considered.

137.03 FINDINGS REQUIRED. No street, alley, portion thereof or any public grounds shall be vacated unless the Council finds that:

1. **Public Use.** The street, alley, portion thereof or any public ground proposed to be vacated is not needed for the use of the public, and therefore, its maintenance at public expense is no longer justified.
2. **Abutting Property.** The proposed vacation will not deny owners of property abutting on the street or alley reasonable access to their property.

137.04 DISPOSAL OF VACATED STREETS OR ALLEYS. When in the judgment of the Council it would be in the best interest of the City to dispose of a vacated street or alley, portion thereof or public ground, the Council may do so in accordance with the provisions of Section 364.7, Code of Iowa.

(Code of Iowa, Sec. 364.7)

137.05 DISPOSAL BY GIFT LIMITED. The City may not dispose of real property by gift except to a governmental body for a public purpose.

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

EDITOR'S NOTE			
The following ordinances, not codified herein and specifically saved from repeal, have been adopted vacating certain streets, alleys and/or public grounds and remain in full force and effect.			
ORDINANCE NO.	ADOPTED	ORDINANCE NO.	ADOPTED
57	2007		
58	2007		
60	2007		
61	2007		
62	2007		
64	2007		
66	2007		
81	8-17-10		
90	7-17-12		
91	8-21-12		

CHAPTER 138

STREET GRADES

138.01 Established Grades

138.02 Record Maintained

138.01 ESTABLISHED GRADES. The grades of all streets, alleys and sidewalks, which have been heretofore established by ordinance are hereby confirmed, ratified and established as official grades.

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

EDITOR'S NOTE			
The following ordinances not codified herein, and specifically saved from repeal, have been adopted establishing street and/or sidewalk grades and remain in full force and effect.			
ORDINANCE NO.	ADOPTED	ORDINANCE NO.	ADOPTED

[The next page is 465]

CHAPTER 145

DANGEROUS BUILDINGS

145.01 Enforcement Officer
145.02 General Definition of Unsafe
145.03 Unsafe Building
145.04 Notice to Owner

145.05 Conduct of Hearing
145.06 Posting of Signs
145.07 Right to Demolish
145.08 Costs

145.01 ENFORCEMENT OFFICER. The Building Official and/or the Fire Chief is responsible for the enforcement of this chapter. (*Ord. 35 – Sep. 04 Supp.*)

145.02 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, are, for the purpose of this chapter, unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in this chapter.

(Code of Iowa, Sec. 657A.1 & 364.12[3a])

145.03 UNSAFE BUILDING. “Unsafe building” means any structure or mobile home meeting any or all of the following criteria:

1. Various Inadequacies. Whenever the building or structure, or any portion thereof, because of (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.
2. Manifestly Unsafe. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
3. Inadequate Maintenance. Whenever a building or structure, used or intended to be used for dwelling purposes, because of dilapidation, decay, damage, faulty construction, or otherwise, is determined by any health officer to be unsanitary, unfit for human habitation or in such condition that it is likely to cause sickness or disease.

4. Fire Hazard. Whenever any building or structure, because of dilapidated condition, deterioration, damage, or other cause, is determined by the Fire Marshal or Fire Chief to be a fire hazard.

5. Abandoned. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

145.04 NOTICE TO OWNER. The enforcement officer shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged and, if such is found to be an unsafe building as defined in this chapter, the enforcement officer shall give to the owner of such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises, within forty-eight (48) hours or such reasonable time as the circumstances require, to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof, and all such work shall be completed within ninety (90) days from date of notice, unless otherwise stipulated by the enforcement officer. If necessary, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected and approved by the enforcement officer.

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

1. Notice Served. Such notice shall be served by sending by certified mail to the owner of record, according to Section 364.12[3h] of the Code of Iowa, if the owner is found within the City limits. If the owner is not found within the City limits such service may be made upon the owner by registered mail or certified mail. The designated period within which said owner or person in charge is required to comply with the order of the enforcement officer shall begin as of the date the owner receives such notice.

2. Hearing. Such notice shall also advise the owner that he or she may request a hearing before the Council on the notice by filing a written request for hearing within the time provided in the notice.

145.05 CONDUCT OF HEARING. If requested, the Council shall conduct a hearing in accordance with the following:

1. Notice. The owner shall be served with written notice specifying the date, time and place of hearing.

2. Owner's Rights. At the hearing, the owner may appear and show cause why the alleged nuisance shall not be abated.
3. Determination. The Council shall make and record findings of fact and may issue such order as it deems appropriate.

145.06 POSTING OF SIGNS. The enforcement officer shall cause to be posted at each entrance to such building a notice to read: "DO NOT ENTER. UNSAFE TO OCCUPY. CITY OF HARTFORD, IOWA." Such notice shall remain posted until the required repairs, demolition, or removal are completed. Such notice shall not be removed without written permission of the enforcement officer and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.

145.07 RIGHT TO DEMOLISH. In case the owner fails, neglects, or refuses to comply with the notice to repair, rehabilitate, or to demolish and remove the building or structure or portion thereof, the Council may order the owner of the building prosecuted as a violator of the provisions of this chapter and may order the enforcement officer to proceed with the work specified in such notice. A statement of the cost of such work shall be transmitted to the Council.

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

145.08 COSTS. Costs incurred under Section 145.07 shall be paid out of the City treasury. Such costs shall be charged to the owner of the premises involved and levied as a special assessment against the land on which the building or structure is located, and shall be certified to the County Treasurer for collection in the manner provided for other taxes.

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

EDITOR'S NOTE

Suggested forms of notice and of a resolution and order of the Council for the administration of this chapter are provided in the APPENDIX of this Code of Ordinances.

Caution is urged in the use of this procedure. We recommend you review the situation with your attorney before initiating procedures and follow his or her recommendation carefully.

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CHAPTER 146

MANUFACTURED AND MOBILE HOMES

146.01 Definitions

146.03 Foundation Requirements

146.02 Conversion to Real Property

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

(Code of Iowa, Sec. 435.1)

1. “Manufactured home” means a factory-built structure, built under the authority of 42 U.S.C. Sec. 5403, which was constructed on or after June 15, 1976, and is required by Federal law to display a seal from the United States Department of Housing and Urban Development.
2. “Mobile home” means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but also includes any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home means any such vehicle built before June 15, 1976, which was not built to a mandatory building code and which contains no State or Federal seals.
3. “Mobile home park” means any site, lot, field or tract of land upon which three (3) or more mobile homes or manufactured homes, or a combination of any of these homes, are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available. The term “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.

146.02 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 in the following cases:

(Code of Iowa, Sec. 435.26 & Sec. 435.35)

1. Dealer's Stock. Mobile homes or manufactured homes on private property as part of a dealer's or a manufacturer's stock not used as a place for human habitation.
2. Existing Homes. A taxable mobile home or manufactured home which is located outside of a mobile home park as of January 1, 1995, shall be assessed and taxed as real estate, but is exempt from the permanent foundation requirement of this chapter until the home is relocated.

146.03 FOUNDATION REQUIREMENTS. A mobile home or manufactured home located outside of a mobile home park shall be placed on a permanent frost-free foundation system which meets the support and anchorage requirements as recommended by the manufacturer or required by the State Building Code. The foundation system must be visually compatible with permanent foundation systems of surrounding residential structures. Any such home shall be installed in accordance with the requirements of the State Building Code.

(Code of Iowa, Sec. 103A.10)

(Ord. 7 - Sep. 98 Supp.)

CHAPTER 150

TREES

150.01 Definitions

150.02 Tree Planting Prohibited

150.03 Plan Submitted

150.04 Review of Plan

150.05 Guidelines

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

1. “Public right-of-way” means any public street, sidewalk or other public property, and includes, but is not limited to, the parking area between the curb of any public street and the adjacent public sidewalk.
2. “Tree” means any tree, shrub, plant or other vegetation which, when mature, will exceed a height of ten (10) feet.

150.02 TREE PLANTING PROHIBITED. No persons shall plant or cause to be planted any tree on or in any public right-of-way located within the City except in compliance with the provisions of this chapter.

150.03 PLAN SUBMITTED. Any person proposing to plant a tree on or in a public right-of-way shall first prepare a written plan, which shall contain the following information:

1. The names and addresses of the person making the proposal and of all private property owners whose property is adjacent to or contiguous with the public right-of-way upon or in which the proposed trees are to be planted.
2. The location of the property where the proposed planting is to take place.
3. The type and number of trees proposed to be planted and a sketch or drawing showing how the plantings will be placed on the property. The sketch or drawing shall show distances between proposed trees and distances of proposed tree plantings from existing streets, sidewalks, traffic signs, utility lines, utility poles, hydrants and intersections.
4. The plan shall be signed by the person submitting the same.

150.04 REVIEW OF PLAN. The City Public Works Director shall review each plan submitted and shall either approve it or deny it, in writing, within thirty (30) days after it is received. The Public Works Director shall provide the City Council with a copy of all plans submitted and shall obtain the advice

and assistance of the City Council in determining whether to approve or deny any plan. If the plan is denied, the denial shall state the reasons therefor. If denied, the plan may be resubmitted with any modifications required by the Public Works Director. The decision of the Public Works Director shall be final.

150.05 GUIDELINES. No plan submitted pursuant to the provisions of this chapter shall be approved unless all of the following conditions are met:

1. Any tree proposed to be planted in accordance with the terms of this chapter must be of a type included on the list of tree species suitable for planting within the right-of-way, as established by the City Council.
2. Trees must be spaced at least fifteen (15) feet apart, center-to-center.
3. Every tree to be planted must have a trunk diameter of at least one inch, measured twelve (12) inches from the base.
4. Trees must be planted a minimum of:
 - A. Five (5) lineal feet from water service stop boxes.
 - B. Ten (10) lineal feet from water hydrants, utility poles, transformers, telephone junction boxes, manholes and driveway approaches.
 - C. Twenty (20) lineal feet from traffic signs and street lights.
5. No tree shall be planted closer than three (3) feet from the curb line and no closer than three (3) feet from the edge of the sidewalk closest to the street. No tree shall be planted where there is, or will be at the tree's maturity, less than two and one half (2.5) feet of soil on all sides of such tree.
6. Trees shall not be permitted within thirty (30) feet of the intersection of the right-of-ways of public streets or within twenty (20) feet of the intersection of the curb line of driveways of commercial, industrial or institutional properties with a public street.
7. No tree shall be permitted in any case which, because of its size or location, or because of its eventual growth, will interfere with street signs, fire hydrants, street lights, utility poles or utility lines; or which will create any hazard to the safe flow of traffic by obstructing vision or otherwise.
8. During the development, redevelopment, razing or renovating of any property, no more than fifty percent (50%) of the trees existing in the public right-of-way adjoining such property shall be cut, damaged or removed, nor shall any person excavate any ditch, tunnel or trench or lay

any driveway within a radius of twenty (20) feet from any tree in the public right-of-way. Provided, however, the Public Works Director may issue a special permit to allow cutting or removal of trees or excavation which would otherwise violate this provision on application therefor by the owner of the property and upon determination by the Public Works Director that variance from the provisions of this section is reasonably necessary to enable development of the property in accordance with previously approved development plans.

9. No person shall intentionally damage, cut, carve, attach any rope, wire, nails, advertising posters, or other contrivance to any tree in or on a public right-of-way; or allow any gaseous, liquid, chemical or solid substance that is harmful to such trees to come into contact with them; or set fire to any such tree or part thereof, or cause or permit any burning which will damage any such tree or a part thereof.

10. Tree topping is not permitted on any tree in or on a public right-of-way.

11. All trees or shrubs, whether on public or private property, which have branches overhanging a public street or sidewalk shall be kept trimmed to a clearance height of fourteen (14) feet for branches overhanging a street and ten (10) feet for branches overhanging a sidewalk. It is the duty of any person owning or occupying real property adjoining a public street or sidewalk and on which there may be trees, to prune such trees, at a minimum, in such a manner as to comply with this section, and in addition, to the extent necessary, to preclude any obstruction or shading of street lights, any obstruction to the passage of pedestrians on sidewalk, any obstruction to the vision of traffic signs, or of street or alley intersections.

12. All trees removed from public right-of-way shall be completely removed from the growing site and disposed of in a lawful manner.

(Ch. 150 – Ord. 69 – Sep. 08 Supp.)

[The next page is 485]

CHAPTER 155

BUILDING CODE

155.01 Short Title
155.02 Administrative Provisions
155.03 Adoption of Building Codes

155.04 Violations
155.05 Penalty

155.01 SHORT TITLE. This chapter shall be known as the City of Hartford, Iowa, Building Code, may be cited as such and will be referred to herein as “The Building Code.”

155.02 ADMINISTRATIVE PROVISIONS. Administration of this chapter shall be as provided in this section and in the following sections of the several codes named, which are hereby adopted by reference, to provide procedures for local enforcement of the codes, constituting the City of Hartford, Iowa, Building Code.

1. The Building Official shall be appointed by the Mayor, subject to approval of the City Council, for the enforcement of the Building, Electrical, Plumbing, Mechanical, Fire, Housing, Existing Buildings, and Property Maintenance, and such other Ordinances as shall be assigned to him, or her, that function, and shall perform such other duties as may be required by the Mayor/City Council.
2. The Building Official shall be accountable for the issuance of all applicable permits under this chapter and shall have the power to render interpretations of this Code and to adopt and enforce rules and regulations supplemental to this Code, subject to approval of the Council of the City of Hartford, Iowa, as he/she may deem necessary in order to clarify the application of the provisions of this Code.

Such rules, regulations, and interpretations shall be in conformity with the intent and purpose of this Code.

155.03 ADOPTION OF BUILDING CODES. Pursuant to published notice and public hearing, as required by law, the following Codes are hereby adopted as, and constitute, “The Building Code” of the City of Hartford, Iowa, to regulate the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area, and maintenance of buildings, or structures within the City and the same is by this reference incorporated herein as fully and completely as if set forth in full herein.

1. The International Building Code, 2006 Edition, as published by the International Code Council.

- A. Sec. 101.1. Title. Insert City of Hartford
- B. Sec. 101.4.1. Electrical. Delete “ICC Electrical Code” and insert “National Electrical Code, 2008 Edition, as published by the National Fire Protection Association.”
- C. Sec. 104.11. Alternative methods. After paragraph insert “the Iowa Administrative Code 661, chapter 16, Div. VI, Part 2 Manufactured Home Construction is hereby adopted for installation of mobile (manufactured) homes.”
- D. Sec. 108.2. Fees. After “in accordance with the” insert “attached schedule as established by the City of Hartford.
- E. Sec. 108.3. Valuations. At the end of last sentence delete period and insert “using the latest Building Valuation Data Sheet.”
- F. Sec. 1612.3. Insert “City of Hartford”.

2. The International Mechanical Code and Appendix Chapters, 2006 Edition, as published by the International Code Council.

- A. Sec. 101.1. Title. Insert “City of Hartford”.
- B. Sec. 106.6.2. Fee Schedule. Insert “as set by the City’s trade permit.”
- C. Sec. 108.4. Penalties. Insert “As provided in Section 3.03 of the City Code.”
- D. Sec. 108.5. Stop work. Insert “\$500.00.”
- E. Delete Appendix B.

3. The International Plumbing Code and Appendix Chapters, 2006 Edition, as published by the International Code Council.

- A. Sec. 101.1. Title. Insert “City of Hartford”.
- B. Sec. 106.6.2. Fee schedule. Insert “as set by the City’s trade permit.”
- C. Sec. 108.4. Penalties. Insert “As provided in Section 3.03 of the City Code.”
- D. Sec. 108.5. Stop work. Insert “\$500.00.”
- E. Sec. 305.6.1. Insert “42 inches” in 2 places.
- F. Sec. 904.1. Insert “12 inches”
- G. Delete Appendix A.

4. State of Iowa §661 Iowa Administrative Code Chapter 504, including The National Electrical Code and Appendix Chapters, 2008 Edition, as published by the National Fire Protection Association with amendments:

- A. Permit fees for electrical work shall be according to the fees established by the City's trade permit.
5. The International Fire Code and Appendix Chapters, 2006 Edition, as published by the National Fire Protection Association, as adopted by Iowa State.
- A. Sec. 101.1. Title. Insert "City of Hartford".
- B. Sec. 109.3. Penalties. Insert "As provided in Section 3.03 of the City Code."
- C. Sec. 111.4. Stop work. Insert "\$500.00."
6. The International Property Maintenance Code, 2006 Edition, as published by the International Code Council.
- A. Sec. 101.1. Title. Insert "City of Hartford".
- B. Sec. 304.14. Screens. Insert "April 15" and "September 15".
- C. Sec. 602.3. Heat. Delete "during the period from (date) to (date)."
- D. Sec. 602.4. Work spaces. Delete "during the period from (date) to (date)."
7. The International Residential Code for One & Two Family Dwellings and Appendix Chapters, 2006 Edition, as published by the International Code Council.
- A. Sec. R101.1. Title. Insert "City of Hartford".
- B. Sec. R104.11. Alternative methods. After paragraph insert "The Iowa Administrative Code 661, Chapter 16, Div. VI, Part 2, Manufactured Home Construction is hereby adopted for installation of manufactured (mobile) homes."
- C. Sec. R108.2. Permit fees. After "in accordance with the" insert "attached schedule as established by City of Hartford for the regular Building Permit Fee Schedule as set by resolution adopting the Building Inspectors Services Agreement dated the _____ day of _____, 2009."
- D. Delete Appendix F.
- E. Delete Appendix L.
- F. Delete Appendix P.
- G. R105.5 - 12 Month Expiration. Every permit issued under the provisions of this Code shall expire twelve (12) months from the date of issue, unless the application is accompanied by a construction schedule of specific longer duration, in which instance the permit may be issued for the term of the construction schedule, with approval of the Building Official. If the work has not been completed by the expiration date of the permit, no further work shall be done until the permit shall have been renewed by the owner or his or her agent and by payment of the renewal

fee as established by resolution of the City Council, and provided no changes have been made in plans or location. No permit shall be renewed more than once.

H. Table R301.2(1) Climatic and Geographic Design Criteria. Table R301.2(1), Climatic and Geographic Design Criteria is hereby amended by modifying said table as follows:

TABLE R301.2(I)

Climatic and Geographic Design Criteria

Ground Snow Load	Wind Speed MPH	Seismic Design Category	Subject to Damage From:				Winter Design Temp	Ice Barrier Required	Flood Hazards	Air Freezing Index	Mean Annual Temp
			Weathering	Frost Line Depth	Termite	Decay			NFIP Adoption		
30 PSF	90	A	Severe	42"	Moderate-Heavy	Slight-Moderate	-5° F	No	1982	1833	48.6° F

I. Replace Table R403.1 with the following:

TABLE R403.1

FOUNDATIONS FOR STUD BEARING WALLS

Number of Stories	Thickness of Foundation Walls (inches)	Minimum Width of Footing (inches)	Thickness of Footing (inches)	Minimum Depth of Foundation Below Natural Surface of Ground and Finish Grade (inches)
1	8	16	8	42
2	8	16	8	42
3	10	18	12	42

8. The International Energy Conservation Code and Appendix Chapters, 2006 Edition, as published by the International Code Council.

A. Sec. 101.1. Title. Insert “City of Hartford”.

9. International Fuel Gas Code and Appendix Chapters, 2003 Edition, as published by the International Code Council.

A. Sec. 101.1. Title. Insert “City of Hartford”.

B. Sec. 105.5.2. Fee Schedule. Insert “as set by the City’s trade permit fee schedule as attached for the Mechanical and Plumbing permit fees.”

C. Sec. 108.4. Penalties. Insert “As provided in Section 3.03 of the City Code.”

D. Sec. 111.4. Stop work. Insert “\$500.00.”

10. The International Existing Building Code and Appendix Chapters, 2006 Edition, as published by the International Code Council.

A. Sec. 101.1. Title. Insert “City of Hartford”.

B. Sec. 108.2. Permit fees. Delete after “established” and insert “for the various disciplines herein adopted.”

155.04 VIOLATIONS. It is unlawful for any person 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 the provisions of this chapter.

155.05 PENALTY. Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued or permitted.

(Ch. 155 - Ord. 79 – Apr. 10 Supp.)

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CHAPTER 156

PERMITS

156.01 Emergency Work	156.12 Permit Fees
156.02 Permit Applications	156.13 Penalty Fee
156.03 Plans and Specifications	156.14 Inspection Required
156.04 Plan Review	156.15 Lot Survey
156.05 Plan Approval	156.16 Concealed Work
156.06 Partial Plans	156.17 Approvals Required
156.07 Retention of Plans	156.18 Required Inspections
156.08 Issuance of Permits	156.19 Maintenance
156.09 Validity	156.20 Certificate of Occupancy
156.10 Expiration of Permit	156.21 Violations
156.11 Suspension or Revocation	156.22 Penalty

156.01 EMERGENCY WORK. In emergency situations, work may be initiated without first submitting a permit application and receiving a permit therefor. 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.

156.02 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 therefor 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 156.09 of this chapter;
 - E. State the valuation of the proposed work;
 - F. Be signed by the permittee, or an 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 therefor 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.

156.03 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, one set of plans and specifications shall be submitted. The Building Official may require such plans and specifications to be prepared and signed 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.

156.04 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.

156.05 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 the 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.

156.06 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 the holder's own risk without assurance that the permit for the entire building or structure will be granted.

156.07 RETENTION OF PLANS. The 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. A copy of the set of plans shall be kept on such building or work at all times during which the work authorized thereby is in progress.

156.08 ISSUANCE OF PERMITS. When the Building Official is satisfied that the work described in an application for a 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 have been paid in full, the Building Official shall issue a permit therefor to the applicant.

156.09 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 thereunder when in violation of this chapter or of any other chapter of this Code of Ordinances or of any other ordinance of the City.

156.10 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 be recommenced a new permit shall be first obtained so to do, and the fee therefor 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; and provided, further, that such suspension or abandonment has not exceeded one year.

156.11 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.

156.12 PERMIT FEES. A fee for each permit shall be paid to the Building Official in accordance with the fee schedule as established by the Council.

156.13 PENALTY FEE. Where work for which a permit is required by this chapter is started or commenced without obtaining a permit, the fees 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.

156.14 INSPECTION REQUIRED. All construction or work for which a permit is required shall be subject to inspection by the Building Official.

156.15 LOT SURVEY. A survey of the lot may be required by the Building Official to verify compliance of the structure with approved plans.

156.16 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.

156.17 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 156.24. There shall be a final inspection and approval of all buildings and work when ready for occupancy and/or completed.

156.18 REQUIRED INSPECTIONS. The Building Official, upon notification from the permit holder or 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 agent wherein the same fails to comply with this chapter.

1. 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.
2. 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.

3. 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.
4. Mechanical Inspection. To be made before concealment or use.
5. Plumbing Inspection. To be made before concealment or use.
6. Electrical Inspection. To be made before concealment or use.
7. 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.
8. Other Inspections. In addition to the required 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.
9. Final Inspection. To be made after work is completed and/or the building ready for occupancy.

156.19 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 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.

156.20 CERTIFICATE OF OCCUPANCY. No building or structure for which a certificate of occupancy is required 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 therefor 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 International Building Code and International Residential Code for one & two family dwellings.
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:

- A. The building permit number.
 - B. The address of the building.
 - C. The name and address of the owner.
 - D. A description of that portion of the building for which the certificate is issued.
 - E. 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.
 - F. The name of the Building Official.
3. **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.
 4. **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.

156.21 VIOLATIONS. It is unlawful for any person 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.

156.22 PENALTY. Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued or permitted.

(Ch. 156 - Ord. 80 – Apr. 10 Supp.)

[The next page is 499]

CHAPTER 157

PROPERTY MAINTENANCE CODE

157.01 Adoption of International Property Maintenance Code 157.02 Revisions

157.01 ADOPTION OF INTERNATIONAL PROPERTY MAINTENANCE CODE. A certain document, three (3) copies of which are on file in the office of the Clerk of the City of Hartford, being marked and designated as the *International Property Maintenance Code*, 2003 Edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Hartford, in the State of Iowa, for regulating and governing the conditions and maintenance of all property, buildings and structures; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the City of Hartford are hereby referred to, adopted and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletion and changes, if any, prescribed in Section 157.02 of this chapter.

157.02 REVISIONS. The following sections are hereby revised:

1. Delete Section 107.3 Method of Service and replace with the following:

107.3 Method of service. Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified mail addressed to the last known address.

2. Modify Section 111 Means of Appeal by adding the following:

111.1.1 Interim Board of Appeals. The Board of Adjustment shall serve as the board of appeals pursuant to this section until adoption of the *International Building Code* by the City of Hartford or the establishment of a separate Building Board of Appeals.

111.4A Board of Adjustment Quorum. Where the Board of Adjustment acts as the board of appeals pursuant to these regulations a majority of the entire Board of Adjustment shall constitute a quorum for the transaction of business.

111.5.1 Request for Postponed Hearing. Where the Board of Adjustment acts as the board of appeals pursuant to these regulations either the appellant or the appellant's representative shall have the right to request postponement of the hearing in instances where less than three-fourths of the Board is present.

(Ch. 157 – Ord. 78 – Apr. 10 Supp.)

[The next page is 507]

CHAPTER 160

FLOOD PLAIN REGULATIONS

160.01 Purpose	160.12 Application for Permit
160.02 Definitions	160.13 Action on Application
160.03 Lands to Which Chapter Applies	160.14 Construction and Use to Be as Provided in Application and Plans
160.04 Rules for Interpretation of Flood Hazard Boundaries	160.15 Variances
160.05 Compliance	160.16 Factors Upon Which the Decision to Grant Variances Shall be Based
160.06 Abrogation and Greater Restrictions	160.17 Conditions Attached to Variances
160.07 Interpretation	160.18 Nonconforming Uses
160.08 Warning and Disclaimer of Liability	160.19 Amendments
160.09 Flood Plain Management Standards	
160.10 Administration	
160.11 Flood Plain Development Permit Required	

160.01 PURPOSE. It is the purpose of this chapter to protect and preserve the rights, privileges and property of the City and its residents and to preserve and improve the peace, safety, health, welfare and comfort and convenience of its residents by minimizing flood losses with provisions designed to:

1. **Restrict Use.** 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.
2. **Vulnerable Uses Protected.** 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.
3. **Unsuitable Land Purchases.** Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.
4. **Flood Insurance.** Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

160.02 DEFINITIONS. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

1. "Base flood" means the flood having one (1) percent chance of being equaled or exceeded in any given year. (See 100-year flood.)
2. "Basement" means any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see "lowest floor."

3. “Development” means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
4. “Existing construction” means any structure for which the “start of construction” commenced before the effective date of the community’s Flood Insurance Rate Map. May also be referred to as “existing structure.”
5. “Existing factory-built home park or subdivision” means a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the effective date of these flood plain management regulations.
6. “Expansion of existing factory-built home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
7. “Factory-built home” means any structure designed for residential use which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on a building site. For the purpose of this chapter, factory-built homes include mobile homes, manufactured homes and modular homes and also 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” means a parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.
9. “Flood” means a general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.
10. “Flood elevation” means the elevation floodwaters would reach at a particular site during the occurrence of a specific flood. For instance, the 100-year flood elevation is the elevation of floodwaters related to the occurrence of the 100-year flood.
11. “Flood Hazard Boundary Map (FHBM)” means an official map of a Community, issued by the Administrator, where the boundaries of the

flood related areas having special hazards have been designated as Zone A.

12. “Flood Insurance Rate Map (FIRM)” means the official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.

13. “Flood plain” means any land area susceptible to being inundated by water as a result of a flood.

14. “Flood plain management” means an overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of flood plains, including but not limited to emergency preparedness plans, flood control works, floodproofing and flood plain management regulations.

15. “Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities which will reduce or eliminate flood damage to such structures.

16. “Floodway” means the channel of a river or stream and those portions of the flood plains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot.

17. “Floodway fringe” means those portions of the flood plain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities.

18. “Historic structure” means any structure that is:

A. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing in 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.

19. “Lowest floor” means the floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:

A. The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section 160.09(4)(A); and

B. The enclosed area is unfinished (not carpeted, dry-walled, 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.

20. “New construction” (new buildings, factory-built home parks) means those structures or development for which the start of construction commenced on or after the effective date of the first flood plain management regulations adopted by the community.

21. “New factory-built home park or subdivision” means a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the flood plain management regulations adopted by the community.

22. “100-Year Flood” means a flood, the magnitude of which has a one percent (1%) 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.

23. “Recreational vehicle” means a vehicle which is:
- A. Built on a single chassis;
 - B. Four hundred (400) square feet or less when measured at the largest horizontal projection;
 - C. Designed to be self-propelled or permanently towable by a light duty truck; and
 - D. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.
24. “Special flood hazard area” means the land within a community subject to the “100-year flood.” This land is identified as Zone A on the Flood Insurance Rate Map.
25. “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.
26. “Structure” means anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, storage tanks and other similar uses.
27. “Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

28. “Substantial improvement” means any improvement to a structure which satisfies either of the following criteria:

A. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 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 correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of 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 twenty-five (25) percent or more. All additions constructed after the effective date of the first flood plain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed twenty-five percent.

29. “Variance” means a grant of relief by a community from the terms of the flood plain management regulations.

30. “Violation” means the failure of a structure or other development to be fully compliant with this chapter.

160.03 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 of Hartford. 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 Warren County and Incorporated Areas, Panel 185E, the City of Hartford, dated March 2, 2009, which is hereby adopted and made a part of this chapter. *(Ord. 75 – Apr. 10 Supp.)*

160.04 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 City Clerk shall make the necessary interpretation. The City Council shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the City Clerk in the enforcement or administration of this chapter. *(Ord. 75 – Apr. 10 Supp.)*

160.05 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.

160.06 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.

160.07 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 Council and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

160.08 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 thereunder.

160.09 FLOOD PLAIN MANAGEMENT STANDARDS. 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. *(Ord. 75 – Apr. 10 Supp.)*

1. All development within the special flood hazard areas shall:
 - A. Be consistent with the need to minimize flood damage.
 - B. Use construction methods and practices that will minimize flood damage.
 - C. Use construction materials and utility equipment that are resistant to flood damage.
 - D. Obtain all other necessary permits from Federal, State and local governmental agencies including approval when required from the Iowa Department of Natural Resources.

2. Residential buildings. All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the 100-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than one (1) foot above the 100-year flood level and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers) may be allowed, subject to favorable consideration by the City Council, where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding. All new residential structures shall be provided with a means of access which will be passable by wheeled vehicles during the 100-year flood.

3. Nonresidential buildings. All new or substantially improved nonresidential buildings shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the 100-year flood level, or together with attendant utility and sanitary systems, be flood-proofed to such a level. When floodproofing is utilized, a professional engineer registered in the State shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood; and that the structure, below the 100-year flood level, is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to National Geodetic Vertical Datum) to which any structures are flood-proofed shall be maintained by the Administrator.

4. All new and substantially improved structures:

A. Fully enclosed areas below the “lowest floor” (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:

- (1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- (2) The bottom of all openings shall be no higher than one foot above grade.

(3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

Such areas shall be used solely for parking of vehicles, building access and low damage potential storage.

B. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

C. New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5. Factory-built Homes.

A. All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the 100-year flood level.

B. All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

6. Utility and Sanitary Systems.

A. On-site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.

B. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one (1) foot above the 100-year flood elevation.

C. New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities other than on-site

systems shall be provided with a level of protection equal to or greater than one (1) foot above the 100-year flood elevation.

D. Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.

7. Storage of 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.

8. 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 feet of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources.

9. Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.

10. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this chapter. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the 100-year flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include 100-year flood elevation data for those areas located within the Special Flood Hazard Area.

11. Accessory Structures.

A. Detached garages, sheds, and similar structures accessory to a residential use are exempt from the 100-year flood elevation requirements where the following criteria are satisfied:

(1) The structure shall not be used for human habitation.

(2) The structure shall be designed to have low flood damage potential.

(3) The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.

(4) The structure shall be firmly anchored to prevent flotation which may result in damage to other structures.

(5) The structure's service facilities such as electrical and heating equipment shall be elevated or flood-proofed to at least one (1) foot above the 100-year flood level.

B. Exemption from the 100-year flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

12. Recreational Vehicles.

A. Recreational vehicles are exempt from the requirements of Section 160.09(5) of this chapter regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.

(1) The recreational vehicle shall be located on the site for less than 180 consecutive days, and,

(2) The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

B. Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of Section 160.09(5) of this chapter regarding anchoring and elevation of factory-built homes.

13. Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

160.10 ADMINISTRATION. The City Clerk shall implement and administer the provisions of this chapter and will herein be referred to as the Administrator. Duties and responsibilities of the Administrator shall include, but not necessarily be limited to, the following:

1. Review all flood plain development permit applications to assure that the provisions of this chapter will be satisfied.
2. Review all flood plain development permit applications to assure that all necessary permits have been obtained from Federal, State and local governmental agencies including approval when required from the Department of Natural Resources for flood plain construction.
3. Record and maintain a record of the elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of all new or substantially improved structures in the special flood hazard area.
4. Record and maintain a record of the elevation (in relation to National Geodetic Vertical Datum) to which all new or substantially improved structures have been flood-proofed.
5. Notify adjacent communities and/or counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.
6. Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this chapter.

160.11 FLOOD PLAIN DEVELOPMENT PERMIT REQUIRED. A Flood Plain Development Permit issued by the Administrator shall be secured prior to any flood plain development (any manmade change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations) including the placement of factory-built homes.

160.12 APPLICATION FOR PERMIT. Application for a Flood Plain Development Permit shall be made on forms supplied by the Administrator and shall include the following information:

1. Work To Be Done. Description of the work to be covered by the permit for which application is to be made.
2. Location. Description of the land on which the proposed work is to be done (i.e., lot, block, tract, street address or similar description) that will readily identify and locate the work to be done.
3. Use or Occupancy. Indication of the use or occupancy for which the proposed work is intended.
4. Flood Elevation. Elevation of the 100-year flood.

5. Floor Elevation. 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.
6. Cost of Improvement. For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.
7. Other. Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this chapter.

160.13 ACTION ON APPLICATION. The Administrator shall, within a reasonable time, make a determination as to whether the proposed flood plain development meets the applicable standards of this chapter and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefor. The Administrator shall not issue permits for variances except as directed by the Council.

160.14 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATION AND PLANS. Flood Plain Development Permits, issued 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, that the finished fill, building floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this chapter, prior to the use or occupancy of any structure.

160.15 VARIANCES. The City Council may authorize upon request in specific cases such variances from the terms of this chapter that will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship. Variances granted must meet the following applicable standards:

1. Cause. Variances shall only be granted upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.

2. Required To Afford Relief. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
3. Notice To Applicant. 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.

160.16 FACTORS UPON WHICH THE DECISION TO GRANT VARIANCES SHALL BE BASED. In passing upon applications for variances, the Council shall consider all relevant factors specified in other sections of this chapter and:

1. The danger to life and property due to increased flood heights or velocities caused by encroachments.
2. The danger that materials may be swept on to other land or downstream to the injury of others.
3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
5. The importance of the services provided by the proposed facility to the City.
6. The requirements of the facility for a flood plain location.
7. The availability of alternative locations not subject to flooding for the proposed use.
8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
9. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
10. The safety of access to the property in times of flood for ordinary and emergency vehicles.
11. The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.

12. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.
13. Such other factors which are relevant to the purpose of this chapter.

160.17 CONDITIONS ATTACHED TO VARIANCES. Upon consideration of the factors listed in Section 160.16, the Council may attach such conditions to the granting of variances as it deems necessary to further the purpose of this chapter. Such conditions may include, but not necessarily be limited to:

1. Modification of waste disposal and water supply facilities.
2. Limitation of periods of use and operation.
3. Imposition of operational controls, sureties, and deed restrictions.
4. Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purposes of this chapter.
5. Floodproofing measures.

160.18 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.

160.19 AMENDMENTS. The regulations and standards set forth in this chapter may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval from the Department of Natural Resources.

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CHAPTER 166

SUBDIVISION REGULATIONS

EDITOR'S NOTE

Ordinance No. 19 entitled *AN ORDINANCE ESTABLISHING STANDARDS FOR THE PLATTING, DESIGN AND DEVELOPMENT OF SUBDIVISIONS IN THE CITY OF HARTFORD; REQUIRING FINAL APPROVAL FROM THE CITY COUNCIL FOR SUCH DEVELOPMENTS; AND ENFORCING THE REQUIREMENTS OF THIS ORDINANCE*, adopted January 10, 1983, and amendments thereto are contained in the appendix of this Code of Ordinances and are in full force and effect.

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CHAPTER 167

SITE PLAN REGULATIONS

167.01 Purpose and Scope	167.06 Required Site Plan Information
167.02 Site Plan Requirements for Single Family And Two Family Residences	167.07 Structural Certificate
167.03 Site Plan Requirements for R-3, C and M Zoning Districts	167.08 Design Standards
167.04 Appeals	167.09 Lighting Standards Generally Applicable
167.05 City Council Action	167.10 Approval and Penalties
	167.11 Criminal Penalties

167.01 PURPOSE AND SCOPE. It is the intent and purpose of this chapter to establish a procedure by which the City of Hartford can review proposed improvements of property within a specified zoning district. The site plan requirements of this chapter are designed to aid the Hartford Building Department, Plan and Zoning Commission and the City Council in issuing building permits, promoting the most beneficial relation between the uses of land and the circulation of traffic throughout the City, encourage adequate provisions for surface and subsurface drainage, and to insure that the proposed facilities shall meet the existing City zoning and building requirements, and to insure the availability and capacity of public facilities for the proposed installation.

A site plan shall be submitted as outlined in this chapter for all purposed improvement installations, including new building construction, building addition construction, accessory building construction, parking facilities construction, for proposed or existing structures and site regarding in any of the zoning districts, "R-1", Single Family Residence; "R-2", One and Two Family Residence; "R-3", Multiple Family Residence; "C", Commercial District; or "M", Industrial District, other than for one or two family dwellings in said districts.

Any person proposing the construction of structures or improvements facilities other than one or two family dwelling, the "R-3", "C" or "M" districts as listed above, shall prepare and submit to the City a site plan as required in Section 167.03 of this chapter.

167.02 SITE PLAN REQUIREMENTS FOR SINGLE FAMILY AND TWO FAMILY RESIDENCES. In the event a building permit is required for the construction of a one or two family dwelling or the addition to a one or two family dwelling; an accessory use building for a one or two family dwelling; or an addition or expansion of parking or driveway facilities for each unit, the

applicant shall submit three (3) copies of the site plan depicting the requirements contained in subsections 1 through 9 inclusive.

1. Name and address of the owner or developer.
2. Name and address of the person or firm preparing the site plan.
3. Address of site.
4. Date of preparation of site plan.
5. Legal description of site.
6. Plat information:
 - A. Lot boundary with dimensions.
 - B. Easements.
 - C. Building setback lines.
7. Improvement information with legend for those listed below:
 - A. Street or road.
 - (1) Pavement width and location.
 - B. Water mains.
 - (1) Main size and location.
 - (2) Service location.
 - C. Sanitary sewer.
 - (1) Location in right-of-way with size.
 - (2) Location from lot lines.
 - (3) Location of service wye.
 - D. Storm sewer.
 - (1) M.H.'s and intake locations.
8. Obstruction (trees, utility poles, hydrants, etc.).
9. Proposed facilities.
 - A. Buildings with cantilevers, retaining walls, drives, walks, decks, etc.
 - B. Drainage arrows depicting direction of drainage.

167.03 SITE PLAN REQUIREMENTS FOR R-3, C AND M ZONING DISTRICTS.

1. Procedure. Any person proposing to develop, improve or alter any tract or parcel of land within the "R-3", multiple family residence;

“C”, commercial district; or “M”, industrial district, by construction of facilities other than one and two family dwelling units shall prepare and submit to the Hartford Plan and Zoning Commission a site plan depicting the requirements contained herein. Site plan shall be accompanied by the proper filing fee as stated: 1 acre or less - \$35.00 and more than 1 acre - \$70.00. The applicant shall submit ten (10) copies of the site plan to the City Clerk no less than 15 days prior to the meeting at which any action is to take place. The City Clerk shall deliver copies to the City engineer and the City building department for their review and comments. The remaining copies shall be retained by the Clerk for delivery to the Plan and Zoning Commission. The City engineer and the City building department shall review such plan for conformance with the site plan requirements. Their review, comments and recommendations shall be presented at the next following regular Plan and Zoning Commission meeting.

2. Plan and Zoning Action. Following the engineer’s and building department’s review, the Plan and Zoning Commission, in its next regular meeting, shall approve the site plan as submitted if the same conforms to all State and local regulations and ordinances. If the site plan fails to conform to all State regulations and applicable ordinances, the Commission shall state the reasons for its disapproval and shall return a copy to the applicant for revision in accordance with the action taken. The applicant shall then submit the revised copy to the building department and City engineer for their review and comments for presentation at the next regular Plan and Zoning Commission meeting.

Upon approval by the Plan and Zoning Commission, the site plan shall be presented to the City Council at its next regular meeting. The City Council shall approve disapprove or approve subject to conditions.

167.04 APPEALS. If the site plan is disapproved by the Plan and Zoning Commission, the applicant may, upon written application to the Plan and Zoning Commission, appeal in whole or in part any condition or requirement the Commission would require for its approval. The application for appeal and the site plan as submitted shall be presented to the City Council at its next regular meeting for their action.

The application for appeal must include specific reasons and conditions that exist for variance from the applicable codes or ordinances and variations from the Plan and Zoning Commission recommendations.

167.05 CITY COUNCIL ACTION. Upon submittal to the Plan and Zoning Commission, the City Council in its regular meeting shall review the Commission’s recommendations for disapproval, accompanied with the

applicant's appeal request. The City Council shall also review the building department and City engineer's review, comments and recommendations.

The City Council shall thereupon take action either approving or disapproving the site plan. Upon approval, the City Council shall direct the building department to issue the proper building permits.

A site plan that has been denied by the Plan and Zoning Commission and the City Council may be resubmitted to the Plan and Zoning Commission by the applicant with respect to the terms of this chapter and upon payment of the appropriate fees.

167.06 REQUIRED SITE PLAN INFORMATION. Site plans which are submitted for review shall be drawn to a scale of 1" = 50' or larger and shall include as a minimum the following items of information.

1. Narrative Information:
 - A. Name which the development or improvement shall be called.
 - B. Name and address of the owner of the property.
 - C. Name and address of the developer or builder.
 - D. Name and address of person or firm preparing the site plan.
 - E. Address of the site.
 - F. Legal description of the site.
 - G. Present zoning classification of the site.
 - H. Proposed zoning of the site.
 - I. Development schedule with approximate starting date, staging of development and completion dates.
 - J. Total area of the proposed site.
 - K. Total number and types of all buildings.
 - (1) Number of stories of each existing or proposed building.
 - (2) Total floor area of each building.
 - (3) Total number and types of dwelling units.
 - (4) Estimated number of employees for each proposed use where applicable.
 - L. Total number of parking spaces proposed in the site plan.
 - M. Evidence concerning the feasibility of the project and its effect on surrounding property.

2. The following items are to be shown in illustration on the site plan:
 - A. A vicinity sketch at a suitable scale showing the general location of the property, existing land uses adjoining the property, and adjacent existing facilities such as buildings, parking lots, etc.
 - B. A certification by a licensed land surveyor shall be on or accompany the site plan, showing that the dimensions and bearings on the property lines are accurately shown.
 - C. All existing utilities shall be shown. Location and size of existing public utilities.
 - D. Proposed connections to existing utilities.
 - E. Existing buildings, right-of-ways, street improvements, railroads, easements, drainage courses, streams and wooded areas shall be shown.
 - F. Building setback lines required by the zoning district and the average setback of buildings with 200' of the proposed building where applicable.
 - G. Location, grade and dimension of all existing and proposed paved surfaces.
 - H. Traffic circulation and parking plans showing the location and dimensions of all existing and all proposed parking stalls, loading areas, entrances and exit drives, dividers, planters and frontage roads, and other similar permanent improvements.
 - I. Location and type of any existing and proposed signs.
 - J. Location and type of any existing or proposed lighting.
 - K. Location of existing trees 6" or larger in diameter.
 - L. Location, amount and type of any proposed landscaping, fences, walls or other screening.
 - M. Location and size of all solid waste enclosures.
 - N. All existing and proposed sidewalks and pedestrian traffic facilities.
 - O. Existing contours at maximum 2' intervals.
 - P. Proposed elevations of structure and improvement and proposed contours or grades.
 - Q. Site plan shall include a drainage plan to show the connections to existing storm sewers or drainage ditches and the

courses surface water shall take for exit from the property.

R. Type and location of all proposed paved surfaces.

S. Site plan shall include sufficient information to demonstrate compliance with Building Code for permanency and strength of materials in proportion to the aesthetic characteristics. Such evidence should include architectural building elevations showing the architectural character, type of materials, and indication of colors.

167.07 STRUCTURAL CERTIFICATE. All site plans required under Section 167.06 of this chapter, when submitted, shall be accompanied by a certification from a licensed structural engineer or architect certifying as to the structural integrity of the proposed structure.

167.08 DESIGN STANDARDS. The design standards provided herein are to insure the orderly and harmonious development of property in such a manner as will safeguard the public's health, safety and general welfare. All site plans submitted shall conform to the standards and to the City's standard construction specifications.

1. The design of the proposed development shall make adequate provisions for surface and subsurface drainage for connections to water and sanitary sewer lines, each so designed as to neither overload existing public utility lines nor increase the danger of erosion, flooding, landslide or other endangerment of adjoining or surrounding property.
2. The proposed development shall be designed and located within the property in such a manner as to not unduly diminish or impair the use and enjoyment of adjoining property and to this end shall minimize the adverse effect on such adjoining properties from automobile headlights, illumination of required peripheral yards, refuge containers, and imperilment of light and air. For purposes of this section, the term "use" and enjoyment presently being made of such adjoining property, unless such property is vacant. If vacant, the term "use and enjoyment of adjoining property" shall mean those uses permitted under the zoning district in which adjoining property is located.
3. The proposed development shall conform to all applicable provisions of the current Code of Iowa, as amended, and all applicable provisions of the City of Hartford Ordinances and Specifications.
4. The proposed development shall have such entrances and exists upon adjacent streets and such internal traffic circulation pattern as will not unduly increase congestion on adjacent surrounding public streets.

5. All electrical, telephone and other public utilities shall be placed underground, where required under applicable subdivision regulations, of wherever installation of the same is reasonably practicable.
6. The proposed development shall be in conformity with the standards of the comprehensive plan and with recognized principles of civic design, land use planning and landscape architecture.
7. All lighting in connection with the proposed development shall confirm to the following standards:
 - A. **GENERAL STANDARDS** - Flashing or pulsating lights, moving lights, high intensity lights, strobe lights or rotating beacons shall be prohibited out of doors or visible from the outdoors in all zoning districts except when otherwise legally displayed as emergency lights or warning lights. Any use of neon lights shall be designed in harmony with the surrounding area and in an aesthetically sound manner.
 - B. **PARKING LOT LIGHTS** - Shoebox type light fixtures are required for all parking lot lights. No forward-throwing flood lights are allowed in the parking lot. The maximum pole height for the light fixture is 25 feet tall when adjacent to a residential zoning district. The maximum pole height is 30 feet when adjacent to all other zoning districts. Forward-throwing flood lights are not allowed in the parking lot.
 - C. **BUILDING LIGHTS** - Wall pack lighting is allowed, however, such lighting may not be a forward-throwing flood light.
 - D. **SITE LIGHTING** - The use of flood lights is not encouraged but is allowed as uplighting only for the purpose of illuminating items such as flag poles or the building itself.

167.09 LIGHTING STANDARDS GENERALLY APPLICABLE. The lighting design standards set forth in Section 167.08(7) shall be applicable to any proposed modifications, change, erection or construction of lighting on any property within the City after the effective date of the ordinance codified by this chapter whether or not such change, modification, erection or construction is made or proposed in connection with a development of property for which the submission of a site plan is required. It is the intent and purpose of this provision that all lighting in the City conform with the provisions of Section 167.08(7).

167.10 APPROVAL AND PENALTIES. No building permits shall be issued for any building or development construction that is subject to this chapter within any of these zoning districts: “R-1”, single family residential;

“R-2”, one and two family residential; “R-3”, multiple family residential district; “C”, commercial district; or “M”, industrial district, until a site plan has been submitted and approved for each development in accordance with this chapter. No certification of occupancy shall be issued for such construction or development until all terms and conditions of the approved site plan have been satisfactorily completed or provided for with the approval of the City.

Construction, grading or other development activities for those uses listed above shall hereinafter be carried out only in substantial compliance with the approved site plan and any conditions or restrictions attached thereto.

A site plan shall become effective upon approval by the City Council, pursuant to this chapter. The approval of any site plan required by this chapter shall remain valid for one year after the date of approval, after which time the site plan shall be deemed null and void if the development has not been established or actual construction commenced. For the purpose of this chapter “actual construction” shall mean that the permanent placement of construction materials has started and is proceeding without undue delay. Preparation of plans, securing financial arrangements, issuance of additional building permits, letting of contracts, grading of the property, or stockpiling of materials on the site shall not constitute actual construction.

Appropriate actions and proceeding may be taken by law or in equity to prevent violations of these regulations, to prevent unlawful construction, to recover damages, to restrain, to correct or abate a violation, to prevent illegal occupancy of a building, structure or premises.

167.11 CRIMINAL PENALTIES. It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or land in violation of any regulation in or any provisions of this chapter, or any amendment or supplement thereto. Any person, firm or corporation violating any regulation in or any provision of this chapter or of any amendment or supplement thereto shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one hundred dollars (\$100.00) or by imprisonment of not more than thirty (30) days. Each and every day during which illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues may be deemed a separate offense.

(Ch. 167 – Ord. 55 – Aug. 07 Supp.)

INDEX TO CODE OF ORDINANCES

CHAPTER OR SECTION NUMBER

ABANDONED VEHICLES	Ch. 80
Authority To Take Possession	
Definitions	
Disposal	
Duties of Demolisher	
Fees for Impoundment	
Notice by Mail	
Notification in Newspaper	
Proceeds from Sale	
<i>See also</i> IMPOUNDING VEHICLES	Sec. 70.06
ABATEMENT OF NUISANCES	Ch. 50
ACCOUNTING RECORDS	Sec. 7.07
ALCOHOLIC BEVERAGES	Ch. 120
<i>See also</i> BEER, LIQUOR AND WINE CONTROL	
<i>See also</i> Open Containers in Motor Vehicles.....	Sec. 62.08
ALL-TERRAIN VEHICLES AND SNOWMOBILES	Ch. 75
Accident Reports	
Definitions	
General Regulations	
Negligence	
Places of Operation	
ANIMAL CONTROL	Ch. 55
Abandonment of Cats and Dogs	
Animal Neglect	
Annoyance or Disturbance	
At Large Prohibited	
Confinement	
Damage or Interference	
Disposition of Animals	
Impounding Costs	
Impoundment	

	CHAPTER OR SECTION NUMBER
ANIMAL CONTROL (continued)	Ch. 55
Livestock	
Livestock Neglect	
Owner's Duty	
Rabies Vaccination	
Vicious Dogs	
<i>See also</i> DOG LICENSES	Ch. 56
APPOINTMENTS	
By Council.....	Sec. 17.05
By Mayor.....	Sec. 15.03
ASSAULT	Sec. 45.01
AUTOMOBILE REPAIR ON PUBLIC PROPERTY	Sec. 69.06(2)
BARBED WIRE AND ELECTRIC FENCES	Sec. 45.13
BEER, LIQUOR AND WINE CONTROL	Ch. 120
General Prohibition	
License or Permit Required	
Open Containers	
Persons Under Legal Age	
Public Consumption or Intoxication	
BOARD OF ADJUSTMENT	Ch. 22
BUDGET AMENDMENTS	
<i>See also</i> FISCAL MANAGEMENT	Sec. 7.06
BUDGET PREPARATION	
<i>See also</i> FISCAL MANAGEMENT	Sec. 7.05

CHAPTER OR SECTION
NUMBER

BUILDING CODE Ch. 155
 Administrative Provisions
 Adoption of Building Codes
 Penalty
 Short Title
 Violations

BUILDING OFFICIAL Ch. 23

BURNING Sec. 105.05
See also SOLID WASTE CONTROL

BURNING ON STREETS AND ALLEYS..... Sec. 135.08

CABLE TELEVISION
 Franchise and Regulations..... Ch. 113
 Regulation of Rates Ch. 114
 Service Standards Ch. 115

	CHAPTER OR SECTION NUMBER
CAR WASHING ON STREETS	Sec. 135.07
CHARTER	Ch. 2
CIGARETTE PERMITS	Ch. 121
Application	
Definitions	
Fees	
Issuance and Expiration	
Permit Required	
Permit Revocation	
Persons Under Legal Age	
Refunds	
Self-service Sales Prohibited	
CITY ATTORNEY	Ch. 20
Appointment and Compensation	
Council Meetings	
Ordinance Preparation	
Power	
Prepare Documents	
Provide Legal Opinion	
Review and Comment	
CITY CHARTER	Ch. 2
CITY CLERK	Ch. 18
Appointment	
Attendance at Meetings	
City Seal	
Elections	
Issue Licenses and Permits	
Maintain Records	
Powers and Duties	
Publication Requirements	
Recording Measures	
<i>See also</i> CITY OPERATING PROCEDURES	

CHAPTER OR SECTION
NUMBER

CITY COUNCIL Ch. 17

- Appointments
- Compensation
- Council Meetings
- Exercise of Power
- Number and Term
- Powers and Duties

See also **CITY OPERATING PROCEDURES**

CITY ELECTIONS..... Ch. 6

- Adding Name By Petition
- Filing, Presumption, Withdrawals, Objections
- Nominating Method to Be Used
- Nominations by Petition
- Persons Elected
- Preparation of Petition and Affidavit

CITY OFFICERS AND EMPLOYEES Ch. 5

See also **CITY OPERATING PROCEDURES**

CITY OPERATING PROCEDURES Ch. 5

- Bonds
- Books and Records
- Conflict of Interest
- Duties
- Gifts
- Oaths
- Meetings
- Removal of Appointed Officers
- Resignations
- Transfer to Successor
- Unlawful Use of City Property
- Vacancies

CITY TREASURER..... Ch. 19

- Appointment
- Compensation
- Duties

	CHAPTER OR SECTION NUMBER
CLERK	Ch. 18
CODE OF ORDINANCES	Ch. 1
Altering Code	
Amendments	
Catchlines and Notes	
City Powers	
Definitions	
Indemnity	
Personal Injuries	
Rules of Construction	
Severability	
Standard Penalty	
COMPENSATION	
Building Official.....	Sec. 23.01
Changes in	Sec. 17.02(6)
City Attorney	Sec. 20.01
City Clerk	Sec. 18.01
Council Members	Sec. 17.06
Mayor	Sec. 15.04
Mayor Pro Tem.....	Sec. 16.04
Set by Council	Sec. 17.02(6)
Treasurer.....	Sec. 19.02
CONFLICT OF INTEREST	Sec. 5.07
<i>See also</i> CITY OPERATING PROCEDURES	
CONTRACT LAW ENFORCEMENT	Ch. 30
COUNCIL	Ch. 17
<i>See also</i> CITY COUNCIL	
COUNCIL MEETINGS	Sec. 17.04
<i>See also</i> CITY COUNCIL	
CURFEW	Sec. 46.01

	CHAPTER OR SECTION NUMBER
DANGEROUS BUILDINGS	Ch. 145
Cost Assessed	
Defined	
Enforcement Officer	
Hearing	
Notice to Owner	
Posting Signs	
Right to Demolish	
DANGEROUS BUILDINGS AND HOUSING CODE	Ch.155
DEPOSITS AND INVESTMENTS	Sec. 7.03(2)
<i>See also</i> FISCAL MANAGEMENT	
DISORDERLY CONDUCT	Sec. 45.03
DOG LICENSES	Ch. 56
Annual License Required	
Dog Tags	
Immunization	
Kennel Dogs	
License Fees	
DOGS	Ch. 55
<i>See also</i> ANIMAL CONTROL	
<i>See also</i> DOG LICENSES	
DRIVEWAY CULVERTS	Sec. 135.13
ELECTIONS	Ch. 6
<i>See also</i> CITY CLERK	Sec. 18.12
<i>See also</i> CITY ELECTIONS	
ELECTRIC FRANCHISE	Ch. 111
ELECTRICAL CODE	Ch. 155
ELECTRICAL CONTRACTOR'S LICENSE	Ch. 125
EXCAVATIONS	Sec. 135.09

	CHAPTER OR SECTION NUMBER
FINANCE OFFICER	Sec. 7.02
<i>See also</i> FISCAL MANAGEMENT	
FINANCES	Ch. 7
<i>See also</i> FISCAL MANAGEMENT	
FINANCIAL REPORTS	Sec. 7.08
FIRE CODE	Ch. 155
FIRE AND RESCUE DEPARTMENT	Ch. 35
Authority to Cite Violations	
Calls Outside Fire District	
Chief	
Compensation	
Constitution	
Election of Officers	
Emergency Rescue Service	
Insurance	
Mutual Aid	
Organization	
Training	
FIREWORKS PERMIT	Sec. 45.22
FISCAL MANAGEMENT	Ch. 7
Accounting	
Budget Amendments	
Budget Preparation	
Cash Controls	
Finance Officer	
Financial Reports	
Fund Control	
FLOOD PLAIN REGULATIONS	Ch. 160
FUNDS	Sec. 7.04
GARBAGE COLLECTION AND DISPOSAL	Ch. 105
	and Ch. 106
<i>See also</i> SOLID WASTE	
GAS FRANCHISE	Ch. 110

 CHAPTER OR SECTION
 NUMBER

GIFTS, CITY OFFICIALS	Sec. 5.11
HANDICAPPED PARKING	
<i>See Persons With Disabilities Parking</i>	<i>Sec. 69.08</i>
HARASSMENT	
Of Persons	Sec. 45.02
Of Public Officers and Employees	Sec. 45.10
HAZARDOUS SUBSTANCE SPILLS.....	Ch. 36
HAZARDOUS WASTE	Sec. 105.09
<i>See also SOLID WASTE CONTROL</i>	
INVESTMENTS AND DEPOSITS.....	Sec. 7.03(2)
<i>See also FISCAL MANAGEMENT</i>	
JUNK AND JUNK VEHICLES	Ch. 51
Definitions	
Exceptions	
Notice to Abate	
Nuisance	
LICENSES	
Dogs.....	Ch. 56
Electrical, Plumbing and Mechanical Contractors	Ch. 125
Liquor	Ch. 120
LIQUOR CONTROL.....	Ch. 120
<i>See also BEER, LIQUOR AND WINE CONTROL</i>	
LITTERING	
Park Regulations.....	Sec. 47.04
Solid Waste Control	Sec. 105.07
LOAD AND WEIGHT RESTRICTIONS, VEHICLES.....	Ch. 66
Load Limits on Bridges	
Load Limits on Streets	
Permits	
Temporary Embargo	
Truck Route	

CHAPTER OR SECTION
NUMBER

MANUFACTURED AND MOBILE HOMES Ch. 146
 Conversion to Real Property
 Definitions
 Foundation Requirements

MAYOR..... Ch. 15
 Appointments
 Compensation
 Powers and Duties
 Term of Office
 Voting
See also **CITY OPERATING PROCEDURES**

MAYOR PRO TEM Ch. 16
 Compensation
 Powers and Duties
 Voting Rights

MECHANICAL CODE Ch. 155

MECHANICAL CONTRACTOR’S LICENSE..... Ch. 125

MINORS..... Ch. 46
 Cigarettes and Tobacco
 Contributing to Delinquency
 Curfew
See also: Persons Under Legal Age..... Sec. 120.02

MOBILE HOMES..... Ch. 146
See also **MANUFACTURED AND MOBILE HOMES**

MODEL ENERGY CODE Ch. 155

MUNICIPAL INFRACTIONS..... Ch. 3
 Alternative Relief
 Civil Citations
 Criminal Penalties
 Environmental Violation
 Penalties

	CHAPTER OR SECTION NUMBER
NATURAL GAS FRANCHISE	Ch. 110
NOISE	Sec. 45.03(2)
<i>See also</i> Quiet Zones	Sec. 62.05
NUISANCE ABATEMENT PROCEDURE	Ch. 50
Abatement	
Collection of Costs	
Emergency Abatement	
Failure to Abate	
Hearing	
Installment Payment of Costs	
Method of Service	
Notice to Abate	
Nuisance Defined	
Nuisances Enumerated	
Prohibited	
OATH OF OFFICE	Sec. 5.01
ONE-WAY TRAFFIC	Ch. 68
OPEN BURNING	Sec. 105.05
<i>See also</i> SOLID WASTE CONTROL	
OPEN MEETINGS	Sec. 5.06
OPERATING PROCEDURES	Ch. 5
PARADES REGULATED	Sec. 60.08
PARK REGULATIONS	Ch. 47
Camping	
Fires	
Hours	
Littering	
Use of Drives Required	

CHAPTER OR SECTION
NUMBER

PARKING REGULATIONS..... Ch. 69
 Angle Parking
 Illegal Purposes
 Limited or Controlled
 No Parking Zones
 Park Adjacent to Curb
 Persons With Disabilities Parking
 Prohibited Places
 Snow Emergency
 Truck Parking Limited

PEACE OFFICERS Ch. 30

PEDESTRIANS Ch. 67

PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS.Ch. 122

PENALTY, STANDARD..... Sec. 1.10
See also MUNICIPAL INFRACTIONS

PERMITS
 Beer and Wine Ch. 120
 Building Ch. 156
 Cigarette Sec. 121.02
 Fireworks..... Sec. 45.22
 Sewer Connection..... Sec. 96.01
 Sidewalks..... Sec. 136.07
 Street Excavation..... Sec. 135.09
 Vehicles, Excess Size and Weight Sec. 66.02
 Vending Machines and Sales Stands on Sidewalks Sec. 136.19

PETTY CASH FUND..... Sec. 7.03(3)

PLANNING AND ZONING COMMISSION..... Ch. 21
 Appointed
 Compensation
 Powers and Duties
 Term of Office
 Vacancies

	CHAPTER OR SECTION NUMBER
PLUMBING CODE	Ch. 155
PLUMBING CONTRACTOR’S LICENSE	Ch. 125
PRIVATE PROPERTY	
<i>See</i> PUBLIC OFFENSES	Ch. 45
PRIVATE ON-SITE WASTEWATER SYSTEMS	Ch. 98
<i>See also</i> SANITARY SEWER SYSTEM	
PROPERTY MAINTENANCE CODE	Ch. 157
PUBLIC OFFENSES	Ch. 45
Abandoned or Unattended Refrigerators	
Antenna and Radio Wires	
Assault	
Barbed Wire and Electric Fences	
Criminal Mischief	
Defacing Proclamations or Notices	
Discharging Weapons	
Disorderly Conduct	
Distributing Dangerous Substances	
Failure to Disperse	
False Reports	
Fireworks Permit	
Fraud	
Harassment	
Harassment of Public Officers and Employees	
Refusing to Assist Officer	
Theft	
Throwing and Shooting	
Trespassing Prohibited	
Unauthorized Entry	
Unlawful Assembly	
Urinating and Defecating	
PUBLICATION REQUIREMENTS	Sec. 18.05
<i>See also</i> CITY CLERK	
REMOVAL OF APPOINTED OFFICERS AND EMPLOYEES	Sec. 5.09

 CHAPTER OR SECTION
 NUMBER

SANITARY SEWER SYSTEM - BUILDING SEWERS AND CONNECTIONS	Ch. 96
Abatement of Violations	
Connection Requirements	
Fees	
Inspection Required	
Plumber Required	
Property Owner's Responsibility	
Sewer Tap	
SANITARY SEWER SYSTEM - GENERAL PROVISIONS	Ch. 95
Owner's Liability Limited	
Prohibited Acts	
Right of Entry	
Service Outside City	
Sewer Connection Required	
Special Penalties	
Superintendent	
Use of Easements	
SANITARY SEWER SYSTEM - PRIVATE ON-SITE WASTEWATER SYSTEMS	Ch. 98
Compliance with Regulations	
Discharge Restrictions	
Disposal of Septage	
Maintenance of System	
Minimum Lot Area	
Permit Required	
Systems Abandoned	
When Prohibited	
When Required	
SANITARY SEWER SYSTEM - SEWER SERVICE CHARGES	Ch. 99
Accounting and Auditing	
Lien for Nonpayment	
Payment for Service	
Private Water Systems	
Rate Review	

 CHAPTER OR SECTION
 NUMBER

SANITARY SEWER SYSTEM -	
SEWER SERVICE CHARGES (continued).....	Ch. 99
Rates	
Service Charges Required	
Special Agreement	
Special Rates	
SANITARY SEWER SYSTEM -	
USE OF PUBLIC SEWERS	Ch. 97
Control Manhole	
Prohibited Discharges	
Restricted Discharges	
Special Facilities	
Storm Water	
Surface Water Exceptions	
Testing of Wastes	
SEWER RATES	Ch. 99
<i>See also</i> SANITARY SEWER SYSTEM -	
SEWER SERVICE CHARGES	
SEWERS	
<i>See</i> SANITARY SEWER SYSTEM	
SIDEWALKS	Ch. 136
Awnings	
Barricades	
Construction Ordered	
Debris	
Defacing	
Definitions	
Encroachment	
Failure to Repair	
Fires	
Maintenance	
Merchandise Displays	
Openings and Enclosures	
Permits Required	
Repairs Ordered	
Sales Stands	

	CHAPTER OR SECTION NUMBER
SIDEWALKS (continued)	Ch. 136
Snow and Ice Removal Standards	
<i>See also</i> Vehicles on Sidewalks	Sec. 62.03
SITE PLAN REGULATIONS	Ch. 167
SNOW REMOVAL	
From Sidewalks	Sec. 136.03
From Streets.....	Sec. 135.12
Parking.....	Sec. 69.10
SNOWMOBILES AND ALL-TERRAIN VEHICLES	Ch. 75
Accident Reports	
Definitions	
General Regulations	
Negligence	
Places of Operation	
SOLID WASTE CONTROL - COLLECTION	Ch. 106
Bulky Rubbish	
Collection Fees	
Collection Service	
Contract Requirements	
Frequency	
Lien for Nonpayment	
Loading	
Right of Entry	
Vehicles	
SOLID WASTE CONTROL - GENERAL PROVISIONS	Ch. 105
Definitions	
Health and Fire Hazard	
Littering Prohibited	
Open Burning Restricted	
Open Dumping Prohibited	
Prohibited Practices	
Sanitary Disposal Required	
Separation of Yard Waste Required	
Toxic and Hazardous Wastes	
Waste Storage Containers	

 CHAPTER OR SECTION
NUMBER

SPEED REGULATIONS	Ch. 63
Emergency Vehicles	
General	
Minimum Speed	
Parks, Cemeteries and Parking Lots	
Special Speed Restrictions	
State Code Speed Limits	
STOP OR YIELD REQUIRED	Ch. 65
School Stops	
Stop Before Crossing Sidewalks	
Stop or Yield	
Traffic Obstructed	
Yield to Pedestrians in Crosswalks	
STORMWATER MANAGEMENT SYSTEM	Ch. 100
STORMWATER SERVICE CHARGES	Ch. 101
STREETS AND ALLEYS	Ch. 135
Burning on Prohibited	
Driveway Culverts	
Dumping of Snow	
Excavations	
Maintenance of Parkings and Terraces	
Obstructing and Defacing	
Placing Debris on	
Playing in	
Removal of Warning Devices	
Traveling on Barricaded Street or Alley	
Use for Business Purposes	
Washing Vehicles on	
STREET AND ALLEY VACATION AND DISPOSAL	Ch. 137
Disposal By Gift Limited	
Disposal Procedure	
Findings Required	
Hearing	
Power to Vacate	

	CHAPTER OR SECTION NUMBER
STREET AND SIDEWALK GRADES	Ch. 138
Established	
Record Maintained	
SUBDIVISION REGULATIONS	Ch. 166
TELEPHONE FRANCHISE	Ch. 112
TERMS OF OFFICE	
Clerk	Sec. 18.01
Council	Sec. 2.04
and	Sec. 17.01
Mayor	Sec. 2.05
and	Sec. 15.01
THEFT	Sec. 45.21
TRAFFIC CODE	
<i>See ONE-WAY TRAFFIC; PARKING REGULATIONS;</i>	
PEDESTRIANS; SPEED REGULATIONS;	
STOP OR YIELD REQUIRED; LOAD AND WEIGHT	
RESTRICTIONS; TURNING REGULATIONS;	
TRAFFIC CONTROL DEVICES	
TRAFFIC CODE - ADMINISTRATION OF	Ch. 60
Administration and Enforcement	
Definitions	
Obedience to Peace Officers	
Parades Regulated	
Peace Officer’s Authority	
Power to Direct Traffic	
Traffic Accidents: Reports	
TRAFFIC CODE - ENFORCEMENT PROCEDURES	Ch. 70
Arrest or Citation	
Impounding Vehicles	
Parking Violations	
Presumption in Reference to Illegal Parking	
Scheduled Violations	

CHAPTER OR SECTION
NUMBER

TRAFFIC CODE - GENERAL REGULATIONS Ch. 62

- Careless Driving
- Clinging to Vehicles
- Code of Iowa Regulations
- Funeral Processions
- Milling
- Obstructing View at Intersections
- Open Containers in Motor Vehicles
- Play Streets Designated
- Quiet Zones
- Reckless Driving
- Tampering with Vehicle
- Vehicles on Sidewalks

TRAFFIC CONTROL DEVICES Ch. 61

- Compliance
- Crosswalks
- Installation
- Moving or Damaging Devices
- Necessity of Signs
- Standards
- Traffic Control Devices
- Traffic Lanes

TREASURER..... Ch. 19

TREES Ch. 150

TRESPASSING Sec. 45.19

TRUCK PARKING LIMITED Sec. 69.09
See also **PARKING REGULATIONS**

TRUCK ROUTES Sec. 66.05
See also **LOAD AND WEIGHT RESTRICTIONS**

TURNING REGULATIONS..... Ch. 64

- Authority to Mark
- Left Turn for Parking
- U Turns

	CHAPTER OR SECTION NUMBER
UNLAWFUL USE OF CITY PROPERTY	Sec. 5.12
URBAN REVITALIZATION	Ch. 8
VACANCIES IN OFFICE	Sec. 5.10
<i>See also CITY OPERATING PROCEDURES</i>	
VACATING STREETS OR ALLEYS	Ch. 137
VETO	
Council May Override.....	Sec. 17.03
Mayor's Authority	Sec. 15.02(4)
WATER FRANCHISE	Ch. 116
WATER SERVICE SYSTEM	Ch. 90
Connection Required	
WINE	
<i>See BEER, LIQUOR AND WINE CONTROL</i>	Ch. 120
YIELD REQUIRED	Ch. 65
<i>See also STOP AND YIELD REQUIRED</i>	
ZONING REGULATIONS	Ch. 165

APPENDIX TO CODE OF ORDINANCES

USE AND MAINTENANCE OF THE CODE OF ORDINANCES

The following information is provided to assist in the use and proper maintenance of this Code of Ordinances.

DISTRIBUTION OF COPIES

1. OFFICIAL COPY. The “OFFICIAL COPY” of the Code of Ordinances must be kept by the City Clerk and should be identified as the “OFFICIAL COPY.”

2. DISTRIBUTION. Other copies of the Code of Ordinances should be made available to all persons having a relatively frequent and continuing need to have access to ordinances which are in effect in the City as well as reference centers such as the City Library, County Law Library and perhaps the schools and news media.

3. SALE. The sale or distribution of copies in a general fashion is not recommended as experience indicates that indiscriminate distribution tends to result in outdated codes being used or misused.

4. RECORD OF DISTRIBUTION. The City Clerk should be responsible for maintaining an accurate and current record of persons having a copy of the Code of Ordinances. Each official, elected or appointed, should return to the City, upon leaving office, all documents, records and other materials pertaining to the office, including this Code of Ordinances.

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

NUMBERING OF ORDINANCES AMENDING THE CODE OF ORDINANCES

It is recommended that a simple numerical sequence be used in assigning ordinance numbers to ordinances as they are passed. For example, if the ordinance adopting the Code of Ordinances was No. 163, we would suggest that the first ordinance passed changing, adding to or deleting from the Code be assigned the number 164; the next ordinance be assigned the number 165, and so on. We advise against using the Code of Ordinances numbering system for the numbering of ordinances.

RETENTION OF AMENDING ORDINANCES

Please note that two books should be maintained: (1) the Code of Ordinances, and (2)

CODE OF ORDINANCES, «CITY1», IOWA

an ordinance book. We will assist in the maintenance of the Code of Ordinances book, per the Supplement Agreement, by revising and returning appropriate pages for the Code of Ordinances book as required to accommodate ordinances amending the Code. The City Clerk is responsible for maintaining the ordinance book and must be sure that an original copy of each ordinance adopted, bearing the signatures of the Mayor and Clerk, is inserted in the ordinance book and preserved in a safe place.

SUPPLEMENT RECORD

A record of all supplements prepared for the Code of Ordinances is provided in the APPENDIX of the Code. This record will indicate the number and date of the ordinances adopting the original Code and of each subsequently adopted ordinance which has been incorporated in the Code. For each supplemented ordinance, the Supplement Record will list the ordinance number, date, topic, and chapter number of the Code affected by the amending ordinance. A periodic review of the Supplement Record and ordinances passed will assure that all ordinances amending the Code have been incorporated therein.

DISTRIBUTION OF SUPPLEMENTS

Supplements containing revised pages for insertion in each Code will be sent to the Clerk. It is the responsibility of the Clerk to see that each person having a Code of Ordinances receives each supplement so that each Code may be properly updated to reflect action of the Council in amending the Code.

AMENDING THE CODE OF ORDINANCES

The Code of Ordinances contains most of the laws of the City as of the date of its adoption and is continually subject to amendment to reflect changing policies of the Council, mandates of the State, or decisions of the Courts. Amendments to the Code of Ordinances can only be accomplished by the adoption of an ordinance.

(Code of Iowa, Sec. 380.2)

The following forms of ordinances are recommended for making amendments to the Code of Ordinances:

ADDITION OF NEW PROVISIONS

New material may require the addition of a new SUBSECTION, SECTION or CHAPTER, as follows:

ORDINANCE NO. ____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF _____, IOWA, 19__, BY ADDING A NEW SECTION LIMITING PARKING TO THIRTY MINUTES ON A PORTION OF SOUTH BOONE STREET

BE IT ENACTED by the City Council of the City of _____, Iowa:

SECTION 1. NEW SECTION. The Code of Ordinances of the City of _____, Iowa, 19__ is amended by adding a new Section in Chapter 69, numbered 69.16, entitled PARKING LIMITED TO THIRTY MINUTES, which is hereby adopted to read as follows:

69.16 PARKING LIMITED TO THIRTY MINUTES. It is unlawful to park any vehicle for a continuous period of more than thirty (30) minutes between the hours of eight o'clock (8:00) a.m. and eight o'clock (8:00) p.m. on each day upon the following designated streets:

1. South Boone Street, on the west side, from Forest Avenue to Mason Drive.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council the ___ day of _____, 19__, and approved this ___ day of _____, 19__.

Mayor

ATTEST:

City Clerk

I certify that the foregoing was published as Ordinance No. _____ on the ___ day of _____, 19__.

City Clerk

DELETION OF EXISTING PROVISIONS

Provisions may be removed from the Code of Ordinances by deleting SUBSECTIONS, SECTIONS or CHAPTERS as follows:

ORDINANCE NO. ____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF _____, IOWA, 19__, BY REPEALING CHAPTER 65, SECTION 02, SUBSECTION 5, PERTAINING TO THE SPECIAL STOP REQUIRED ON LAKE BOULEVARD

BE IT ENACTED by the City Council of the City of _____, Iowa:

SECTION 1. SUBSECTION REPEALED. The Code of Ordinances of the City of _____, Iowa, 19__, is hereby amended by repealing Chapter 65, Section 02, Subsection 5, which required vehicles traveling south on Lake Boulevard to stop at Second Place North.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council the ____ day of _____, 19__, and approved this ____ day of _____, 19__.

Mayor

ATTEST:

City Clerk

I certify that the foregoing was published as Ordinance No.____ on the ____ day of _____, 19__.

City Clerk

MODIFICATION OR CHANGE OF EXISTING PROVISION

Existing provisions may be added to, partially deleted or changed as follows:

ORDINANCE NO. ____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF _____, IOWA, 19__, BY AMENDING PROVISIONS PERTAINING TO SEWER RENTAL RATES

BE IT ENACTED by the City Council of the City of _____, Iowa:

SECTION 1. SECTION MODIFIED. Chapter 99, Section 02, of the Code of Ordinances of the City of _____, Iowa, 19__, is repealed and the following adopted in lieu thereof:

99.02 RENTAL RATE. Each customer shall pay a sewer rental in the amount of 100 percent (100%) of the bill for water and water service attributable to the customer for the property served, but in no event less than ten dollars (\$10.00) per month.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council the ____ day of _____, 19__, and approved this ____ day of _____, 19__.

Mayor

ATTEST:

City Clerk

I certify that the foregoing was published as Ordinance No. ____ on the ____ day of _____, 19__.

City Clerk

ORDINANCES NOT CONTAINED IN THE CODE OF ORDINANCES

There are certain types of ordinances which the City will be adopting which may be, but do not have to be, incorporated in the Code of Ordinances. These ordinances include ordinances (1) establishing grades of streets or sidewalks, (2) vacating streets or alleys, (3) authorizing the issuance of bonds and (4) zoning ordinances.

(Code of Iowa, Sec. 380.8)

If such ordinances are to be included in the Code of Ordinances, the foregoing suggested form of ordinance amending the Code of Ordinances is appropriate; however, if such ordinances are not to be included in the Code of Ordinances, we suggest the following form of ordinance be used.

ORDINANCE NO. ____

AN ORDINANCE VACATING THE ALLEY LYING IN BLOCK TWO (2) RAILROAD ADDITION TO _____, IOWA

Be It Enacted by the City Council of the City of _____, Iowa:

SECTION 1. The alley lying in Block Two (2), Railroad Addition to _____, Iowa, is hereby vacated and closed from public use.

SECTION 2. The Council may by resolution convey the alley described above to abutting property owners in a manner directed by the City Council.

SECTION 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 5. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council the ___ day of _____, 19__, and approved this ___ day of _____, 19__.

Mayor

ATTEST:

City Clerk

I certify that the foregoing was published as Ordinance No. _____ on the ___ day of _____, 19__.

City Clerk

These ordinances should be numbered in the same numerical sequence as any other amending ordinance and placed in their proper sequence in the ordinance book.

SUGGESTED FORM

DANGEROUS BUILDINGS

FIRST NOTICE

TO: (Name and address of owner, agent or occupant of the property on which nuisance is located or the person causing or maintaining the nuisance).

You are hereby notified to abate the nuisance existing at (name location of nuisance) within ____ days from service of this notice or file written request for a Council hearing with the undersigned officer within said time limit.

The nuisance consists of (describe the nuisance and cite the law or ordinance) and shall be abated by (state action necessary to abate the particular nuisance).

In the event you fail to abate or cause to be abated the above nuisance as directed, or file written request for hearing within the time prescribed herein, the City will take such steps as are necessary to abate or cause to be abated the nuisance and the cost will be assessed against you as provided by law.

Date of Notice: _____

City of _____, Iowa

By: _____
(enforcement officer)

SUGGESTED FORM
DANGEROUS BUILDINGS
NOTICE OF HEARING

TO: (Name and address of the owner, agent or occupant of the property on which nuisance is located or the person causing or maintaining the nuisance).

You are hereby notified that the City Council of _____, Iowa, will meet on the ___ day of _____, ____, at ___ o'clock __.m. in the Council Chambers of the City Hall, at (address of City Hall) for the purpose of considering whether or not the alleged nuisance consisting of (describe the nuisance) on your property, locally known as _____, constitutes a nuisance pursuant to Chapter (145) of the Code of Ordinances of _____, Iowa, and should be abated by (state action necessary to abate the particular nuisance).

You are further notified that at such time and place you may appear and show cause why the said alleged nuisance should not be abated.

You are further notified to govern yourselves accordingly.

Date of Notice: _____

City of _____, Iowa

By: _____
(enforcement officer)

SUGGESTED FORM

DANGEROUS BUILDINGS

RESOLUTION AND ORDER

BE IT RESOLVED, by the City Council of the City of _____, Iowa:

WHEREAS, notice has heretofore been served on the ___ day of _____, _____, on (property owner’s name), through (agent’s name or “none”), agent, to abate the nuisance existing at (legal description and address) within ___ days from service of notice upon the said (name of owner or agent); and
(EITHER)

WHEREAS, a hearing was requested by the said (name of property owner or agent) and the same was held at this meeting and evidence produced and considered by the City Council;

(OR, ALTERNATE TO PRECEDING PARAGRAPH)

WHEREAS, the said owner (agent) named above has failed to abate or cause to be abated the above nuisance as directed within the time set, and after evidence was duly produced and considered at this meeting, and said owner has failed to file a written request for hearing, as provided, after being properly served by a notice to abate;

NOW THEREFORE, BE IT RESOLVED that the owner of said property, or his agent (name of owner or agent) is hereby directed and ordered to abate the nuisance consisting of (describe the nuisance) by (state action necessary to abate) within ___ days after the service of this Order upon him; and

BE IT FURTHER RESOLVED that the enforcement officer be and is hereby directed to serve a copy of this Order upon the said property owner or agent named above; and

BE IT FURTHER RESOLVED that in the event the owner, or agent (name the owner or agent) fails to abate the said nuisance within the time prescribed above, then and in that event the City will abate the said nuisance and the cost will be assessed against the property and/or owner (owner’s name) at (address), as the law shall provide.

Moved by _____ to adopt.

Adopted this ____ day of _____, 19__.

Mayor

ATTEST:

City Clerk

Note: It is suggested by the blank space in the resolution that additional time be allowed the owner to abate the nuisance after the passage of the resolution before any action is taken on the part of the City to abate the same. In some instances, for the sake of public safety, the time element could be stricken from the resolution and immediate action be taken to abate the nuisance after the order is given.

SUGGESTED FORM

NOTICE TO ABATE NUISANCE

TO: (Name and address of owner, agent, or occupant of the property on which the nuisance is located or the person causing or maintaining the nuisance).

You are hereby notified to abate the nuisance existing at (name location of nuisance) or file written request for a hearing with the undersigned officer within (hours or days) from service of this notice.

The nuisance consists of: (describe the nuisance) and shall be abated by: (state action necessary to abate the particular nuisance).

In the event you fail to abate or cause to be abated the above nuisance as directed, the City will take such steps as are necessary to abate or cause to be abated the nuisance and the costs will be assessed against you as provided by law.

Date of Notice: _____

City of _____, Iowa

By: _____
(designate officer initiating notice)

NOTICE

REQUIRED SEWER CONNECTION

TO: _____
(Name)

(Street Address)
_____, Iowa

You are hereby notified that connection to the public sanitary sewer system is required at the following described property within _____ (____) days from service of this notice or that you must file written request for a hearing before the Council with the undersigned office within said time limit.

DESCRIPTION OF PROPERTY

The nearest public sewer line within _____ (____) feet of the above described property is located

In the event you fail to make connection as directed, or file written request for hearing within the time prescribed herein, the connection shall be made by the City and the costs thereof assessed against you as by law provided.

Date Of Notice: _____

City Of _____, Iowa

By: _____, _____
(Name) (Title)

NOTICE OF HEARING

REQUIRED SEWER CONNECTION

TO: _____
 (Name)

(Street Address)

_____, Iowa

You are hereby notified that the City Council of _____, Iowa, will meet on the
 ___ day of _____, 19__, at _____ o'clock _m. in the Council
 Chambers of the City Hall for the purpose of considering whether or not connection to
 the public sanitary sewer system shall be required at the following described property:

DESCRIPTION OF PROPERTY

You are further notified that at such time and place you may appear and show cause
 why said connection should not be required.

You are further notified to govern yourselves accordingly.

Date Of Notice: _____

City Of _____, Iowa

By: _____, _____
 (Name) (Title)

RESOLUTION AND ORDER

REQUIRED SEWER CONNECTION

BE IT RESOLVED, by the City Council of the City of _____, Iowa:

WHEREAS, notice has heretofore been served on the ____ day of _____, 19__,
on _____,

(Name of Property Owner)

through _____, Agent,

(Agent’s Name or “None”)

to make connection of the property described as

to the public sanitary sewer located

_____ within
_____ (_____) days from service of notice upon said owner or agent; and,

(EITHER)

WHEREAS, a hearing was requested by the said owner or agent and the same was held at this meeting and evidence produced and considered by the City Council;

(OR AS ALTERNATE TO THE PRECEDING PARAGRAPH)

WHEREAS, the said owner or agent named above has failed to make such required connection within the time set, and after evidence was duly produced and considered at this meeting, and said owner or agent has failed to file a written request for hearing after being properly served by a notice to make such connection or request a hearing thereon;

NOW, THEREFORE, BE IT RESOLVED that the owner of said property, or his agent, _____

(Name of Owner or Agent)

is hereby directed and ordered to make such required connection within _____ days after the service of this ORDER upon him; and

BE IT FURTHER RESOLVED that the City Clerk be and the same is hereby directed to serve a copy of this ORDER upon said property owner or agent named above; and

BE IT FURTHER RESOLVED, that in the event the owner, or agent, _____, fails to make such

(Name of Owner or Agent)

connection within the time prescribed above, then and in that event the City will make such connection and the cost thereof will be assessed against the property and/or owner

(Owner's Name)

_____, as provided by law.

(Address)

Moved by _____ to adopt.

Seconded by _____.

AYES: _____, _____, _____,
_____, _____, _____.

NAYS: _____, _____, _____,
_____, _____, _____.

Resolution approved this ___ day of _____, 19__.

Mayor

ATTEST:

City Clerk