

CODE OF ORDINANCES
OF THE
CITY OF
HUXLEY, IOWA

© IOWA CODIFICATION, INC.

COPYRIGHT NOTICE

Materials contained in this Code of Ordinances are based on or quoted directly from the work entitled *Comprehensive Model Code of Ordinances for Iowa Cities* which is protected by copyright.

Permission has been granted by the copyright holder, Iowa Codification, Inc., to the City of Huxley, Iowa, to make copies of this Code of Ordinances for distribution to officials, employees and citizens of the City of Huxley, for use in carrying out duties and responsibilities of such persons with relation to the City as may be required or facilitated by such copies.

Reproduction for all other persons is prohibited without the written permission of Iowa Codification, Inc.

Iowa Codification, Inc.
P. O. Box 141
610 Buddy Holly Place
Clear Lake, Iowa 50428

CODE OF ORDINANCES CITY OF HUXLEY, IOWA

TABLE OF CONTENTS

GENERAL CODE PROVISIONS

CHAPTER 1 - CODE OF ORDINANCES.....	1
CHAPTER 2 - CHARTER.....	9
CHAPTER 3 - MUNICIPAL INFRACTIONS	11
CHAPTER 5 - OPERATING PROCEDURES	21
CHAPTER 6 - CITY ELECTIONS	29
CHAPTER 7 - FISCAL MANAGEMENT	35
CHAPTER 8 - URBAN REVITALIZATION	41
CHAPTER 9 - URBAN RENEWAL.....	45
CHAPTER 10 – LOCAL EMERGENCY POWERS	49

ADMINISTRATION, BOARDS AND COMMISSIONS

CHAPTER 15 - MAYOR.....	71
CHAPTER 16 - MAYOR PRO TEM.....	75
CHAPTER 17 - CITY COUNCIL.....	77
CHAPTER 18 - CITY CLERK	83
CHAPTER 19 - CITY TREASURER.....	87
CHAPTER 20 - CITY ATTORNEY	89
CHAPTER 21 - CITY ADMINISTRATOR.....	91
CHAPTER 22 - LIBRARY BOARD OF TRUSTEES.....	101
CHAPTER 23 - PLANNING AND ZONING COMMISSION.....	107
CHAPTER 24 - PARKS AND RECREATION BOARD	111
CHAPTER 25 - TREE BOARD	115
CHAPTER 26 - CITY ENGINEER	117

POLICE, FIRE AND EMERGENCIES

CHAPTER 30 - POLICE DEPARTMENT	145
CHAPTER 35 - FIRE AND RESCUE DEPARTMENT	151
CHAPTER 36 - HAZARDOUS SUBSTANCE SPILLS	157

PUBLIC OFFENSES

CHAPTER 40 - PUBLIC PEACE.....	181
CHAPTER 41 - PUBLIC HEALTH AND SAFETY	189
CHAPTER 42 - PUBLIC AND PRIVATE PROPERTY	197
CHAPTER 43 - DRUG PARAPHERNALIA.....	205
CHAPTER 45 - ALCOHOL CONSUMPTION AND INTOXICATION.....	235
CHAPTER 46 - MINORS.....	241
CHAPTER 47 - PARK REGULATIONS.....	251

NUISANCES AND ANIMAL CONTROL

CHAPTER 50 - NUISANCE ABATEMENT PROCEDURE.....	271
CHAPTER 51 - JUNK AND JUNK VEHICLES	279
CHAPTER 55 - ANIMAL PROTECTION AND CONTROL	301
CHAPTER 56 - DOG AND CAT LICENSES REQUIRED	311

TRAFFIC AND VEHICLES

CHAPTER 60 - ADMINISTRATION OF TRAFFIC CODE	331
CHAPTER 61 - TRAFFIC CONTROL DEVICES.....	335
CHAPTER 62 - GENERAL TRAFFIC REGULATIONS.....	337
CHAPTER 63 - SPEED REGULATIONS	347
CHAPTER 64 - TURNING REGULATIONS	355
CHAPTER 65 - STOP OR YIELD REQUIRED	357
CHAPTER 66 - LOAD AND WEIGHT RESTRICTIONS	371
CHAPTER 67 - PEDESTRIANS	373
CHAPTER 68 - ONE-WAY TRAFFIC	375

TRAFFIC AND VEHICLES - (CONTINUED)

CHAPTER 69 - PARKING REGULATIONS	377
CHAPTER 70 - TRAFFIC CODE ENFORCEMENT PROCEDURES.....	401
CHAPTER 75 - ALL-TERRAIN VEHICLES AND SNOWMOBILES	415
CHAPTER 76 - BICYCLE REGULATIONS	421
CHAPTER 77 - GOLF CARTS.....	425
CHAPTER 80 - ABANDONED VEHICLES	435

WATER

CHAPTER 90 - WATER SERVICE SYSTEM	451
CHAPTER 91 - CROSS CONNECTIONS AND BACKFLOW PREVENTION	459
CHAPTER 92 - WATER METERS.....	469
CHAPTER 93 - WATER RATES	475

SANITARY SEWER

CHAPTER 95 - SANITARY SEWER SYSTEM	491
CHAPTER 96 - BUILDING SEWERS AND CONNECTIONS.....	499
CHAPTER 97 - USE OF PUBLIC SEWERS.....	505
CHAPTER 98 - ON-SITE WASTEWATER SYSTEMS	511
CHAPTER 99 - SEWER SERVICE CHARGES.....	513

GARBAGE AND SOLID WASTE

CHAPTER 105 - SOLID WASTE CONTROL.....	525
CHAPTER 106 - COLLECTION OF SOLID WASTE	531

FRANCHISES AND OTHER SERVICES

CHAPTER 110 - NATURAL GAS FRANCHISE	551
CHAPTER 111 - ELECTRIC FRANCHISE – CONSUMERS ENERGY	559
CHAPTER 112 - ELECTRIC FRANCHISE – ALLIANT	565
CHAPTER 113 - TELEPHONE FRANCHISE	573

FRANCHISES AND OTHER SERVICES - (CONTINUED)

CHAPTER 114 - CABLE TELEVISION FRANCHISE – HUXLEY COMMUNICATIONS.....579
CHAPTER 115 - CABLE TELEVISION FRANCHISE – MEDIACOM.....595
CHAPTER 116 - CEMETERY631

REGULATION OF BUSINESS AND VOCATIONS

CHAPTER 120 - LIQUOR LICENSES AND WINE AND BEER PERMITS651
CHAPTER 121 - CIGARETTE AND TOBACCO PERMITS.....659
CHAPTER 122 - HOUSE MOVERS663
CHAPTER 123 - PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS.....667
CHAPTER 124 - MOBILE FOOD VENDORS669

STREETS AND SIDEWALKS

CHAPTER 135 - STREET USE AND MAINTENANCE.....685
CHAPTER 136 - SIDEWALK REGULATIONS695
CHAPTER 137 - VACATION AND DISPOSAL OF STREETS.....705
CHAPTER 138 - STREET GRADES707
CHAPTER 139 - NAMING OF STREETS.....709
CHAPTER 140 - DRIVEWAYS711
CHAPTER 141 - CONTROLLED ACCESS FACILITIES715

BUILDING AND PROPERTY REGULATIONS

CHAPTER 145 - MANUFACTURED AND MOBILE HOMES735
CHAPTER 150 - BUILDING NUMBERING751
CHAPTER 151 - TREES753
CHAPTER 152 - DANGEROUS BUILDINGS.....765
CHAPTER 154 – PROPERTY MAINTENANCE AND HOUSE CODE775
CHAPTER 156 - RIGHTS-OF-WAY801
CHAPTER 157 - BUILDING CODE.....815

BUILDING AND PROPERTY REGULATIONS (CONTINUED)

CHAPTER 158 - PUBLIC IMPROVEMENTS 831
CHAPTER 158A - FIRE CODE..... 833
CHAPTER 159 - EXISTING BUILDING CODE..... 839
CHAPTER 160 - SWIMMING POOL AND SPA CODE 841
CHAPTER 161 - PLUMBING CODE 843
CHAPTER 162 - MECHANICAL CODE 847
CHAPTER 163 - FUEL GAS CODE 850.1
CHAPTER 164 - ELECTRICAL REGULATIONS..... 850.5

ZONING AND SUBDIVISION

CHAPTER 165 - ZONING REGULATIONS 851
CHAPTER 166 - SUBDIVISION REGULATIONS..... 1025
CHAPTER 167 - SITE PLAN REVIEW 1075
CHAPTER 168 - LANDSCAPE PLAN REVIEW 1101
CHAPTER 169 - GREEN SPACE DEDICATION..... 1125
CHAPTER 170 - FLOOD PLAIN MANAGEMENT 1145

INDEX

APPENDIX:

USE AND MAINTENANCE OF THE CODE OF ORDINANCES 1

SUGGESTED FORMS:

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

GENERAL CODE PROVISIONS

TABLE OF CONTENTS

CHAPTER 1 - CODE OF ORDINANCES.....	1
CHAPTER 2 - CHARTER	9
CHAPTER 3 - MUNICIPAL INFRACTIONS.....	11
CHAPTER 5 - OPERATING PROCEDURES.....	21
CHAPTER 6 - CITY ELECTIONS	29
CHAPTER 7 - FISCAL MANAGEMENT.....	35
CHAPTER 8 - URBAN REVITALIZATION.....	41
CHAPTER 9 - URBAN RENEWAL.....	45
CHAPTER 10 – LOCAL EMERGENCY POWERS	49

CHAPTER 1

CODE OF ORDINANCES

1.01 Title	1.08 Amendments
1.02 Definitions	1.09 Catchlines and Notes
1.03 City Powers	1.10 Altering Code
1.04 Indemnity	1.11 Severability
1.05 Personal Injuries	1.12 Warrants
1.06 Rules of Construction	1.13 General Standards for Action
1.07 Extension of Authority	1.14 Standard Penalty

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

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

1. “Alley” means a public right-of-way, other than a street, affording secondary means of access to abutting property.
2. “City” means the City of Huxley, Iowa.
3. “Clerk” means the city clerk of Huxley, 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 Huxley, Iowa.
6. “Council” means the city council of Huxley, Iowa.
7. “County” means Story County, Iowa.
8. “May” confers a power.
9. “Measure” means an ordinance, amendment, resolution or motion.
10. “Must” states a requirement.
11. “Occupant” or “tenant,” applied to a building or land, includes any person who occupies the whole or a part of such building or land, whether alone or with others.
12. “Ordinances” means the ordinances of the City of Huxley, Iowa, as embodied in this Code of Ordinances, ordinances not repealed by the ordinance adopting this Code of Ordinances, and those enacted hereafter.
13. “Person” means an individual, firm, partnership, domestic or foreign corporation, company, association or joint stock association, trust or other legal entity,

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

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

15. “Shall” imposes a duty.

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

17. “State” means the State of Iowa.

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

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

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

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

(Code of Iowa, Sec. 364.1)

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

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

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

(Code of Iowa, Sec. 364.14)

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

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

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

(Code of Iowa, Sec. 380.2)

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

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

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

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

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

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

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

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

[The next page is 9]

[†] **EDITOR'S NOTE:** For civil penalty for violations of this Code of Ordinances, see Chapter 3.

CHAPTER 2

CHARTER

2.01 Title

2.02 Form of Government

2.03 Powers and Duties of City Officers

2.04 Number and Term of Council

2.05 Term of Mayor

2.06 Copies on File

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

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

(Code of Iowa, Sec. 372.4)

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

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

(Code of Iowa, Sec. 376.2)

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

(Code of Iowa, Sec. 376.2)

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

(Code of Iowa, Sec. 372.1)

[†] **EDITOR'S NOTE:** The City's charter was amended by special election on November 8, 1983.

o o o o o o o o o o

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 Alternative Penalties

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

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

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 \$750.00
 - B. Each Repeat Offense – Not to exceed \$1,000.00

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

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

[†] **EDITOR'S NOTE:** For criminal penalty for violations of this Code of Ordinances, see Section 1.14.

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

- (1) The violation results solely from conducting an initial startup, cleaning, repairing, performing scheduled maintenance, testing, or conducting a shutdown of either equipment causing the violation or the equipment designed to reduce or eliminate the violation.
- (2) The City is notified of the violation within 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.

C. Any violations of the restriction prohibiting alcoholic beverages in parks under Municipal Code Section 47.16 shall carry the following penalties:

- (1) First Offense - \$25.00
- (2) Second Offense - \$50.00
- (3) Third and Subsequent Offense - \$100.00

D. Any violation of Chapter 55, Animal Protection, shall carry the following penalties:

- (1) First Offense - \$25.00
- (2) Second Offense - \$50.00
- (3) Third and Subsequent Offense - \$100.00

E. Any violation of Chapter 56, Dog and Cat Licenses, shall carry the following penalties:

- (1) First Offense - \$25.00
- (2) Second Offense - \$50.00
- (3) Third and Subsequent Offense - \$100.00

F. Any violation of Chapter 105, Solid Waste Control, shall carry the following penalties:

- (1) First Offense - \$25.00
- (2) Second Offense - \$50.00
- (3) Third and Subsequent Offense - \$100.00

G. Any violation of Chapter 136.03, Removal of Snow and Ice Accumulations, shall carry the following penalties:

- (1) First Offense - \$25.00
- (2) Second Offense - \$50.00
- (3) Third and Subsequent Offense - \$100.00

3. In addition to any civil penalty assessed according to this section, there shall be assessed court costs and a surcharge in accordance with the standard surcharge in effect at the time of assessment.

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

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

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

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

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

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

[The next page is 21]

CHAPTER 5

OPERATING PROCEDURES

5.01 Oaths
5.02 Bonds
5.03 Duties: General
5.04 Books and Records
5.05 Transfer to Successor
5.06 Meetings

5.07 Conflict of Interest
5.08 Resignations
5.09 Removal of Appointed Officers and Employees
5.10 Vacancies
5.11 Gifts

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

1. **Qualify for Office.** Each elected or appointed officer shall qualify for office by taking the prescribed oath and by giving, when required, a bond. The oath shall be taken, and bond provided, after 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 Huxley as now or hereafter required by law.”

(Code of Iowa, Sec. 63.10)

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

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

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

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

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

(Code of Iowa, Sec. 64.13)

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

(Code of Iowa, Sec. 64.19)

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

(Code of Iowa, Sec. 64.23[6])

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

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

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

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

5.04 BOOKS AND RECORDS. All books and records required to be kept by law or ordinance shall be open to examination by the public upon request, unless some other provisions of law expressly limit such right or require such records to be kept confidential. Access to public records 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[3a])

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

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

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

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

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

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

5. Newspaper. The designation of an official newspaper.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 372.15)

5.10 VACANCIES. A vacancy in an elective City office during a term of office shall be filled in accordance with Section 372.13(2) of the *Code of Iowa*.

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

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

[The next page is 29]

CHAPTER 6

CITY ELECTIONS

6.01 Nominating Method to be Used

6.02 Nominations by Petition

6.03 Adding Name by Petition

6.04 Preparation of Petition and Affidavit

6.05 Filing, Presumption, Withdrawals, Objections

6.06 Persons Elected

6.07 Election Precinct No. 1

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

(Code of Iowa, Sec. 376.3)

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

(Code of Iowa, Sec. 45.1)

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

(Code of Iowa, Sec. 45.2)

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

(Code of Iowa, Sec. 45.3, 45.5 & 45.6)

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

(Code of Iowa, Sec. 45.4)

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

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

6.07 ELECTION PRECINCT NO. 1.

1. For purposes of best serving the convenience of the voters, there is established an election precinct within the City which includes the recently annexed Southeast Annexation Area.

2. Election Precinct No. 1 shall be the real property within the City of Huxley, Iowa, including the Southeast Annexation Area.

3. Polling places shall be determined by the Story County Election Commissioner to best serve the needs of the precinct.

[The next page is 35]

CHAPTER 7

FISCAL MANAGEMENT

7.01 Purpose
7.02 Finance Officer
7.03 Cash Control
7.04 Fund Control

7.05 Operating Budget Preparation
7.06 Accounting
7.07 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)

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 City Administrator and City Clerk are 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 City Administrator and/or City Clerk 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 the time necessary to meet all notice requirements.

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 the City Clerk shall cause notice of such hearing and a summary of the proposed budget to be published not less than ten (10) nor more than twenty (20) days before the date established for the hearing. Proof of such publication must be filed with the County Auditor.

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

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

them available for distribution at the offices of the Mayor and Clerk and at the City library.

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

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

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

7.06 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, following Council approval, signed by those City officials designated by resolution to sign checks, except as provided by subsection 5 hereof.
4. Budget Accounts. There shall be established such individual accounts to record receipts by source and expenditures by program and activity as will provide adequate information and control for budgeting purposes as planned and approved by the Council. Each individual account shall be maintained within its proper fund and so kept that receipts can be immediately and directly compared with revenue estimates and expenditures can be related to the authorizing appropriation. No expenditure shall be posted except to the appropriation for the function and purpose for which the expense was incurred.
5. Immediate Payment Authorized. The Council may by resolution authorize the Clerk to issue checks for immediate payment of amounts due, which if not paid promptly would result in loss of discount, penalty for late payment or additional interest cost. Any such payments made shall be reported to the Council for review and approval with and in the same manner as other claims at the next meeting following such payment. The resolution authorizing immediate payment shall specify the type of payment so authorized and may include but is not limited to payment of utility bills, contractual obligations, payroll and bond principal and interest.
6. Utilities. The finance officer shall perform and be responsible for accounting functions of the municipally owned utilities.

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

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

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

(Code of Iowa, Sec. 384.22)

[The next page is 41]

CHAPTER 8
URBAN REVITALIZATION

EDITOR'S NOTE		
The following ordinances not codified herein, and specifically saved from repeal, have been adopted designating Urban Revitalization Areas in the City and remain in full force and effect.		
ORDINANCE NO.	ADOPTED	SUBJECT
298	2001	Includes 5 Urban Revitalization Areas
311	January 24, 2002	Urban Revitalization Areas 2, 3, 4 and 5
355	March 22, 2005	Amends amount of exemption

[The next page is 45]

CHAPTER 9
URBAN RENEWAL

EDITOR'S NOTE		
The following ordinances not codified herein, and specifically saved from repeal, have been adopted establishing Urban Renewal Areas in the City and remain in full force and effect.		
ORDINANCE NO.	ADOPTED	NAME OF AREA
224	February 2, 1988	Urban Renewal Area No. 1
249	June 20, 1991	Urban Renewal Area No. 2
255	October 28, 1992	Addition to Area No. 1
256	October 28, 1992	Addition to Area No. 2
286	November 13, 1997	1997 Addition
371	September 26, 2006	2006 Addition to Huxley Urban Renewal Area
452	June 28, 2016	Huxley Urban Renewal Area
453	July 26, 2016	Huxley Urban Renewal Area
454	October 11, 2016	Huxley Housing Urban Renewal Area
464	November 14, 2017	Iron Bridge Urban Renewal Area

[The next page is 49]

CHAPTER 10

LOCAL EMERGENCY POWERS

10.01 Statement of Purpose

10.02 Definitions

10.03 Proclamation of State of Public Disorder by Mayor

10.04 Proclamation of Disaster Emergency by Mayor

10.05 Administration

10.06 Use of Existing Facilities

10.07 Liability

10.08 Violations

10.09 Penalties

10.01 STATEMENT OF PURPOSE. Because of the ever present possibility of the occurrence of natural or man-made disasters, and to provide for the common defense, to protect the public peace, health and safety, and to preserve the lives and property of the people of the City.

1. 1. Establish Disaster Service. To authorize the establishment of disaster services in the City.
2. 2. Emergency Powers. To confer upon the Mayor and upon authorized agents and employees of the City the emergency powers provided in this article.
3. 3. Mutual Aid. To provide for the rendering of mutual aid among the municipalities within Story County and with such county and to cooperate with the State and federal government with respect to the carrying out of disaster services functions and to implement Chapter 29C, Code of Iowa.

10.02 DEFINITIONS. For use in this article, the following terms are defined.

1. 1. Disaster. Shall mean man-made and natural occurrences, such as fire, flood, drought, earthquake, tornado, and windstorm, hazardous substance or nuclear power plant accident or incident, which threaten the public peace, health, and safety of the people or which damage and destroy public or private property. The term includes enemy attack, sabotage or other hostile action from without the City.
2. 2. Public Disorder. Shall mean such substantial interference with the public peace as to constitute a significant threat to the health and safety of the people or a significant threat to public or private property. The term includes insurrection, rioting, looting and persistent violent civil disobedience.
3. 3. Mayor. Shall mean for the purposes of this article, the Mayor of the City of Huxley or, in the absence or incapacity of the mayor, it means the mayor pro-tem. In the absence or incapacity of the mayor pro-tem, it means the first available person in the following order: City Administrator, Fire Chief, Police Chief, then the internal command structure of the fire department. Upon the arrival of a person higher up in this listed chain of command, they then become mayor for the purposes herein defined.

10.03 PROCLAMATION OF STATE OF PUBLIC DISORDER BY MAYOR. A proclamation of a state of public disorder may be issued as follows:

1. 1. Proclamation Issued by Mayor. The Mayor may, after finding a state of public disorder exists, proclaim a state of public disorder emergency. This

proclamation shall be in writing, indicate the area affected and the facts upon which it is based, be signed by the Mayor, and be filed with the City Clerk.

2. Notice of Proclamation. Notice of proclamation of a state of public disorder emergency shall be given by the City Clerk by publication in a newspaper of general circulation in the City, by broadcast through radio and television serving the City and by posting signs at conspicuous places within the area affected. The exercise of the special powers by the Mayor under this section shall not be precluded by the lack of giving notice if the giving of notice has been diligently attempted. All orders and rules promulgated under the proclamation shall be given public notice by the Mayor in the affected area.

3. Disaster. A state of public disorder emergency shall continue for ten (10) days, unless sooner terminated by the Mayor. The City Council may, by resolution, rescind a proclamation of a state of public disorder emergency. Rescission shall be effective upon due passage.

4. Prohibited Acts. The Mayor may, during the existence of a state of public disorder emergency, prohibit:

A. Any person being in a public place during the hours declared by the Mayor to be a period of curfew if this period does not exceed twelve (12) hours in anyone day and if its area of its application is specifically designated.

B. Public gatherings of a designated number of persons within a designated area.

C. The manufacture, use, possession, or transportation of any device or object designed to explode or produce uncontained combustion.

D. The possession of any flammable or explosive liquids or materials in a glass or uncapped container, except in normal operation of motor vehicle or normal home and commercial use.

E. The sale, purchase, or dispensing of such other commodities as are designated by the Mayor.

F. The use of certain streets or highways by the public.

G. Such other activities as the Mayor reasonably believes should be prohibited to help maintain life, health, property or the public peace.

10.04 PROCLAMATION OF DISASTER EMERGENCY BY MAYOR. In exercising the Mayor's powers and duties under this article and to effect the policy and purpose, the Mayor may:

1. Proclamation of State of Disaster. After finding a disaster exists or is threatened, proclaim a state of disaster emergency. This proclamation shall be in writing, indicate the area affected and the facts upon which it is based, be signed by the Mayor, and be filed with the City Clerk. A state of disaster emergency shall continue for thirty (30) days, unless sooner terminated or extended in writing by the Mayor. The City Council may, by resolution, rescind this proclamation. Rescission shall be effective upon passage and filing with the City Clerk. A proclamation of disaster emergency shall activate the disaster emergency operations plan of the City and be authority for the deployment and use of any forces to which the plan applies, and for

use of, and/or distribution of, any supplies, equipment and materials and facilities assembled, stockpiled, or arranged to be made available.

2. **Debris Removal.** When a disaster emergency is proclaimed, notwithstanding any other provisions of law, the City or its designee may clear and/or remove from public or private property debris and wreckage which may threaten public health or safety or public or private property. The Mayor may accept funds from the federal/or State government and utilize such funds for the purpose of removing such debris or wreckage from publicly or privately owned land or water. Provided that, in the case of removal of debris or wreckage from private property, the owner thereof, or affected corporation, organization or individual shall first present an additional authorization for removal and agree to hold harmless the City and its employees and agents from and against any claim arising from such removal. When the Mayor provides for clearance of debris or wreckage, employees of the City or individuals or agencies appointed by the City may enter upon private land or waters and perform any tasks necessary to the removal or clearance operation. Any City employee or agent complying with orders of the Governor and performing duties pursuant to such orders under this chapter shall be considered to be acting within the scope of employment.
3. **Delegate Authority.** Delegate any administrative authority vested in the Mayor under this article and provide for the sub-delegation of any such authority.
4. **Use of Resources.** Utilize all available resources of the city as reasonably necessary to cope with the disaster emergency.
5. **Transfer Personnel or Functions.** Transfer the direction, personnel, or functions of City departments and agencies or units thereof for the purpose of performing or facilitating emergency management.
6. **Use of Private Property.** Subject to any applicable requirements for compensation, commandeer or utilize any private property if the Mayor finds this necessary to cope with the disaster emergency.
7. **Evacuation Ordered.** Direct the evacuation of all or part of the population from any stricken or threatened area within the City if the Mayor deems this action necessary for the preservation of life or other disaster mitigation, response or recovery.
8. **Evacuation Routes.** Prescribe routes, modes of transportation, and destinations in connection with evacuation.
9. **Restrict Movement.** Control ingress and egress to and from a disaster area, the movement of persons within the area, and the occupancy of premises in such area.
10. **Explosives and Combustibles.** Suspend or limit the sale, dispensing, purchase or transportation of explosives and combustibles.

10.05 ADMINISTRATION. The Council may provide for the administration of this article. Such administration shall be responsible for the administration of emergency planning matters, including emergency resource planning in the City, and coordination of available services in the event of a disaster and such other duties as set out in Chapter 29C, Code of Iowa.

10.06 USE OF EXISTING FACILITIES. In carrying out the provisions of this article, the Mayor and department heads of the City shall utilize, to the maximum extent practicable, the services, equipment, supplies and facilities of existing departments and agencies of the City at their respective levels of responsibility.

10.07 LIABILITY. This article is an exercise by the City of its governmental functions for the protection of the public health, safety and general welfare. As such, neither the City nor agents and representatives of the City, nor any individual, receiver, firm, partnership, corporation, association, nor trustee nor any of the agents thereof acting in good faith carrying out, complying with, or attempting to comply with, this article, shall be liable for any damage sustained to persons or property as a result of said activity. Any person owning or controlling real estate or other premises who voluntarily and without compensation grants the City the right to inspect, designate and use the whole or any part of such real estate or premises for the purpose of sheltering persons during a disaster or during an authorized practice disaster exercise, shall not be civilly liable for the death of, or injury to, any person on or about such real estate or premises under such license, privilege or other permission or for loss of or damage to the property of such person.

10.08 VIOLATIONS. It shall be unlawful for any person willfully to obstruct, hinder or delay any emergency services forces in the enforcement or accomplishment of any rule or regulation issued pursuant to this article or to do any act forbidden by any rule or regulation issued pursuant to the authority contained in this article. It shall likewise be unlawful for any unauthorized person to carry or display any emblem, insignia or other means of identification as a member of the emergency services forces of the City.

10.09 PENALTIES. Any person, firm or corporation violating any provision, section, or paragraph of this article shall be guilty of a simple misdemeanor and upon conviction thereof be subject to sentencing under Iowa Code Section 903.1. Each day a violation occurs and/or remains shall constitute a separate and unique offense.

(Ch. 10 – Ord. 449 – Apr. 16 Supp.)

[The next page is 71]

ADMINISTRATION, BOARDS AND COMMISSIONS

TABLE OF CONTENTS

CHAPTER 15 - MAYOR.....	71
CHAPTER 16 - MAYOR PRO TEM.....	75
CHAPTER 17 - CITY COUNCIL.....	77
CHAPTER 18 - CITY CLERK	83
CHAPTER 19 - CITY TREASURER.....	87
CHAPTER 20 - CITY ATTORNEY	89
CHAPTER 21 - CITY ADMINISTRATOR.....	91
CHAPTER 22 - LIBRARY BOARD OF TRUSTEES.....	101
CHAPTER 23 - PLANNING AND ZONING COMMISSION.....	107
CHAPTER 24 - PARKS AND RECREATION BOARD	111
CHAPTER 25 - TREE BOARD	115
CHAPTER 26 - CITY ENGINEER	117

CHAPTER 15

MAYOR

15.01 Term of Office
15.02 Powers and Duties
15.03 Appointments

15.04 Compensation
15.05 Voting

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

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

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

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

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

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

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

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

4. Mayor's Veto. Sign, veto or take no action on an ordinance, amendment or resolution passed by the Council. The Mayor may veto an ordinance, amendment or resolution within 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 deemed necessary that are 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 Mayor Pro Tem, and the Mayor also appoints, with Council approval, the following officials:

(Code of Iowa, Sec. 372.4)

1. City Treasurer
2. Library Board of Trustees
3. Parks and Recreation Board
4. Tree Board
5. Police Chief
6. Building Official
7. Zoning Board of Adjustment

15.04 COMPENSATION. The salary of the Mayor is one hundred fifty dollars (\$150.00) per month for each full month or partial month consisting of sixteen (16) or more days during which the Mayor holds the office, payable monthly.

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

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

(Code of Iowa, Sec. 372.4)

[The next page is 75]

CHAPTER 16

MAYOR PRO TEM

16.01 Vice President of Council
16.02 Powers and Duties

16.03 Voting Rights
16.04 Compensation

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

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

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

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

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

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

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

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

o o o o o o o o o o

CHAPTER 17

CITY COUNCIL

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

17.04 Council Meetings
17.05 Appointments
17.06 Compensation

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

(Code of Iowa, Sec. 372.4 & 376.2)

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 26.10)

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

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

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

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

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

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

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

(Code of Iowa, Sec. 380.4)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Regular Meetings. The time and place of the regular meetings of the Council shall be fixed by resolution of the Council.
2. Special Meetings. Special meetings shall be held upon call of the Mayor or upon the written request or vote 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])
5. Compelling Attendance. Any three members of the Council can compel the attendance of the absent members at any regular, adjourned or duly called meeting, by serving a written notice upon the absent members to attend at once.

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

1. City Clerk
2. City Attorney
3. City Administrator
4. Planning and Zoning Commission

17.06 COMPENSATION. The salary of each Council member is seventy-five dollars (\$75.00) per month for each full month or partial month consisting of sixteen (16) or more days during which the Council member holds the office, payable monthly.

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

[The next page is 83]

CHAPTER 18

CITY CLERK

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

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

18.01 APPOINTMENT AND COMPENSATION. The Council shall appoint by majority vote a City Clerk to serve for an indefinite term. The Clerk shall receive such compensation as established by resolution of the Council.

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

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

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

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

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

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

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

1. Time. If notice of an election, hearing, or other official action is required by this Code of Ordinances or law, the notice must be published at least once, not less than four (4) 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.

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

(Code of Iowa, Sec. 380.11)

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

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

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

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

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

3. Maintenance. Maintain all City records and documents, or accurate reproductions, for at least five (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. The Clerk shall attend all regular and special Council meetings and, at the direction of the Council, the Clerk shall attend meetings of committees, boards, and commissions. The Clerk shall record and preserve a correct record of the proceedings of such meetings.

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

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

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

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

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

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

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

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

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

1. Custody of Funds. Be responsible for the safe custody of all funds of the City in the manner provided by law, and Council direction.
2. Record Receipts. Keep an accurate record of all money or securities received on behalf of the City and specify the date, from whom, and for what purpose received.
3. Record Disbursements. Keep an accurate account of all disbursements, money or property, specifying date, to whom, and from what fund paid.
4. Special Assessments. Keep a separate account of all money received from special assessments.
5. Debt Service. Keep a register of all bonds outstanding and record all payments of interest and principal.

o o o o o o o o o o

CHAPTER 19
CITY TREASURER

19.01 Appointment
19.02 Compensation

19.03 Duties of Treasurer

19.01 APPOINTMENT. The Mayor shall appoint, subject to Council approval, a City Treasurer to serve for an indefinite term.

19.02 COMPENSATION. The Treasurer is paid such compensation as established by resolution of the Council.

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

1. Reconciliation. Reconcile the bank statements.
2. Other Duties. Perform such other duties as specified by the Council by resolution or ordinance.

o o o o o o o o o o

CHAPTER 20

CITY ATTORNEY

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

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

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

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

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

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

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

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

20.04 ORDINANCE PREPARATION. The City Attorney shall prepare those ordinances 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 giving an opinion on all contracts, documents, resolutions, or ordinances submitted to or coming under the City Attorney's notice.

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

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

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

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

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

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

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

20.09 REPRESENTATION OF CITY EMPLOYEES. The City Attorney shall not appear on behalf of any City officer or employee before any court or tribunal for the purely private benefit of said officer or employee. The City Attorney shall, however, if directed by the Council, appear to defend any City officer or employee in any cause of action arising out of or in the course of the performance of the duties of his or her office or employment.

(Code of Iowa, Sec. 670.8)

CHAPTER 21

CITY ADMINISTRATOR

21.01 Appointment and Compensation
21.02 Administrative Responsibility

21.03 Powers and Duties

21.01 APPOINTMENT AND COMPENSATION. The Council shall appoint by majority vote a City Administrator to hold office at the pleasure of the Council. During the tenure of the office, the City Administrator shall reside within the City. No Council member shall receive such appointment during the term for which the Council member has been elected or within one year after the expiration of the Council member's term. The City Administrator shall receive such compensation as may be established by resolution of the Council. The City Council may, by Resolution, enter into a contract with the City Administrator specifying the terms and conditions of the City Administrator's employment.

21.02 ADMINISTRATIVE RESPONSIBILITY. The City Administrator is directly responsible to the Council for the administration of municipal affairs as directed by that body. All departmental activity requiring the attention of the Council shall be brought before the Council by the City Administrator and all Council involvement in administration initiated by the Council must be coordinated through the City Administrator.

21.03 POWERS AND DUTIES. The duties of the City Administrator are as follows:

1. Oversee the preparation of the budget annually and submit it to the Council, together with a message describing the important features;
2. Keep the Council advised of the financial condition and future needs of the City and make such recommendations as may be deemed advisable;
3. Recommend to the Council such measures as may be deemed necessary or expedient for good government and the welfare of the City;
4. Prepare agenda and attend all meetings of the Council unless excused therefrom;
5. Advise, assist and consult with the City Attorney on all legal matters;
6. Advise, assist and consult with the City Engineer on all engineering and planning matters;
7. Assist the Council with the municipal boards and commissions by making recommendations to the boards and commissions about planning, activities and the execution of policies and programs as agreed on;
8. Keep the Council informed as to the progress of its programs and the status of its policies;
9. Investigate all complaints in relation to matters concerning the administration of the government of the City and see that all franchises, permits and privileges granted by the City are faithfully observed;
10. See that all laws and ordinances pertinent to his or her duties are duly enforced;

11. Conduct the business affairs of the City except those assigned to other City officials by law or ordinance and cause accurate records to be kept;
12. Be authorized, if delegated in writing by the Mayor, with the approval of the Council, to have charge and control of the Police Department;
13. Have the general supervision and direction of the administration of the City government and appoint, with approval of the Council, such administrative assistants as shall be deemed advisable;
14. Supervise and direct the official conduct of all officers of the City whom he or she has the power to appoint, as delegated by the Council or Mayor;
15. Coordinate the work of all City departments and assist in planning and inspect work;
16. Advise the Council on insurance matters;
17. Cooperate with and advise the City Planning and Zoning Commission on future plans for City growth and development;
18. Consult with department heads and the Council to determine needs for all departments of the City, formulate the technical and financial aspects of bids to be prepared, submit contracts for municipal needs to the Council for approval and authorization, advertise for bids and enforce quality standards for goods purchased;
19. Represent the City, as directed by the Council, in all negotiations and relations with employees, contractors, consultants, other governmental units and civic organizations in which the City may have an interest;
20. In the case of emergency, coordinate and supervise all City departments and activities;
21. Perform such other duties as may be required by the Council, not inconsistent with the City charter, law or ordinances.

[The next page is 101]

CHAPTER 22

LIBRARY BOARD OF TRUSTEES

22.01 Public Library
22.02 Library Trustees
22.03 Qualifications of Trustees
22.04 Organization of the Board
22.05 Powers and Duties
22.06 Contracting with Other Libraries

22.07 Nonresident Use
22.08 Expenditures
22.09 Annual Report
22.10 Injury to Books or Property
22.11 Theft
22.12 Notice Posted

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

22.02 LIBRARY TRUSTEES. The Board of Trustees of the Library, hereinafter referred to as the Board, consists of seven members, no more than two of whom may be nonresident members residing in the Ballard Community School District. All members are to be appointed by the Mayor with the approval of the Council. (Note: As long as there exists a 28E Agreement with the Ballard School District concerning joint use of the Library, a nonresident shall be defined as a person living outside of the City but within the Ballard School District.)

22.03 QUALIFICATIONS OF TRUSTEES. All resident members of the Board shall be bona fide citizens and residents of the City. The nonresident members of the Board shall be bona fide citizens and residents of the Ballard Community School District. Members shall be over the age of eighteen (18) years.

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

1. Term of Office. All appointments to the Board shall be for six years, except to fill vacancies. Each term shall commence on July 1. Appointments shall be made every two years in the odd-numbered years of one-third the total number or as near as possible, to stagger the terms.
2. Vacancies. The position of any resident Trustee shall be vacated if such member moves permanently from the City. The position of a nonresident Trustee shall be vacated if such member moves permanently outside of the Ballard School District or moves from the City and into the Ballard School District, thereby creating more than two nonresident members. The position of any Trustee shall be deemed vacated if such member has non-excused absences from three (3) consecutive regular meetings of the Board, except in the case of sickness or temporary absence from the City or County. Vacancies in the Board shall be filled in the same manner as an original appointment except that the new Trustee shall fill out the unexpired term for which the appointment is made.
3. Compensation. Trustees shall receive no compensation for their services.

22.05 POWERS AND DUTIES.

1. The Library Board shall have and exercise the following powers and duties:

- A. Officers. To meet and elect from its members a President, a Secretary, and such other officers as it deems necessary.
 - B. Physical Plant. To have charge, control and supervision of the Library, its appurtenances, fixtures and rooms containing the same.
 - C. Charge of Affairs. To direct and control all affairs of the Library.
 - D. Hiring of Librarian. To employ a librarian.
 - E. Removal of Personnel. To remove the librarian, assistants or employees, by a two-thirds vote of the Board, for misdemeanor, incompetence or inattention to duties of such employment.
 - F. Use by Nonresidents. To authorize the use of the Library by nonresidents of the City or the Ballard Community School District and to fix charges for this privilege.
 - G. Rules and Regulations. To make and adopt, amend, modify or repeal bylaws, rules and regulations for the care, use, government and management of the Library and the business of the Board, and to fix and enforce penalties for violations. Copies of such bylaws, rules and regulations shall be posted in the Library where they can be viewed by the public.
 - H. Expenditures. To have exclusive control of the expenditure of all funds allocated for Library purposes by the Council, and of all moneys available by gift or otherwise for the erection of Library buildings, and of all other moneys belonging to the Library including fines and rentals collected under the rules of the Board.
 - I. Gifts. To accept gifts of real property, personal property, or mixed property, and devises and bequests, including trust funds; to take the title to said property in the name of the Library; to execute deeds and bills of sale for the conveyance of said property; and to expend the funds received by them from such gifts, for the improvement of the Library.
 - J. Enforce the Performance of Conditions on Gifts. To enforce the performance of conditions on gifts, donations, devises and bequests accepted by the City by action against the Council.
(Code of Iowa, Ch. 661)
 - K. Record of Proceedings. To keep a record of its proceedings.
2. The Library Director shall have and exercise the following powers and duties:
- A. To employ such assistants and employees as may be necessary for the proper management of the Library, and fix their compensation, provided, however, that prior to such employment, the compensation of the librarian, assistants and employees be fixed for the term of employment by a majority of the members of the Board voting in favor thereof
 - B. Purchases. To select and purchase all items considered necessary for the operation of the library.

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 384.20 & 392.5)

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

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

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 714.1)

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

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

(Code of Iowa, Sec. 714.5)

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

(Code of Iowa, Sec. 808.12)

[The next page is 107]

CHAPTER 23

PLANNING AND ZONING COMMISSION

23.01 Planning and Zoning Commission
23.02 Term of Office
23.03 Vacancies

23.04 Compensation
23.05 Powers and Duties

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

(Code of Iowa, Sec. 414.6 & 392.1)

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

(Code of Iowa, Sec. 392.1)

23.03 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)

23.04 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)

23.05 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 of its members to act as Secretary. The Chairperson shall preside at each meeting, with the Secretary taking over in the absence of the Chairperson. The Secretary is also responsible for keeping accurate minutes of each meeting and providing these minutes for public review within fourteen (14) days of a meeting.

(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 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 being submitted to the Council for consideration.

(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)

[The next page is 111]

CHAPTER 24

PARKS AND RECREATION BOARD

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

24.04 Hiring Director
24.05 Rules

24.01 PARKS AND RECREATION BOARD CREATED. A Parks and Recreation Board is hereby created to advise and assist the Council on the needed facilities and programs to provide open space such as parks, playgrounds, swimming pools and community facilities for other forms of recreation. It shall also plan and oversee programs, both indoor and outdoor, for the leisure time of the City's residents of all ages. It shall work with the Tree Board in writing a plan for the care, preservation, pruning, planting, replanting, removal and disposition of trees and shrubs within the City parks.

24.02 BOARD ORGANIZATION. The Board shall consist of seven members, no more than one who may be a nonresident member residing in the Ballard School District outside of any of the communities. The applicant shall be appointed by the Mayor with the approval of the Council, for overlapping terms of three years. The Board shall annually choose from its membership a Chairperson, Vice Chairperson and Secretary. Members shall serve without compensation, but may receive reimbursement for expenses incurred in the performance of their duties. Vacancies shall be filled in the same manner as the original appointment for the balance of the term.
(Ord. 450 – May 17 Supp.)

24.03 DUTIES OF THE BOARD. The Board shall have the following duties and responsibilities:

1. Advise the Parks and Recreation Director (herein referred to as the "Director") on the use and development of the City parks, City outdoor/indoor recreational programs, and 3Cs.
2. Work with the Tree Board in developing a plan for maintenance and possible addition of trees and foliage within the parks.
3. Develop a comprehensive plan for the City's parks and recreational programs. This plan shall cover a five-year period and include, but not be limited to, the following items:
 - A. Location of future parks and designating the type of parks;
 - B. Timetable for expansion of current parks and recreational facilities;
 - C. Timetable for capital improvements of the City's parks and facilities;
 - D. Hold an annual public hearing to gather input from the citizenry on what they feel the needs of the community may be in the areas of leisure time activities and recreational facilities.

Upon completion of this plan, it shall be submitted to the Council for a presentation by the Director for the Council's consideration. The Board, with the assistance of the Director, will be responsible for reviewing and updating the Parks and Recreation Comprehensive Plan annually.

4. Adopt its own rules and regulations not inconsistent with the ordinances and policies of the City or the laws of the State with regard to the administration of its own internal affairs.
5. Assist the Director in the preparation of grant applications and presentations.
6. Advise and assist the Director in the development of the Department's annual budget.
7. Assist the Director in the compiling and submission to the Council of an annual report on the state of the City's parks and recreational activities and development.
8. Submit to the Council for approval the recommended fees, regulations and policies for the use of the City parks and recreational facilities.
9. Nominate new Board members for the Council's review and approval.
10. Advise, assist and approve the action necessary for the Director to begin the process of hiring any part-time, temporary or seasonal employees to be forwarded to the Council for approval to hire.
11. Evaluate annually the full-time staff and other designated personnel within the Parks and Recreation Department and report same to the City Administrator.

24.04 HIRING DIRECTOR. For the purpose of hiring a Director or any full time administrative position within the Department, a committee shall be appointed by the Council that shall be comprised of no less than three members of the Parks and Recreation Board, no less than two members of the Council, and the City Administrator. This committee shall submit to the Council their recommendation for approval and hiring.

24.05 RULES. The Board has the power to make rules and regulations for the use of parks or other recreational facilities or for the conduct of recreation programs, subject to the approval of the rules by the Council. Such rules shall be either posted on the facility or otherwise publicized in a manner to provide adequate notice to the using public. Violation of a rule or regulation so posted or publicized may be cause for denial of use of the facility or if it is a violation of this Code of Ordinances may be prosecuted as a simple misdemeanor.

[The next page is 115]

CHAPTER 25

TREE BOARD

25.01 Tree Board Established
25.02 Duties

25.03 Compensation
25.04 Operation

25.01 TREE BOARD ESTABLISHED. There is hereby created and established a City Tree Board for the City, which consists of five members, appointed by the Mayor with the approval of the Council, for staggered three-year terms.

25.02 DUTIES. The Tree Board is an advisory board within the Parks and Recreation Department. The Tree Board, working with the Public Works Director, has the duty to prepare, revise annually and administer a written plan for the care, preservation, pruning, planting, replanting, removal and disposition of trees and shrubs located within the right-of-way boundaries of all City streets or located on any other property owned by the City. The Tree Board shall develop this plan and work in conjunction with the Parks and Recreation Board regarding trees located within City parks. Said plan shall be presented to the Council annually for approval. Upon the request of the Council, the City Tree Board shall consider, investigate, make findings, report on and provide recommendations concerning any special matters or questions coming within the scope of its work.

25.03 COMPENSATION. Members of the Board shall serve without compensation.

25.04 OPERATION. The City Tree Board shall choose its own officers, establish rules and regulations within the scope of its duties and keep a journal of its proceedings. A majority of the members shall be quorum for the transaction of business.

o o o o o o o o o o

CHAPTER 26

CITY ENGINEER

26.01 Appointment
26.02 Qualification for Office

26.03 Duties

26.01 APPOINTMENT. The Council may appoint a City Engineer. The offices of Public Works Director and City Engineer may be filled by the same person.

26.02 QUALIFICATION FOR OFFICE. The City Engineer shall meet the qualifications set by the Council.

26.03 DUTIES. The City Engineer is responsible for the following:

1. The oversight of the design and construction of City streets, bridges, sidewalks, sewers, water distribution and treatment facilities, wastewater treatment facilities, and other capital improvement projects;
2. The planning and direction of the professional work of an engineering nature performed in the field or in the office including the preparation and preservation of engineering surveys, designs, plans, layouts, estimates and contract documents;
3. The review of site plans, subdivision plats and other engineering documents to be ultimately adopted as City-owned infrastructure, as well as the observation of the construction of the subdivision improvements to be ultimately adopted as City-owned infrastructure;
4. Preparation, updating and coordinating City mapping, such as utility maps, zoning maps, address maps, street classification and name maps, Growth Management Plan maps, Parks and Trails maps and other maps as may be required by the City;
5. Other duties and functions as may be assigned by State law, the provisions of this Code of Ordinances or by the Council.

[The next page is 145]

POLICE, FIRE AND EMERGENCIES

TABLE OF CONTENTS

CHAPTER 30 - POLICE DEPARTMENT	145
CHAPTER 35 - FIRE AND RESCUE DEPARTMENT	151
CHAPTER 36 - HAZARDOUS SUBSTANCE SPILLS.....	157

CHAPTER 30

POLICE DEPARTMENT

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

30.06 Police Chief Appointed
30.07 Powers and Duties of Police Chief
30.08 Departmental Rules
30.09 Summoning Aid
30.10 Taking Weapons

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

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

30.03 PEACE OFFICER QUALIFICATIONS. In no case shall any person be selected or appointed as a law enforcement officer unless such person meets the minimum qualification standards established by the Iowa Law Enforcement Academy.
(Code of Iowa, Sec. 80B.11)

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

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

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

30.06 POLICE CHIEF APPOINTED. The Mayor shall appoint and dismiss the Police Chief subject to the consent of a majority of the Council.
(Code of Iowa, Sec. 372.4)

30.07 POWERS AND DUTIES OF POLICE CHIEF. The day-to-day supervision of the Police Chief is the responsibility of the Mayor. The Police Chief has the following powers and duties subject to the approval of the Council.
(Code of Iowa, Sec. 372.13[4])

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

4. Accident Reports. Report all motor vehicle accidents investigated to the State Department of Transportation.
(Code of Iowa, Sec. 321.266)
5. Prisoners. Be responsible for the custody of prisoners, including conveyance to detention facilities as may be required.
6. Assist Officials. When requested, provide aid to other City officers, boards and commissions in the execution of their official duties.
7. Investigations. Provide for such investigation as may be necessary for the prosecution of any person alleged to have violated any law or ordinance.
8. Record of Arrests. Keep a record of all arrests made in the City by showing whether said arrests were made under provisions of State law or City ordinance, the offense charged, who made the arrest and the disposition of the charge.
9. Reports. Compile and submit to the Mayor and Council an annual report as well as such other reports as may be requested by the Mayor or Council.
10. Command. Be in command of all officers appointed for police work and be responsible for the care, maintenance and use of all vehicles, equipment and materials of the department.

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

30.09 SUMMONING AID. Any peace officer making a legal arrest may orally summon as many persons as the officer reasonably finds necessary to aid the officer in making the arrest.
(Code of Iowa, Sec. 804.17)

30.10 TAKING WEAPONS. Any person who makes an arrest may take from the person arrested all items which are capable of causing bodily harm which the arrested person may have within such person's control to be disposed of according to law.
(Code of Iowa, Sec. 804.18)

[The next page is 151]

CHAPTER 35

FIRE AND RESCUE DEPARTMENT

35.01 Volunteer Fire Department Established	35.11 Duties of Fire Chief
35.02 Purpose	35.12 Duties of Deputy Chiefs
35.03 Organization	35.13 Duties of Members
35.04 Fire Division	35.14 Compensation and Expenses
35.05 EMS Division	35.15 Insurance
35.06 Election of Officers	35.16 Liability Insurance
35.07 Membership Qualifications	35.17 Demolition of Buildings
35.08 Physical Examination	35.18 Duties of Private Citizens
35.09 Resignation	35.19 False Alarms
35.10 Removals	35.20 Emergency Ambulance Service

35.01 VOLUNTEER FIRE DEPARTMENT ESTABLISHED. A volunteer fire department is established and shall be known as the Huxley Fire and Rescue Department, and is referred to in this chapter as “the department.”

(Code of Iowa, Sec. 364.16)

35.02 PURPOSE. The purpose of the department is to prevent and extinguish fires, to protect lives and property against fires, to promote fire prevention and fire safety, and to respond to requests for emergency rescue and medical care or assistance when no other agency is immediately available to do so.

35.03 ORGANIZATION. The principal officer of the department shall have the title of Fire Chief. The Fire Chief shall have two deputies who shall each have the title of Deputy Chief. The department shall be divided into the fire division and the EMS division. The Fire Chief shall have charge, control and management of the entire department. Each division shall be headed by a Deputy Chief. Members of the department shall be assigned to one or both divisions. The department shall have no more than fifty members at any one time and no more than thirty-five members shall be assigned to either division of the department.

35.04 FIRE DIVISION. It is the duty of the fire division to perform the following responsibilities of the department: to prevent and extinguish fires, to protect lives and property, and to promote fire prevention and fire safety.

35.05 EMS DIVISION. It is the duty of the EMS division to respond to requests for emergency rescue and medical care or assistance.

35.06 ELECTION OF OFFICERS. During the month of January of each year, a Fire Chief and two Deputy Chiefs shall be elected officers of the department. Each officer shall serve a term of one year, which shall commence on February 1 following such election and end on the last day of January in the next year. The Fire Chief shall be elected by a majority vote of all voting members of the department, subject to the approval of the Council. The Deputy Chief of the fire division shall be elected by a majority of all voting members of the department assigned to the fire division, subject to approval of the Council. The Deputy Chief of the EMS division shall be elected by a majority of all voting members of the department assigned to the EMS division, subject to the approval of the Council. A vacancy in the office of Fire Chief or Deputy Chiefs, for whatever reason, shall be filled by election in the same

manner provided in this section within thirty days after the occurrence of such vacancy for the remaining unexpired term.

35.07 MEMBERSHIP QUALIFICATIONS. Any person who is eighteen (18) years of age or older, who permanently resides within the corporate limits of the City or who resides within three miles of the corporate limits of the City or who is regularly employed within the corporate limits of the City, and who is mentally competent and physically able to perform the duties of a firefighter or first responder and who submits in writing to the Fire Chief an application for appointment as a member of the department in the position of firefighter or first responder shall qualify for appointment to the position designated in the written application upon approval of the Fire Chief, the Deputy Chief of the designated division, and the Council. An applicant who qualifies and requests to be appointed to both the position of firefighter and first responder may be appointed to serve in both positions at the same time. All approvals required for appointment as a member of the department shall be endorsed on the appointee's application form.

35.08 PHYSICAL EXAMINATION. Each person newly appointed to membership in the department, prior to performing any duties as a member of the department, and each existing member, prior to March 1 of each year, shall furnish to the Fire Chief the written report of a licensed physician certifying that a physical examination of the member discloses that the member is in good physical health and suffers from no physical disability which would interfere with the performance of the member's duties as either a firefighter or first responder, whichever is applicable. The cost of such physical examination shall be paid by the City for each newly appointed member, provided, however, a newly appointed member who fails to complete one full year of service as a member shall reimburse the City for the costs of such physical examination. Thereafter, the costs of such physical examination shall be the responsibility of the member.

35.09 RESIGNATION. A member of the department may voluntarily resign as a member of the department by submitting to the Fire Chief a written statement of such resignation and the same shall take effect immediately unless a subsequent effective date is stated therein.

35.10 REMOVALS. A member of the department may be involuntarily removed as a member of the department by written order of the Fire Chief. The Council may remove the Fire Chief as a member of the department by written order. The order shall give the reasons for the removal, be filed in the office of the Clerk, and a copy shall be sent by certified mail to the person removed who, upon request filed with the Clerk within 30 days of the date of mailing the copy, shall be granted a public hearing before the Council on all issues connected with the removal. The hearing shall be held within 30 days of the date the request is filed, unless the person removed requests a later date.

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

1. Command all operations of the department and be responsible for the care, maintenance and use of all vehicles and equipment of the department. The Fire Chief may cause repairs to be made to the vehicles and equipment of the department without prior order of the Council.
2. Subject to the approval of the Council, establish and maintain departmental rules to carry out the requirements of this chapter.

3. Keep a record of the names, ages and residences of all members of the department and be responsible for their training and supervision.
4. Maintain attendance records for drill meetings and fires.
5. Investigate the cause, origin and circumstances of each fire by which property has been destroyed or damaged or which results in bodily injury to any person.
6. Annually, during the month of January, furnish to the Council a written report identifying all members of the department and their record of attendance at drills, meetings, fires and incidents where emergency assistance was provided.

35.12 DUTIES OF DEPUTY CHIEFS. Each Deputy Chief, subject to the direction of the Fire Chief, shall command the division for which such officer is responsible. In the absence of the Fire Chief, the Deputy Chief of the fire division shall assume the responsibilities of the Fire Chief.

35.13 DUTIES OF MEMBERS. All members, when called by the Fire Chief or the Deputy Chief of their respective divisions, shall report for duty immediately in the manner directed. Members shall be subject to call at any time. Members shall obey the commands of any other member who has been appointed by the Fire Chief or their division Deputy Chief to be in command temporarily. Members shall report to the Fire Chief or their division Deputy Chief if they expect to be absent from the City for forty-eight (48) hours or more. All members shall report for training as ordered by the Fire Chief or Deputy Chief of their division.

35.14 COMPENSATION AND EXPENSES. The department shall be staffed exclusively by unpaid volunteer members who shall be paid only nominal compensation as follows:

1. Within City. Each department member who is present and reports to the Fire Chief or incident commander at any fire or medical call within the City or at a meeting called by the Fire Chief shall receive nominal compensation as set by resolution of the Council.
2. Other Services. Each department member who is present and reports to the Fire Chief or incident commander at any fire or medical call outside the City may receive nominal compensation as set by resolution of the Council. The Council may also, in its sole discretion, authorize the payment of additional nominal compensation to firefighters in the cases of extraordinary fire-fighting or medical services.
3. Expenses. The Council may, upon application of a member, reimburse the member for ordinary and necessary expenses incurred in pursuance of duties as a member of the department. The annual dues of the Iowa Firemen's Association shall be paid by the City for each member of the department who is a firefighter. The City shall continue to pay said annual dues and mutual aid calls for the lifetime of any member who has retired from membership in the department after completing 25 years of services as a firefighter.
4. The Council shall appropriate funds on an annual basis for the compensation of firefighters and first responders for training purposes. The Fire Chief shall determine the amount to be paid to each member.

35.15 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 members of the department injured in the performance of their duties

as firefighters or first responders. All members of the department shall be covered by the contract.

35.16 LIABILITY INSURANCE. The Council shall contract to insure against liability of the City or members of the department for personal injuries, death or property damage arising out of and resulting from the performance of departmental duties.

35.17 DEMOLITION OF BUILDINGS. The Mayor, with the advice of the Council members present at any fire, or in the absence of the Mayor and any Council members, the Fire Chief may order the demolition of any building or other structure whenever it is deemed necessary to arrest the progress of a fire.

35.18 DUTIES OF PRIVATE CITIZENS. Every person at a fire who is not a member of the department shall be subject and obedient to the orders of the Fire Chief, the Deputy Chiefs, the Mayor, Council members and the Police Chief, provided such members first make their status known, in the extinguishing of the fire and the removal and protection of property.

35.19 FALSE ALARMS. The department is authorized to assess a service charge fee to any alarm system user that generates an unnecessary number of false alarm responses during a calendar year. The Council, by resolution, will determine the number of false alarms allowed per user per year that will not be assessed a service charge fee and will also determine the amount of the service charge fee.

35.20 EMERGENCY AMBULANCE SERVICE. The Huxley Fire and Rescue Department is authorized to provide emergency ambulance service. The accidental injury and liability insurance provided for, pursuant to Section 35.15, shall include such operation.

[The next page is 157]

CHAPTER 36

HAZARDOUS SUBSTANCE SPILLS

36.01 Purpose

36.02 Definitions

36.03 Cleanup Required

36.04 Liability for Cleanup Costs

36.05 Notifications

36.06 Police Authority

36.07 Liability

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36.05 NOTIFICATIONS.

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

36.06 POLICE AUTHORITY. If the circumstances reasonably so require, a law enforcement officer or an authorized Fire and Rescue Department representative may:

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

No person shall disobey an order of any law enforcement officer or Fire and Rescue Department officer issued under this section.

36.07 LIABILITY. The City shall not be liable to any person for claims of damages, injuries, or losses resulting from any hazardous condition, unless the City is the responsible person as defined in Section 36.02[4].

[The next page is 181]

PUBLIC OFFENSES

TABLE OF CONTENTS

CHAPTER 40 - PUBLIC PEACE	181
CHAPTER 41 - PUBLIC HEALTH AND SAFETY	189
CHAPTER 42 - PUBLIC AND PRIVATE PROPERTY	197
CHAPTER 43 - DRUG PARAPHERNALIA	205
CHAPTER 45 - ALCOHOL CONSUMPTION AND INTOXICATION	235
CHAPTER 46 - MINORS	241
CHAPTER 47 - PARK REGULATIONS	251

CHAPTER 40
PUBLIC PEACE

40.01 Assault
40.02 Harassment
40.03 Disorderly Conduct

40.04 Unlawful Assembly
40.05 Failure to Disperse

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

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

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

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

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

An act described in subsections 1 and 2 shall not be an assault under the following circumstances: (i) if the person doing any of the enumerated acts, and such other person, are voluntary participants in a sport, social or other activity, not in itself criminal, and such act is a reasonably foreseeable incident of such sport or activity, and does not create an unreasonable risk of serious injury or breach of the peace; (ii) if the person doing any of the enumerated acts is employed by a school district or accredited nonpublic school, or is an area education agency staff member who provides services to a school or school district, and intervenes in a fight or physical struggle or other disruptive situation that takes place in the presence of the employee or staff member performing employment duties in a school building, on school grounds, or at an official school function, regardless of the location, whether the fight or physical struggle or other disruptive situation is between students or other individuals, if the degree and the force of the intervention is reasonably necessary to restore order and to protect the safety of those assembled.

(Code of Iowa, Sec. 708.1)

40.02 HARASSMENT. No person shall commit harassment.

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

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

(Code of Iowa, Sec. 708.7)

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

(Code of Iowa, Sec. 708.7)

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

(Code of Iowa, Sec. 708.7)

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

(Code of Iowa, Sec. 708.7)

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

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

1. Fighting. Engage in fighting or violent behavior in any public place or in or near any lawful assembly of persons, provided that participants in athletic contests may engage in such conduct 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 trespass or assault. As used in this subsection:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 723.5)

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

(Code of Iowa, Sec. 723.2)

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

(Code of Iowa, Sec. 723.3)

[The next page is 189]

CHAPTER 41

PUBLIC HEALTH AND SAFETY

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

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

(Code of Iowa, Sec. 727.1)

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

(Code of Iowa, Sec. 718.6)

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

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

(Code of Iowa, Sec. 719.1A)

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

(Code of Iowa, Sec. 719.2)

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

(Code of Iowa, Sec. 718.4)

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

(Code of Iowa, Sec. 719.1)

41.07 REMOVAL OF AN OFFICER'S COMMUNICATION OR CONTROL DEVICE. No person shall knowingly or intentionally remove or attempt to remove a communication device or any device used for control from the possession of a peace officer or correctional officer, when the officer is in the performance of any act which is within the scope of the lawful duty or authority of that officer and the person knew or should have known the individual to be an officer.

(Code of Iowa, Sec. 708.12)

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

(Code of Iowa, Sec. 727.3)

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

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

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

41.11 DISCHARGING WEAPONS.

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

41.12 THROWING AND SHOOTING. It is unlawful for a person to throw stones, bricks, or missiles of any kind or to shoot arrows, paintballs, rubber guns, slingshots, air rifles, BB

guns, or other dangerous instruments or toys on or into any street, alley, highway, sidewalk, public way, public ground, or public building, without written consent of the Council.

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

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

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

(Code of Iowa, Sec. 727.2)

1. Definition.
 - A. “First-class Consumer Fireworks” means the following Consumer Fireworks, as described in the American Pyrotechnics Association’s standard 87-1, Chapter 3:
 - B. Consumer Fireworks” means those fireworks as defined by Iowa Code Section 727.2 that may be sold within the City even though the use of those items is prohibited.
 - (1) Serial shell kits and reloadable tubes
 - (2) Chasers
 - (3) Helicopter and aerial spinners
 - (4) Firecrackers
 - (5) Mine and shell devices
 - (6) Missile type rockets
 - (7) Roman candles
 - (8) Skyrockets and bottle rockets
 - (9) Multiple tube devices under this paragraph (b) that are manufactured in accordance with APA 87-1, Section 3.5.
 - C. “Second-class Consumer Fireworks” means the following Consumer Fireworks, as described in APA 87-1, Chapter 3:
 - (1) Cone fountains.
 - (2) Cylindrical fountains.
 - (3) Flitter sparklers.
 - (4) Ground and hand-held sparkling devices, including multiple tube ground and hand-held sparkling devices that are manufactured in accordance with APA 87-1, Section 3.5.
 - (5) Ground spinners.
 - (6) Illuminating torches.
 - (7) Toy smoke devices that are not classified as novelties pursuant to APA 87-1, Section 3.2.

(8) Wheels

(9) Wire or dipped sparklers that are not classified as novelties pursuant to APA 87-1, section 3.2.

D. “Display Fireworks” means those fireworks as defined by Iowa Code Section 727.2(1)(b).

2. Regulations.

A. It shall be unlawful for any person to use or explode any explosive, explosive material or First-class Consumer Fireworks and Second-class Consumer Fireworks within the corporate limits of the City.

B. It shall be unlawful for any person to offer for sale, expose for sale, sell at retail, or use or explode any explosive, explosive material or First-class Consumer Fireworks and Second-class Fireworks within the corporate limits of the City unless granted a permit as provided in Huxley Municipal Code. Sales of Display Fireworks may be made for that purpose only.

C. It shall be unlawful for any person to use or explode any Display Fireworks within the corporate limits of the City unless, upon application in writing, the City has issued a permit to a City agency, fair association, amusement park or other organizations or groups of individuals approved by City authorities to display fireworks and such display will be handled by a competent operator.

(Ord. 463 – Apr. 18 Supp.)

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

[The next page is 197]

CHAPTER 42

PUBLIC AND PRIVATE PROPERTY

42.01 Trespassing

42.02 Criminal Mischief

42.03 Defacing Proclamations or Notices

42.04 Unauthorized Entry

42.05 Fraud

42.06 Theft

42.07 Other Public Property Offenses

42.01 TRESPASSING.

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

(Code of Iowa, Sec. 716.8)

2. Definitions. For purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 716.1)

42.04 UNAUTHORIZED ENTRY. No unauthorized person shall enter or remain in or upon any public building, premises, or grounds in violation of any notice posted thereon or

when said building, premises or grounds are closed and not open to the public. When open to the public, a failure to pay any required admission fee also constitutes an unauthorized entry.

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

(Code of Iowa, Sec. 714.8)

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

(Code of Iowa, Sec. 714.1)

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

1. Chapter 22 – Library
 - A. Section 22.10 – Injury to Books or Property
 - B. Section 22.11 – Theft of Library Property
2. Chapter 105 – Solid Waste Control and Recycling
 - A. Section 105.07 – Littering Prohibited
 - B. Section 105.08 – Open Dumping Prohibited
3. Chapter 135 – Street Use and Maintenance
 - A. Section 135.01 – Removal of Warning Devices
 - B. Section 135.02 – Obstructing or Defacing
 - C. Section 135.03 – Placing Debris On
 - D. Section 135.04 – Playing In
 - E. Section 135.05 – Traveling on Barricaded Street or Alley
 - F. Section 135.08 – Burning Prohibited
 - G. Section 135.12 – Dumping of Snow
4. Chapter 136 – Sidewalk Regulations
 - A. Section 136.11 – Interference with Sidewalk Improvements
 - B. Section 136.14 – Fires or Fuel on Sidewalks
 - C. Section 136.15 – Defacing
 - D. Section 136.16 – Debris on Sidewalks
 - E. Section 136.17 – Merchandise Display
 - F. Section 136.18 – Sales Stands

[The next page is 205]

CHAPTER 43

DRUG PARAPHERNALIA

43.01 Purpose

43.02 Controlled Substance Defined

43.03 Drug Paraphernalia Defined

43.04 Determining Factors

43.05 Possession of Drug Paraphernalia

43.06 Manufacture, Delivery or Offering For Sale

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

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

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

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

8. Mixing Devices. Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances.
9. Containers. Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances.
10. Storage Containers. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances.
11. Injecting Devices. Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body.
12. Ingesting-Inhaling Device. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing heroin, marijuana, cocaine, hashish, or hashish oil into the human body, such as:
 - A. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
 - B. Water pipes;
 - C. Carburetion tubes and devices;
 - D. Smoking and carburetion masks;
 - E. Roach clips, meaning objects used to hold burning materials, such as a marijuana cigarette that has become too small or too short to be held in the hand;
 - F. Miniature cocaine spoons and cocaine vials;
 - G. Chamber pipes;
 - H. Carburetor pipes;
 - I. Electric pipes;
 - J. Air driven pipes;
 - K. Chillums;
 - L. Bongs;
 - M. Ice pipes or chillers.

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

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

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

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

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

[The next page is 235]

CHAPTER 45

ALCOHOL CONSUMPTION AND INTOXICATION

45.01 Persons Under Legal Age
45.02 Public Consumption or Intoxication

45.03 Open Containers in Motor Vehicles
45.04 Social Host

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

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

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

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

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

45.02 PUBLIC CONSUMPTION OR INTOXICATION.

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 123.46)

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

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

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

[The next page is 241]

CHAPTER 46

MINORS

46.01 Curfew

46.02 Cigarettes and Tobacco

46.03 Contributing to Delinquency

46.01 CURFEW. A curfew applicable to minors is established and shall be enforced as follows:

1. Definitions. For use in this section, the following terms are defined:
 - A. “Emergency errand” means, but is not limited to, an errand relating to a fire, a natural disaster, an automobile accident or any other situation requiring immediate action to prevent serious illness, bodily injury or loss of life.
 - B. “Knowingly” means knowledge 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 standard of adult responsibility through an objective test. It is therefore no defense that an adult responsible for a minor was completely indifferent to the activities or conduct or whereabouts of the minor.
 - C. “Minor” means any unemancipated person under the age of eighteen (18) years.
 - D. “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.
 - E. “Public place” includes shopping centers, 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 motor vehicle or other conveyance is considered to be a public place when in the areas defined above.
 - F. “Responsible adult” means a parent, guardian or other adult authorized by law or authorized by the child’s parent or guardian to have custody or control of a minor.
 - F. “Unemancipated” means unmarried and/or still under the custody or control of a responsible adult.
2. Curfew Established. A curfew applicable to minors is established and shall be enforced as follows:

- A. Unless accompanied by a responsible adult, no minor 14 years of age or younger shall be in any public place between the hours of 10:00 p.m. and 5:00 a.m.
 - B. Unless accompanied by a responsible adult, no minor 15 through 17 years of age shall be in any public place during the following times:
 - (1) January 1 through December 31:
 - a. Sunday through Thursday, 11:00 p.m. to 5:00 a.m. each day.
 - b. Saturday and Sunday, 12:00 midnight to 5:00 a.m. each day.
3. Exceptions. The following are exceptions to the curfew:
- A. The minor is accompanied by a responsible adult.
 - B. The minor is on the sidewalk or property where the minor resides or on either side of the place where the minor resides and the adult responsible for the minor has given permission for the minor to be there.
 - C. The minor is present at or is traveling between home and one of the following:
 - (1) Minor's place of employment in a business, trade or occupation in which the minor is permitted by law to be engaged or, if traveling, within one hour after the end of work;
 - (2) Minor's place of religious activity or, if traveling, within one hour after the end of the religious activity;
 - (3) Governmental or political activity or, if traveling, within one hour after the end of the activity;
 - (4) School activity or, if traveling, within one hour after the end of the activity;
 - (5) Assembly such as a march, protest, demonstration, sit-in or meeting of an association for the advancement of economic, political, religious or cultural matters, or for any other activity protected by the First Amendment of the U.S. Constitution guarantees of free exercise of religion, freedom of speech, freedom of assembly or, if traveling, within one hour after the end 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.
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 peace officer on the street shall, in the first instance, use his or her best judgment in determining age.

B. Grounds for Arrest; Conditions of Custody. Grounds for arrest are that the person refuses to sign the citation without qualification; persists in violating the ordinance; refuses to provide proper identification or to identify himself or herself; or constitutes an immediate threat to the person's own safety or to the safety of the public. A law enforcement officer who arrests a minor for a curfew violation may keep the minor in custody either in a shelter care facility or in any 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 for simply a curfew violation.

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

D. Minor Without Adult Supervision. If a peace officer determines that a minor does not have adult supervision because the peace officer cannot locate the minor's parent, guardian or other person legally responsible for the care of the minor, within a reasonable time, the peace 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 violation by a minor, the Police Chief shall, by certified mail, send to the adult responsible for the minor, written notice of the violation with a warning. If the minor has two violations within a 24-month period from the date of the first violation, this will result in the responsible adult being guilty of a simple misdemeanor.

B. Minors in Violation. Any minor who violates any of the provisions of this section shall be 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, alternative nicotine products, vapor products, or cigarettes. Possession of tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes by a person under eighteen years of age shall not constitute a violation of this section if said person possesses the tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes as part of the person's employment and said person is employed by a person who holds a valid permit under Chapter 453A of the *Code of Iowa* or who lawfully offers for sale or sells cigarettes or tobacco products.

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

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

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

[The next page is 251]

CHAPTER 47

PARK REGULATIONS

47.01 Applicability	47.12 Removal of Turf or Soil
47.02 Definitions	47.13 Prohibited Actions
47.03 Compliance Required	47.14 Fires
47.04 Exclusive Use of Parks	47.15 Solicitation
47.05 Liability	47.16 Alcoholic Beverages
47.06 Traffic	47.17 Offensive Actions
47.07 Amplified Sound	47.18 Privately Owned Animals
47.08 Waste Material	47.19 Closing Sections of Park
47.09 Interference	47.20 Camping
47.10 Removing Plants	47.21 Use of Firearms Prohibited
47.11 Birds and Animals	47.22 Authority of Board to Prohibit Certain Conduct

47.01 APPLICABILITY. The rules and regulations set out in this chapter apply to all parks, City recreational areas and facilities.

47.02 DEFINITIONS. The following words and phrases are defined for use in this chapter.

1. “Alcoholic beverages” means all alcoholic beverages other than beer or wine.
2. “Amplified music” means music projected and transmitted by electronic equipment including amplifiers, the total output of which amplifiers, including the sum of the wattage output of each channel, exceeds twenty-five (25) watts.
3. “Amplified speech” means speech projected and transmitted by electronic equipment, including amplifiers, the total output of which, including the sum of the wattage output of each channel, exceed twenty-five (25) watts.
4. “Board” means the Parks and Recreation Board.
5. “Controlled substance” means a drug, substance or immediate precursor as defined in Chapter 124 of the *Code of Iowa*.
6. “Director” means the head of Parks and Recreation or a designated representative.
7. “Motor vehicle” means every vehicle which is self propelled.
8. “Parks” includes all recreational areas and facilities, parks and park facilities owned or operated by the City.
9. “Permit” means a permit for exclusive use of parks or portions thereof or buildings or portions thereof as provided for and defined in this chapter.
10. “Vehicle” means every device in, upon or by which any person or property is or may be transported or drawn upon a highway.
11. “Waste” means any materials that are useless and which belong in garbage receptacles.

47.03 COMPLIANCE REQUIRED. No person shall enter, be in or remain in any park or park facility unless said person complies with all of the regulations set forth in this chapter, applicable to such park or facility.

47.04 EXCLUSIVE USE OF PARKS. Regular park hours are 6:00 a.m. to 11:00 p.m. Parks and park facilities may be made available for extended hours or for the exclusive use of persons and groups, subject to the issuance of a permit by the Director. Any person applying for a park permit hereunder shall file an application for such permit with the Director either in writing, in person or by telephone. Applications for exclusive use of any park facilities must be signed or co-signed by an adult, who shall agree to be responsible for said exclusive use. No exclusive use or extended hours permit will be granted if, prior to the time the application was filed, the City has scheduled a City-sponsored event at the same time and place as the activity proposed in the application.

47.05 LIABILITY. Any person, firm, corporation, organization or group shall be liable to the City for any and all damages to parks, facilities and building owned by the City which result from the activity of the permittee or is caused by any participant in said activity.

47.06 TRAFFIC. The following traffic regulations apply:

1. Vehicles. In parks where motor vehicle traffic is permitted, all motor vehicles shall be driven on the graveled or hard surfaced portions of the roads.
2. Horses. Horses or ponies are not allowed in parks except on gravel or hard surfaced roads used for motor vehicle traffic.
3. Parking. No person shall park any motor vehicle in any park except upon areas designated for such use. No vehicles may be left parked overnight in any park without the permission of the Police Chief.

47.07 AMPLIFIED SOUND. The use of any system for amplifying sounds, as herein defined, whether for speech or music, or otherwise, is prohibited in any park unless a permit is first obtained.

47.08 WASTE MATERIAL. No person shall litter the ground with any form of waste material or refuse. All waste material shall be deposited in receptacles provided for that purpose.

47.09 INTERFERENCE. No person within any park or building shall use or attempt to use or interfere with the use of any table, space or facility or building which at the time is reserved for any other person or group which has received a permit from the Director therefor. Unless the actual use of tables, space, area, building or facility referred to in any such permit is commenced within one hour after the period covered by such permit begins, such permit shall thereupon be void and all rights under such permit shall be canceled.

47.10 REMOVING PLANTS. No person other than a duly authorized City employee in the performance of duties or persons participating in City-sponsored activities shall dig, remove, destroy, disfigure, injure, mutilate or cut any tree, plant, shrub, bloom or flower or any portion thereof in any park.

47.11 BIRDS AND ANIMALS. No person in a park shall hunt, trap, shoot or throw missiles at any animal, reptile or bird, nor shall anyone remove or have in his or her possession the young of any wild animal or the eggs or nest or young of any reptile or bird.

47.12 REMOVAL OF TURF OR SOIL. No person other than a duly authorized City employee in the performance of duties shall remove any wood, turf, grass, soil, rock, sand or

gravel from any park or make any excavation by any tool, equipment, blasting or any other means.

47.13 PROHIBITED ACTIONS. No person other than a duly authorized City employee in the performance of duties shall:

1. **Damage Equipment.** Cut, break, injure, deface, disfigure or disturb any rock, building, bridge, cage, pen, monuments, fireplace, sign, fence, bench, railing, structure, apparatus, equipment or property in a park.
2. **Mark.** Mark or place thereon any mark, writing or printing.
3. **Post Bills.** Attach thereto any sign, card, display or other similar device, except as authorized by permit.
4. **Wires.** Erect or maintain any overhead wires through any park, without prior written permission.
5. **Construct Building.** Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon or across such lands, except on written permit issued.

47.14 FIRES. No person shall light or maintain any fire in any park unless such fire is maintained only in a stove or fire circle or other place provided therefor, and such fire shall be extinguished when the site is vacated unless it is immediately used by some other party.

47.15 SOLICITATION. No person shall solicit in any manner or for any purpose or sell or offer for sale any goods, wares, merchandise in any park, except as authorized by permit.

47.16 ALCOHOLIC BEVERAGES. Beer and wine are permitted in City parks between the hours of 11:00 a.m. and 11:00 p.m. All other alcoholic beverages are prohibited. Beer and wine must be contained within aluminum cans or plastic bottles. No glass containers are permitted.

47.17 OFFENSIVE ACTIONS.

1. **Disorderly Conduct.** No person shall sleep on the seats or benches or engage in loud, boisterous, threatening, abusive, insulting or indecent language or engage in any disorderly conduct or behavior tending to breach the public peace.
2. **Animal Sanitation.** It is the duty of every person owning or having custody or control of an animal to clean up and remove the feces deposited by such animal upon any area in a park or upon any other public property. Such animal feces shall be disposed of in a sanitary manner.

47.18 PRIVATELY OWNED ANIMALS. Any privately owned animal shall, at all times, be under the control of the owner or the person having custody of said animal. Such owner or person having the custody of said animal shall be responsible for any damage caused in any event by such animal, even if the animal is on a leash.

47.19 CLOSING SECTIONS OF PARK. Any section or parts of any park may be declared closed to the public by the Director at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise) and either entirely or merely to certain uses, as the Director shall find reasonably necessary.

47.20 CAMPING. No person shall camp in any park unless first authorized in writing by the Director and then only in the prescribed or designated areas.

47.21 USE OF FIREARMS PROHIBITED. The use by the public of firearms, fireworks, explosives and weapons of all kinds is prohibited in all City parks.

47.22 AUTHORITY OF BOARD TO PROHIBIT CERTAIN CONDUCT. The parks of the City exist and shall be operated and maintained for the enjoyment, benefit and recreation of those persons using the parks. No person shall take part in any activity, conduct or game which interferes with another person's use of the park. The Board has the authority to prohibit conduct in those areas of the parks when and where the Board deems conduct dangerous or unduly interfering with another's use of the parks, such as but not limited to picnicking areas. The notice prohibiting activity within a specific area shall be conspicuously displayed, setting forth which activity, conduct or games are restricted.

[The next page is 271]

NUISANCES AND ANIMAL CONTROL

TABLE OF CONTENTS

CHAPTER 50 - NUISANCE ABATEMENT PROCEDURE	271
CHAPTER 51 - JUNK AND JUNK VEHICLES.....	279
CHAPTER 55 - ANIMAL PROTECTION AND CONTROL.....	301
CHAPTER 56 - DOG AND CAT LICENSES REQUIRED	311

CHAPTER 50

NUISANCE ABATEMENT PROCEDURE

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

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

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

(Code of Iowa, Sec. 657.1)

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

(Code of Iowa, Sec. 657.2)

1. **Offensive Smells.** Erecting, continuing, or using any building or other place for the exercise of any trade, employment, or manufacture that, by occasioning noxious exhalations, unreasonably offensive smells, or other annoyances, becomes injurious and dangerous to the health, comfort, or property of individuals or the public.
2. **Filth or Noisome Substance.** Causing or suffering any offal, filth, or noisome substance to be collected or to remain in any place to the prejudice of others.
3. **Impeding Passage of Navigable River.** Obstructing or impeding without legal authority the passage of any navigable river, harbor, or collection of water.
4. **Water Pollution.** Corrupting or rendering unwholesome or impure the water of any river, stream, or pond, or unlawfully diverting the same from its natural course or state, to the injury or prejudice of others.
5. **Blocking Public and Private Ways.** Obstructing or encumbering, by fences, buildings or otherwise, the public roads, private ways, streets, alleys, commons, landing places, or burying grounds.
6. **Billboards.** Billboards, signboards, and advertising signs, whether erected and constructed on public or private property, that so obstruct and impair the view of any portion or part of a public street, avenue, highway, boulevard or alley or of a railroad or street railway track as to render dangerous the use thereof. **(See also Section 62.06)**
7. **Storing of Flammable Junk.** Depositing or storing of flammable junk, such as old rags, rope, cordage, rubber, bones and paper, by dealers in such articles within the fire limits of the City, unless in a building of fireproof construction. **(See also Chapter 51)**
8. **Air Pollution.** Emission of dense smoke, noxious fumes, or fly ash.
9. **Weeds, Brush.** Dense growth of all weeds, vines, brush, or other vegetation in the City so as to constitute a health, safety, or fire hazard. **(See also IPMC - Section 157.03(6))**

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

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

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

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

1. Junk and Junk Vehicles **(See Chapter 51)**
2. Storage and Disposal of Solid Waste **(See Chapter 105)**
3. Trees **(See Chapter 151)**

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

(Code of Iowa, Sec. 657.3)

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

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

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

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

1. Contents of Notice to Property Owner. The notice to abate shall contain: †
 - A. Description of Nuisance. A description of what constitutes the nuisance.
 - B. Location of Nuisance. The location of the nuisance.
 - C. Acts Necessary to Abate. A statement of the act or acts necessary to abate the nuisance.

† **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.

D. Reasonable Time. A reasonable time within which to complete the abatement.

E. Assessment of City Costs. A statement that if the nuisance or condition is not abated as directed and no request for hearing is made within the time prescribed, the City will abate it and assess the costs against the property owner.

2. Method of Service. The notice may be in the form of an ordinance or sent by certified mail to the property owner.

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

3. Request for Hearing. Any person ordered to abate a nuisance may have a hearing with the Council as to whether a nuisance exists. A request for a hearing must be made in writing and delivered to the Clerk within the time stated in the notice, or it will be conclusively presumed that a nuisance exists and it must be abated as ordered. The hearing will be before the Council at a time and place fixed by the Council. The findings of the Council shall be conclusive and, if a nuisance is found to exist, it shall be ordered abated within a reasonable time under the circumstances.

4. Abatement in Emergency. If it is determined that an emergency exists by reason of the continuing maintenance of the nuisance or condition, the City may perform any action that may be required under this chapter without prior notice. The City shall assess the costs as provided in subsection 6 of this section after notice to the property owner under the applicable provisions of subsection 1 and 2, and the hearing as provided in subsection 3.

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

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

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

6. Collection of Costs. The Clerk shall send a statement of the total expense incurred by certified mail to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one month, the Clerk shall certify the costs to the County Treasurer and such costs shall then be collected with, and in the same manner as, general property taxes.

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

7. Installment Payment of Cost of Abatement. If the amount expended to abate the nuisance or condition exceeds five hundred dollars (\$500.00), the City may permit the assessment to be paid in up to ten (10) annual installments, to be paid in the same manner and with the same interest rates provided for assessments against benefited property under State law.

(Code of Iowa, Sec. 364.13)

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

50.07 MUNICIPAL INFRACTION ABATEMENT PROCEDURE. In lieu of the abatement procedures set forth in Section 50.06, the requirements of this chapter may be

enforced under the procedures applicable to municipal infractions as set forth in Chapter 3 of this Code of Ordinances.

[The next page is 279]

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.

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 which is in compliance with the City's zoning regulations.

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 shall within five (5) days initiate abatement procedures as outlined in Chapter 50 of this Code of Ordinances.

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

[The next page is 301]

CHAPTER 55

ANIMAL PROTECTION AND CONTROL

55.01 Definitions	55.10 Rabies Vaccination
55.02 Animal Neglect	55.11 Owner's Duty
55.03 Livestock Neglect	55.12 Confinement
55.04 Abandonment of Cats and Dogs	55.13 At Large: Impoundment
55.05 Livestock	55.14 Disposition of Animals
55.06 At Large Prohibited and Leashing Required	55.15 Pet Awards Prohibited
55.07 Damage or Interference	55.16 Prohibited Animals
55.08 Annoyance or Disturbance	55.17 Ownership Restrictions
55.09 Vicious Dogs	55.18 Domestic Chickens

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

1. "Advertise" means to present a commercial message in any medium including but not limited to print, radio, television, sign, display, label, tag or articulation.
2. "Animal" means a nonhuman vertebrate.
(*Code of Iowa, Sec. 717B.1*)
3. "At large" means off the premises of the owner and not under the control of a competent person, restrained within a motor vehicle, or housed in a veterinary hospital or kennel.
4. "Business" means any enterprise relating to any of the following:
 - A. The sale or offer for sale of goods or services.
 - B. A recruitment for employment or membership in an organization.
 - C. A solicitation to make an investment.
 - D. An amusement or entertainment activity.
5. "Fair" means any of the following:
 - A. The annual fair and exposition held by the Iowa State Fair Board pursuant to Chapter 173 of the *Code of Iowa* or any fair event conducted by a fair under the provisions of Chapter 174 of the *Code of Iowa*.
 - B. An exhibition of agricultural or manufactured products.
 - C. An event for operation of amusement rides or devices or concession booths.
6. "Game" means a "game of chance" or "game of skill" as defined in Section 99B.1 of the *Code of Iowa*.
7. "Livestock" means an animal belonging to the bovine, caprine, equine, ovine or porcine species, ostriches, rheas and emus; farm deer as defined in Section 170.1 of the *Code of Iowa*; or poultry, except for domestic chickens as set forth in Section 55.18.
8. "Owner" means any person owning, keeping, sheltering or harboring an animal.

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

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 AND LEASHING REQUIRED. It is unlawful for any owner to allow any dog or cat to run at large within the corporate limits of the City. It is the duty of every person owning an animal to:

1. Confine the animal by good and sufficient means; or
2. Cause the animal to be under the control of a person competent to restrain and control the animal, either by a leash, cord, chain, or other similar restraint of sufficient strength, and not more than ten (10) feet in length, any time the animal is outside the residence of the owner.

A muzzled dog shall not be deemed to have been restrained unless the above conditions are also met.

55.07 DAMAGE OR INTERFERENCE.

1. 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.
2. No owner or walker of any animal shall permit the animal to discharge feces upon any public or private property, other than the property of the owner of the animal. The owner or walker shall be deemed to permit the animal's discharge of feces if the owner does not immediately thereafter take steps to remove and clean up the feces from the property.

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. As used in this section, “vicious dog” means:

1. Any dog which has attacked a human being or domestic animal without provocation;
2. Any dog with a history, tendency or disposition to attack, to cause injury to or to otherwise endanger the safety of human beings or domestic animals;
3. Any dog that snaps, bites or manifests a disposition to snap or bite;
4. Any dog that has been trained for dog fighting, animal fighting or animal baiting or is owned or kept for such purposes;
5. Any dog trained to attack human beings, upon command or spontaneously in response to human activities except dogs owned by and under the control of the Police Department, a law enforcement agency of the State or United States or a branch of the armed forces of the United States.

Any vicious dog which is found within the City shall either: (i) be kept inside a residence in a secure place and within twelve hours removed from the City limits; or (ii) be impounded by the City and destroyed by the City vet.

55.10 RABIES VACCINATION. Every owner of a dog or cat shall obtain a rabies vaccination for such animal. It is unlawful for any person to own or have a dog or cat in said person’s possession, four months of age or over, which has not been vaccinated against rabies. Dogs or cats 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. If a local board of health receives information that an animal has bitten a person or that a dog or animal is suspected of having rabies, the board 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 ten (10) days the board may humanely destroy the animal. If such animal is returned to its owner, the owner shall pay the cost of impoundment. This section does not apply if a police service dog or a horse used by a law enforcement agency and acting in the performance of its duties has bitten a person.

(Code of Iowa, Sec. 351.39)

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

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

(Code of Iowa, Sec. 351.37, 351.41)

55.15 PET AWARDS PROHIBITED.

(Code of Iowa, Ch. 717.E)

1. Prohibition. It is unlawful for any person to award a pet or advertise that a pet may be awarded as any of the following:
 - A. A prize for participating in a game.
 - B. A prize for participating in a fair.
 - C. An inducement or condition for visiting a place of business or attending an event sponsored by a business.
 - D. An inducement or condition for executing a contract which includes provisions unrelated to the ownership, care or disposition of the pet.
2. Exceptions. This section does not apply to any of the following:
 - A. A pet shop licensed pursuant to Section 162.5 of the *Code of Iowa* if the award of a pet is provided in connection with the sale of a pet on the premises of the pet shop.
 - B. Youth programs associated with 4-H Clubs; Future Farmers of America; the Izaak Walton League of America; or organizations associated with outdoor recreation, hunting or fishing, including but not limited to the Iowa Sportsmen's Federation.

55.16 PROHIBITED ANIMALS. No person shall keep within the City any of the following animals, whether actually vicious or not: lions, tigers, jaguars, leopards, cougars, lynx, ocelots, bobcats, bears, wolves, coyotes, Staffordshire Bull Terrier, or Staffordshire Terrier, both being also known as pit bull dogs (or cross breeds where one parent is a wolf, coyote or pit bull), crocodiles, alligators, and all venomous or constricting snakes or any venomous spiders kept as pets. *(Ord. 466 – Apr. 18 Supp.)*

55.17 OWNERSHIP RESTRICTIONS. No person shall own, possess, or keep more than three mature dogs and three mature cats in any one household within the City. No more than six animals of any nature shall be kept in any one household at one time. A mature animal is one over the age of six months. Persons who owned, possessed, or kept more than six mature animals per household on July 1, 2007, are permitted to continue to own, possess, or keep those animals only, but are not permitted to replace an animal that dies or is sold, transferred,

or otherwise disposed of until the total number of animals per household is decreased to six. However, this provision shall not make unlawful the keeping of litters. Puppies and kittens are, therefore, exempt from this restriction until reaching age six months.

55.18 DOMESTIC CHICKENS. 55.01(7) allows domestic chickens within the City limits. Residents will be allowed to raise, harbor or keep hens on single-family dwelling properties with a valid permit for one year. The annual permit fee will be \$25.00. Domestic chicken permit applications are available at the Police Department or City Hall at 515 N. Main Avenue, Huxley, Iowa. An applicant shall complete items on the checklist prior to the Council approving the permit. Each permit must be certified annually in the month prior to the expiration date. This section restricts the number of egg laying hens to 4 per tract of land regardless of how many dwelling units are on the tract. No roosters are allowed.

[The next page is 311]

CHAPTER 56

DOG AND CAT LICENSES REQUIRED

56.01 Annual License Required

56.02 License Fees

56.03 License Tags

56.04 License Records

56.05 Immunization

56.06 Duplicate Tags

56.07 Transfers of Licensed Dogs or Cats

56.08 Kennel Licenses

56.01 ANNUAL LICENSE REQUIRED.

1. Every owner of a dog or cat over the age of four (4) months, except kennel dogs and cats, shall procure a dog or cat license from the City Clerk on or before January 31 of each year or within sixty (60) days after such dog or cat becomes subject to this chapter, whichever shall first occur.
2. The owner of a dog or cat for which a license is required shall apply to the Clerk on forms provided by the City.
3. The form of the application shall state the breed, sex, age, color, markings, and name, if any, of the animal, and the address of the owner and shall be signed by the owner. The application shall also state the date of the most recent rabies vaccination, the type of vaccine administered and the date the dog or cat shall be revaccinated.

56.02 LICENSE FEES. The annual license fee for an individual dog or cat shall be set by resolution. All license fees become delinquent on February 1 of each year and a penalty, as set by resolution, shall be added to each unpaid license on and after that date.

56.03 LICENSE TAGS. Upon receipt of the application and fee, the Clerk shall deliver or mail to the owner a license which shall be in the form of a metal tag stamped with the serial number of the license as shown on the record book of the Clerk, the year in which it is issued, and the name of the City. The license tag shall be securely fastened by the owner to a collar or harness which shall be worn at all times by the dog or cat for which issued. A license issued for one animal shall not be transferable to another. Upon the expiration of the license the owner shall remove said tag from the dog or cat.

56.04 LICENSE RECORDS. The Clerk shall keep a book to be known as the record of licenses which shall show:

1. The serial number and date of each application for a license.
2. The description of the dog or cat as specified in the application, together with the name of the owner of the dog or cat.
3. The date when each license tag is issued and the serial number of each tag, the date of the most recent rabies vaccination, the type of vaccine administered, and the date the dog or cat shall be revaccinated.
4. The amount of all fees paid.
5. Such other data as may be required by law.

56.05 IMMUNIZATION. Before a license is issued, the owner shall furnish a veterinarian's certificate showing that the dog or cat for which the license is sought has been vaccinated against rabies, and that the vaccination does not expire within six months from the effective date of the license. A tag showing evidence of proper vaccination shall at all times be attached to the collar of the dog or cat.

56.06 DUPLICATE TAGS. Upon the filing of an affidavit that the license tag has been lost or destroyed, the owner may obtain another tag on the payment of a fee as set by resolution of the Council, and the Clerk shall enter in the license record the new number assigned.

56.07 TRANSFERS OF LICENSED DOGS OR CATS. Upon transfer of a licensed dog or cat into the City, the owner shall surrender the original license tag to the Clerk. The Clerk shall preserve the surrendered tag and, without a license fee, issue a new license tag.

56.08 KENNEL LICENSES. The owner of a kennel for dogs or cats shall procure a kennel license from the City Clerk on or before January 31 of each year. The annual kennel license fee shall be set by resolution. All license fees become delinquent on February 1 of each year.

[The next page is 331]

TRAFFIC AND VEHICLES

TABLE OF CONTENTS

CHAPTER 60 - ADMINISTRATION OF TRAFFIC CODE.....	331
CHAPTER 61 - TRAFFIC CONTROL DEVICES	335
CHAPTER 62 - GENERAL TRAFFIC REGULATIONS.....	337
CHAPTER 63 - SPEED REGULATIONS	347
CHAPTER 64 - TURNING REGULATIONS	355
CHAPTER 65 - STOP OR YIELD REQUIRED	357
CHAPTER 66 - LOAD AND WEIGHT RESTRICTIONS	371
CHAPTER 67 - PEDESTRIANS.....	373
CHAPTER 68 - ONE-WAY TRAFFIC	375
CHAPTER 69 - PARKING REGULATIONS	377
CHAPTER 70 - TRAFFIC CODE ENFORCEMENT PROCEDURES.....	401
CHAPTER 75 - ALL-TERRAIN VEHICLES AND SNOWMOBILES	415
CHAPTER 76 - BICYCLE REGULATIONS	421
CHAPTER 77 - GOLF CARTS.....	425
CHAPTER 80 - ABANDONED VEHICLES	435

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 Reports of Traffic Accidents

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 "Huxley Traffic Code."

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

(Code of Iowa, Sec. 321.1)

1. "Business District" means the territory contiguous to and including a highway when fifty percent (50%) or more of the frontage thereon for a distance of three hundred (300) feet or more is occupied by buildings in use for business.
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 Traffic Code and State law relating to motor vehicles and law of the road are enforced by the Police Chief.

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

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

(Code of Iowa, Sec. 321.273)

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

(Code of Iowa, Sec. 321.492)

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

(Code of Iowa, Sec. 321.229)

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

1. “Parade” Defined. “Parade” means any march or procession of persons or vehicles organized for marching or moving on the streets in an organized fashion or manner or any march or procession of persons or vehicles represented or advertised to the public as a parade.

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

3. Parade Not A Street Obstruction. Any parade for which approval has been given and the persons lawfully participating therein shall not be deemed an obstruction of the streets, notwithstanding the provisions of any other ordinance to the contrary.
4. Control By Peace Officers and Firefighters. Persons participating in any parade shall at all times be subject to the lawful orders and directions in the performance of their duties of law enforcement personnel and members of the Fire Department.

o o o o o o o o o o

CHAPTER 61
TRAFFIC CONTROL DEVICES

61.01 Installation
61.02 Crosswalks
61.03 Traffic Lanes

61.04 Standards
61.05 Compliance

61.01 INSTALLATION. The Police Chief shall cause to be placed and maintained traffic control devices when and as required under this Traffic Code or under State law or emergency or temporary traffic control devices for the duration of an emergency or temporary condition as traffic conditions may require to regulate, guide or warn traffic. The Police Chief shall keep a record of all such traffic control devices. The listings for stops, yields and no parking zones contained in this Traffic Code are accurate as of February, 2005. Any new traffic controls in the City after such date shall be established by resolution of the Council.

(Code of Iowa, Sec. 321.255)

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

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

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

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

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

(Code of Iowa, Sec. 321.255)

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

(Code of Iowa, Sec. 321.256)

o o o o o o o o o o

CHAPTER 62

GENERAL TRAFFIC REGULATIONS

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

62.05 Quiet Zones
62.06 Obstructing View at Intersections
62.07 Heart of Iowa Bike Trail

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

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

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

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

88. Section 321.344B – Immediate safety threat; penalty.
89. Section 321.354 – Stopping on traveled way.
90. Section 321.359 – Moving other vehicle.
91. Section 321.362 – Unattended motor vehicle.
92. Section 321.363 – Obstruction to driver’s view.
93. Section 321.364 – Vehicles shipping food; preventing contamination by hazardous material.
94. Section 321.365 – Coasting prohibited.
95. Section 321.367 – Following fire apparatus.
96. Section 321.368 – Crossing fire hose.
97. Section 321.369 – Putting debris on highway.
98. Section 321.370 – Removing injurious material.
99. Section 321.371 – Clearing up wrecks.
100. Section 321.372 – School buses.
101. Section 321.381 – Movement of unsafe or improperly equipped vehicles.
102. Section 321.381A – Operation of low-speed vehicles.
103. Section 321.382 – Upgrade pulls; minimum speed.
104. Section 321.383 – Exceptions; slow vehicles identified.
105. Section 321.384 – When lighted lamps required.
106. Section 321.385 – Head lamps on motor vehicles.
107. Section 321.386 – Head lamps on motorcycles and motorized bicycles.
108. Section 321.387 – Rear lamps.
109. Section 321.388 – Illuminating plates.
110. Section 321.389 – Reflector requirement.
111. Section 321.390 – Reflector requirements.
112. Section 321.392 – Clearance and identification lights.
113. Section 321.393 – Color and mounting.
114. Section 321.394 – Lamp or flag on projecting load.
115. Section 321.395 – Lamps on parked vehicles.
116. Section 321.398 – Lamps on other vehicles and equipment.
117. Section 321.402 – Spot lamps.
118. Section 321.403 – Auxiliary driving lamps.
119. Section 321.404 – Signal lamps and signal devices.
120. Section 321.404A – Light-restricting devices prohibited.
121. Section 321.405 – Self-illumination.

122. Section 321.408 – Back-up lamps.
123. Section 321.409 – Mandatory lighting equipment.
124. Section 321.415 – Required usage of lighting devices.
125. Section 321.417 – Single-beam road-lighting equipment.
126. Section 321.418 – Alternate road-lighting equipment.
127. Section 321.419 – Number of driving lamps required or permitted.
128. Section 321.420 – Number of lamps lighted.
129. Section 321.421 – Special restrictions on lamps.
130. Section 321.422 – Red light in front.
131. Section 321.423 – Flashing lights.
132. Section 321.430 – Brake, hitch, and control requirements.
133. Section 321.431 – Performance ability.
134. Section 321.432 – Horns and warning devices.
135. Section 321.433 – Sirens, whistles, and bells prohibited.
136. Section 321.434 – Bicycle sirens or whistles.
137. Section 321.436 – Mufflers, prevention of noise.
138. Section 321.437 – Mirrors.
139. Section 321.438 – Windshields and windows.
140. Section 321.439 – Windshield wipers.
141. Section 321.440 – Restrictions as to tire equipment.
142. Section 321.441 – Metal tires prohibited.
143. Section 321.442 – Projections on wheels.
144. Section 321.444 – Safety glass.
145. Section 321.445 – Safety belts and safety harnesses; use required.
146. Section 321.446 – Child restraint devices.
147. Section 321.449 – Motor carrier safety regulations.
148. Section 321.449A – Rail crew transport drivers.
149. Section 321.450 – Hazardous materials transportation.
150. Section 321.454 – Width of vehicles.
151. Section 321.455 – Projecting loads on passenger vehicles.
152. Section 321.456 – Height of vehicles; permits.
153. Section 321.457 – Maximum length.
154. Section 321.458 – Loading beyond front.
155. Section 321.460 – Spilling loads on highways.
156. Section 321.461 – Trailers and towed vehicles.

- 157. Section 321.462 – Drawbars and safety chains.
- 158. Section 321.463 – Maximum gross weight.
- 159. Section 321.465 – Weighing vehicles and removal of excess.
- 160. Section 321.466 – Increased loading capacity; reregistration.
- 161. Section 321.257 – Official Traffic Control Signal.

(Ord. 466 – Apr. 18 Supp.)

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

(Code of Iowa, Sec. 321.255)

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

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

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

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

62.07 HEART OF IOWA BIKE TRAIL. No motorized vehicles shall be operated on the Heart of Iowa Bike Trail. No parking is allowed on the trail except in areas designated for Bike Trail parking.

[The next page is 347]

CHAPTER 63

SPEED REGULATIONS

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

63.04 Special Speed Zones
63.05 Minimum Speed

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

(Code of Iowa, Sec. 321.285)

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

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

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

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

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

(Code of Iowa, Sec. 321.290)

1. Special 25 MPH Speed Zones. A speed in excess of twenty-five miles per hour is unlawful on any of the following designated streets or parts thereof.
 - A. On the south half of West First Street from a point 950 feet east of the west corporate limits to the west right-of-way line of South Fifth Avenue.
 - B. On East First Street from a point 1,640 feet west of the east corporate limits to the east right-of-way line of U.S. Highway No. 69.
 - C. On any portion of North Fifth Avenue.

2. Special 35 MPH Speed Zones. A speed in excess of thirty-five miles per hour is unlawful on any of the following designated streets or parts thereof.
 - A. On any portion of 310th Street.
 - B. On the south half of West First Street from a point 550 feet east of the west corporate limits to a point 950 feet east of the west corporate limits.
 - C. On Oak Boulevard from the east City limits to Larson Drive.
 - D. On East First Street from the east corporate limits to a point 1,640 feet west.
 - E. On U.S. Highway No. 69 from a point 200 feet south of East First Street northerly to a point 260 feet northerly of Oak Boulevard/North Main Avenue.
3. Special 45 MPH Speed Zones. A speed in excess of forty-five miles per hour is unlawful on any of the following designated streets or parts thereof.
 - A. On the south half of West First Street from the west corporate limits to a point 550 feet east.
 - B. On U.S. Highway No. 69 from the south corporate limits north to a point 200 feet south of East First Street.
 - C. On U.S. Highway No. 69 from a point 260 feet northerly of Oak Boulevard/North Main Avenue to the north corporate limits.
4. Special 55 MPH Speed Zones. A speed in excess of fifty-five miles per hour is unlawful on any of the following designated streets or parts thereof.
 - A. On the north (westbound) lane of Iowa Highway 210 from the intersection of the easterly right-of-way line of the entrance ramp of the northbound lane of U.S. Interstate 35 westerly to the centerline of 560th Avenue;
 - B. On the east (northbound) lane of 560th Avenue, from the centerline of Iowa Highway 210 north 3,300 feet and for the west (southbound) lane of 560th Avenue from the entrance of Sand Cherry Lane north approximately 400 feet to the creek.
5. Special 70 MPH Speed Zones. A speed in excess of seventy miles per hour is unlawful on any of the following designated streets or parts thereof.
 - A. On the northbound and southbound lanes of I-35 from the centerline of Iowa Highway 210 (an overpass) north, approximately 5,800 feet, to the center of the Heart of Iowa Trail (a bridge).
6. Special Speed Zones on U.S. Highway 69 for North and Southbound Traffic. On U.S. Highway 69 the 45 MPH zone shall begin at a location 260 feet northwest of the intersection of U.S. Highway 69 and Oak Boulevard and Main Avenue. The 45 MPH zone will extend 3,575 feet northwest and north to a location 1,100 feet north of the intersection of U.S. Highway 69 and Centennial Drive. The 55 MPH zone will begin at the point 1,100 feet north of Centennial Drive.
7. Special Speed Zones within Huxley Regency Mobile Home Park. A speed in excess of ten miles per hour is unlawful on any street within the property boundaries of the property known as Regency Mobile Home Park.

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

(Code of Iowa, Sec. 321.294)

[The next page is 355]

CHAPTER 64

TURNING REGULATIONS

64.01 Turning at Intersections
64.02 U-Turns

64.03 Left Turn for Parking

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

(Code of Iowa, Sec. 321.311)

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

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

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

(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.

o o o o o o o o o o

CHAPTER 65

STOP OR YIELD REQUIRED

65.01 Stop Required

65.02 Yield Required

65.03 Three-Way and Four-Way Stop Intersections

65.04 School Stops

65.05 Stop Before Crossing Sidewalk

65.06 Stop When Traffic Is Obstructed

65.07 Yield to Pedestrians in Crosswalks

65.01 STOP REQUIRED. Every driver of a vehicle shall stop at the first opportunity at either the clearly marked stop line or before entering the crosswalk or before entering the intersection or at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the following stop intersections:

(Code of Iowa, Sec. 321.345)

1. The west entrance to Main Avenue from Lynwood Drive.
2. The east entrance to Main Avenue from Preston Drive.
3. The west entrance to Main Avenue from West Second Street.
4. The southwest entrance to U.S. Highway No. 69 from Main Avenue.
5. The west entrance to U.S. Highway No. 69 from East Fifth Street.
6. The east entrance to U.S. Highway No. 69 from Timberlane.
7. The east and west entrances to U.S. Highway No. 69 from East Fourth Street.
8. The west entrance to U.S. Highway No. 69 from East Third Street.
9. The east and west entrances to U.S. Highway No. 69 from East First Street.
10. The north entrance to First Street from North Circle Drive.
11. The north and south entrances to First Street from Second Avenue.
12. The north and south entrances to First Street from Third Avenue.
13. The south entrance to First Street from Fourth Avenue.
14. The north entrance to Third Street from Central Avenue.
15. The north entrance to Third Street from First Avenue.
16. The north and south entrances to Third Street from Second Avenue.
17. The south entrance to Fourth Street from Central Avenue.
18. The south entrance to Fourth Street from First Avenue.
19. The east entrance to Second Avenue from Fourth Street.
20. The east entrance to Second Avenue from Circle Drive.
21. The east entrance to Preston Drive from Fifth Street.
22. The north and south entrances to Fifth Street from Second Avenue.
23. The south entrance to Fifth Street from Fourth Avenue.

24. The east entrance to Fifth Avenue from Fifth Street.
25. The east entrance to Fifth Avenue from Lynwood Drive.
26. The west entrance to Timberlane from Maple Drive.
27. The south entrance to Oak Boulevard from Parkridge Avenue.
28. The south entrance to Oak Boulevard from Maple Drive.
29. The north entrance to Oak Boulevard from Hickory Drive.
30. The east entrance to U.S. Highway No. 69 from Oak Boulevard.
31. The south entrance to Railway Street from South Third Avenue.
32. The east entrance to North Fifth Avenue from Crestwood Drive.
33. The north entrance to East Fourth Street from Parkridge Avenue.
34. The north entrance to Lynwood Drive from Crestwood Drive.
35. The north entrance to Oak Boulevard from Ashwood Drive.
36. The east entrance to North Third Avenue from West Third Street.
37. The east entrance to Timberlane from Parkwood Circle.
38. The east entrance to Parkridge Avenue from East Fifth Street.
39. The entrance to 310th Street from Cedar Lane.
40. The entrance to 310th Street from Porch Light Drive.
41. The entrance to 310th Street from Majestic Oak Circle.
42. The south entrance to Sycamore Boulevard from Hickory Drive.
43. The south entrance to Sycamore Boulevard from Pine Valley Drive.
44. The east and west entrances to South Main Avenue from Railway Street.
45. The west entrance of South Main Avenue from Campus Drive.
46. The entrance to Oak Boulevard from Larson Drive.
47. The entrance to Larson Drive from East Fifth Street.
48. The entrance to East Fourth Street from Larson Drive.

65.02 YIELD REQUIRED. Every driver of a vehicle shall yield at the first opportunity before entering the crosswalk or before entering the intersection or at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the following yield intersections:

(Code of Iowa, Sec. 321.345)

- NONE -

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

(Code of Iowa, Sec. 321.345)

1. Intersection of Main Avenue and First Street.

2. Intersection of Main Avenue and Fifth Street.
3. Intersection of Timberlane and Oak Boulevard.
4. Intersection of Main Avenue and Third Street.
5. Intersection of First Street and Fifth Avenue.
6. Intersection of Timberlane and Centennial Drive.
7. Intersection of Lynwood and Crestwood.
8. Intersection of South Main Avenue and Railway Street.
9. Intersection of Larson Drive and Meadow Lane.

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

(Code of Iowa, Sec. 321.249)

1. Intersection of Railway Street and South Main Avenue. This intersection is a four-way stop during school; otherwise, this is a two-way stop intersection.

65.05 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)

65.06 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.

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

(Code of Iowa, Sec. 321.327)

[The next page is 371]

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

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

(Code of Iowa, Sec. 321.471 & 472)

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

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

66.03 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 following streets or parts of streets:

(Code of Iowa, Sec. 321.473 & 475)

- NONE -

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 Police Chief may cause to be posted and maintained signs on said bridge and at suitable distances ahead of the entrances thereof to warn drivers of such maximum load limits, and 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)

o o o o o o o o o

CHAPTER 67
PEDESTRIANS

67.01 Walking in Street
67.02 Hitchhiking

67.03 Pedestrian Crossing
67.04 Use Sidewalks

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

(Code of Iowa, Sec. 321.326)

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

(Code of Iowa, Sec. 321.331)

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

(Code of Iowa, Sec. 321.328)

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

o o o o o o o o o o

CHAPTER 68
ONE-WAY TRAFFIC

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

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

- NONE -

o o o o o o o o o o

CHAPTER 69

PARKING REGULATIONS

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

69.07 Persons With Disabilities Parking
69.08 No Parking Zones
69.09 Truck Parking Limited
69.10 Snow Removal
69.11 Municipal Parking Lots
69.12 Controlled Access Facilities

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

(Code of Iowa, Sec. 321.361)

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

(Code of Iowa, Sec. 321.361)

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

(Code of Iowa, Sec. 321.361)

1. South Main Avenue, on both the east and west sides, from West First Street south to Railroad Street;
2. North Main Avenue, on the west side from First Street north to a point midway between First Street and Second Street.

69.04 MANNER OF ANGLE PARKING. 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)

69.05 PARKING FOR CERTAIN PURPOSES ILLEGAL. No person shall park a vehicle upon public property for more than forty-eight (48) hours, unless otherwise limited under the provisions of this chapter, or for any of the following principal purposes:

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

1. Sale. Displaying such vehicle for sale;
2. Repairing. For lubricating, repairing or for commercial washing of such vehicle except such repairs as are necessitated by an emergency;

3. Advertising. Displaying advertising;
4. Merchandise Sales. Selling merchandise from such vehicle except in a duly established market place or when so authorized or licensed under this Code of Ordinances.

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

1. Crosswalk. On a crosswalk.
(Code of Iowa, Sec. 321.358[5])
2. Center Parkway. On the center parkway or dividing area of any divided street.
(Code of Iowa, Sec. 321.236[1])
3. Mailboxes. Within twenty (20) feet on either side of a mailbox 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 an intersection or within ten (10) feet of an intersection of any street or alley.
(Code of Iowa, Sec. 321.358[3])
7. Fire Hydrant. Within five (5) feet of a fire hydrant.
(Code of Iowa, Sec. 321.358[4])
8. Stop Sign or Signal. Within ten (10) feet upon the approach to any flashing beacon, stop or yield sign, or traffic control signal located at the side of a roadway.
(Code of Iowa, Sec. 321.358[6])
9. Railroad Crossing. Within fifty (50) feet of the nearest rail of a railroad crossing, except when parked parallel with such rail and not exhibiting a red light.
(Code of Iowa, Sec. 321.358[8])
10. Fire Station. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance when properly sign posted.
(Code of Iowa, Sec. 321.358[9])
11. Excavations. Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.
(Code of Iowa, Sec. 321.358[10])
12. Double Parking. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
(Code of Iowa, Sec. 321.358[11])
13. Hazardous Locations. When, because of restricted visibility or when standing or parked vehicles would constitute a hazard to moving traffic, or when other traffic

conditions require, the Council may cause curbs to be painted with a yellow color and erect no parking or standing signs.

(Code of Iowa, Sec. 321.358[13])

14. Churches, Nursing Homes and Other Buildings. A space of fifty (50) feet is hereby reserved at the side of the street in front of any theatre, auditorium, hotel having more than twenty-five (25) sleeping rooms, hospital, nursing home, taxicab stand, bus depot, church, or other building where large assemblages of people are being held, within which space, when clearly marked as such, no motor vehicle shall be left standing, parked or stopped except in taking on or discharging passengers or freight, and then only for such length of time as is necessary for such purpose.

(Code of Iowa, Sec. 321.360)

15. Alleys. No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property. The provisions of this subsection 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. 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.

18. Temporary Police Order. Anywhere a sign which reads *Temporary Police Order, NO PARKING* is placed along a City street. These signs are used for special events such as parades and other activities where parking vehicles on the streets will create a public safety issue.

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

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

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

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

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

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

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

69.08 NO PARKING ZONES. No one shall stop, stand or park a vehicle in any of the following specifically designated no parking zones except when necessary to avoid conflict with other traffic or in compliance with the direction of a peace officer or traffic control signal. Any portion of this section may be changed temporarily by order of the Police Chief and approval of the Council.

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

1. First Avenue. The west side of North First Avenue.
2. First Street. The north and south sides of First Street between Fifth Avenue and the east corporate limit.
3. Second Avenue. The west side of Second Avenue from East First Street north to East Fifth Street and the east side of Second Avenue from Railway Street north to First Street.
4. Third Avenue. The west side of North Third Avenue between Third Street and Railway Street.
5. Third Street. The south side of Third Street from Main Avenue east to U.S. Highway No. 69.
6. East Fourth Street. The north and south sides of East Fourth Street between U.S. Highway No. 69 and Parkridge Avenue.
7. Fourth Avenue. The west side of South Fourth Avenue between West First Street and Railway Street.
8. Fifth Avenue. The east and west sides of Fifth Avenue between West First Street and the north corporate limit.
9. East Fifth Street. The south side of East Fifth Street between Main Avenue and U.S. Highway No. 69, and the south side of East Fifth Street between Parkridge Avenue and Larson Drive.
10. West Fifth Street. The north side of West Fifth Street between North Fifth Avenue and Main Avenue.
11. Ashwood Drive. The east and south sides of Ashwood Drive between Oak Boulevard and the center of the cul-de-sac (the easterly terminus thereof).
12. Central Avenue. The west side of Central Avenue.

13. Hickory Drive. The east and west sides of Hickory Drive between Oak Boulevard and Cypress Drive, and the northeast side of Hickory Drive between Cypress Drive and Sycamore Drive.
14. Highway 69. Both sides of U.S. Highway No. 69.
15. Larson Drive. The east side of Larson Drive between East Fifth Avenue and the north terminus thereof.
16. Lynwood Drive. The south side of Lynwood Drive.
17. Main Avenue. The east side of Main Avenue from 140 feet north of the centerline of First Street to Fifth Street; the west side of Main Avenue from Fifth Street to U.S. Highway No. 69; the east side of North Main Avenue from Fifth Street to Preston Drive from 7:30 a.m. to 3:30 p.m., Monday through Friday; and both sides of South Main Avenue from Railway Street to the southerly terminus thereof.
18. Maple Drive. The west, southwest and south sides of Maple Drive between Timberlane and Oak Boulevard.
19. Oak Boulevard. The north side of Oak Boulevard from U.S. Highway No. 69 to Timberlane; the north and south sides of Oak Boulevard from Timberlane east to the easterly terminus thereof.
20. Parkridge Avenue. The west side of Parkridge Avenue between East Fourth Street and Oak Boulevard.
21. Preston Drive. The west, southwest and the south sides of Preston Drive between East Fifth Avenue and Main Avenue.
22. Railway Street. The south side of Railway Street between Second Avenue and Third Avenue.
23. Timberlane. The east side of Timberlane between U.S. Highway No. 69 and Oak Boulevard, and the east and west sides of Timberlane between Oak Boulevard and the north corporate limit.
24. East Fourth Street. The north side of East Fourth Street from Parkridge Avenue to Larson Drive.
25. Crestwood. The east, northeast and north sides of Crestwood from Lynwood to North Fifth Avenue.
26. Oak Boulevard. Both sides of Oak Boulevard from Timberlane east to the City limits.
27. Meadow Lane. On the south side of Meadow Lane from Parkridge east to Larson Drive; on both sides of Meadow Lane from Larson Drive east to Meadow Brook.

69.09 TRUCK PARKING LIMITED. No person shall park a motor truck having a freight capacity greater than one ton, or any trailer, including campers, camping trailers, trailers for hauling golf carts, lawn mowers and boats, semi-trailer, tractor, road tractor or truck tractor unit at any time upon any portion of any street, except for such reasonable time as may be necessary to load or unload passengers, freight or merchandise.

(Ord. 466 – Apr. 18 Supp.)

69.10 SNOW REMOVAL.

1. Parking Prohibited. Vehicles shall not be parked or left standing on any part of the right-of-way of a public street during any time when snow removal operations are in progress and before such operations have resulted in the removal or clearance of snow or ice from such street or streets. There shall be a presumption that snow removal operations are in progress whenever there is an accumulation of at least one inch of snow or ice continuing until such accumulations have actually been removed from a public right-of-way.

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

2. Snow Routes. The Council has designated the following streets in the City as snow routes. When conditions of snow or ice exist on the traffic surface of a designated snow route, it is unlawful for the driver of a vehicle to impede or block traffic.

- A. Oak Boulevard from the east corporate limits to U.S. Highway No. 69.
- B. Timberlane from north corporate limits to U.S. Highway 69.
- C. Main Avenue from the south terminus to U.S. Highway No. 69.
- D. Fifth Street from North Fifth Avenue to U.S. Highway No. 69.
- E. First Street from Fifth Avenue to the east corporate limits.
- F. North Fifth Avenue from the north terminus to West First Street.
- G. East Fourth Street from the east terminus to U.S. Highway No. 69.
- H. Campus Drive from South Main Avenue to U.S. Highway No. 69.
- I. Centennial Drive from Timberlane to U.S. Highway No. 69.
- J. South Second Avenue from First Street to Railway Street.

3. Signs. Signs shall be erected at entrances to the City notifying the public that parking restrictions are in effect between October and May and upon those streets designated as snow routes.

69.11 MUNICIPAL PARKING LOTS.

1. Obedience to Signage. No person shall disobey duly authorized signs or markings stating directions, limitations, or restrictions upon traffic movement or parking in any municipal parking lot.

2. Citizens Community Center. The parking area adjacent to the Citizens Community Center located generally east and north of the building is a municipal parking lot. The parking lot shall be used only by a person while such person is using the Citizens Community Center. The restriction of this section is effective all day, every day. The entrance to said lot shall bear a sign that states substantially the following: "Parking for Citizens Community Center Only, All Day/Every Day, Violators Subject to Fine and Towing."

69.12 CONTROLLED ACCESS FACILITIES. Parking restrictions on controlled access facilities are as specified in Chapter 141 of this Code of Ordinances.

[The next page is 401]

CHAPTER 70

TRAFFIC CODE ENFORCEMENT PROCEDURES

70.01 Arrest or Citation

70.02 Scheduled Violations

70.03 Parking Violations: Alternate

70.04 Parking Violations: Vehicle Unattended

70.05 Presumption in Reference to Illegal Parking

70.06 Impounding Vehicles

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

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

(Code of Iowa, Sec. 805.6 & 321.485)

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

(Code of Iowa, Sec. 805.8 & 805.8A)

70.03 PARKING VIOLATIONS: ALTERNATE. Uncontested violations of parking restrictions imposed by this Code of Ordinances shall be charged upon a simple notice of a fine payable at the office of the City Clerk. The simple notice of a fine shall be in the amount of five dollars (\$5.00) for all violations except snow route parking violations and improper use of a persons with disabilities parking permit. If such fine is not paid within thirty (30) days, it shall be increased by five dollars (\$5.00). The simple notice of a fine for snow route parking violations is twenty-five dollars (\$25.00) and the simple notice of a fine for improper use of a persons with disabilities parking permit is one hundred dollars (\$100.00).

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

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

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

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

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

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

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

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

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

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

4. Parked Over Limited Time Period. When any vehicle is left parked for a continuous period in violation of any limited parking time. If the owner can be located, the owner shall be given an opportunity to remove the vehicle.

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

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

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

[The next page is 415]

CHAPTER 75

ALL-TERRAIN VEHICLES AND SNOWMOBILES

75.01 Purpose

75.02 Definitions

75.03 General Regulations

75.04 Operation of Snowmobiles

75.05 Operation of All-Terrain Vehicles

75.06 Negligence

75.07 Accident Reports

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

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

1. “All-terrain vehicle” or “ATV” means a motorized vehicle, with not less than three and not more than six non-highway tires, that is limited in engine displacement to less than 1,000 cubic centimeters and in total dry weight to less than 1,200 pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.

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

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

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

3. “Off-road utility vehicle” means a motorized vehicle, with not less than four and not more than eight non-highway tires or rubberized tracks, that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control. “Off-road utility vehicle” includes the following vehicles:

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

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

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

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

An operator of an off-road utility vehicle is also subject to the provisions of this chapter governing the operation of all-terrain vehicles.

4. “Snowmobile” means a motorized vehicle that weighs less than 1,000 pounds, that uses sled-type runners or skis, endless belt-type tread with a width of 48 inches or

less, or any combination of runners, skis, or tread, and is designed for travel on snow or ice. "Snowmobile" does not include an all-terrain vehicle that has been altered or equipped with runners, skis, belt-type tracks, or treads.

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

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

(Code of Iowa, Ch. 321G & Ch. 321I)

75.04 OPERATION OF SNOWMOBILES. The operators of snowmobiles shall comply with the following restrictions as to where snowmobiles may be operated within the City:

1. Streets.
 - A. Unplowed Streets. Snowmobiles may be operated upon streets which have not been plowed during the snow season.
(Code of Iowa, Sec. 321G.9[4a])
 - B. Other Streets. Snowmobiles may be operated on any street within the City for the sole and exclusive purpose of travel by the most direct route between areas in which the operation of a snowmobile is otherwise authorized and the place of residence of the owner or operator of such snowmobile or the facility utilized for the storage of such snowmobile.
2. Exceptions. Snowmobiles may be operated on prohibited streets only under the following circumstances:
 - A. Emergencies. Snowmobiles may be operated on any street in an emergency during the period of time when and at locations where snow upon the roadway renders travel by conventional motor vehicles impractical.
(Code of Iowa, Sec. 321G.9[4c])
 - B. Direct Crossing. Snowmobiles may make a direct crossing of a prohibited street provided all of the following occur:
 - (1) The crossing is made at an angle of approximately ninety degrees (90°) to the direction of the street and at a place where no obstruction prevents a quick and safe crossing;
 - (2) The snowmobile is brought to a complete stop before crossing the street;
 - (3) The driver yields the right-of-way to all on-coming traffic that constitutes an immediate hazard; and
 - (4) In crossing a divided street, the crossing is made only at an intersection of such street with another street.
(Code of Iowa, Sec. 321G.9[2])
3. Railroad Right-of-Way. Snowmobiles shall not be operated on an operating railroad right-of-way. A snowmobile may be driven directly across a railroad right-of-way only at an established crossing and notwithstanding any other provisions of

law may, if necessary, use the improved portion of the established crossing after yielding to all oncoming traffic.

(Code of Iowa, Sec. 321G.13[1h])

4. Trails. Snowmobiles shall not be operated on all-terrain vehicle trails except where so designated.

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

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

6. Sidewalk or Parking. Snowmobiles shall not be operated upon the public sidewalk or that portion of the street located between the curb line and the sidewalk or property line commonly referred to as the “parking” except for purposes of crossing the same to a public street upon which operation is authorized by this chapter.

7. Streets Adjacent to Schools. A snowmobile shall not be operated on a street adjacent to a school in session or for one hour prior thereto or one-half hour thereafter.

8. Streets Adjacent to Churches. A snowmobile shall not be operated on a street adjacent to a church then having services or for one-half hour prior thereto or one-half hour thereafter.

9. Speed. A snowmobile shall not be operated on a street at a speed in excess of ten miles per hour.

10. Hours Limited. A snowmobile shall not be operated on any public or private property, within 100 feet of any dwelling or building usually occupied by one or more persons, between the hours of 11:00 p.m. and 7:00 a.m., except as authorized by subsection 1 of this section.

75.05 OPERATION OF ALL-TERRAIN VEHICLES. The operators of ATVs shall comply with the following restrictions as to where ATVs may be operated within the City:

1. Streets. ATVs and off-road utility vehicles may be operated on streets only in accordance with Section 321.234A of the *Code of Iowa* or on such streets as may be designated by resolution of the Council for the operation of registered ATVs or registered off-road utility vehicles. In designating such streets, the Council may authorize ATVs and off-road utility vehicles to stop at service stations or convenience stores along a designated street.

(Code of Iowa, Sec. 321I.10[1 & 3])

2. Trails. ATVs shall not be operated on snowmobile trails except where designated.

(Code of Iowa, Sec. 321I.10[4])

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

(Code of Iowa, Sec. 321I.14[1h])

4. Parks and Other City Land. ATVs shall not be operated in any park, playground or upon any other City-owned property without the express permission of the City.
5. Sidewalk or Parking. ATVs shall not be operated upon the public sidewalk or that portion of the street located between the curb line and the sidewalk or property line commonly referred to as the “parking.”

75.06 NEGLIGENCE. The owner and operator of an ATV or snowmobile are liable for any injury or damage occasioned by the negligent operation of the ATV or snowmobile. The owner of an ATV or snowmobile shall be liable for any such injury or damage only if the owner was the operator of the ATV or snowmobile at the time the injury or damage occurred or if the operator had the owner’s consent to operate the ATV or snowmobile at the time the injury or damage occurred.

(Code of Iowa, Sec. 321G.18 & 321I.19)

75.07 ACCIDENT REPORTS. Whenever an ATV or snowmobile is involved in an accident resulting in injury or death to anyone or property damage amounting to one thousand five hundred dollars (\$1,500.00) or more, either the operator or someone acting for the operator shall immediately notify a law enforcement officer and shall file an accident report, in accordance with State law.

(Code of Iowa, Sec. 321G.10 & 321I.11)

[The next page is 421]

CHAPTER 76

BICYCLE REGULATIONS

76.01 Scope of Regulations

76.02 Traffic Code Applies

76.03 Double Riding Restricted

76.04 Two Abreast Limit

76.05 Speed

76.06 Emerging from Alley or Driveway

76.07 Carrying Articles

76.08 Riding on Sidewalks

76.09 Towing

76.10 Improper Riding

76.11 Parking

76.12 Equipment Requirements

76.13 Special Penalty

76.01 SCOPE OF REGULATIONS. These regulations shall apply whenever a bicycle is operated upon any street or upon any public path set aside for the exclusive use of bicycles, subject to those exceptions stated herein.

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

76.02 TRAFFIC CODE APPLIES. Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of the State declaring rules of the road applicable to vehicles or by the traffic code of the City applicable to the driver of a vehicle, except as to those provisions which by their nature can have no application. Whenever such person dismounts from a bicycle the person shall be subject to all regulations applicable to pedestrians.

(Code of Iowa, Sec. 321.234)

76.03 DOUBLE RIDING RESTRICTED. A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

(Code of Iowa, Sec. 321.234[3 and 4])

76.04 TWO ABREAST LIMIT. Persons riding bicycles upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. All bicycles ridden on the roadway shall be kept to the right and shall be operated as near as practicable to the right-hand edge of the roadway.

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

76.05 SPEED. No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

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

76.06 EMERGING FROM ALLEY OR DRIVEWAY. The operator of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians approaching on said sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

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

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

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

76.08 RIDING ON SIDEWALKS. The following shall apply to riding bicycles on sidewalks:

1. Business District. No person shall ride a bicycle upon a sidewalk within the Business District, as defined in Section 60.02(1) of this Code of Ordinances.

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

2. Other Locations. When signs are erected on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person, no person shall disobey the signs.

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

3. Yield Right-of-way. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing.

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

76.09 TOWING. It is unlawful for any person riding a bicycle to be towed or to tow any other vehicle upon the streets of the City unless the vehicle is manufactured for such use.

76.10 IMPROPER RIDING. No person shall ride a bicycle in an irregular or reckless manner such as zigzagging, stunting, speeding or otherwise so as to disregard the safety of the operator or others.

76.11 PARKING. No person shall park a bicycle upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at the curb, in such a manner as to afford the least obstruction to pedestrian traffic.

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

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

1. Lamps Required. Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least three hundred (300) feet to the front and with a lamp on the rear exhibiting a red light visible from a distance of 300 feet to the rear except that a red reflector on the rear, of a type which shall be visible from all distances from fifty (50) feet to 300 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle, may be used in lieu of a rear light.

(Code of Iowa, Sec. 321.397)

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

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

76.13 SPECIAL PENALTY. Any person violating the provisions of this chapter may, in lieu of the scheduled fine for bicyclists or standard penalty provided for violations of the Code of Ordinances, allow the person's bicycle to be impounded by the City for not less than five (5) days for the first offense, ten (10) days for a second offense and thirty (30) days for a third offense.

[The next page is 425]

CHAPTER 77

GOLF CARTS

77.01 Purpose

77.02 Operation of Golf Carts Permitted

77.03 Equipment

77.04 Hours

77.01 PURPOSE. The purpose of this chapter is to permit the operation of golf carts on streets in the City as authorized by Section 321.247 of the *Code of Iowa*. This chapter applies whenever a golf cart is operated on any street or alley.

77.02 OPERATION OF GOLF CARTS PERMITTED. Golf carts may be operated upon the streets of the City by persons possessing a valid driver's license, subject to the following conditions:

1. Golf carts shall not be operated on Hwy. 69, a primary road extension through the City, but are allowed to cross over Hwy. 69.
2. The golf cart may not have more persons in it than the number it is designed for by the manufacturer.
3. The operator of a golf cart shall not allow any other person to hang from or stand on any portion of the golf cart. All persons on the golf cart must be in a seated position on the golf cart seat.
4. All persons convicted of a violation of this chapter are guilty of a simple misdemeanor punishable as a scheduled violation under Section 805.8A[3f] of the *Code of Iowa*.

77.03 EQUIPMENT. Golf carts operated upon City streets shall be equipped with a slow-moving vehicle sign and a bicycle safety flag at all times during operation and shall be equipped with adequate brakes. The bicycle safety flag must extend a minimum of 12 inches above the tallest portion of the golf cart or persons sitting in the cart.

77.04 HOURS. Golf carts may be operated on City streets only between sunrise and sunset.

[The next page is 435]

CHAPTER 80

ABANDONED VEHICLES

80.01 Definitions

80.02 Authority to Take Possession of Abandoned Vehicles

80.03 Notice by Mail

80.04 Notification in Newspaper

80.05 Fees for Impoundment

80.06 Disposal of Abandoned Vehicles

80.07 Disposal of Totally Inoperable Vehicles

80.08 Proceeds from Sales

80.09 Duties of Demolisher

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

(Code of Iowa, Sec. 321.89[1] & Sec. 321.90)

1. "Abandoned vehicle" means any of the following:
 - A. A vehicle that has been left unattended on public property for more than twenty-four (24) hours and lacks current registration plates or two or more wheels or other parts which renders the vehicle totally inoperable.
 - B. A vehicle that has remained illegally on public property for more than 24 hours.
 - C. A vehicle that has been unlawfully parked or placed on private property without the consent of the owner or person in control of the property for more than 24 hours.
 - D. A vehicle that has been legally impounded by order of a police authority and has not been reclaimed for a period of ten (10) days. However, a police authority may declare the vehicle abandoned within the ten-day period by commencing the notification process.
 - E. Any vehicle parked on the highway determined by a police authority to create a hazard to other vehicle traffic.
 - F. A vehicle that has been impounded pursuant to Section 321J.4B of the *Code of Iowa* by order of the court and whose owner has not paid the impoundment fees after notification by the person or agency responsible for carrying out the impoundment order.
2. "Demolisher" means a person licensed under Chapter 321H of the *Code of Iowa* whose business it is to convert a vehicle to junk, processed scrap or scrap metal, or otherwise to wreck, or dismantle vehicles.
3. "Garage keeper" means any operator of a parking place or establishment, motor vehicle storage facility, or establishment for the servicing, repair, or maintenance of motor vehicles.
4. "Police authority" means the Iowa state patrol or any law enforcement agency of a county or city.

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

hire a private entity, equipment, and facilities for the purpose of removing, preserving, storing, or disposing of abandoned vehicles. A property owner or other person in control of private property may employ a private entity that is a garage keeper to dispose of an abandoned vehicle, and the private entity may take into custody the abandoned vehicle without a police authority's initiative. If a police authority employs a private entity to dispose of abandoned vehicles, the police authority shall provide the private entity with the names and addresses of the registered owners, all lienholders of record, and any other known claimant to the vehicle or the personal property found in the vehicle.

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

80.03 NOTICE BY MAIL. The police authority or private entity that takes into custody an abandoned vehicle shall notify, within twenty (20) days, by certified mail, the last known registered owner of the vehicle, all lienholders of record, and any other known claimant to the vehicle or to personal property found in the vehicle, addressed to the parties' last known addresses of record, that the abandoned vehicle has been taken into custody. Notice shall be deemed given when mailed. The notice shall describe the year, make, model and vehicle identification number of the vehicle, describe the personal property found in the vehicle, set forth the location of the facility where the vehicle is being held, and inform the persons receiving the notice of their right to reclaim the vehicle and personal property within ten (10) days after the effective date of the notice upon payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody and upon payment of the costs of the notice. The notice shall also state that the failure of the owner, lienholders or claimants to exercise their right to reclaim the vehicle or personal property within the time provided shall be deemed a waiver by the owner, lienholders and claimants of all right, title, claim and interest in the vehicle or personal property and that failure to reclaim the vehicle or personal property is deemed consent to the sale of the vehicle at a public auction or disposal of the vehicle to a demolisher and to disposal of the personal property by sale or destruction. If the abandoned vehicle was taken into custody by a private entity without a police authority's initiative, the notice shall state that the private entity may claim a garage keeper's lien as described in Section 321.90 of the *Code of Iowa*, and may proceed to sell or dispose of the vehicle. If the abandoned vehicle was taken into custody by a police authority or by a private entity hired by a police authority, the notice shall state that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or property by the police authority or private entity or of the assessment of fees and charges provided by this section may ask for an evidentiary hearing before the police authority to contest those matters. If the persons receiving notice do not ask for a hearing or exercise their right to reclaim the vehicle or personal property within the ten-day reclaiming period, the owner, lienholders or claimants shall no longer have any right, title, claim, or interest in or to the vehicle or the personal property. A court in any case in law or equity shall not recognize any right, title, claim, or interest of the owner, lienholders or claimants after the expiration of the ten-day reclaiming period.

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

80.04 NOTIFICATION IN NEWSPAPER. If it is impossible to determine with reasonable certainty the identity and addresses of the last registered owner and all lienholders, notice by one publication in one newspaper of general circulation in the area where the vehicle was abandoned shall be sufficient to meet all requirements of notice under Section 80.03. The published notice may contain multiple listings of abandoned vehicles and personal property but shall be published within the same time requirements and contain the same information as prescribed for mailed notice in Section 80.03.

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

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

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

80.06 DISPOSAL OF ABANDONED VEHICLES. If an abandoned vehicle has not been reclaimed as provided herein, the police authority or private entity shall make a determination as to whether or not the motor vehicle should be sold for use upon the highways, and shall dispose of the motor vehicle in accordance with State law.

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

80.07 DISPOSAL OF TOTALLY INOPERABLE VEHICLES. The City or any person upon whose property or in whose possession is found any abandoned motor vehicle, or any person being the owner of a motor vehicle whose title certificate is faulty, lost or destroyed, may dispose of such motor vehicle to a demolisher for junk, without a title and without notification procedures, if such motor vehicle lacks an engine or two or more wheels or other structural part which renders the vehicle totally inoperable. The police authority shall give the applicant a certificate of authority. The applicant shall then apply to the County Treasurer for a junking certificate and shall surrender the certificate of authority in lieu of the certificate of title.

(Code of Iowa, Sec. 321.90[2e])

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

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

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

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

[The next page is 451]

WATER

TABLE OF CONTENTS

CHAPTER 90 - WATER SERVICE SYSTEM	451
CHAPTER 91 - CROSS CONNECTIONS AND BACKFLOW PREVENTION	459
CHAPTER 92 - WATER METERS.....	469
CHAPTER 93 - WATER RATES	475

CHAPTER 90

WATER SERVICE SYSTEM

90.01 Definitions	90.13 Tapping Mains; Installation of Water Service Pipe
90.02 Superintendent's Duties	90.14 Responsibility for Water Service Pipe
90.03 Management	90.15 Service Line Leaks; Repairs
90.04 Customer Consent to Provisions	90.16 Failure to Maintain
90.05 Disclaimer of Liability	90.17 Curb Valve
90.06 Mandatory Connections	90.18 Interior Valve
90.07 Water Service Outside of Corporate Limits	90.19 Inspection and Approval
90.08 Abandoned Connections	90.20 Completion by the City
90.09 Permit	90.21 Shutting Off Water Supply
90.10 Fee for Permit and Connection Charge	90.22 Curb Valve and Hydrants
90.11 Compliance with Plumbing Code	90.23 Water Conservation Plan
90.12 Excavations	90.24 Emergency Suspension of Service

90.01 DEFINITIONS. The following terms are defined for use in the chapters in this Code of Ordinances pertaining to the Water Service System:

1. "Combined service account" means a customer service account for the provision of two or more utility services.
2. "Customer" means, in addition to any person receiving water service from the City, the owner of the property served, and as between such parties the duties, responsibilities, liabilities and obligations hereinafter imposed shall be joint and several.
3. "Private drinking well" or "private well" means any well within the City limits, including (but not limited to) any well with water intended for human consumption, animal consumption, watering, or filling of pools.
4. "Superintendent" means the Superintendent of the City water system or any duly authorized assistant, agent or representative.
5. "Water main" means a water supply pipe provided for public or community use.
6. "Water service pipe" means the pipe from the water main to the building served.
7. "Water system" or "water works" means all public facilities for securing, collecting, storing, pumping, treating and distributing water.

90.02 SUPERINTENDENT'S DUTIES. The Superintendent shall supervise the installation of water service pipes and their connection to the water main and enforce all regulations pertaining to water services in the City in accordance with this chapter. This chapter shall apply to all replacements of existing water service pipes as well as to new ones. The Superintendent shall make such rules, not in conflict with the provisions of this chapter, as may be needed for the detailed operation of the water system, subject to the approval of the Council. In the event of an emergency the Superintendent may make temporary rules for the protection of the system until due consideration by the Council may be had.

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

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

90.04 CUSTOMER CONSENT TO PROVISIONS. The provisions of these chapters pertaining to the Water Service System are a part of the contract with every person who is supplied with water through the water system of the City, and every such person, by taking water, agrees to be bound thereby, and whenever any such person violates any provisions of such chapters, the Clerk is empowered to suspend water service to the premises owned or possessed by such person.

90.05 DISCLAIMER OF LIABILITY. No claim shall be made against the City by reason of the breaking or failure of any service pipe, meter or other appurtenance, or failure of the water supply from any cause, or damage arising from suspending water service because of a violation of the chapters pertaining to the Water Service System or in connection with an emergency or the making of repairs to the water system. The City does not guarantee a constant supply of water to any user and the right is reserved to suspend the water supply at any time notwithstanding any permit granted to the contrary. The water supplied to customers through the water system is for human consumption and no claims will be allowed by the City for damages arising out of its use for plants, marine animals or any other purpose.

90.06 MANDATORY CONNECTIONS. The installation and use of private drinking wells and distribution mains and services from said private wells are strictly prohibited within the City limits. 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.

90.07 WATER SERVICE OUTSIDE OF CORPORATE LIMITS. Applicants for water service to premises outside the corporate limits of the City shall purchase water meters approved by the City, and such meters shall be installed by the City or its designee. All extensions of the water system to premises outside the corporate limits of the City shall be of Type "K" copper.

90.08 ABANDONED CONNECTIONS. When an existing water service is abandoned or a service is renewed with a new tap in the main, all abandoned connections with the mains shall be disconnected from the corporation stop. The corporation shall be capped and the stop box removed in accordance with the *City Specifications*. This work shall be performed at the owner's expense by a plumbing contractor. All work shall be inspected and approved by a representative of the City's water department.

90.09 PERMIT. Before any person makes a connection with the public water system, a written permit must be obtained from the City. The application for the permit shall include a legal description of the property, the name of the property owner, the name and address of the person who will do the work, and the general uses of the water. The City shall approve the

person who does the work. If the proposed work meets all the requirements of this chapter and if all fees required under this chapter have been paid, the permit shall be issued. Work under any permit must be completed within one year after the permit is issued, except that when such time period is inequitable or unfair due to conditions beyond the control of the person making the application, an extension of time within which to complete the work may be granted. The permit may be revoked at any time for any violation of these chapters.

90.10 FEE FOR PERMIT AND CONNECTION CHARGE. Before any permit is issued the person who makes the application shall pay an amount set by resolution of the Council to the Clerk to cover the cost of issuing the permit and supervising, regulating, and inspecting the work. In addition there shall be paid a connection charge in an amount set by resolution before issuance of a permit to reimburse the City for costs borne by the City in making water service available to the property served.

(Code of Iowa, Sec. 384.84)

90.11 COMPLIANCE WITH PLUMBING CODE. The installation of any water service pipe and any connection with the water system shall comply with all pertinent and applicable provisions, whether regulatory, procedural or enforcement provisions, of the *International Plumbing Code*, as adopted by the City.

90.12 EXCAVATIONS. All trench work, excavation and backfilling required in making a connection shall be performed in accordance with the provisions of the *International Plumbing Code* and the provisions of Chapter 135 of this Code of Ordinances..

90.13 TAPPING MAINS; INSTALLATION OF WATER SERVICE PIPE. All taps into water mains and the installation of water service pipes shall be completed in accordance with the *City Specifications* adopted by and on file with the City.

90.14 RESPONSIBILITY FOR WATER SERVICE PIPE. All costs and expenses incident to the installation, connection and maintenance of the water service pipe from the main to the building served, including the curb valve, curb valve box, corporation and saddle, shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation or maintenance of said water service pipe. If an existing water service pipe is to be repaired, the materials used for the repair shall be of the type and size specified for new service lines. If it is determined that half or more of either the section between the main and the curb valve or the section between the curb valve and the building served must be replaced, then the entire section must be replaced with materials as approved for new service lines.

90.15 SERVICE LINE LEAKS; REPAIRS. An owner will make any service line leak or repair at the owner's expense. The water utility will be allowed to inspect any repairs before covering such repairs with fill. Any leak found in the service line will be repaired as soon as possible to eliminate loss of water. Owners of service line leaks will be allowed to have a reasonable time to make needed repairs. If after a reasonable time period repairs have not been made, the water utility retains the right to make any needed repairs with all costs to be billed to the property owner. The property owner will repair all non-working or broken curb valves or curb valve boxes in a reasonable time (30 to 60 days) upon notification by the water utility. Any time lead service lines, goosenecks or other prohibited materials are uncovered, they shall be replaced at the owner's expense. Frozen service lines will be the owner's responsibility to thaw any such service lines. The water utility will retain the right to use the curb valve when needed. The curb valve box lid should be level with the ground and

workable and visible at all times. No one shall operate the curb valve without the water utility's permission. All repairs will need a permit from the water utility.

90.16 FAILURE TO MAINTAIN. When any portion of the water service pipe which is the responsibility of the property owner becomes defective or creates a nuisance and the owner fails to correct such nuisance the City may do so and assess the costs thereof to the property.

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

90.17 CURB VALVE. There shall be installed within the public right-of-way or utility easement a main shut-off valve on the water service pipe of a pattern approved by the Superintendent. The shut-off valve shall be constructed to be visible and even with the pavement or ground. The Superintendent shall identify the placement of the curb valve.

90.18 INTERIOR VALVE. There shall be installed a shut-off valve on every service pipe inside the building as close to the entrance of the pipe within the building as possible and so located that the water can be shut off conveniently. Where one service pipe supplies more than one customer within the building, there shall be separate valves for each such customer so that service may be shut off for one without interfering with service to the others. The valves should comply with the *City Specifications* and be placed before and after the meter.

90.19 INSPECTION AND APPROVAL. All water service pipes and their connections to the water system must be inspected and approved in writing by the Superintendent before they are covered, and the Superintendent shall keep a record of such approvals. If the Superintendent refuses to approve the work, the plumber or property owner must proceed immediately to correct the work. Every person who uses or intends to use the municipal water system shall permit the Superintendent to enter the premises to inspect or make necessary alterations or repairs at all reasonable hours and on proof of authority.

90.20 COMPLETION BY THE CITY. Should any excavation be left open or only partly refilled for twenty-four (24) hours after the water service pipe is installed and connected with the water system, or should the work be improperly done, the City shall have the right to finish or correct the work, and the Council shall assess the costs to the property owner. If the property owner is assessed, such assessment may be collected with and in the same manner as general property taxes.

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

90.21 SHUTTING OFF WATER SUPPLY. The Superintendent may shut off the supply of water to any customer because of any violation of the regulations contained in these Water Service System chapters that is not being contested in good faith. The supply shall not be turned on again until all violations have been corrected and the Superintendent has ordered the water to be turned on.

90.22 CURB VALVE AND HYDRANTS. All water hydrants installed for the purpose of extinguishing fires are the property of the City and shall be of the type specified by the City. It is unlawful for any person except an authorized employee of the City to turn water on at the curb valve, and no person, unless specifically authorized by the City, shall open or attempt to draw water from any fire hydrant for any purpose whatsoever.

90.23 WATER CONSERVATION PLAN. The Council may declare a water conservation emergency whenever the supply of water or water system facilities are found to be inadequate

for the needs of the City or whenever there appears to be a substantial and imminent danger of such inadequacy. A resolution making such finding and declaring such emergency shall be published for one publication in a newspaper of general circulation in the City and upon publication shall require compliance with this section by all persons using water from the municipal water system until by resolution of the Council the emergency is declared to be terminated. As an alternative to publication in a newspaper of general circulation, the City may notify residents via door-to-door delivery of notices.

1. Restrictions. During a water conservation emergency declared under this section, potable processed water from the municipal water system, which does not include water that has been reclaimed or recycled from an authorized primary use, shall not be used for any of the following purposes:

A. The use of water consuming air-conditioning equipment which consumes in excess of five percent of the water circulating in such equipment;

B. Watering or irrigation of lawns and all other outside vegetation except that direct applications of water not exceeding one inch per week are permitted between the hours of 10:00 a.m. and 6:00 p.m. on flower and vegetable gardens, trees and shrubs less than four years old and areas which were newly seeded or sodded prior to issuance of the emergency resolution;

C. The washing of cars, trucks, trailers and other mobile vehicles or equipment except at commercial establishments which provide that service;

D. The cleaning of outdoor surfaces including buildings, sidewalks, driveways and porches;

E. The non-essential cleaning of commercial and industrial equipment, machinery and interior spaces;

F. The filling of private swimming pools, wading pools, reflecting pools, ornamental fountains, or any other structure making similar use of water;

G. Permitting the loss of water through defective plumbing or fixtures, except where the customer can provide proof of prompt repair of the defect;

H. Use by a business or industry of an amount of water exceeding the amount used during the corresponding month of the preceding year except where the business or industry is declared by resolution of the Council to be necessary for the public health, safety and welfare. Where there is no corresponding period of use, the Council shall hold a public hearing to determine the allowable use.

2. Rates. Any person found to be using City water in violation of this section shall be charged four times the rate which would otherwise apply. This rate shall apply to all metered service through the service connection used in the violation during any month that a water conservation emergency is declared by the Council to exist and during which the violation has occurred or continued.

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

[The next page is 459]

CHAPTER 91

CROSS CONNECTIONS AND BACKFLOW PREVENTION

91.01 Definitions

91.02 Cross Connection Prohibited Generally

91.03 Backflow Prevention

91.04 Required Installation

91.05 Interconnected Services and/or Fire Lines

91.06 Cross Connection Control – Containment Provisions

91.01 DEFINITIONS. The following definitions apply to this chapter.

1. “Administrative authority” means City’s Water Department.
2. “Approved backflow prevention assembly for containment” means a backflow prevention assembly which is listed by the University of Southern California – Foundation for Cross Connection Control and Hydraulic Research as having met the requirements of ANSI-AWWA Standard C510-89, *Double Check Valve Backflow-Prevention Assemblies*, or ANSI-AWWA Standard C511-89, *Reduced-Pressure Principle Backflow-Prevention Assemblies* for containment. The listing shall include the limitations of use based on the degree of hazard. The International Association of Plumbing and Mechanical Officials must also list the backflow prevention assembly.
3. “Approved backflow prevention assembly for containment in a fire protection system” means a backflow prevention assembly to be used in a fire protection system which meets the requirements of Factory Mutual Research Corporation (FM) and Underwriters Laboratory (UL), and the requirements of the Fire Code and the Building Code of the City, in addition to the requirements of subsection 2. Devices sized smaller than 2½ inches which have not been listed by Underwriters Laboratory (UL) and tested by Factory Mutual Research Corporation (FM) may be allowed if they meet the requirements of the Fire Code and the Building Code of the City.
4. “Auxiliary water supply” means any water supply on or available to the premises other than the water purveyor’s approved public water supply, such as but not limited to a private well, pond or river.
5. “Containment” means a method of backflow prevention that requires the installation of a backflow prevention assembly at the water service entrance.
6. “Cross connection” means any actual or potential connection or arrangement, physical or otherwise, between a potable water supply system and any plumbing fixture or tank, receptacle, equipment, or device, through which it may be possible for non-potable, used, unclean, polluted, and contaminated water or other substance to enter into any part of such potable water system under any condition.
7. “Customer” means the owner, operator, occupant of a building or property which has a water service from a public water system, or the owner or operator of a private water system which has a water service from a public water system.
8. “Degree of hazard” means the rating of a cross connection or water service that indicates if it has the potential to cause contamination or pollution.

9. “Double check valve backflow prevention assembly” means a backflow prevention device consisting of two independently acting internally loaded check valves, four properly located test cocks, and two isolation valves.
10. “High hazard cross connection” means a cross connection which may cause an impairment of the potable water by creating an actual hazard to the public health, through the spread of disease by sewage, industrial fluids, or waste.
11. “Isolation” means a method of backflow prevention in which a backflow prevention assembly is located at the cross connection rather than at the water service entrance.
12. “Low hazard cross connection” means a cross connection which may cause an impairment of the quality of the potable water to a degree which does not create a hazard to the public health, but which does adversely and unreasonably affect the aesthetic qualities of such potable waters for domestic use.
13. “Reduced pressure principle backflow prevention assembly” means a backflow prevention device consisting of two independently acting internally loaded check valves, a different pressure relief valve, four properly located test cocks, and two isolation valves.
14. “Registered backflow prevention assembly technician” means a person who is registered by the State of Iowa to test or repair backflow prevention assemblies and report on the condition of those assemblies.
15. “Thermal expansion” means volumetric increase of water due to heating resulting in increased pressure in a closed system.
16. “Water service,” depending on the context, means a physical connection between a public water system and a customer’s building, property, or private water system, or the act of providing potable water to a customer.
17. “Water Department” means the Huxley Water Department.

91.02 CROSS CONNECTION PROHIBITED GENERALLY. Cross connection from any well or other source of water to any piping system connected to the City’s Water Department distribution mains shall not be permitted except upon written permission from the Superintendent. These conditions shall be subject to periodic inspection and approval by the Water Department.

91.03 BACKFLOW PREVENTION. The customer shall prevent pollutants and contaminants from entering his or her potable water supply system or the Water Department distribution mains by backflow or back siphoning. All water-using devices must be so designed so that backflow or back siphoning to the system cannot occur. Where harmful contaminants or pollutants are used with any device or process connected to the water system, the customer must install and maintain a reduced pressure backflow prevention device in accordance with the *City Specifications* and any applicable Plumbing Code requirements. All permanently installed underground irrigation systems shall contain a reduced pressure principle backflow assembly to prevent backflow or back siphoning to the Water Department’s distribution system.

91.04 REQUIRED INSTALLATION. The approved backflow prevention devices shall be installed:

1. For new plants or facilities, as described in this chapter, when constructed.
2. For existing plants or facilities, as described in this chapter, when major plumbing changes are made.
3. For existing plants or facilities, as described in this chapter, where a dangerous or potentially dangerous condition is found.
4. For any residence, plant or facility where a dangerous or potentially dangerous condition is found and where such installation is ordered by the Water Department.
5. When required by other codes or statutes.

91.05 INTERCONNECTION SERVICES AND/OR FIRE LINES. Where a customer is served by two or more interconnected services and/or fire lines connected to different Water Department distribution mains, the customer shall install and maintain, at his or her expense, on each service and/or fire line, an approved check valve according to the latest edition of the AWWA Standard C508. This check valve, installed in an access manhole, shall be located on private property just inside the property line. Even though the check valve is located on private property, Water Department personnel shall have the right and license to have access to it.

91.06 CROSS CONNECTION CONTROL – CONTAINMENT PROVISIONS.

1. Administrative Authority.
 - A. The Water Department shall have the right to enter, with the consent of the customer or upon the basis of a suitable warrant issued by a court of appropriate jurisdiction, any property to inspect the possible cross connections.
 - B. The Water Department shall maintain records of cross connection hazard surveys, and the installation, testing, and repair of all backflow prevention assemblies installed for containment purposes.
2. New Water Services.
 - A. Plans shall be submitted to the Water Department for review on all new water services in order to determine the degree of hazard.
 - B. The Water Department, in consultation with the Building Inspector, shall determine the type of backflow prevention assembly required for the containment based on the degree of hazard.
 - C. The Water Department and/or the Building Inspector shall inspect the installation of the required backflow prevention assembly for containment before the initiation of water service.
3. Existing Water Service.
 - A. Upgrades of existing water services shall be treated as new water services for the purpose of this section.
 - B. The Water Department, on the basis of information received from customers, surveys, or gathered through on-site investigations, shall determine

the type of backflow prevention assembly required for containment based on the degree of hazard.

C. Within the time frame specified by the Water Department, the customer shall install a backflow prevention assembly for containment as required by the Water Department.

D. For existing water services, the Water Department may inspect the premises to determine the degree of hazard. When high hazard cross connections are found, the Water Department, at its sole discretion, shall: (i) develop a schedule of compliance which the customer shall follow, or (ii) terminate the water service until the required backflow prevention assembly for containment has been installed.

E. Failure of the Water Department to notify a customer that they are believed to have a high hazard cross connection and that they shall install backflow prevention assemblies for containment in no way relieves a customer of the responsibility to comply with all requirements of this section.

4. Customer.

A. The customer shall be responsible for ensuring that no cross connection exists without approved backflow protection within his or her premises starting at the point of service from the public potable water system.

B. The customer shall, at his or her expense, cause installation, operation, testing and maintenance of backflow prevention assemblies.

C. The customer shall ensure that copies of records of the installation and all tests and repairs made to the backflow prevention assembly are delivered to the Water Department on the approved form within fifteen (15) days after testing and/or repairs are completed.

D. In the event of a backflow incident, the customer shall immediately notify the Water Department of the incident and take steps to confine the contamination or pollution.

5. Required Backflow Prevention Assemblies for Containment – Water Services.

A. An air gap or an approved reduced pressure principle backflow prevention assembly is required for water services having one or more cross connections which the administrative authority has classified as high hazard.

B. An approved double check valve assembly is required for water services having no high hazard cross connections but having one or more cross connections which the Water Department has classified as low hazard.

6. Required Backflow Prevention Assemblies for Containment – Fire Protection Systems.

A. A reduced pressure principle backflow prevention assembly shall be installed on all new and existing fire protection systems which the Water Department has determined to have any of the following:

- (1) Direct connections from public water mains with an auxiliary water supply on or available to the premises for pumper connection.

- (2) Interconnections with auxiliary supplies such as reservoirs, rivers, ponds, wells, mills or other industrial water systems.
 - (3) Use of antifreezes or other additives in the fire protection system.
 - (4) Combined industrial and fire protection systems supplied from the public water mains only, with or without gravity storage or pump suction tanks.
 - (5) Any other facility, connection or condition which may cause contamination.
 - B. A double check valve assembly will be required for all other fire protection systems. The double check valve assembly shall be required on all new systems at the time of installation and on existing systems at the time they are upgraded.
 - C. Submittal of proposed backflow prevention devices to the Water Department does not relieve the designer or the sprinkler contractor of the responsibility of submitting plans, including backflow prevention devices to the Fire Chief for approval.
7. Backflow Prevention Assembly Technicians. A backflow prevention assembly technician registered by the State of Iowa shall include his or her registration number on all correspondence and forms required by or associated with this section.
8. Registered Backflow Prevention Assembly Technician Noncompliance. Noncompliance with any of the following by a registered technician shall be ground for reporting said individual to the State Health Department:
- A. Improper testing or repair of backflow prevention assemblies.
 - B. Improper reporting of the results of testing or of repairs made to backflow prevention assemblies.
 - C. Failure to meet registration requirements.
 - D. Related unethical practices.
9. Installation of Backflow Prevention Assemblies.
- A. The required backflow prevention assemblies for containment shall be installed in the horizontal plumbing immediately following the meter or as close to that location as deemed practical by the Water Department. In any case, it shall be located upstream from any branch piping. Installation at this point does not eliminate the responsibility of the customer to protect the water supply system from contamination or pollution between the backflow prevention assembly and the water main.
 - B. Reduced pressure principle backflow prevention assemblies shall be installed so as to be protected from flooding.
 - C. Reduced pressure principle backflow prevention assemblies shall not be installed in underground vaults or pits.
 - D. All backflow prevention assemblies shall be protected from freezing. Those devices used for seasonal water services may be removed in lieu of

being protected from freezing; however, the devices must be reinstalled and tested by a registered backflow prevention technician prior to service being reactivated.

E. If hot water is used within the water system, thermal expansion shall be provided for when installing a backflow prevention assembly for containment.

F. Provisions shall be made to convey the discharge of water from reduced pressure principle backflow prevention assemblies to a suitable drain.

G. The backflow prevention assembly shall not be installed in a place where it would create a safety hazard, such as but not limited to installation over an electrical panel or above ceiling level.

H. If interruption of water service during testing and repair of backflow prevention assemblies for containment is unacceptable, another backflow prevention assembly, sized to handle the temporary water flow needed during the time of test or repair, should be installed in parallel piping.

I. All backflow prevention assemblies shall be installed so that they are accessible for testing as stated in the Plumbing Code.

J. All shut-off valves shall conform to the current edition of the *Manual of Cross-Connection Control* (University of Southern California) requirements for either ball or resilient seat gate valves at the time of installation. Ball valves shall be used on assemblies installed in piping two inches and smaller and resilient seat gate valves on assemblies installed in piping larger than two inches.

K. Location and protection of the containment assembly shall be approved by the Water Department prior to installation.

10. Testing of Backflow Prevention Assemblies.

A. Testing of backflow prevention assemblies shall be performed by a registered backflow prevention assembly technician. The costs of tests required in the following paragraphs B through E shall be borne by the customer.

B. Backflow prevention assemblies shall be tested upon installation and tested and inspected at least annually.

C. Backflow prevention assemblies that are in place, but have been out of operation for more than three months, shall be tested before being put back into operation. Backflow prevention assemblies used in seasonal applications shall be tested before being put into operation each season.

D. Any backflow prevention assembly that fails a periodic test shall be repaired or replaced. When water service has been terminated for noncompliance, the backflow prevention assembly shall be repaired or replaced prior to the resumption of water service. Backflow prevention assemblies shall be re-tested by a registered backflow prevention assembly technician immediately after repair or replacement.

E. The Water Department may required backflow prevention assemblies to be tested at any time in addition to the annual testing requirement.

- F. The registered backflow prevention assembly technician shall report the successful test of a backflow prevention assembly to the customer and to the Water Department within fifteen (15) days of the test.
- G. The Water Department may require, at the owner's expense, additional tests of individual backflow prevention assemblies, as it deems necessary to verify test procedures and results.
11. Repair of Backflow Prevention Assemblies.
- A. All repairs to backflow prevention assemblies shall be performed by registered backflow prevention assembly technicians.
- B. The registered backflow prevention assembly technician shall not change the design, material or operational characteristics of a backflow prevention assembly during repair or maintenance, and shall use only original manufacturer replacement parts.
- C. The registered backflow prevention assembly technician shall report the repair of a backflow prevention assembly to the customer and to the Water Department on a form provided by the technician within fifteen (15) days of the repair. The report shall include the list of materials or replacement parts used.
- D. Any time fire services are disconnected for a period of time longer than necessary to test the device; the tester is required to notify the Fire Chief that the fire services are shut off for repair.
12. Customer Noncompliance. The water service may be discontinued in the case of noncompliance with this section. Noncompliance includes, but is not limited to, the following:
- A. Refusals to allow Water Department personnel to the property to inspect for cross connections.
- B. Removal of a backflow prevention assembly which has been required by the Water Department.
- C. Bypassing of a backflow prevention assembly which has been required by the Water Department.
- D. Providing inadequate backflow prevention when cross connections exist.
- E. Failure to install a backflow prevention assembly which has been required by the Water Department.
- F. Failure to test and/or properly repair a backflow prevention assembly as required by the Water Department.

[The next page is 469]

CHAPTER 92

WATER METERS

92.01 Purpose	92.09 Right of Entry
92.02 Water Use Metered	92.10 Meter to Remain Where Installed
92.03 Fire Sprinkler Systems – Exception	92.11 Meter Installation Fee
92.04 Location and Accessibility	92.12 Meter Testing
92.05 Meter Setting	92.13 Second Water Meters
92.06 Meter Pits	92.14 Second Water Meter Minimum Charges
92.07 Meter Accessories	92.15 Meter Failures
92.08 Meter Costs and Maintenance	92.16 Remote Reading Device

92.01 PURPOSE. The purpose of this chapter is to encourage the conservation of water and facilitate the equitable distribution of charges for water service among customers.

92.02 WATER USE METERED. All water furnished customers shall be measured through meters furnished by the City and installed by the City.

92.03 FIRE SPRINKLER SYSTEMS – EXCEPTION. Fire sprinkler systems may be connected to water mains by direct connection without meters under the direct supervision of the Superintendent. However, fire lines under two inches in size will be metered. No open connection can be incorporated in the system, and there shall be no valves except a main control valve at the entrance to the building which must be sealed open.

92.04 LOCATION AND ACCESSIBILITY.

1. Basement Mechanical Room. The water meter shall be located in the basement or mechanical/utility room if one is provided. The master water meter shall be placed where the water service line comes through the basement wall or basement floor. Where no basement is provided, the master meter shall be placed where the service line comes through the floor of the utility room. Meters shall be indoors and protected from freezing. A floor drain shall be located in the room containing the meter. Meters shall not be located above the first or ground floor level under any conditions. Only the individual water meter serving a dwelling unit may be located within the private occupancy space of that dwelling unit.

2. Multi-family Dwellings. In a duplex, the preferred meter location is in the joint basement or mechanical room. If this is not possible, each individual meter must be in the private occupancy area (utility room, for example) of that dwelling unit. In multi-family dwellings on one level, the preferred meter location is in a joint mechanical, utility or meter room. However, with prior approval, individual meters may be located in the utility room of each dwelling unit. In multi-family dwellings on more than one level, meters shall be congregated in one or more mechanical/utility or meter rooms in the basement or first floor level of the building. Location of individual meters in each individual utility room or apartment is prohibited. In an apartment complex where a mechanical room is not provided, a water meter room shall be provided at the point where the service line comes through the wall or floor. A floor drain must also be provided in this area.

3. Placement. All meters shall be placed within 30 inches and no more than 42 inches from where the water service first penetrates the floor or wall of the structure.

4. Meter Setting Height. Single water meters shall be set at a height not less than 30 inches and not more 42 inches above the floor. Multiple water meters may be stacked vertically, either directly above or offset, within general limits of not less than 20 inches and not more than 48 inches above the floor.

5. Accessibility. All water meters shall be in an accessible location. There shall be no obstruction or storage of other materials preventing access to the meter. The meter shall not be placed above or behind a furnace, water heater, washer or dryer or other such arrangement limiting access to the meter. No shelf may be placed less than two feet above any meter. For meters smaller than one inch, a minimum of two feet of working clearance around the meter is necessary for meter maintenance and routine change. For meters one inch or larger, a minimum of three feet of working clearance around the meter is necessary for maintenance.

92.05 METER SETTING. The property owner shall provide all necessary piping and fittings for proper setting of the meter including an inverted key, ring style, locking-type water meter valve of “Ford KV-23-W” pattern, or its equivalent, attached to every water service pipe inside the building wall, the valve to be set not less than 2½ feet above the basement floor. There shall also be a valve installed on the discharge side of the meter.

92.06 METER PITS. Meter pits are not generally approved because of the difficulty and safety hazards in meter reading and maintenance. If no other alternative is available, a meter pit constructed in accordance with Water Department specifications may be approved.

92.07 METER ACCESSORIES.

1. Bypass. A valved bypass line shall be provided for every water meter installation 1½-inch diameter and larger so that the meter can be removed without interrupting service to the customer. All valved bypass lines shall be closed and locked. If the lock is removed for any reason except as may be authorized by the Superintendent, the customer shall be billed for unauthorized use.

2. Jumper Wire. All water services shall have a jumper wire installed to ground the water service when the water meter is removed for testing or maintenance. The use of the water service as a primary ground for the electrical, telephone, cable television or other systems is prohibited.

3. Water Meter Supports. If plastic or PVC pipe materials are used for the interior plumbing, the water meter shall be supported or mounted in an approved manner. Acceptable supports include a shelf attached/anchored to the building wall or a steel support anchored in the concrete floor. The support shall be of sufficient strength to hold the weight of the meter and accessories. A temporary support may be used for construction meters.

92.08 METER COSTS AND MAINTENANCE. All water meters over one inch in diameter, meter pits and their appurtenances and the maintenance of water meters (regardless of size), meter pits and their appurtenances shall be the responsibility of the property owner. Any replacement of a meter, meter pit and/or their appurtenances shall be the responsibility of the property owner. Provided, however, at all times the City shall have the right to inspect the meter, meter pit and their appurtenances, including the right to traverse the property necessary to access the same. In the event that the property owner fails to maintain or replace the meter, meter pit and/or the appurtenances as required after written notice is received from the City, the City shall have the right to take the required action and assess the cost to the property owner.

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

92.10 METER TO REMAIN WHERE INSTALLED.

1. The water meter shall remain at the address in which installed and shall remain in the same location as first installed unless the relocation is approved by the City. In the event the customer moves from the building, the meter remains with the building. If the building is demolished or moved from the lot, the meter shall be removed and returned to the City. If the building is moved to another location, the customer shall pay applicable meter fees for the new location.
2. Meter fees will also be charged for the new meter set at the previous location. This meter fee may be pro rated if the new meter is set within six months of the notice to the City to discontinue service.
3. Only employees of the City are authorized to remove meters. A resetting fee shall be assessed for removal of a meter without authorization.

92.11 METER INSTALLATION FEE. There shall be a fee charged to the property owner for each new installation, replacement or upgrade of a water meter or meter reading equipment installed outside the City limits.

92.12 METER TESTING. The Superintendent or any designee shall make a test of the accuracy of any water meter at any time when requested in writing. If it is found that such meter overruns to the extent of 4% or more, the cost of the test shall be paid by the City and a refund shall be made to the customer for overcharges collected since the last known date of accuracy, but not more than 4% of the total water bill and not for a longer period than 3 months. If the meter is found to be accurate or slow or less than 4% fast, the user shall pay for the removal of the meter and all testing fees.

92.13 SECOND WATER METERS. Each property owner in the City may have a second water meter installed to measure water that is used for watering lawns and gardens and not discharged into the sanitary sewer system. The fee for such meters shall be set by resolution. No sewer service charge shall be made for water so used. The Superintendent shall be permitted to complete an annual inspection of all second water meters.

92.14 SECOND WATER METER MINIMUM CHARGES. Each customer shall be billed a minimum monthly charge based on the size of the second meter at each location, as follows:

<u>Size of Meter</u>	<u>Minimum Monthly Charge</u>
5/8-inch or 5/8" x 3/4"	\$ 3.00
3/4-inch	\$ 4.25
1-inch	\$ 6.00
1½-inch	\$ 8.25
2-inch	\$ 11.00
3-inch	\$ 14.25
4-inch	\$ 17.75
6-inch	\$ 21.25
8-inch	\$ 24.75
10-inch	\$ 28.25

92.15 METER FAILURES. In the event a water meter fails to register properly, the water charges for the monthly period involved shall be fixed on the basis of average water consumption measured by such meter for the preceding two monthly periods.

92.16 REMOTE READING DEVICE. All new water meter installations shall have a remote reading register placed on the outside of the building or residence. The remote register shall be located within three feet of the electric meter whenever possible. The customer or builder shall install a single 18/4 or two pairs 18/2 solid core bell wire with plastic sheath from the water meter on the inside of the unit to the location of the remote register on the outside of the unit. One pair of wires is for the customer's master water meter, and the other is for the yard meter or other sub-meter arrangement. A minimum of three feet of excess wire shall be left at each end to allow connection to the water meter and installation of the remote register. The City will provide and install the remote register and connect the customer-installed wire.

[The next page is 475]

CHAPTER 93

WATER RATES

93.01 Service Charges
93.02 Rates For Service
93.03 Rates Outside the City
93.04 Billing for Water Service
93.05 Service Discontinued
93.06 Lien for Nonpayment

93.07 Lien Exemption
93.08 Lien Notice
93.09 Temporary Vacancy
93.10 Utility Deposit
93.11 Multiple Services

93.01 SERVICE CHARGES. Each customer shall pay for water service provided by the City based upon use of water as determined by meters provided for in Chapter 92. Each location, building, premises or connection shall be considered a separate and distinct customer whether owned or controlled by the same person or not.

(Code of Iowa, Sec. 384.84)

93.02 RATES FOR SERVICE. Water service shall be furnished at the following monthly rates within the City:

(Code of Iowa, Sec. 384.84)

On January 1, 2017, the rates shall automatically increase to the following amounts:

1. Basic User Fee shall increase to \$17.15 per month.
2. Usage Rate shall remain at \$4.45 per 1,000 gallons of water used per month.
(Ord. 455 – May 17 Supp.)

93.03 RATES OUTSIDE THE CITY. Water service shall be provided to any customer located outside the corporate limits of the City which the City has agreed to serve at rates set by resolution of the Council. No such customer, however, will be served unless the customer shall have signed a service contract agreeing to be bound by the ordinances, rules and regulations applying to water service established by the Council. Notwithstanding anything contained in this section, the fees established for the Deer Creek Homeowners Association shall be as follows:

(Code of Iowa, Sec. 364.4 & 384.84)

1. For general benefits derived from the availability of the water works system, each user shall pay a basic user fee equal to the user fee established for residents of the City.
2. For water consumed through each meter as determined with meter readings made at monthly intervals each user shall pay a charge calculated on the basis of 150 percent of the charge computed under the standard rates.

93.04 BILLING FOR WATER SERVICE. Water service shall be billed as part of a combined service account, payable in accordance with the following:

(Code of Iowa, Sec. 384.84)

1. Bills Issued. The Clerk shall prepare and issue bills for combined service accounts on or about the 20th day of each month.
2. Bills Payable. Bills for combined service accounts shall be due and payable at the office of the Clerk by the 10th day of the following month.

3. Late Payment Penalty. Bills not paid when due shall be considered delinquent. A late payment penalty of \$5.00 shall be added to each delinquent bill. If there is a second notice (which is a shut-off notice), an additional late payment penalty of \$5.00 shall be added.

93.05 SERVICE DISCONTINUED. Water service to delinquent customers shall be discontinued in accordance with the following:

(Code of Iowa, Sec. 384.84)

1. Notice. The Clerk shall notify each delinquent customer that service will be discontinued if payment of the combined service account, including late payment charges, is not received by the date specified in the notice of delinquency. Such notice shall be sent by ordinary mail to the customer in whose name the delinquent charges were incurred and shall inform the customer of the nature of the delinquency and afford the customer the opportunity for a hearing prior to the discontinuance.

2. Notice to Landlords. If the customer is a tenant, and if the owner or landlord of the property or premises has made a written request for notice, the notice of delinquency shall also be given to the owner or landlord. If the customer is a tenant and requests a change of name for service under the account, such request shall be sent to the owner or landlord of the property if the owner or landlord has made a written request for notice of any change of name for service under the account to the rental property.

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

4. Fees. A fee shall be charged before service is restored to a delinquent customer. Said fee shall be set by resolution of the Council.

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

(Code of Iowa, Sec. 384.84)

93.07 LIEN EXEMPTION.

(Code of Iowa, Sec. 384.84)

1. Water Service Exemption. The lien for nonpayment shall not apply to charges for water service to a residential or commercial rental property where water service is separately metered and the rates or charges for the water service are paid directly to the City by the tenant, if the landlord gives written notice to the City that the property is residential or commercial rental property and that the tenant is liable for the rates or charges. The City may require a deposit not exceeding the usual cost of ninety (90) days of such services to be paid to the City. When the tenant moves from the rental property, the City shall refund the deposit if all service charges are paid in full. The lien exemption does not apply to delinquent charges for repairs related to any of the services.

2. **Other Service Exemption.** The lien for nonpayment shall also not apply to the charges for any of the services of sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal for a residential rental property where the charge is paid directly to the City by the tenant, if the landlord gives written notice to the City that the property is residential rental property and that the tenant is liable for the rates or charges for such service. The City may require a deposit not exceeding the usual cost of ninety (90) days of such services to be paid to the City. When the tenant moves from the rental property, the City shall refund the deposit if all service charges are paid in full. The lien exemption does not apply to delinquent charges for repairs related to any of the services.

3. **Written Notice.** The landlord's written notice shall contain the name of the tenant responsible for charges, the address of the residential or commercial rental property that the tenant is to occupy, and the date that the occupancy begins. Upon receipt, the City shall acknowledge the notice and deposit. A change in tenant for a residential rental property shall require a new written notice to be given to the City within thirty (30) business days of the change in tenant. A change in tenant for a commercial rental property shall require a new written notice to be given to the City within ten (10) business days of the change in tenant. A change in the ownership of the residential rental property shall require written notice of such change to be given to the City within thirty (30) business days of the completion of the change of ownership. A change in the ownership of the commercial rental property shall require written notice of such change to be given to the City within ten (10) business days of the completion of the change of ownership.

93.08 LIEN NOTICE. A lien for delinquent water service charges shall not be certified to the County Treasurer unless prior written notice of intent to certify a lien is given to the customer in whose name the delinquent charges were incurred. If the customer is a tenant and if the owner or landlord of the property or premises has made a written request for notice, the notice shall also be given to the owner or landlord. The notice shall be sent to the appropriate persons by ordinary mail not less than thirty (30) days prior to certification of the lien to the County Treasurer.

(Code of Iowa, Sec. 384.84)

93.09 TEMPORARY VACANCY. A property owner may request water service be temporarily discontinued and shut off at the curb valve when the property is expected to be vacant for an extended period of time. There shall be a \$25.00 fee collected for restoring service. During a period when service is temporarily discontinued as provided herein there shall be no minimum service charge. The City will not drain pipes or pull meters for temporary vacancies.

93.10 UTILITY DEPOSIT. There shall be required from every customer served a utility deposit, in an amount set by resolution of the Council, intended to guarantee the payment of bills for service. If within a twelve-month time period the customer has not been delinquent on paying any utility bill, the deposit will be refunded to the customer.

93.11 MULTIPLE SERVICES. Multiple dwellings, including mobile home parks and commercial or industrial premises with multiple tenants, may be served by one water meter, in which event the owner of such property shall be billed for and be responsible for payment of water charges for all water supplied through such meter. Charges will be based on water consumption and base rates for each unit.

[The next page is 491]

SANITARY SEWER

TABLE OF CONTENTS

CHAPTER 95 - SANITARY SEWER SYSTEM 491

CHAPTER 96 - BUILDING SEWERS AND CONNECTIONS..... 499

CHAPTER 97 - USE OF PUBLIC SEWERS..... 505

CHAPTER 98 - ON-SITE WASTEWATER SYSTEMS 511

CHAPTER 99 - SEWER SERVICE CHARGES..... 513

CHAPTER 95

SANITARY SEWER SYSTEM

95.01 Purpose

95.02 Definitions

95.03 Superintendent

95.04 Prohibited Acts

95.05 Sewer Connection Required

95.06 Service Outside the City

95.07 Right of Entry

95.08 Use of Easements

95.09 Special Penalties

95.10 Enforcement Authority

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

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

1. "B.O.D." (denoting Biochemical Oxygen Demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees (20°) C, expressed in milligrams per liter or parts per million.
2. "Building drain" means that part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
3. "Building sewer" means that part of the horizontal piping from the building wall to its connection with the main sewer or the primary treatment portion of an on-site wastewater treatment and disposal system conveying the drainage of one building site.
4. "Combined sewer" means a sewer receiving both surface run-off and sewage.
5. "Customer" means any person responsible for the production of domestic, commercial or industrial waste 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 four or fewer dwelling units or other facilities serving the equivalent of fifteen persons (1500 gpd) or less.

11. "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
12. "Public sewer" means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
13. "Sanitary sewage" means sewage discharging from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories or institutions, and free from storm, surface water, and industrial waste.
14. "Sanitary sewer" means a sewer 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 or fees levied against and payable by customers, as consideration for the servicing of said customers by said sewer system.
20. "Slug" means any discharge of water, sewage, or industrial waste 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 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 ninety (90) days after date of official notice from the City to do so provided that said public sewer is located within two hundred (200) feet of the property line of such owner. Billing for sanitary sewer service will begin the date of official notice to connect to the public sewer.

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

(IAC, 567-69.1[3])

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

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

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

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

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

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

95.10 ENFORCEMENT AUTHORITY. The City shall have the legal authority to enforce the provisions of this chapter, including the authority to enforce its system of sewer service charges and sewer use regulations contained in this Code of Ordinances, on all existing and future users of the system whether located inside or outside the City limits.

[The next page is 499]

CHAPTER 96

BUILDING SEWERS AND CONNECTIONS

96.01 Permit
96.02 Permit Fee and Connection Charge
96.03 Excavations
96.04 Connection Requirements
96.05 Interceptors Required
96.06 Sewer Tap

96.07 Inspection Required
96.08 Excavations Left Open
96.09 Property Owner's Responsibility
96.10 Abandoned Sewers
96.11 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 City shall approve the person doing the work. The permit shall require the owner to complete construction and connection of the building sewer to the public sewer within six (6) months 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. Appeal from such revocation may be made to the Council.

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

96.03 EXCAVATIONS. All trench work, excavation, and backfilling required for the installation of a building sewer shall be performed in accordance with the provisions of the *International Plumbing Code* and the provisions of Chapter 135 of this Code of Ordinances.

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. **Old Building Sewers.** Old building sewers may be used in connection with new buildings only when they are found, on examination and test conducted by the owner and observed by the Superintendent, to meet all requirements of this chapter.
2. **Separate Building Sewers.** A separate and independent building sewer shall be provided for every occupied building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. In such cases the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

3. Installation. The installation of the building sewer and its connection to the public sewer shall conform to the requirements of the *International Plumbing Code* and the *City Specifications* adopted by the City and on file in the City offices.
4. 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.
5. Unstable Soil. No sewer connection shall be laid so that it is exposed when crossing any watercourse. Where an old watercourse must of necessity be crossed or where there is any danger of undermining or settlement, cast iron soil pipe or vitrified clay sewer pipe thoroughly encased in concrete shall be required for such crossings. Such encasement shall extend at least six (6) inches on all sides of the pipe. The cast iron pipe or encased clay pipe shall rest on firm, solid material at either end.
6. Preparation of Basement or Crawl Space. No connection for any residence, business or other structure with any sanitary sewer shall be made unless the basement floor is poured, or in the case of a building with a slab or crawl space, unless the ground floor is installed with the area adjacent to the foundation of such building cleared of debris and backfilled. The backfill shall be well compacted and graded so that the drainage is away from the foundation. Prior to the time the basement floor is poured, or the first floor is installed in buildings without basements, the sewer shall be plugged and the plug shall be sealed by the Superintendent. Any accumulation of water in any excavation or basement during construction and prior to connection to the sanitary sewer shall be removed by means other than draining into the sanitary sewer.
7. Wye Fitting. All new connections shall have a wye fitting installed, one foot to four feet off the finished floor height, for inspection purposes.

96.05 INTERCEPTORS REQUIRED. Grease, oil, sludge and sand interceptors shall be provided by gas and service stations, convenience stores, car washes, garages, and other facilities when, in the opinion of the Superintendent, they are necessary for the proper handling of such wastes that contain grease in excessive amounts or any flammable waste, sand or other harmful ingredients. Such interceptors shall not be required for private living quarters or dwelling units. When required, such interceptors shall be installed in accordance with the following:

1. Design and Location. All interceptors shall be of a type and capacity as specified in the *International Plumbing Code*, to be approved by the Superintendent, and shall be located so as to be readily and easily accessible for cleaning and inspection.
2. Construction Standards. The interceptors shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers that shall be gastight and watertight.
3. Maintenance. All such interceptors shall be maintained by the owner at the owner's expense and shall be kept in continuously efficient operations at all times.

96.06 SEWER TAP. Any connection to a public sewer must be made under the direct supervision of the Superintendent or an authorized assistant and must be completed by a licensed plumber. The connection shall be made at the property line with that part of the sewer already extending to the property line. If there is no sewer connection extending from

the public sewer to the property line, the Superintendent shall supervise a measurement for the location of the "Y" branch in the public sewer. Excavation shall be made at the point designated by the Superintendent, and if no "Y" branch is found there, then the plumber shall connect directly with the public sewer at that point. The Superintendent may give permission in writing to a property owner to make a connection at other points if the property owner has shown good reason for the change.

96.07 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.

96.08 EXCAVATIONS LEFT OPEN. Should any excavation be left open or partly refilled for twenty-four (24) hours after the public sewer is installed and connected with the public sewer, or should the work be improperly done, the Superintendent shall have the right to finish or correct the work and the Council shall assess the cost to the property owner. If the property owner is assessed, such assessment shall be collected with and in the same manner as general property taxes.

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

96.10 ABANDONED SEWERS. All abandoned sewer stubs shall be terminated at the main or elsewhere as directed by the Superintendent.

96.11 ABATEMENT OF VIOLATIONS. Construction or maintenance of building sewer lines whether located upon the private property of any owner or in the public right-of-way, which construction or maintenance is in violation of any of the requirements of this chapter, shall be corrected, at the owner's expense, within thirty (30) days after date of official notice from the Council of such violation. If not made within such time the Council shall, in addition to the other penalties herein provided, have the right to finish and correct the work and assess the cost thereof to the property owner. Such assessment shall be collected with and in the same manner as general property taxes.

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

[The next page is 505]

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, exterior foundation drains, areaway drains, sump pumps, perimeter drains or other sources of surface runoff, 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 be the best interests of the sewer system.

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

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

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

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

1. High Temperature. Any liquid or vapor having a temperature higher than one hundred fifty degrees (150°) F (65° C).
2. Fat, Oil, Grease. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 milligrams per liter or 600 milligrams per liter of dispersed or other soluble matter.
3. Viscous Substances. Water or wastes containing substances which may solidify or become viscous at temperatures between 32° F and 150° F (0° to 65° C).
4. Garbage. Any garbage that has not been properly shredded, that is, to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (½) 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 24-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, B.O.D. and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples). The Superintendent and/or the City Engineer shall make the determination as to what tests are required, how the testing will be completed and the frequency of the tests. The owner of the property serviced may choose the lab where tests will be conducted, but the City must approve the lab. All costs related to testing shall be paid by the owner of the property serviced.

[The next page is 511]

CHAPTER 98
ON-SITE WASTEWATER SYSTEMS

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

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

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

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

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

(IAC, 567-69.1[3])

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

(IAC, 567-69.1[3 & 4])

98.04 PERMIT REQUIRED. No person shall install or alter an on-site wastewater treatment and disposal system without first obtaining a permit from the County Board of Health. In addition, a copy of the permit shall be filed with the Clerk's office.

98.05 DISCHARGE RESTRICTIONS. It is unlawful to discharge any wastewater from an on-site wastewater treatment and disposal system (except under an NPDES permit) to any ditch, stream, pond, lake, natural or artificial waterway, drain tile or to the surface of the ground.

(IAC, 567-69.1[3])

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

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

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

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

98.09 MINIMUM LOT AREA. No permit shall be issued for any on-site wastewater treatment and disposal system employing sub-surface soil absorption facilities where the area of the lot is less than required by County regulations.

CHAPTER 99

SEWER SERVICE CHARGES

99.01 Sewer Service Charges Required
99.02 Special Rates
99.03 Private Water Systems
99.04 Payment of Bills

99.05 Lien for Nonpayment
99.06 Special Agreements Permitted
99.07 Rates Outside the City

99.01 SEWER SERVICE CHARGES REQUIRED. Each customer shall pay sewer service charges for the use of and for the service supplied by the municipal sanitary sewer system in accordance with the following:

(Code of Iowa, Sec. 384.84)

On January 1, 2017, the rates shall automatically increase to the following amounts:

1. Basic User Fee shall increase to \$25.00 per month
2. Usage Rate shall increase to \$4.45 per 1,000 gallons of water used per month.
3. Debt Service Levy. Beginning with the Fiscal Year 2013 Budget, a Debt Service Levy of \$2.55 per \$1,000 taxable valuation was put in place as part of the City's tax levy and it was to be used toward the retirement of general obligation bond payments sold for payment of a new wastewater facility. With this ordinance this section remains in force.

(Ord. 455 – May 17 Supp.)

4. Second Meter. There shall be no sewer charges related to a second meter. Sewer charges for a primary meter shall be calculated only after deduction of second meter water usage.

5. Surcharge for Prohibited Hookups. In addition to any other remedy available by law, there is imposed a surcharge of \$250.00 per quarter for each quarter a user maintains a hookup prohibited by Section 95.04(2) after having been given notice and sufficient time to remove said hookup.

99.02 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 99.01 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)

99.03 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)

99.04 PAYMENT OF BILLS. All sewer service charges are due and payable under the same terms and conditions provided for payment of a combined service account as contained

in Section 93.04 of this Code of Ordinances. Sewer service may be discontinued in accordance with the provisions contained in Section 93.05 if the combined service account becomes delinquent, and the provisions contained in Section 93.08 relating to lien notices shall also apply in the event of a delinquent account.

99.05 LIEN FOR NONPAYMENT. Except as provided for in Section 93.07 of this Code of Ordinances, the owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for sewer service charges to the premises. Sewer service charges remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

(Code of Iowa, Sec. 384.84)

99.06 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.

99.07 RATES OUTSIDE THE CITY. Sanitary sewer service shall be provided to any customer located outside the corporate limits of the City which the City has agreed to serve at rates set by resolution of the Council. No such customer, however, will be served unless the customer shall have signed a service contract agreeing to be bound by the ordinances, rules and regulations applying to sanitary sewer service established by the Council.

[The next page is 525]

GARBAGE AND SOLID WASTE

TABLE OF CONTENTS

CHAPTER 105 - SOLID WASTE CONTROL.....	525
CHAPTER 106 - COLLECTION OF SOLID WASTE	531

CHAPTER 105

SOLID WASTE CONTROL

105.01 Purpose
105.02 Definitions
105.03 Sanitary Disposal Required
105.04 Health and Fire Hazard
105.05 Open Burning Restricted
105.06 Separation of Yard Waste Required

105.07 Littering Prohibited
105.08 Open Dumping Prohibited
105.09 Toxic and Hazardous Waste
105.10 Waste Storage Containers
105.11 Prohibited Practices

105.01 PURPOSE. The purpose of the chapters in this Code of Ordinances pertaining to Solid Waste Control and Collection is to provide for the sanitary storage, collection and disposal of solid waste and, thereby, to protect the citizens of the City from such hazards to their health, safety and welfare as may result from the uncontrolled disposal of solid waste.

105.02 DEFINITIONS. For use in these chapters the following terms are defined:

1. “Collector” means any person authorized to gather solid waste from public and private places.
2. “Discard” means to place, cause to be placed, throw, deposit or drop.
(Code of Iowa, Sec. 455B.361[2])
3. “Dwelling unit” means any room or group of rooms located within a structure and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking and eating.
4. “Garbage” means all solid and semisolid, putrescible animal and vegetable waste resulting from the handling, preparing, cooking, storing, serving and consuming of food or of material intended for use as food, and all offal, excluding useful industrial by-products, and includes all such substances from all public and private establishments and from all residences.
(IAC, 567-100.2)
5. “Landscape waste” means any vegetable or plant waste except garbage. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery and yard trimmings.
(IAC, 567-20.2[455B])
6. “Litter” means any garbage, rubbish, trash, refuse, waste materials or debris.
(Code of Iowa, Sec. 455B.361[1])
7. “Owner” means, in addition to the record titleholder, any person residing in, renting, leasing, occupying, operating or transacting business in any premises, and as between such parties the duties, responsibilities, liabilities and obligations hereinafter imposed shall be joint and several.
8. “Refuse” means putrescible and non-putrescible waste, including but not limited to garbage, rubbish, ashes, incinerator residues, street cleanings, market and industrial solid waste and sewage treatment waste in dry or semisolid form.
(IAC, 567-100.2)

9. “Residential premises” means a single-family dwelling and any multiple-family dwelling.

10. “Residential waste” means any refuse generated on the premises as a result of residential activities. The term includes landscape waste grown on the premises or deposited thereon by the elements, but excludes garbage, tires, trade wastes and any locally recyclable goods or plastics.

(IAC, 567-20.2[455B])

11. “Rubbish” means non-putrescible solid waste consisting of combustible and non-combustible waste, such as ashes, paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery or litter of any kind.

(IAC, 567-100.2)

12. “Sanitary disposal” means a method of treating solid waste so that it does not produce a hazard to the public health or safety or create a nuisance.

(IAC, 567-100.2)

13. “Sanitary disposal project” means all facilities and appurtenances including all real and personal property connected with such facilities, 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 of the State Department of Natural Resources.

(Code of Iowa, Sec. 455B.301)

14. “Solid waste” means garbage, refuse, rubbish, and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities. Solid waste may include vehicles, as defined by Section 321.1 of the *Code of Iowa*. Solid waste does not include any of the following:

(Code of Iowa, Sec. 455B.301)

- A. Hazardous waste regulated under the Federal Resource Conservation and Recovery Act, 42 U.S.C. § 6921-6934.
- B. Hazardous waste as defined in Section 455B.411 of the *Code of Iowa*, except to the extent that rules allowing for the disposal of specific wastes have been adopted by the State Environmental Protection Commission.
- C. Source, special nuclear, or by-product material as defined in the Atomic Energy Act of 1954, as amended to January 1, 1979.
- D. Petroleum contaminated soil that has been remediated to acceptable State or federal standards.
- E. Steel slag which is a product resulting from the steel manufacturing process and is managed as an item of value in a controlled manner and not as a discarded material.

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 unless conducting such burning in accordance with the *International Fire Code*.[†] Provided, however, the following shall be allowed:

1. 1. Burning of landscape waste, prairie grass or other waste within an agricultural zone, or within other areas with unusual circumstances to be determined at the discretion of the Fire Chief, provided that a permit has been approved by the Fire Chief. Burning is not allowed within 250 feet of a residential structure. Burning is subject to all policies established by the City Council.
2. 2. Burning of recreational fires within a fire pit or other protective structure.
3. 3. In the event of a natural disaster, burning as approved by the Fire Chief.
4. 4. The Fire Chief is further authorized to permit an open fire for the following purposes and subject to the provisions set forth in this subsection:
 - A. A. City crews operating under the authority of the department of public services.
 - B. B. The instruction of methods of fighting fires done by fire department.
 - C. C. On private property used for industrial purposes for the instruction of employees in the methods of fighting fires.
 - D. D. For public gatherings under the legitimate sponsorship of civic, fraternal, religious, educational or similar organizations.
 - E. E. Fires set for the purpose of a bonafide training of public or industrial employees in firefighting methods, provided the Fire Chief received a written request at least one week before such action commences and is in compliance with the rules established by the State Department of Natural Resources.
1. 5. All permits for an open fire shall be filed with the Fire Chief two weeks prior to the planned date of the fire.
2. 6. Any person who commits an act prohibited by Section 105.05 shall be guilty of a misdemeanor punishable by fine as provided in Section 1.14 of this Code or shall be deemed to have committed a municipal infraction punishable by a civil penalty as provided in Chapter 3 of this Code. The first offense within a calendar year shall be deemed the first offense punishable by a civil penalty not to exceed \$50. The second and each subsequent offense within a calendar year shall be a repeat offense, punishable by a civil penalty not to exceed \$100. The fire chief or his or her designated representative or any police officer is authorized to issue a civil citation to

[†] **EDITOR'S NOTE:** See Section 157.03(5). See also Section 135.08 for additional burning restrictions.

anyone violating this Section indicating such person is in violation of this Section and is subject to the penalties provided for in this Section.

(#1-6 Added by Ord. 441 – Apr. 16 Supp.)

105.06 SEPARATION OF YARD WASTE REQUIRED. All yard waste shall be separated by the owner or occupant from all other solid waste accumulated on the premises and shall be composted on the premises, or burned on the premises in accordance with Section 105.05. 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 of the State Department of Natural Resources, unless a special permit to dump or deposit solid waste on land owned or leased by such person has been obtained from the Director of the State Department of Natural Resources. However, this section does not prohibit the use of rubble at places other than a sanitary disposal project. “Rubble” means dirt, stone, brick, or similar inorganic materials used for beneficial fill, landscaping, excavation, or grading at places other than a sanitary disposal project. Rubble includes asphalt waste only as long as it is not used in contact with water or in a flood plain. For purposes of this section, rubble does not mean gypsum or gypsum wallboard, coal combustion residue, foundry sand, or industrial process wastes unless those wastes are approved by the State Department of Natural Resources.

(Code of Iowa, Sec. 455B.301, Sec. 455B.307 and IAC, 567-100.2)

105.09 TOXIC AND HAZARDOUS WASTE. No person shall deposit in a solid waste container or otherwise offer for collection any toxic or hazardous waste. Such materials shall be transported and disposed of as prescribed by the Director of the State Department of Natural Resources. As used in this section, “toxic and hazardous waste” means waste materials, including but not limited to, poisons, pesticides, herbicides, acids, caustics, pathological waste, flammable or explosive materials and similar harmful waste 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, 567-102.13[2] and 400-27.14[2])

105.10 WASTE STORAGE CONTAINERS. Every person owning, managing, operating, leasing or renting any premises, dwelling unit or any place where refuse accumulates shall provide and at all times maintain in good order and repair portable containers for refuse in accordance with the following:

1. Container Specifications. Waste storage containers 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 premises 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.

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.

o o o o o o o o o o

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 Permit Requirements
106.08 Times for Collection of Solid Waste

106.01 COLLECTION SERVICE. The collection of solid waste within the City shall be only by collectors who have obtained a permit issued by 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.

106.04 FREQUENCY OF COLLECTION. All solid waste shall be collected from residential premises and from commercial, industrial and institutional premises as frequently as may be necessary, as negotiated between such establishment and the collector.

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 PERMIT REQUIREMENTS. No person shall engage in the business of collecting, transporting, processing or disposing of solid waste other than waste produced by that person within the City without first obtaining from the City an annual permit in accordance with the following:

1. Application. Application for a solid waste collector's permit shall be made to the Clerk and provide the following:
 - A. Name and Address. The full name and address of the applicant, and if a corporation, the names and addresses of the officers thereof.
 - B. Equipment. A complete and accurate listing of the number and type of collection and transportation equipment to be used.

- C. Collection Program. A complete description of the frequency, routes and method of collection and transportation to be used.
- D. Disposal. A statement as to the precise location and method of disposal or processing facilities to be used.
2. Insurance. No collector's permit shall be issued until and unless the applicant therefor, in addition to all other requirements set forth, shall file and maintain with the City evidence of satisfactory public liability insurance covering all operations of the applicant pertaining to such business and all equipment and vehicles to be operated in the conduct thereof in the following minimum amounts:

Bodily Injury:	– \$100,000 per person.
	– \$300,000 per occurrence.
Property Damage:	– \$ 50,000.

Each insurance policy required hereunder shall include as a part thereof provisions requiring the insurance carrier to notify the City of the expiration, cancellation or other termination of coverage not less than ten (10) days prior to the effective date of such action.

3. Permit Fee. A permit fee in an amount set by resolution of the Council shall accompany the application. In the event the requested permit is not granted, the fee paid shall be refunded to the applicant.
4. Permit Issued. If the Council upon investigation finds the application to be in order and determines that the applicant will collect, transport, process or dispose of solid waste without hazard to the public health or damage to the environment and in conformity with law and ordinance, the requested permit shall be issued to be effective for a period of one year from the date approved.
5. Permit Renewal. An annual permit may be renewed simply upon payment of the required fee, provided the applicant agrees to continue to operate in substantially the same manner as provided in the original application and provided the applicant furnishes the Clerk with a current listing of vehicles, equipment and facilities in use.
6. Permit Not Transferable. No permit authorized by this chapter may be transferred to another person.
7. Owner May Transport. Nothing herein is to be construed so as to prevent the owner from transporting solid waste accumulating upon premises owned, occupied or used by such owner, provided such refuse is disposed of properly in an approved sanitary disposal project.
8. Grading or Excavation Excepted. No permit is required for the removal, hauling, or disposal of earth and rock material from grading or excavation activities; however, all such materials shall be conveyed in tight vehicles, trucks or receptacles so constructed and maintained that none of the material being transported spills upon any public right-of-way.

106.08 TIMES FOR COLLECTION OF SOLID WASTE. No collector of solid waste shall start the collection of solid waste within the City limits before 6 a.m. or collect after 8 p.m., Monday through Saturday. The collection of solid waste is not permitted on Sundays without prior written approval from the Police Chief, Mayor or City Council.

o o o o o o o o o o

[The next page is 551]

FRANCHISES AND OTHER SERVICES

TABLE OF CONTENTS

CHAPTER 110 - NATURAL GAS FRANCHISE	551
CHAPTER 111 - ELECTRIC FRANCHISE – CONSUMERS ENERGY	559
CHAPTER 112 - ELECTRIC FRANCHISE – ALLIANT	565
CHAPTER 113 - TELEPHONE FRANCHISE	573
CHAPTER 114 - CABLE TELEVISION FRANCHISE – HUXLEY COMMUNICATIONS	579
CHAPTER 115 - CABLE TELEVISION FRANCHISE – MEDIACOM	595
CHAPTER 116 - CEMETERY.....	631

CHAPTER 110

NATURAL GAS FRANCHISE

110.01 Grant of Franchise
110.02 Placement of Appliances
110.03 Excavations
110.04 Standard of Service

110.05 Nonexclusive Franchise
110.06 Franchise Fee
110.07 Term of Franchise
110.08 Scope

110.01 GRANT OF FRANCHISE. There is hereby granted to Alliant Energy, hereinafter referred to as the “Company,” its successors and assigns, the right, franchise and privilege for the term of twenty-five (25) years from and after the passage, adoption, approval and acceptance of the ordinance codified in this chapter[†], to lay down, maintain and operate the necessary pipes, mains and other conductors and appliances in, along and under the streets, avenues, alleys and public places in the City, as now or hereafter constituted, for the purpose of distributing, supplying and selling gas to said City and the residents thereof and to persons and corporations beyond the limits thereof; also the right of eminent domain as provided in Section 364.2 of the *Code of Iowa*. The term “gas” as used in this chapter shall be construed to mean natural gas only.

110.02 PLACEMENT OF APPLIANCES. The mains and pipes of the Company must be so placed as not to interfere unnecessarily with water pipes, drains, sewers and fire plugs which have been or may hereafter be placed in any street, alley and public places in the City or unnecessarily interfere with the proper use of the same, including ordinary drainage, or with the sewers, underground pipe and other property of the City; and the Company, its successors and assigns shall hold the City free and harmless from all damages arising from the negligent acts or omissions of the Company in the laying down, operation and maintenance of said natural gas distribution system.

110.03 EXCAVATIONS. In making any excavations in any street, alley, avenue or public place, Company, its successors and assigns, shall protect the site while work is in progress by guards, barriers or signals, shall not unnecessarily obstruct the use of the streets, shall backfill all openings in such manner as to prevent settling or depressions in surface, and shall replace the surface, pavement or sidewalk of such excavations with same materials, restoring the condition as nearly as practical and if defects are caused shall repair the same.

110.04 STANDARD OF SERVICE. The Company, its successors and assigns, shall throughout the term of the franchise distribute to all consumers gas of good quality and shall furnish uninterrupted service, except as interruptible service may be specifically contracted for with consumers; provided, however, any prevention of service caused by fire, act of God or unavoidable event or accident shall not be a breach of this condition if the Company resumes service as quickly as is reasonably practical after the happening of the act causing the interruption.

110.05 NONEXCLUSIVE FRANCHISE. The franchise granted by this chapter shall not be exclusive.

[†] **EDITOR’S NOTE:** Ordinance No. 349, adopting a natural gas franchise for the City, was passed and adopted on November 9, 2004. Such ordinance is substituted for and supersedes Ordinance No. 337 approved on May 27, 2004.

110.06 FRANCHISE FEE.

1. There is hereby imposed a franchise fee of three percent (3%) upon the gross revenue generated from sales of natural gas by the Company within the corporate limits of the City. The Company shall begin collecting the franchise fee upon receipt of written approval of the required tax rider tariff from the Iowa Utilities Board.
2. The amount of the franchise fee shall be shown separately on the utility bill to each customer. The Company shall remit franchise fee receipts to the City no more frequently than on or before the last business day of the month following each calendar year quarter.
3. The Company shall not, under any circumstances be required to return or refund any franchise fees that have been collected from customers and remitted to the City. In the event the Company is required to provide data or information in defense of the City's imposition of franchise fees or the Company is required to assist the City in identifying customers or calculating any franchise fee refunds for groups of or individual customers the City shall reimburse the Company for the expenses incurred by the Company to provide such data or information.

(Ord. 461 – Apr. 18 Supp.)

4. Said franchise fee shall be in lieu of any other payments to the City for the Company's use of streets, avenues, alleys and public places in the City and other administrative or regulatory costs with regard to said franchise; and said pipes, mains, and other conductors and appliances in, along and under the streets, avenues, alleys and public places in the City for the purpose of distributing, supplying and selling gas to said City and the residents thereof and to persons and corporations beyond the limits thereof shall be exempt from any special tax, assessment, license or rental charge during the entire term of the franchise.

110.07 TERM OF FRANCHISE. The term of the franchise granted by this chapter and the rights granted thereunder shall continue for the period of twenty-five (25) years from and after its acceptance by the said Company, as herein provided.

110.08 SCOPE. This chapter sets forth and constitutes the entire agreement between the Company and the City with respect to the rights contained herein, and may not be superseded, modified or otherwise amended without the approval and acceptance of the Company. Notwithstanding the foregoing, in no event shall the City enact any ordinance or place any limitations, either operationally or through the assessment of fees other than those approved and accepted by the Company within this chapter, that create additional burdens upon the Company, or which delay utility operations.

[The next page is 559]

CHAPTER 111

ELECTRIC FRANCHISE – CONSUMERS ENERGY

111.01 Grant of Franchise

111.02 Franchise Fee

111.01 GRANT OF FRANCHISE. A nonexclusive right is hereby granted to Consumers Energy Cooperative, its successors and assigns, to establish, construct, operate, maintain, repair, replace, renew, reconstruct and remove an electric transmission and distribution system across the public property for a term of twenty-five (25) years,[†] in accordance with the laws and regulations of the United States of America and the State of Iowa and the ordinances and regulations of the City.

111.02 FRANCHISE FEE. The Company shall pay to the City a fee equal to three percent (3%) of the gross revenue generated by the Company from the sale of electricity within the City. The City shall provide the Company with a map depicting its current corporate boundaries and shall notify the Company of any changes to the same. The Company shall provide to the City Administrator records establishing the gross revenues from the sale of electricity by the Company within the City for the preceding month and shall pay the fee to the City within thirty (30) days following the last day of the preceding month.

[†] **EDITOR'S NOTE:** Ordinance No. 338, adopting an electric franchise for the City, was passed and adopted on May 27, 2004.

[The next page is 565]

CHAPTER 112

ELECTRIC FRANCHISE – ALLIANT

112.01 Grant of Franchise
112.02 Placement of Appliances
112.03 Installation of Meters
112.04 Standard of Service
112.05 Nonexclusive Franchise

112.06 Uninterrupted Service
112.07 Franchise Fee
112.08 Term of Franchise
112.09 Scope

112.01 GRANT OF FRANCHISE. There is hereby granted to Alliant Energy, hereinafter referred to as the “Company,” its successors and assigns, the right and franchise to acquire, construct, erect, maintain and operate in the City, works and plants for the manufacture and generation of electricity and a distribution system for electric light, heat and power and the right to erect and maintain the necessary poles, lines, wires, conduits and other appliances for the transmission of electric current along, under and upon the streets, avenues, alleys and public places in the City; also the right to erect and maintain upon the streets, avenues, alleys and public places, transmission lines through the City to supply individuals, corporations, communities, and municipalities both inside and outside of the City with electric light, heat and power for the period of twenty-five (25) years;[†] also the right of eminent domain as provided in Section 364.2 of the *Code of Iowa*.

112.02 PLACEMENT OF APPLIANCES. The poles, wires and appliances shall be placed and maintained so as not to unnecessarily interfere with the travel on said streets, alleys, and public places in the City or unnecessarily interfere with the proper use of the same, including ordinary drainage, or with the sewers, underground pipe and other property of the City, and the said Company, its successors and assigns shall hold the City free and harmless from all damages arising from the negligent acts or omissions of the Company in the erection or maintenance of said system.

112.03 INSTALLATION OF METERS. The Company, its successors and assigns, shall furnish and install all meters at its own expense, and shall provide the service wire to buildings as set forth in the Company’s tariff filed with the Iowa Utilities Board.

112.04 STANDARD OF SERVICE. The system authorized by this chapter shall be modern and up to date and shall be of sufficient capacity to supply all reasonable demands of said City and its inhabitants thereof and shall be kept in a modern and up-to-date condition.

112.05 NONEXCLUSIVE FRANCHISE. The franchise granted by this chapter shall not be exclusive.

112.06 UNINTERRUPTED SERVICE. Service to be rendered by the Company under the franchise shall be continuous unless prevented from doing so by fire, acts of God, unavoidable accidents or casualties, or reasonable interruptions necessary to properly service the Company’s equipment, and in such event service shall be resumed as quickly as is reasonably possible.

[†] **EDITOR’S NOTE:** Ordinance No. 348, adopting an electric franchise for the City, was passed and adopted on November 9, 2004. Such ordinance is substituted for and supersedes Ordinance No. 336 approved by the Council on May 27, 2004.

112.07 FRANCHISE FEE.

1. There is hereby imposed a franchise fee of three percent (3%) upon the gross revenue generated from sales of electricity by the Company within the corporate limits of the City. The Company shall begin collecting the franchise fee upon receipt of written approval of the required tax rider tariff from the Iowa Utilities Board.

2. The amount of the franchise fee shall be shown separately on the utility bill to each customer. The Company shall remit franchise fee receipts to the City no more frequently than on or before the last business day of the month following each calendar year quarter.

3. The Company shall not, under any circumstances be required to return or refund any franchise fees that have been collected from customers and remitted to the City. In the event the Company is required to provide data or information in defense of the City's imposition of franchise fees or the Company is required to assist the City in identifying customers or calculating any franchise fee refunds for groups of or individual customers the City shall reimburse the Company for the expenses incurred by the Company to provide such data or information.

(Ord. 459 – May 17 Supp.)

4. Said franchise fee shall be in lieu of any other payments to the City for the Company's use of streets, avenues, alleys and public places in the City and other administrative or regulatory costs with regard to said franchise; and said poles, lines, wires, conduits and other appliances for the transmission of electric current along, under and upon the streets, avenues, alleys and public places in the City to supply individuals, corporations, communities and municipalities both inside and outside of the City with electric light, heat and power shall be exempt from any special tax, assessment, license or rental charge during the entire term of the franchise.

112.08 TERM OF FRANCHISE. The term of the franchise granted by this chapter and the rights granted thereunder shall continue for the period of twenty-five (25) years from and after its acceptance by the said Company, as herein provided.

112.09 SCOPE. This chapter sets forth and constitutes the entire agreement between the Company and the City with respect to the rights contained herein, and may not be superseded, modified or otherwise amended without the approval and acceptance of the Company. Notwithstanding the foregoing, in no event shall the City enact any ordinance or place any limitations, either operationally or through the assessment of fees other than those approved and accepted by the Company within this chapter, that create additional burdens upon the Company, or which delay utility operations.

[The next page is 573]

CHAPTER 113

TELEPHONE FRANCHISE

113.01 Grant of Franchise

113.02 Term

113.03 Franchise Rights

113.04 Restoration of Property

113.05 Compliance with Law

113.06 Nonexclusive Franchise

113.07 Hold Harmless

113.01 GRANT OF FRANCHISE. The City hereby grants to Huxley Cooperative Telephone Company, a corporation organized and existing under the laws of the State of Iowa (hereinafter the “Company”), a franchise to construct, maintain and operate a telephone system within the present and future corporate limits of the City, as hereinafter provided.

113.02 TERM. The term of the franchise granted herein shall be for a period of twenty-five (25) years[†] from the effective date of the ordinance codified in this chapter.

113.03 FRANCHISE RIGHTS. The Company shall have the right, privilege and authority, at its own expense, to construct and maintain for the purpose of operating a telephone system all necessary telephone facilities, including poles, towers, conduits, manholes, wires, cables, fixtures and apparatus over, across and under the streets and alleys of the city and upon easements held by the City for such purpose and, upon proper proceedings in eminent domain, over and across any private lands therein. The Company’s facilities shall be located, erected and maintained under the supervision and direction of the Council, or its designee. The Company shall not exercise its franchise rights in any manner that will interfere permanently with the public use of any street or alley within the City or with ingress to or egress from the public or private property.

113.04 RESTORATION OF PROPERTY. The Company shall, at its own expense, restore to its prior condition any property disturbed by it in the course of exercising its franchise rights. The restoration of City property shall be done under the supervision and direction of the Council.

113.05 COMPLIANCE WITH LAW. The franchise granted herein is subject to the City’s existing ordinances, applicable State and federal laws and regulations, and such reasonable ordinances as may be enacted by the City.

113.06 NONEXCLUSIVE FRANCHISE. Nothing herein or any agreement between the Company and the City shall be construed to grant the Company exclusive franchise rights or to prevent a grant of similar franchise rights to any other person or association.

113.07 HOLD HARMLESS. The Company shall hold the City free and harmless from any and all damages of every kind and character whatsoever caused by the exercise of its franchise rights.

[†] **EDITOR’S NOTE:** Ordinance No. 261, adopting a telephone franchise for the City, was passed and adopted on August 25, 1994. Voters approved the franchise at an election held on November 23, 1994. The Grantee accepted the franchise on November 23, 1994.

[The next page is 579]

CHAPTER 114

CABLE TELEVISION FRANCHISE HUXLEY COMMUNICATIONS

114.01 Definitions	114.19 Tree Trimming
114.02 Use of Property	114.20 Line Extensions
114.03 Taxes	114.21 Service Requirements
114.04 Insurance	114.22 Performance Standards
114.05 Repairs	114.23 Channel Capacity and Performance
114.06 Hold Harmless	114.24 Installation and Maintenance of Subscriber Terminals in City Buildings and Schools
114.07 Assignment	114.25 Telecast of Educational Activities
114.08 Insolvency of Grantee	114.26 Program Alteration
114.09 Default of Grantee	114.27 Payments to City
114.10 Termination	114.28 Injury to Property of the Grantee
114.11 Term	114.29 Intercepting Signals of the Grantee
114.12 Compliance with Applicable Laws	114.30 Filing of Maps and Plats
114.13 Installation and Maintenance of Property of Grantee	114.31 Access
114.14 Interference	114.32 Discrimination Prohibited
114.15 Installation of Cables	114.33 Restrictions on Other Business Activities
114.16 Restoration of Ground Surface	114.34 Arbitration
114.17 Alteration of Grade	114.35 Reservations
114.18 Temporary Removal of Cables	

114.01 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. “Cable television system” means any facility that, in whole or in part, receives directly, or indirectly over the air, and amplifies or otherwise modifies the signals transmitting programs broadcast by one or more television or radio stations and distributes such signals, by wire or cable, to subscribing members of the public who pay for such services.
2. “Channel” means the segment of the electromagnetic spectrum to which a source of television transmission is assigned.
3. “FCC” means the Federal Communications Commission.
4. “Franchise” means the rights, privileges, and authority granted by the City to the Grantee hereunder and includes all of the terms and conditions of this chapter.
5. “Grantee” means Huxley Communications, a corporation organized and existing under the laws of the State of Iowa, its successors and assigns. When the context so requires, the term “Grantee” means and includes the Grantee, its officers, agents, employees, servants and independent contractors.
6. “Private property” means all property, real, personal or mixed, owned by a private person, including property owned by a public utility not owned or operated by the City.
7. “Property of the Grantee” means all property, real, personal or mixed, owned or used by the Grantee however arising from or related to or connected with the franchise.
8. “Public property” means all property, real or personal or mixed, owned or used by the City, including property owned or used by a public utility owned or operated by the City.

114.02 USE OF PROPERTY. The Grantee may use public property within the City and, with the written consent of the owner thereof, private property within the City, in furtherance of such activities within the City as may now or hereafter be consistent with generally accepted principles applicable to the operation of a cable television system subject, however, to the following restrictions:

1. **Laws and Regulations.** The Grantee shall comply with all governmental laws, ordinances, rules or regulations as may now or hereafter be applicable thereto.
2. **Restrictions.** The Grantee shall not use or occupy or permit public property or private property to be used or occupied or do or permit anything to be done on or about public property or private property which will, in any manner:
 - A. Impair the owner's interest in or title thereto;
 - B. Impair any mortgage or lease as may now or hereinafter be applicable thereto;
 - C. Adversely affect the then value or character thereof;
 - D. Cause or be likely to cause structural damage thereto, or any part thereof;
 - E. Cause or be likely to cause any damage or injury to any utility service available thereto;
 - F. Create a public or private nuisance, cause any offensive or obnoxious vibrations, noise, odor or undesirable effect or interfere with the safety, comfort or convenience of the owner thereof, and persons lawfully on or about the same;
 - G. Violate the rules, regulations and requirements of any person furnishing utilities or services thereto; or
 - H. Make void or voidable any insurance then in force affecting the same or cause an increase in the rates applicable thereto.

114.03 TAXES. The Grantee shall pay all real estate taxes, special assessments, personal property taxes, license fees, permit fees and other charges of a like nature which may be taxed, charged, assessed, levied, or imposed upon the property of the Grantee and upon any services rendered by the Grantee.

114.04 INSURANCE. The Grantee shall, at all times during the term of the franchise, carry insurance to protect the City and Grantee from and against any and all claims, injury or damage to persons or property, both real and personal, caused by the construction, erection, operation and maintenance of any structure, equipment or appliance. The amount of such insurance shall be not less than \$100,000 as to any one person, \$300,000 as to any one occurrence for injury or death to persons, and \$100,000 for damages to property, with so-called umbrella coverage of at least \$3,000,000. All of said insurance coverage shall provide a ten-day notice to the City in the event of material alteration or cancellation of any coverage afforded in said policies prior to the date said material alteration or cancellation shall become effective. Copies of all insurance policies required hereunder shall be furnished to and filed with the City prior to the commencement of operations or the expiration of prior policies, as the case may be. The Grantee shall pay all reasonable expenses incurred by the City in defending itself with regard to all damages, penalties or other claims resulting from the acts of

the Grantee, its assigns, employees, agents, invitees, or other persons. Said expenses shall include all out-of-pocket expenses such as attorney's fees.

114.05 REPAIRS. During the term of the franchise, the Grantee shall, at its own expense, make all necessary repairs and replacements to the property of the Grantee. Such repairs and replacements, interior and exterior, ordinary as well as extraordinary, and structural as well as nonstructural, shall be made promptly, as and when needed.

114.06 HOLD HARMLESS. During the term of the franchise, the Grantee absolutely assumes and agrees to pay the City for, and the Grantee forever agrees to indemnify the City against, and agrees to hold and save the City harmless from, any and all damage, injury, costs, expenses, liability, claims, settlements, judgments, decrees and awards of every kind and nature whatsoever, including attorney's fees, costs and disbursements, that may ever be claimed against the City by any person whatsoever, or an account of any actual or alleged loss, damage or injury to any property or person whatsoever, however arising from or related to or connected with, directly or indirectly: (i) injury to or death of any person, or loss, damage or injury to any property of the Grantee arising from the negligent acts of Grantee; and/or (ii) the nonobservance by the Grantee of the provisions of any laws, statutes, ordinances, resolutions, regulations or rules duly promulgated by any governmental entity which may be applicable directly or indirectly, to rights, privileges, and authority, and the obligations and liabilities, assumed by the Grantee under the franchise; and/or (iii) the nonobservance by the Grantee of any of the terms and conditions of the franchise; and/or (iv) any claim arising out of Grantee's negligent exercise of the rights and privileges granted by the franchise.

114.07 ASSIGNMENT. The Grantee shall not assign or transfer any right granted under this chapter to any other person without prior consent of the Council, which consent shall not be unreasonably withheld, provided that the Grantee shall have the right to assign the provisions of this chapter to a corporation wholly owned by the Grantee or to a limited partnership of which the Grantee is a general partner without the prior consent of the City.

114.08 INSOLVENCY OF GRANTEE. In the event that the Grantee shall become insolvent, or be declared a bankrupt, or the property of the Grantee shall come into the possession of any receiver, assignee or other officer acting under an order of court, and any such receiver, assignee or other such officer shall not be discharged within sixty (60) days after taking possession of such property, the City may, at its option, terminate the franchise by giving written notice thereof to the Grantee.

114.09 DEFAULT OF GRANTEE. In the event the Grantee shall fail to comply with any of the terms and conditions of the franchise within thirty (30) days after receipt of notice in writing from the City specifying the failure or default, the City may, at its option, terminate the franchise by giving written notice thereof to the Grantee. This section shall not apply to failures or defaults beyond the reasonable control of the Grantee.

114.10 TERMINATION. Upon termination of the franchise for any cause, the Grantee shall remove the property of the Grantee from all public property and private property within the City and shall return such public property and private property to the owner thereof in the same condition as when the property of the Grantee was placed thereon, ordinary wear and tear excepted.

114.11 TERM. The franchise granted the Grantee in this chapter shall terminate twenty-five (25) years from 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.†

114.12 COMPLIANCE WITH APPLICABLE LAWS. During the term of the franchise, the Grantee shall comply with all governmental laws, ordinances, rules or regulations as may be applicable to the construction, operation, maintenance, repair, replacement, renewal, reconstruction, and removal of a cable television system, the sale and supply of audio and video communications services, the use of public property and private property and the engagement in such further activities as may now or hereafter be consistent with generally accepted principles applicable to the operation of a cable television system.

114.13 INSTALLATION AND MAINTENANCE OF PROPERTY OF GRANTEE. During the term of the franchise, the property of the Grantee shall be constructed, operated, maintained, repaired, replaced, renewed, reconstructed, and removed in accordance with generally accepted engineering principles so as not to endanger or interfere with the lives of persons or to interfere with improvements which the City may deem proper to make or to unnecessarily hinder or obstruct pedestrian or vehicular traffic or use of public property or private property.

114.14 INTERFERENCE. The Grantee's cable television system shall be so designed, engineered and maintained so as not to interfere with radio and television reception of persons who are not subscribers of the Grantee.

114.15 INSTALLATION OF CABLES. The Grantee shall have the right, privilege, and authority to lease, rent or in any other manner obtain the use of wooden poles with overhead lines, conduits, trenches, ducts, lines, cables, and other equipment and facilities from any and all holders of public licenses and franchises with the City, and to use such poles, conduits, trenches, ducts, lines, and cables in the course of its business. The Grantee shall install its cable on the existing poles owned by other holders of public licenses and franchises with the City whenever possible for the installation of its cable. When installation of cable on poles is insufficient, or when holders of other public licenses or franchises have installed underground cable, then in that event, the cable used by the Grantee shall be installed underground.

114.16 RESTORATION OF GROUND SURFACE. In case of any disturbance of pavement, sidewalk, driveway or other surfacing, the Grantee shall, at its own cost and expense and in a manner approved by the City, replace and restore all paving, sidewalk, driveway, or surface of any street or alley disturbed, in as good a condition as before said work was commenced.

114.17 ALTERATION OF GRADE. In the event that during the term of the franchise, the City shall elect to alter or change the grade of any street, alley, or public way, the Grantee, upon reasonable notice by the City, shall remove, relay, and relocate its poles, wires, cables, underground conduits, manholes, and other fixtures at its own expense.

114.18 TEMPORARY REMOVAL OF CABLES. The Grantee shall, on the request of any person holding a building moving permit issued by the City, temporarily raise or lower its cables to permit the moving of buildings. The expense of such temporary removal, raising, or lowering of cables shall be paid by the person requesting the same and the Grantee shall have

† **EDITOR'S NOTE:** Ordinance No. 279, adopting a cable television franchise for the City, was passed and adopted on August 28, 1996.

the authority to require such payment in advance. The Grantee shall be given not less than five (5) days' advance notice to arrange for such temporary cable changes.

114.19 TREE TRIMMING. The Grantee 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 cables of the Grantee. All trimming shall be done at the expense of the Grantee.

114.20 LINE EXTENSIONS. It shall be the obligation of the Grantee to make service available to all residents of the City within three years from the grant of the franchise, 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 within the City, Grantee 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 fifty (50) homes per each linear mile of new cable construction. In the event the requirements of this section are not met, extensions of service shall be required only on a basis which is reasonable and compensatory.

114.21 SERVICE REQUIREMENTS. During the term of the franchise, the Grantee shall furnish reasonable, adequate and efficient cable television service to subscriber terminals. This requirement may be temporarily suspended due to circumstances beyond the reasonable control of the Grantee.

114.22 PERFORMANCE STANDARDS. The Grantee shall produce a picture in black and white or in color that is of high quality accompanied by proper sound on typical standard television sets in good repair. The Grantee shall also transmit signals of adequate strength to produce good pictures with good sound at all subscriber terminals throughout the City without causing cross modulation in the cables or interfering with other electrical or electronic systems.

114.23 CHANNEL CAPACITY AND PERFORMANCE. During the term of the franchise, the cable television system of the Grantee shall conform to the channel capacity and performance requirements contained in the then current regulations of the FCC.

114.24 INSTALLATION AND MAINTENANCE OF SUBSCRIBER TERMINALS IN CITY BUILDINGS AND SCHOOLS. During the franchise, the Grantee, at its sole cost, upon request by the governing body having jurisdiction thereof, shall install and maintain a subscriber terminal for basic cable television service in such buildings owned or used by the City, and in such buildings owned or used by recognized educational authorities within the City, both public and private, as may be designated by the governing body having jurisdiction thereof. Such subscriber terminals shall be placed in such locations within such buildings as may be designated by the governing body having jurisdiction thereof. This provision is meant to apply only to those buildings accessible to Grantee's system.

114.25 TELECAST OF EDUCATIONAL ACTIVITIES. The Grantee shall not cablecast, tape, reproduce or otherwise convey to its subscribers the activities of any recognized educational authority, public or private, without the written consent of the governing body of such authority.

114.26 PROGRAM ALTERATION. Any signal received by the Grantee from a television broadcast station shall be cablecast by the Grantee in its entirety, as received, without alteration.

114.27 PAYMENTS TO CITY. The Grantee shall pay to the City three percent (3%) of its annual "basic monthly cable television service" revenue for the service rendered to customers located within the City. All payments as required by the Grantee to the City shall be made annually and shall be due forty-five (45) days after the close of the year.

114.28 INJURY TO PROPERTY OF THE GRANTEE. No person shall wrongfully or unlawfully injure the property of the Grantee.

114.29 INTERCEPTING SIGNALS OF THE GRANTEE. No person shall wrongfully or unlawfully intercept the signals of the Grantee.

114.30 FILING OF MAPS AND PLATS. On or before April 1 of each year, the Grantee shall file with the City maps and plats showing the location and nature of all new property of the Grantee within the City as of the end of the preceding calendar year.

114.31 ACCESS. The Grantee shall and does hereby grant to the City the right to enter upon the property of the Grantee, upon reasonable notice, at any and all reasonable times to inspect the same for purposes pertaining to the rights of the City.

114.32 DISCRIMINATION PROHIBITED. The Grantee shall not grant any undue preference or advantage to any person, or subject any person to prejudice or disadvantage with respect to rates, charges, services, service facilities, rules, regulations, or in any other respect.

114.33 RESTRICTIONS ON OTHER BUSINESS ACTIVITIES. During the initial term of the franchise, or any extension thereof, the Grantee shall not require or attempt to direct its subscribers to deal with any particular person or firm with respect to the business of selling, leasing, renting or servicing television or radio receivers, or their parts or accessories.

114.34 ARBITRATION. Any controversy between the City and the Grantee regarding the rights, duties or liabilities of either party under the franchise shall be settled by arbitration. This section shall not apply to termination proceedings under Section 114.10. Such arbitration shall be before three (3) disinterested arbitrators, one (1) named by the City, one (1) named by the Grantee, and one (1) named by the two (2) thus chosen. The decision of the arbitrators shall be conclusive and shall be enforced in accordance with the laws of the State.

114.35 RESERVATIONS. The right is reserved to the Council to adopt, in addition to the provisions contained herein and in existing applicable ordinances, such additional regulations as it shall find necessary in the exercise of the police power.

[The next page is 595]

CHAPTER 115
CABLE TELEVISION FRANCHISE
MEDIACOM

115.01	Definitions	115.19	Tree Trimming
115.02	Use of Property	115.20	Line Extensions
115.03	Taxes	115.21	Service Requirements
115.04	Insurance	115.22	Performance Standards
115.05	Repairs	115.23	Channel Capacity and Performance
115.06	Hold Harmless	115.24	Installation and Maintenance of Subscriber Terminals in City Buildings and Schools
115.07	Assignment	115.25	Telecast of Educational Activities
115.08	Insolvency of Grantee	115.26	Program Alteration
115.09	Default of Grantee	115.27	Payments to City
115.10	Termination	115.28	Injury to Property of the Grantee
115.11	Term	115.29	Intercepting Signals of the Grantee
115.12	Compliance with Applicable Laws	115.30	Filing of Maps and Plats
115.13	Installation and Maintenance of Property of Grantee	115.31	Access
115.14	Interference	115.32	Discrimination Prohibited
115.15	Installation of Cables	115.33	Restrictions on Other Business Activities
115.16	Restoration of Ground Surface	115.34	Arbitration
115.17	Alteration of Grade	115.35	Reservations
115.18	Temporary Removal of Cables		

115.01 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. “Cable television system” means any facility that, in whole or in part, receives directly, or indirectly over the air, and amplifies or otherwise modifies the signals transmitting programs broadcast by one or more television or radio stations and distributes such signals, by wire or cable, to subscribing members of the public who pay for such services.
2. “Channel” means the segment of the electromagnetic spectrum to which a source of television transmission is assigned.
3. “FCC” means the Federal Communications Commission.
4. “Franchise” means the rights, privileges, and authority granted by the City to the Grantee hereunder and includes all of the terms and conditions of this chapter.
5. “Grantee” means Mediacom, its successors and assigns. When the context so requires, the term “Grantee” means and includes the Grantee, its officers, agents, employees, servants and independent contractors.
6. “Private property” means all property, real, personal or mixed, owned by a private person, including property owned by a public utility not owned or operated by the City.
7. “Property of the Grantee” means all property, real, personal or mixed, owned or used by the Grantee however arising from or related to or connected with the franchise.
8. “Public property” means all property, real or personal or mixed, owned or used by the City, including property owned or used by a public utility owned or operated by the City.

115.02 USE OF PROPERTY. The Grantee may use public property within the City and, with the written consent of the owner thereof, private property within the City, in furtherance of such activities within the City as may now or hereafter be consistent with generally accepted principles applicable to the operation of a cable television system subject, however, to the following restrictions:

1. Laws and Regulations. The Grantee shall comply with all governmental laws, ordinances, rules or regulations as may now or hereafter be applicable thereto.
2. Restrictions. The Grantee shall not use or occupy or permit public property or private property to be used or occupied or do or permit anything to be done on or about public property or private property which will, in any manner:
 - A. Impair the owner's interest in or title thereto;
 - B. Impair any mortgage or lease as may now or hereinafter be applicable thereto;
 - C. Adversely affect the then value or character thereof;
 - D. Cause or be likely to cause structural damage thereto, or any part thereof;
 - E. Cause or be likely to cause any damage or injury to any utility service available thereto;
 - F. Create a public or private nuisance, cause any offensive or obnoxious vibrations, noise, odor or undesirable effect or interfere with the safety, comfort or convenience of the owner thereof, and persons lawfully on or about the same;
 - G. Violate the rules, regulations and requirements of any person furnishing utilities or services thereto; or
 - H. Make void or voidable any insurance then in force affecting the same or cause an increase in the rates applicable thereto.

115.03 TAXES. The Grantee shall pay all real estate taxes, special assessments, personal property taxes, license fees, permit fees and other charges of a like nature which may be taxed, charged, assessed, levied, or imposed upon the property of the Grantee and upon any services rendered by the Grantee.

115.04 INSURANCE. The Grantee shall, at all times during the term of the franchise, carry insurance to protect the City and Grantee from and against any and all claims, injury or damage to persons or property, both real and personal, caused by the construction, erection, operation and maintenance of any structure, equipment or appliance. The amount of such insurance shall be not less than \$100,000 as to any one person, \$300,000 as to any one occurrence for injury or death to persons, and \$100,000 for damages to property, with so-called umbrella coverage of at least \$3,000,000. All of said insurance coverage shall provide a ten-day notice to the City in the event of material alteration or cancellation of any coverage afforded in said policies prior to the date said material alteration or cancellation shall become effective. Copies of all insurance policies required hereunder shall be furnished to and filed with the City prior to the commencement of operations or the expiration of prior policies, as the case may be. The Grantee shall pay all reasonable expenses incurred by the City in defending itself with regard to all damages, penalties or other claims resulting from the acts of

the Grantee, its assigns, employees, agents, invitees, or other persons. Said expenses shall include all out-of-pocket expenses such as attorney's fees.

115.05 REPAIRS. During the term of the franchise, the Grantee shall, at its own expense, make all necessary repairs and replacements to the property of the Grantee. Such repairs and replacements, interior and exterior, ordinary as well as extraordinary, and structural as well as nonstructural, shall be made promptly, as and when needed.

115.06 HOLD HARMLESS. During the term of the franchise, the Grantee absolutely assumes and agrees to pay the City for, and the Grantee forever agrees to indemnify the City against, and agrees to hold and save the City harmless from, any and all damage, injury, costs, expenses, liability, claims, settlements, judgments, decrees and awards of every kind and nature whatsoever, including attorney's fees, costs and disbursements, that may ever be claimed against the City by any person whatsoever, or an account of any actual or alleged loss, damage or injury to any property or person whatsoever, however arising from or related to or connected with, directly or indirectly, (a) injury to or death of any person, or loss, damage or injury to any property of the Grantee arising from the negligent acts of Grantee, and/or (b) the nonobservance by the Grantee of the provisions of any laws, statutes, ordinances, resolutions, regulations or rules duly promulgated by any governmental entity which may be applicable directly or indirectly, to rights, privileges, and authority, and the obligations and liabilities, assumed by the Grantee under the franchise, and/or (c) the nonobservance by the Grantee of any of the terms and conditions of the franchise, and/or (d) any claim arising out of Grantee's negligent exercise of the rights and privileges granted by the franchise.

115.07 ASSIGNMENT. The Grantee shall not assign or transfer any right granted under this chapter to any other person without prior consent of the Council, which consent shall not be unreasonably withheld, provided that the Grantee shall have the right to assign the provisions of this chapter to a corporation wholly owned by the Grantee or to a limited partnership of which the Grantee is a general partner without the prior consent of the City.

115.08 INSOLVENCY OF GRANTEE. In the event that the Grantee shall become insolvent, or be declared a bankrupt, or the property of the Grantee shall come into the possession of any receiver, assignee or other officer acting under an order of court, and any such receiver, assignee or other such officer shall not be discharged within sixty (60) days after taking possession of such property, the City may, at its option, terminate the franchise by giving written notice thereof to the Grantee.

115.09 DEFAULT OF GRANTEE. In the event the Grantee shall fail to comply with any of the terms and conditions of the franchise within thirty (30) days after receipt of notice in writing from the City specifying the failure or default, the City may, at its option, terminate the franchise by giving written notice thereof to the Grantee. This section shall not apply to failures or defaults beyond the reasonable control of the Grantee.

115.10 TERMINATION. Upon termination of the franchise for any cause, the Grantee shall remove the property of the Grantee from all public property and private property within the City and shall return such public property and private property to the owner thereof in the same condition as when the property of the Grantee was placed thereon, ordinary wear and tear excepted.

115.11 TERM. The franchise granted the Grantee in this chapter shall terminate seventeen (17) years from 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.†

115.12 COMPLIANCE WITH APPLICABLE LAWS. During the term of the franchise, the Grantee shall comply with all governmental laws, ordinances, rules or regulations as may be applicable to the construction, operation, maintenance, repair, replacement, renewal, reconstruction, and removal of a cable television system, the sale and supply of audio and video communications services, the use of public property and private property and the engagement in such further activities as may now or hereafter be consistent with generally accepted principles applicable to the operation of a cable television system.

115.13 INSTALLATION AND MAINTENANCE OF PROPERTY OF GRANTEE. During the term of the franchise, the property of the Grantee shall be constructed, operated, maintained, repaired, replaced, renewed, reconstructed, and removed in accordance with generally accepted engineering principles so as not to endanger or interfere with the lives of persons or to interfere with improvements which the City may deem proper to make or to unnecessarily hinder or obstruct pedestrian or vehicular traffic or use of public property or private property.

115.14 INTERFERENCE. The Grantee's cable television system shall be so designed, engineered and maintained so as not to interfere with radio and television reception of persons who are not subscribers of the Grantee.

115.15 INSTALLATION OF CABLES. The Grantee shall have the right, privilege, and authority to lease, rent or in any other manner obtain the use of wooden poles with overhead lines, conduits, trenches, ducts, lines, cables, and other equipment and facilities from any and all holders of public licenses and franchises with the City, and to use such poles, conduits, trenches, ducts, lines, and cables in the course of its business. The Grantee shall install its cable on the existing poles owned by other holders of public licenses and franchises with the City whenever possible for the installation of its cable. When installation of cable on poles is insufficient, or when holders of other public licenses or franchises have installed underground cable, then in that event, the cable used by the Grantee shall be installed underground.

115.16 RESTORATION OF GROUND SURFACE. In case of any disturbance of pavement, sidewalk, driveway or other surfacing, the Grantee shall, at its own cost and expense and in a manner approved by the City, replace and restore all paving, sidewalk, driveway, or surface of any street or alley disturbed, in as good a condition as before said work was commenced.

115.17 ALTERATION OF GRADE. In the event that during the term of the franchise, the City shall elect to alter or change the grade of any street, alley, or public way, the Grantee, upon reasonable notice by the City, shall remove, relay, and relocate its poles, wires, cables, underground conduits, manholes, and other fixtures at its own expense.

115.18 TEMPORARY REMOVAL OF CABLES. The Grantee shall, on the request of any person holding a building moving permit issued by the City, temporarily raise or lower its cables to permit the moving of buildings. The expense of such temporary removal, raising, or lowering of cables shall be paid by the person requesting the same and the Grantee shall have

† **EDITOR'S NOTE:** Ordinance No. 335, adopting a cable television franchise for the City, was passed and adopted on May 11, 2004.

the authority to require such payment in advance. The Grantee shall be given not less than five (5) days' advance notice to arrange for such temporary cable changes.

115.19 TREE TRIMMING. The Grantee 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 cables of the Grantee. All trimming shall be done at the expense of the Grantee.

115.20 LINE EXTENSIONS. It shall be the obligation of the Grantee to make service available to all residents of the City within three years from the grant of the franchise, 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 within the City, Grantee 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 fifty (50) homes per each linear mile of new cable construction. In the event the requirements of this section are not met, extensions of service shall be required only on a basis which is reasonable and compensatory.

115.21 SERVICE REQUIREMENTS. During the term of the franchise, the Grantee shall furnish reasonable, adequate and efficient cable television service to subscriber terminals. This requirement may be temporarily suspended due to circumstances beyond the reasonable control of the Grantee.

115.22 PERFORMANCE STANDARDS. The Grantee shall produce a picture in black and white or in color that is of high quality accompanied by proper sound on typical standard television sets in good repair. The Grantee shall also transmit signals of adequate strength to produce good pictures with good sound at all subscriber terminals throughout the City without causing cross modulation in the cables or interfering with other electrical or electronic systems.

115.23 CHANNEL CAPACITY AND PERFORMANCE. During the term of the franchise, the cable television system of the Grantee shall conform to the channel capacity and performance requirements contained in the then current regulations of the FCC.

115.24 INSTALLATION AND MAINTENANCE OF SUBSCRIBER TERMINALS IN CITY BUILDINGS AND SCHOOLS. During the franchise, the Grantee, at its sole cost, upon request by the governing body having jurisdiction thereof, shall install and maintain a subscriber terminal for basic cable television service in such buildings owned or used by the City, and in such buildings owned or used by recognized educational authorities within the City, both public and private, as may be designated by the governing body having jurisdiction thereof. Such subscriber terminals shall be placed in such locations within such buildings as may be designated by the governing body having jurisdiction thereof. This provision is meant to apply only to those buildings accessible to Grantee's system.

115.25 TELECAST OF EDUCATIONAL ACTIVITIES. The Grantee shall not cablecast, tape, reproduce or otherwise convey to its subscribers the activities of any recognized educational authority, public or private, without the written consent of the governing body of such authority.

115.26 PROGRAM ALTERATION. Any signal received by the Grantee from a television broadcast station shall be cablecast by the Grantee in its entirety, as received, without alteration.

115.27 PAYMENTS TO CITY. The Grantee shall pay to the City three percent (3%) of its annual “basic monthly cable television service” revenue for the service rendered to customers located within the City. All payments as required by the Grantee to the City shall be made annually and shall be due forty-five (45) days after the close of the year. For the purposes of this section, “basic monthly cable television service” is the provision of television broadcast signals and access and origination channels, if any, and does not include advertising services, rental of studios or equipment, provision of program production services, per-channel or per-program charges to subscribers (“pay cable”), rental of channels, sale of channel time, provision of commercial services such as security systems, or any other services of the system.

115.28 INJURY TO PROPERTY OF THE GRANTEE. No person shall wrongfully or unlawfully injure the property of the Grantee.

115.29 INTERCEPTING SIGNALS OF THE GRANTEE. No person shall wrongfully or unlawfully intercept the signals of the Grantee.

115.30 FILING OF MAPS AND PLATS. On or before April 1 of each year, the Grantee shall file with the City maps and plats showing the location and nature of all new property of the Grantee within the City as of the end of the preceding calendar year.

115.31 ACCESS. The Grantee shall and does hereby grant to the City the right to enter upon the property of the Grantee, upon reasonable notice, at any and all reasonable times to inspect the same for purposes pertaining to the rights of the City.

115.32 DISCRIMINATION PROHIBITED. The Grantee shall not grant any undue preference or advantage to any person, or subject any person to prejudice or disadvantage with respect to rates, charges, services, service facilities, rules, regulations, or in any other respect.

115.33 RESTRICTIONS ON OTHER BUSINESS ACTIVITIES. During the initial term of the franchise, or any extension thereof, the Grantee shall not require or attempt to direct its subscribers to deal with any particular person or firm with respect to the business of selling, leasing, renting or servicing television or radio receivers, or their parts or accessories.

115.34 ARBITRATION. Any controversy between the City and the Grantee regarding the rights, duties or liabilities of either party under the franchise shall be settled by arbitration. This section shall not apply to termination proceedings under Section 115.10. Such arbitration shall be before three (3) disinterested arbitrators, one named by the City, one named by the Grantee, and one named by the two thus chosen. The decision of the arbitrators shall be conclusive and shall be enforced in accordance with the laws of the State.

115.35 RESERVATIONS. The right is reserved to the Council to adopt, in addition to the provisions contained herein and in existing applicable ordinances, such additional regulations as it shall find necessary in the exercise of the police power.

[The next page is 631]

CHAPTER 116

CEMETERY

116.01 Definition
116.02 Trusteeship
116.03 Cemetery Superintendent Appointed
116.04 Duties of Superintendent

116.05 Records
116.06 Sale of Interment Rights
116.07 Perpetual Care
116.08 Rules and Regulations

116.01 DEFINITION. The term “cemetery” means the City of Huxley Cemetery, which is a municipal cemetery under the provisions of Chapter 523I of the *Code of Iowa* and which shall be operated under the provisions of Chapter 523I of the *Code of Iowa* and this chapter.

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

116.02 TRUSTEESHIP. Pursuant to Section 523I.502 of the *Code of Iowa*, the City Council hereby states its willingness and intention to act as the trustee for the perpetual maintenance of the cemetery property.

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

116.03 CEMETERY SUPERINTENDENT APPOINTED. The Council shall appoint a Cemetery Superintendent who shall operate the cemetery in accordance with the rules and regulations therefor and under the direction of the Council.

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

116.04 DUTIES OF SUPERINTENDENT. The duties of the Cemetery Superintendent are as follows:

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

1. Supervise Openings. Supervise the opening of all graves and be present at every interment in the cemetery;
2. Maintenance. Be responsible for the maintenance of the cemetery buildings, grounds and equipment and make a monthly report of the cemetery operation to the Council.

116.05 RECORDS. It is the duty of the Clerk to make and keep complete records identifying the owners of all interment rights sold by the cemetery and historical information regarding any transfers of ownership. The records shall include all of the following:

(Code of Iowa, Sec. 523I.311)

1. Sales or Transfers of Interment Rights.
 - A. The name and last known address of each owner or previous owner of interment rights.
 - B. The date of each purchase or transfer of interment rights.
 - C. A unique numeric or alphanumeric identifier that identifies the location of each interment space sold by the cemetery.
2. Interments.
 - A. The date the remains are interred.

- B. The name, date of birth, and date of death of the decedent interred, if those facts can be conveniently obtained.
- C. A unique numeric or alphanumeric identifier that identifies the location of each interment space where the remains are interred.

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

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

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

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

116.08 RULES AND REGULATIONS. Rules and regulations for the cemetery may be adopted, and may be amended from time to time, by resolution of the Council and may cover such things as the use, care, control, management, restrictions and protection of the cemetery as necessary for the proper conduct of the business of the cemetery. The rules shall specify the cemetery's obligations in the event that interment spaces, memorials, or memorializations are damaged or defaced by acts of vandalism. Any veteran, as defined in Section 35.1 of the *Code of Iowa*, who is a landowner or who lives within the City shall be allowed to purchase an interment space and to be interred within the cemetery. In addition, any veteran who purchases an interment space within the cemetery shall be allowed to purchase an interment space for interment of the spouse of the veteran if such a space is available, and the surviving spouse of a veteran interred within the cemetery shall be allowed to purchase an interment space and be interred within the cemetery if such a space is available.

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

[The next page is 651]

REGULATION OF BUSINESS AND VOCATIONS

TABLE OF CONTENTS

CHAPTER 120 - LIQUOR LICENSES AND WINE AND BEER PERMITS.....	651
CHAPTER 121 - CIGARETTE AND TOBACCO PERMITS.....	659
CHAPTER 122 - HOUSE MOVERS	663
CHAPTER 123 - PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS	667
CHAPTER 124 – MOBILE FOOD VENDORS.....	669

CHAPTER 120

LIQUOR LICENSES AND WINE AND BEER PERMITS

120.01 License or Permit Required
120.02 General Prohibition
120.03 Investigation

120.04 Action by Council
120.05 Prohibited Sales and Acts
120.06 Amusement Devices

120.01 LICENSE OR PERMIT REQUIRED. No person shall manufacture for sale, import, sell, or offer or keep for sale, alcoholic liquor, wine, or beer without first securing a liquor control license, wine permit or beer permit in accordance with the provisions of Chapter 123 of the *Code of Iowa*.

(Code of Iowa, Sec. 123.22, 123.122 & 123.171)

120.02 GENERAL PROHIBITION. It is unlawful to manufacture for sale, sell, offer or keep for sale, possess or transport alcoholic liquor, wine or beer except upon the terms, conditions, limitations and restrictions enumerated in Chapter 123 of the *Code of Iowa*, and a license or permit may be suspended or revoked or a civil penalty may be imposed for a violation thereof.

(Code of Iowa, Sec. 123.2, 123.39 & 123.50)

120.03 INVESTIGATION. Upon receipt of an application for a liquor license, wine or beer permit, or renewal, the Clerk may forward it to the Police Chief, who shall then conduct an investigation and submit a written report as to the truth of the facts averred in the application. The Fire Chief may also inspect the premises to determine if they conform to the requirements of the City. The Council shall not approve an application for a license or permit for any premises which does not conform to the applicable law and ordinances, resolutions and regulations of the City.

(Code of Iowa, Sec. 123.30)

120.04 ACTION BY COUNCIL. The Council shall either approve or disapprove the issuance of the liquor control license or retail wine or beer permit and shall endorse its approval or disapproval on the application, and thereafter the application, necessary fee and bond, if required, shall be forwarded to the Alcoholic Beverages Division of the State Department of Commerce for such further action as is provided by law.

(Code of Iowa, Sec. 123.32[2])

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

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

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

2. Sell or dispense any alcoholic beverage, wine or beer on the premises covered by the license or permit, or permit its consumption thereon between the hours of 2:00 a.m. and 6:00 a.m. on a weekday, and between the hours of 2:00 a.m. on Sunday and 6:00 a.m. on the following Monday; however, a holder of a license or permit granted the privilege of selling alcoholic liquor, beer or wine on Sunday may sell or dispense

alcoholic liquor, beer or wine between the hours of 8:00 a.m. on Sunday and 2:00 a.m. of the following Monday, and further provided that a holder of any class of liquor control license or the holder of a class "B" beer permit may sell or dispense alcoholic liquor, wine or beer for consumption on the premises between the hours of 8:00 a.m. on Sunday and 2:00 a.m. on Monday when that Monday is New Year's Day and beer for consumption off the premises between the hours of 8:00 a.m. on Sunday and 2:00 a.m. on the following Monday when that Sunday is the day before New Year's Day.

(Code of Iowa, Sec. 123.49[2b and 2k] & 123.150)

3. Sell alcoholic beverages, wine or beer to any person on credit, except with a bona fide credit card. This provision does not apply to sales by a club to its members, to sales by a hotel or motel to bona fide registered guests or to retail sales by the managing entity of a convention center, civic center or events center.

(Code of Iowa, Sec. 123.49[2c])

4. Employ a person under eighteen (18) years of age in the sale or serving of alcoholic liquor, wine or beer for consumption on the premises where sold.

(Code of Iowa, Sec. 123.49[2f])

5. In the case of a retail beer or wine permittee, knowingly allow the mixing or adding of alcohol or any alcoholic beverage to beer, wine or any other beverage in or about the permittee's place of business.

(Code of Iowa, Sec. 123.49[2i])

6. Knowingly permit any gambling, except in accordance with Iowa law, or knowingly permit any solicitation for immoral purposes, or immoral or disorderly conduct on the premises covered by the license or permit.

(Code of Iowa, Sec. 123.49[2a])

7. Knowingly permit or engage in any criminal activity on the premises covered by the license or permit.

(Code of Iowa, Sec. 123.49[2j])

8. Keep on premises covered by a liquor control license any alcoholic liquor in any container except the original package purchased from the Alcoholic Beverages Division of the State Department of Commerce and except mixed drinks or cocktails mixed on the premises for immediate consumption. However, mixed drinks or cocktails that are mixed on the premises and are not for immediate consumption may be consumed on the licensed premises, subject to rules adopted by the Alcoholic Beverages Division.

(Code of Iowa, Sec. 123.49[2d])

9. Reuse for packaging alcoholic liquor or wine any container or receptacle used originally for packaging alcoholic liquor or wine; or adulterate, by the addition of any substance, the contents or remaining contents of an original package of an alcoholic liquor or wine; or knowingly possess any original package which has been reused or adulterated.

(Code of Iowa, Sec. 123.49[2e])

10. Allow any person other than the licensee, permittee or employees of the licensee or permittee to use or keep on the licensed premises any alcoholic liquor in any bottle or other container which is designed for the transporting of such beverages, except as allowed by State law.

(Code of Iowa, Sec. 123.49[2g])

11. Sell, give, possess or otherwise supply a machine which is used to vaporize an alcoholic beverage for the purpose of being consumed in a vaporized form.

(Code of Iowa, Sec. 123.49[21])

120.06 AMUSEMENT DEVICES. The following provisions pertain to electronic or mechanical amusement devices, which are allowed only in premises with a liquor control license or beer permit as specifically authorized in Section 99B.10 of the *Code of Iowa*.

(Code of Iowa, Sec. 99B.10C)

1. As used in this section an “electronic or mechanical amusement device” means a device that awards a prize redeemable for merchandise on the premises where the device is located and that is required to be registered with the Iowa Department of Inspection and Appeals.

2. It is unlawful for any person under the age of twenty-one (21) to participate in the operation of an electrical or mechanical amusement device.

3. It is unlawful for any person owning or leasing an electrical or mechanical amusement device, or an employee of a person owning or leasing an electrical or mechanical amusement device, to knowingly allow a person under the age of 21 to participate in the operation of an electrical or mechanical amusement device.

4. It is unlawful for any person to knowingly participate in the operation of an electrical or mechanical amusement device with a person under the age of 21.

[The next page is 659]

CHAPTER 121

CIGARETTE AND TOBACCO PERMITS

121.01 Definitions
121.02 Permit Required
121.03 Application
121.04 Fees
121.05 Issuance and Expiration

121.06 Refunds
121.07 Persons Under Legal Age
121.08 Self-Service Sales Prohibited
121.09 Permit Revocation

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

(Code of Iowa, Sec. 453A.1)

1. “Alternative nicotine product” means a product, not consisting of or containing tobacco, that provides for the ingestion into the body of nicotine, whether by chewing, absorbing, dissolving, inhaling, snorting, or sniffing, or by any other means. “Alternative nicotine product” does not include cigarettes, tobacco products, or vapor products, or a product that is regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.
2. “Cigarette” means any roll for smoking made wholly or in part of tobacco, or any substitute for tobacco, irrespective of size or shape and irrespective of tobacco or any substitute for tobacco being flavored, adulterated or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material. However, this definition is not to be construed to include cigars.
3. “Place of business” means any place where cigarettes or tobacco products are sold, stored or kept for the purpose of sale or consumption by a retailer.
4. “Retailer” means every person who sells, distributes or offers for sale for consumption, or possesses for the purpose of sale for consumption, cigarettes, alternative nicotine products, or vapor products, irrespective of the quantity or amount or the number of sales, or who engages in the business of selling tobacco, tobacco products, alternative nicotine products, or vapor products to ultimate consumers.
5. “Self-service display” means any manner of product display, placement, or storage from which a person purchasing the product may take possession of the product, prior to purchase, without assistance from the retailer or employee of the retailer, in removing the product from a restricted access location.
6. “Tobacco products” means the following: cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco; snuff; cavendish; plug and twist tobacco; fine-cut and other chewing tobaccos; shorts or refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or for both chewing and smoking, but does not mean cigarettes.
7. “Vapor product” means any noncombustible product, which may or may not contain nicotine, that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from a solution or other substance. “Vapor product”

includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device, and any cartridge or other container of a solution or other substance, which may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. "Vapor product" does not include a product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.

121.02 PERMIT REQUIRED.

1. Retail Cigarette Permits. It is unlawful for any person, other than a holder of a retail permit, to sell cigarettes, alternative nicotine products, or vapor products at retail and no retailer shall distribute, sell, or solicit the sale of any cigarettes, alternative nicotine products, or vapor products within the City without a valid permit for each place of business. The permit shall, at all times, be publicly displayed at the place of business so as to be easily seen by the public and the persons authorized to inspect the place of business.

(Code of Iowa, Sec. 453A.13)

2. Retail Tobacco Permits. It is unlawful for any person to engage in the business of a retailer of tobacco, tobacco products, alternative nicotine products, or vapor products at any place of business without first having received a permit as a retailer for each place of business owned or operated by the retailer.

(Code of Iowa, Sec. 453A.47A)

A retailer who holds a retail cigarette permit is not required to also obtain a retail tobacco permit. However, if a retailer only holds a retail cigarette permit and that permit is suspended, revoked, or expired, the retailer shall not sell any tobacco, tobacco products, alternative nicotine products, or vapor products, during such time.

121.03 APPLICATION. A completed application on forms furnished by the State Department of Revenue or on forms made available or approved by the Department and accompanied by the required fee shall be filed with the Clerk. Renewal applications shall be filed at least five (5) days prior to the last regular meeting of the Council in June. If a renewal application is not timely filed, and a special Council meeting is called to act on the application, the costs of such special meeting shall be paid by the applicant.

(Code of Iowa, Sec. 453A.13 & 453A.47A)

121.04 FEES. The fee for a retail cigarette or tobacco permit shall be as follows:

(Code of Iowa, Sec. 453A.13 & 453A.47A)

FOR PERMITS GRANTED DURING:	FEE:
July, August or September	\$ 75.00
October, November or December	\$ 56.25
January, February or March	\$ 37.50
April, May or June	\$ 18.75

121.05 ISSUANCE AND EXPIRATION. Upon proper application and payment of the required fee, a permit shall be issued. Each permit issued shall describe clearly the place of business for which it is issued and shall be nonassignable. All permits expire on June 30 of each year. The Clerk shall submit a duplicate of any application for a permit, and any permit issued, to the Alcoholic Beverages Division of the Department of Commerce within thirty (30) days of issuance.

121.06 REFUNDS. A retailer may surrender an unrevoked permit and receive a refund from the City, except during April, May, or June, in accordance with the schedule of refunds as provided in Section 453A.13 or 453A.47A of the *Code of Iowa*.

(Code of Iowa, 453A.13 & 453A.47A)

121.07 PERSONS UNDER LEGAL AGE. No person shall sell, give, or otherwise supply any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes to any person under eighteen (18) years of age. The provision of this section includes prohibiting a minor from purchasing tobacco, tobacco products, alternative nicotine products, vapor products, and cigarettes from a vending machine. If a retailer or employee of a retailer violates the provisions of this section, the Council shall, after written notice and hearing, and in addition to the other penalties fixed for such violation, assess the following:

1. For a first violation, the retailer shall be assessed a civil penalty in the amount of three hundred dollars (\$300.00). Failure to pay the civil penalty as ordered under this subsection shall result in automatic suspension of the permit for a period of fourteen (14) days.
2. For a second violation within a period of two years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars (\$1,500.00) or the retailer's permit shall be suspended for a period of thirty (30) days. The retailer may select its preference in the penalty to be applied under this subsection.
3. For a third violation within a period of three years, the retailer shall be assessed a civil penalty in the amount of \$1,500.00 and the retailer's permit shall be suspended for a period of 30 days.
4. For a fourth violation within a period of three years, the retailer shall be assessed a civil penalty in the amount of \$1,500.00 and the retailer's permit shall be suspended for a period of sixty (60) days.
5. For a fifth violation within a period of four years, the retailer's permit shall be revoked.

The Clerk shall give ten (10) days' written notice to the retailer by mailing a copy of the notice to the place of business as it appears on the application for a permit. The notice shall state the reason for the contemplated action and the time and place at which the retailer may appear and be heard.

(Code of Iowa, Sec. 453A.2, 453A.22 and 453A.36[6])

121.08 SELF-SERVICE SALES PROHIBITED. Except for the sale of cigarettes through a cigarette vending machine as provided in Section 453A.36(6) of the *Code of Iowa*, a retailer shall not sell or offer for sale tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes through the use of a self-service display.

(Code of Iowa, Sec. 453A.36A)

121.09 PERMIT REVOCATION. Following a written notice and an opportunity for a hearing, as provided by the *Code of Iowa*, the Council may also revoke a permit issued pursuant to this chapter for a violation of Division I of Chapter 453A of the *Code of Iowa* or any rule adopted thereunder. If a permit is revoked, a new permit shall not be issued to the permit holder for any place of business, or to any other person for the place of business at which the violation occurred, until one year has expired from the date of revocation, unless good cause to the contrary is shown to the Council. The Clerk shall report the revocation or

suspension of a retail permit to the Alcoholic Beverages Division of the Department of Commerce within thirty (30) days of the revocation or suspension.

(Code of Iowa, Sec. 453A.22)

CHAPTER 122

HOUSE MOVERS

122.01 House Mover Defined
122.02 Permit Required
122.03 Application
122.04 Bond Required
122.05 Insurance Required
122.06 Permit Fee

122.07 Permit Issued
122.08 Public Safety
122.09 Time Limit
122.10 Removal by City
122.11 Protect Pavement
122.12 Overhead Wires

122.01 HOUSE MOVER DEFINED. A “house mover” means any person who undertakes to move a building or similar structure upon, over or across public streets or property when the building or structure is of such size that it requires the use of skids, jacks, dollies or any other specialized moving equipment.

122.02 PERMIT REQUIRED. It is unlawful for any person to engage in the activity of house mover as herein defined without a valid permit from the City for each house, building or similar structure to be moved. Buildings of less than one hundred (100) square feet are exempt from the provisions of this chapter.

122.03 APPLICATION. Application for a house mover’s permit shall be made in writing to the Clerk. The application shall include:

1. Name and Address. The applicant’s full name and address and if a corporation the names and addresses of its principal officers.
2. Building Location. An accurate description of the present location and future site of the building or similar structure to be moved.
3. Routing Plan. A routing plan approved by the Police Chief, street superintendent, and public utility officials. The route approved shall be the shortest route compatible with the greatest public convenience and safety.

122.04 BOND REQUIRED. The applicant shall post with the Clerk a penal bond in the minimum sum of five thousand dollars (\$5,000.00) issued by a surety company authorized to issue such bonds in the State. The bond shall guarantee the permittee’s payment for any damage done to the City or to public property, and payment of all costs incurred by the City in the course of moving the building or structure.

122.05 INSURANCE REQUIRED. Each applicant shall also file a certificate of insurance indicating that the applicant is carrying public liability insurance in effect for the duration of the permit covering the applicant and all agents and employees for the following minimum amounts:

1. Bodily Injury – \$50,000 per person; \$100,000 per accident.
2. Property Damage – \$50,000 per accident.

122.06 PERMIT FEE. A permit fee in an amount set by resolution of the Council shall be payable at the time of filing the application with the Clerk. A separate permit shall be required for each house, building or similar structure to be moved.

122.07 PERMIT ISSUED. Upon approval of the application, filing of bond and insurance certificate, and payment of the required fee, the Clerk shall issue a permit.

122.08 PUBLIC SAFETY. At all times when a building or similar structure is in motion upon any street, alley, sidewalk or public property, the permittee shall maintain flagmen at the closest intersections or other possible channels of traffic to the sides, behind and ahead of the building or structure. At all times when the building or structure is at rest upon any street, alley, sidewalk or public property the permittee shall maintain adequate warning signs or lights at the intersections or channels of traffic to the sides, behind and ahead of the building or structure.

122.09 TIME LIMIT. No house mover shall permit or allow a building or similar structure to remain upon any street or other public way for a period of more than twelve (12) hours without having first secured the written approval of the City.

122.10 REMOVAL BY CITY. In the event any building or similar structure is found to be in violation of Section 122.09 the City is authorized to remove such building or structure and assess the costs thereof against the permit holder and the surety on the permit holder's bond.

122.11 PROTECT PAVEMENT. It is unlawful to move any house or building of any kind over any pavement, unless the wheels or rollers upon which the house or building is moved are at least one (1) inch in width for each one thousand (1,000) pounds of weight of such building. If there is any question as to the weight of a house or building, the estimate of the City as to such weight shall be final.

122.12 OVERHEAD WIRES. The holder of any permit to move a building shall see that all telephone, cable television and electric wires and poles are removed when necessary and replaced in good order, and shall be liable for the costs of the same.

[The next page is 667]

CHAPTER 123

PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

123.01 Purpose

123.02 Definitions

123.03 Registration Required

123.04 Registration Requirements

123.05 Registration Fee

123.06 Transient Merchant Bond

123.07 Time Restriction

123.08 Exemptions

123.09 Charitable and Nonprofit Organizations

123.01 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.

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

1. “Peddler” means any person carrying goods or merchandise who sells or offers for sale for immediate delivery such goods or merchandise from house to house or upon the public street.
2. “Solicitor” means any person who solicits or attempts to solicit from house to house or upon the public street any contribution or donation or any order for goods, services, subscriptions or merchandise to be delivered at a future date.
3. “Transient merchant” means any person who engages in a temporary or itinerant merchandising business and in the course of such business hires, leases or occupies any building or structure whatsoever, or who operates out of a vehicle which is parked anywhere within the City limits. Temporary association with a local merchant, dealer, trader or auctioneer, or conduct of such transient business in connection with, as a part of, or in the name of any local merchant, dealer, trader or auctioneer does not exempt any person from being considered a transient merchant.

123.03 REGISTRATION REQUIRED. Any person engaging in peddling, soliciting or in the business of a transient merchant in the City without first registering with the City as herein provided is in violation of this chapter.

123.04 REGISTRATION REQUIREMENTS. The registration shall be in writing, filed with the Clerk, and shall set forth the following information:

1. The person’s name, permanent and local address and business address if any, driver’s license number and vehicle description.
2. The person’s employer, if any, and the employer’s address, the nature of the business and the length of time such business will be carried on in the City.
3. The names of all people who are to be working within the City and their vehicle descriptions and license numbers.

The registration is valid only for a seven-day period and must be renewed for each seven-day period thereafter.

123.05 REGISTRATION FEE. A registration fee of ten dollars (\$10.00) shall be paid at the time of registration to cover the cost of investigating the facts stated therein.

123.06 TRANSIENT MERCHANT BOND. Any person registering as a transient merchant shall provide to the Clerk evidence that such person has filed a bond with the Secretary of State in accordance with Chapter 9C of the *Code of Iowa*.

123.07 TIME RESTRICTION. Peddlers and solicitors shall conduct business in the City only during daylight hours.

123.08 EXEMPTIONS. The following are excluded from the application of this chapter.

1. Newspapers. Persons delivering, collecting for or selling subscriptions to newspapers.
2. Club Members. Members of local civic and service clubs, Boy Scout, Girl Scout, 4-H Clubs, Future Farmers of America and similar organizations.
3. Local Residents and Farmers. Local residents and farmers who offer for sale their own products.
4. Students. Students representing the Ballard School District conducting projects sponsored by organizations recognized by the school.
5. Route Sales. Route delivery persons who only incidentally solicit additional business or make special sales.
6. Resale or Institutional Use. Persons customarily calling on businesses or institutions for the purposes of selling products for resale or institutional use.

123.09 CHARITABLE AND NONPROFIT ORGANIZATIONS. Authorized representatives of charitable or nonprofit organizations operating under the provisions of Chapter 504 of the *Code of Iowa*, or political candidates for State, local or Federal office desiring to solicit money or to distribute literature are exempt from the requirements of Sections 123.04 and 123.05. All such organizations or individuals are required to submit in writing to the Clerk the name and purpose of the cause for which such activities are sought, names and addresses of the officers and directors of the organization, and the period during which such activities are to be carried on.

CHAPTER 124

MOBILE FOOD VENDORS

124.01 Definition

124.02 Mobile Food Units

124.03 Unlawful Acts

124.04 Suspension or Revocation of License

124.05 Penalty

124.01 DEFINITION. Mobile Food Vendor: A person engaged in the business of selling food or beverages from a mobile food unit.

124.02 MOBILE FOOD UNITS.

1. Mobile Food Unit Licensing. It shall be unlawful for any person to engage in the sale of food or beverages to the public from a temporary or mobile facility within the corporate limits of the city of Huxley, Iowa without first obtaining a mobile food unit license from the City, in addition to any other State, federal, or county permits, certifications and licenses.

A. A mobile food unit license is an annual license that expires on April 15 each year and must be renewed prior to the first event after that date.

B. Each mobile food unit shall be licensed separately. No license transfer is allowed.

C. Although certain activities may be exempt from the licensing requirements of this chapter, any food service to the public in the City of Huxley, Iowa is expected to comply with all other local, county and State requirements for health inspections, licensing, safety and fire code requirements.

D. The following shall be exempt from this requirement:

(1) Catering businesses.

(2) Grilling and food preparation activities of brick and mortar establishments on the establishment's premises for immediate consumption by patrons or employees.

(3) Concession stands associated with sports or recreational venues that have been approved as part of a site plan or permitted conditional use permit for the venue.

2. License/Inspection Fee(s). At the time of the submittal of a license application, the applicant shall pay to the City Clerk the applicable license fee in addition to any applicable inspection fee(s).

A. The amount of the license and applicable inspections fee(s) shall be determined in accordance with an established fee schedule, which fee schedule may be modified from time to time with approval of the council.

B. Any licensee who surrenders their license prior to the date of expiration shall not be entitled to a refund of any portion of the fee.

3. Mobile Food Unit Licensing Application.

A. Filing. Application requests shall be filed with the city clerk. No application request shall be accepted for filing and processing unless it conforms to the requirements of this title. This would include a complete and true application, all of the required materials and information prescribed, and is accompanied by the appropriate fees.

B. Timely Submittal. Unless otherwise provided herein, applications must be submitted not less than ten (10) calendar days prior to the proposed start date of the mobile food unit activities. The city reserves the right to reject any applications that have not been timely submitted to the city.

C. Applicant's Responsibility. Receiving approval of a mobile food unit license from the City shall not preclude, supersede, circumvent, or waive the applicant's responsibility to obtain any additional permits, licenses, and approvals for other applicable local, state, and federal regulations.

D. Application Contents: Application shall be made on a form provided by the city and shall include:

- (1) Full name of the applicant.
- (2) Applicant's contact information including mailing address, phone numbers and e-mail address.
- (3) State health inspection certificate with the classification level of the state license.
- (4) Description of the kitchen facilities, cooking facilities, preparation area, safety features (such as, but not limited to, suppression system) of the mobile food unit.
- (5) Photographs of the mobile food unit from the front, side and back.
- (6) Make, model and year of vehicle to be used and the license plate number.
- (7) Overall size of the vehicle; length and width.
- (8) Copy of fire department inspection certificate.
- (9) Fee.

E. Character of Applicant. Upon receipt of the complete application as required by this chapter, the Police Chief or a designee shall investigate the applicant as deemed necessary for the protection of the public health, safety, welfare and good.

- (1) Unsatisfactory Character and Business Responsibility. If, as a result of such investigation, the applicant's character and business responsibility are found to be unsatisfactory such that would harm the public good, the police chief may endorse on such application disapproval and state reasons for disapproval and return the application to the City Clerk who shall notify the applicant in writing that the application has been disapproved, state the reasons for the denial, and the applicant's right to appeal under subsection 3(E)(3) of this section.

(2) Satisfactory Character and Business Responsibility. If, as a result of such investigation, the applicant's character and business responsibility are found to be satisfactory, the Police Chief may endorse approval on the application and shall return the application to the city clerk and the license may be issued.

(3) Right to Appeal. Any applicant whose application for license was disapproved as under subsection 3(E)(1) of this section may appeal to the City Council at its next regularly scheduled meeting by filing with the City Clerk a written request for an appeal to the City Council at least seven (7) days prior to the meeting. As a result of this appeal, the City Council may affirm, modify or reverse the decision of the Clerk not to issue the license. If the application for license is denied, the applicant is not eligible for the issuance of a license under this chapter for a period of one year from the date of notification that the license application was disapproved, was served in person or deposited in U.S. mail.

F. Applications Deemed Withdrawn. Any application received shall be deemed withdrawn if it has been held in abeyance, awaiting the submittal of additional requested information from the applicant, and if the applicant has not communicated in writing with the City and made reasonable progress within thirty (30) days from the last written notification from the City to the applicant. The application fee is nonrefundable. Any application deemed withdrawn shall require submission of a new application and fees to begin a new review and approval process.

G. Issuance of License. Upon completion of the review process and a determination of compliance with the applicable regulations, the City Clerk will issue a mobile food unit license.

H. Modification of License After Issuance. Should the mobile food vendor change the food or beverage being offered during the term of an issued license that would change the designation of the mobile food unit to a higher state licensing level classification, a new application and fire inspection shall be required.

4. Mobile Food Units on Public Property. No mobile food unit may be operated on public property except as part of an approved event under a public property special event permit issued by the City Clerk's office or as authorized by the Public Works or their designee, within a city park or greenway. Requests for authorization to vend within a city park or greenway (not as part of a City permitted public property special event) may be submitted no less than five (5) days and no more than fifteen (15) days prior to the requested day of vending.

5. Unattended Mobile Food Unit. No mobile food unit shall be left unattended or stored on any site overnight, unless that property is under the ownership or control of (by way of a lease or other contractual agreement) the operator of the unit and is being done so in compliance with all other City code requirements or the mobile food unit is a participant in a multiple (contiguous) day, City permitted, public property special event. Any mobile food unit found unattended shall be considered in violation of these regulations and subject to license revocation, municipal infraction, towing, or any other action legally allowed.

6. Music And Sound Making Devices. The use of music or sound making devices as a part of a mobile food unit shall be prohibited, unless expressly allowed as part of an approved event.
7. Mobile Food Unit Performance Standards. Persons conducting business from a mobile food unit must do so in compliance with the following standards:
 - A. The mobile food vendor must obtain expressed written consent of the property owner or lessee to use the property on which they propose to operate. The written consent must be kept in the unit at all times that the unit is on the property. Written consent does not excuse or permit the violation of any other imposable regulations.
 - B. The operator of the mobile food unit shall display their City license in full view of the public in or on the unit.
 - C. Mobile food units shall only be allowed on nonresidential properties, except in the case of an approved residential block party or private catering arrangement, so long as it is in compliance with all other City code requirements related to residential property.
 - D. Mobile food units that are within three hundred feet (300') of a residential use or residentially zoned property, shall be limited to hours of operation between seven o'clock (7:00) A.M. and ten thirty o'clock (10:30) P.M.
 - E. A mobile food unit operating on nonresidential property (excluding those operating as part of City permitted "public property special event") may only do so during the usual posted business hours of the consenting business(es) of the property the mobile food unit is utilizing or during the posted hours of the City park being utilized. Mobile food units may enter a nonresidential property in order to set up to conduct business up to one-half (1/2) hour (30 minutes) prior to the usual posted opening time of the corresponding business or City park and must depart from the property no later than one-half (1/2) hour (30 minutes) after the usual posted closing time of the corresponding business or City park. In the case of operating a mobile food unit on nonresidential property where the corresponding business(es) does not have usual posted business operating hours or operates on a twenty-four (24) hour type basis, the mobile food unit may not remain on the premises for longer than eighteen (18) hours and must depart for at least six (6) hours before reentering unless operating under an approved public property special event permit.
 - F. A mobile food unit operating on nonresidential property as part of a City permitted public property special event may only do so during the granted time period for the event.
 - G. Mobile food units must maintain a minimum separation between units of fifteen feet (15').
 - H. Mobile food unit operation is not a generally acceptable use of a nonresidential parking lot and may only be allowed if doing so does not diminish the usable number of parking spots within the lot to below the minimum threshold needed as established by the City site plan for the property. It is the joint responsibility of the property owner or lessee and

mobile food unit owner to ensure that this provision is not violated. Exceptions to this rule may be applied for by way of a City approved temporary site plan amendment.

I. Mobile food units shall serve patrons which are on foot only; no drive-up service to the unit itself shall be provided or allowed.

J. The mobile food unit must be located on a paved surface, unless approved as part of a public property special event permit or through a temporary site plan amendment.

K. No mobile food unit may be located on a vacant property or lot with a vacant building. Exceptions to this rule may be granted by City staff after a review of the particular property and the vendor has been able to make arrangements to ensure safe and sanitary conditions. This would include, but is not limited to: employee access to restrooms, adequate access for fire and police personnel/vehicles, and that the site in general is free from hazards or dangerous conditions.

L. No mobile food unit may operate within one hundred feet (100') of a permanent restaurant or business offering food or beverage services unless they receive expressed written consent of the restaurant or business owner.

M. All mobile food units shall maintain a minimum separation from buildings, five feet (5') for State IA class I and II units and fifteen feet (15') for State IA class III and IV units, as measured to the closest building element including awnings or canopies, tents or membrane structures. Location of the food unit shall not impede pedestrians entering or exiting a building.

N. The window or area where a patron orders and receives their purchase shall be located so as to not require a patron to stand, or create a line that may cause pedestrians to be in the public right of way, vehicle travel lane, including parking lot drive aisles, or similar situation that may create a potential safety hazard. Adequate safe space for patrons waiting for their order must be available on the property where the mobile food unit is located.

O. With the exception of pushcarts as allowed herein, no mobile food unit shall be placed on a public or private sidewalk. Pushcarts may locate on or adjacent to a private sidewalk or public sidewalk only as part of an approved public property special event permit. However, a minimum forty-eight inch (48") open walkway must be maintained for passing pedestrians. The placement of the pushcart shall be in such a manner so as to minimize encroachment into the forty-eight inch (48") walkway by patrons waiting in line for service from the pushcart.

P. Signs are limited to those that are attached to the exterior of the mobile unit and must be mounted flat against the unit and not project more than six inches (6") from the exterior of the unit. No freestanding signs, banners, flags, or similar items are allowed. Off premises signs directing patrons to the mobile food unit are prohibited.

Q. During business hours, the mobile food vendor shall provide a trash receptacle for use by customers.

R. The mobile food vendor shall keep the area around the mobile food unit clear of litter and debris at all times.

S. All mobile food units shall be located in such a manner as to not create a safety hazard, such as blocking emergency access to buildings and the site, obstructing access to fire hydrants, impeding entering and exiting from a building, creating a visual impediment for the motoring public at drive entrances, intersections, pedestrian crossings, or similar movement and access.

8. Property Owner/Lessee Responsibility. By allowing the mobile food unit on their property, the property owner or lessee jointly and severally with the vendor are responsible for compliance with this chapter and to ensure the safety of pedestrians and access of emergency vehicles to and around the site. Failure to do so could result in the property owner or lessee being party to any enforcement actions or penalties allowed by law.

124.03 UNLAWFUL ACTS.

1. Fraudulent Representation/Harassment. No licensee shall falsely or fraudulently misrepresent the quality, character, or quantity of any article, item, or commodity offered for sale, or sell any unwholesome or tainted food or foodstuffs. No licensee shall harass, intimidate, coerce, or threaten any individual to induce a sale.

2. Failure to Maintain Licenses and Permits. Failure of any applicant to maintain the appropriate county, State and federal licenses and permits, during the term of the local license or permits shall be considered an unlawful act and subject to revocation or any other penalties available to the City.

124.04 SUSPENSION OR REVOCATION OF LICENSE.

1. Any license issued under the provisions of this chapter may be suspended or revoked by the city as follows.

A. Grounds. The City Clerk or Clerk's designee may suspend or revoke any license issued under this chapter, for any of, but not limited to, the following reasons:

(1) The licensee has made fraudulent statements in his/her application for the license or in the conduct of his/her business.

(2) The licensee has violated this chapter or any other chapter of this code or has otherwise conducted his/her business in an unlawful manner.

(3) The licensee has conducted his/her business in such manner as to endanger the public welfare, safety, order, or morals.

(4) The City Clerk has received and investigated three (3) or more found complaints during the licensed period related to the manner in which the licensee is conducting business.

B. Notice of Suspension or Revocation; Right to Appeal. The Clerk or Clerk's designee shall cause notice of the license revocation to be served in person by a City official or by mail to the licensee's local address, which notice shall specify the reason(s) for such action, at which time operations of the licensee must cease within the corporate limits of the City of Huxley. The licensee may appeal the revocation of the license to the City Council at its

next regularly scheduled meeting by filing with the Clerk a written request for an appeal to the City Council at least seven (7) days prior to the meeting. The City Council may affirm, modify or reverse the decision of the Clerk to revoke such license. If a license is revoked, no refund of any license fee paid shall be made. Upon the revocation of a license, the licensee is not eligible for the issuance of a new license under this chapter for a period of one year from the date the license revocation is served in person or deposited in the U.S. mail.

124.05 PENALTY. Unless another penalty is expressly provided by this chapter for any particular provision or section, violations of this chapter are simple misdemeanors subject to a fine of not more than five hundred dollars (\$500.00) and may also be punishable as municipal infractions subject to a civil penalty as set forth in this Code. Each day a municipal infraction occurs and/or is permitted to exist constitutes a separate offense. Police officers, code enforcement officers and the Police Chief's designees shall have the authority to issue citations for violations of this chapter and shall have the discretion to enforce this chapter as either a simple misdemeanor or municipal infraction.

(Ch. 124 added by Ord. 466 – Apr. 18 Supp.)

[The next page is 685]

STREETS AND SIDEWALKS

TABLE OF CONTENTS

CHAPTER 135 - STREET USE AND MAINTENANCE	685
CHAPTER 136 - SIDEWALK REGULATIONS	695
CHAPTER 137 - VACATION AND DISPOSAL OF STREETS	705
CHAPTER 138 - STREET GRADES	707
CHAPTER 139 - NAMING OF STREETS	709
CHAPTER 140 - DRIVEWAYS.....	711
CHAPTER 141 - CONTROLLED ACCESS FACILITIES.....	715

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 Property Owner's Responsibility for Maintenance

135.11 Failure to Maintain

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 an offense to throw or deposit on any street, highway, alley, sidewalk or public or private property any glass, tacks, nails, wire, trash, rubbish or other waste material or other substance which may injure any person, animal or be likely to engender offense odors and sights. It is also an offense to deposit leaves, sticks, snow, ice, grass clippings or other naturally occurring materials upon any street, highway, alley, sidewalk or other public property or upon the private property of another without permission.

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, alley or public right-of-way 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, alley or public right-of-way 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. Frozen Ground. It is unlawful for any person to make any excavation within six feet of any laid water line while the ground is frozen, or to expose any such line to frost unless authorized by the City.
4. 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. Open ditches, regardless of depth, shall be fenced around the entire perimeter.
5. Bond Required. The applicant shall post with the City a penal bond in the minimum sum of five thousand dollars (\$5,000.00) issued by a surety company authorized to issue such bonds in the State. The bond shall guarantee the permittee's payment for any damage done to the City or to public property, and payment of all costs incurred by the City in the course of administration of this section. In lieu of a surety bond, a cash deposit of five thousand dollars (\$5,000.00) may be filed with the City.
6. 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.
7. 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.

8. 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.
9. 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.
10. 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.
11. Notification. At least forty-eight (48) hours prior to the commencement of the excavation, excluding Saturdays, Sundays and legal holidays, the person performing the excavation shall contact the Statewide Notification Center and provide the center with the information required under Section 480.4 of the *Code of Iowa*.
12. Permit Fee. A permit fee in an amount set by resolution of the Council shall be payable at the time of filing the application with the City. A separate permit shall be required for each excavation.
13. Permit Issued. Upon approval of the application, filing of bond and insurance certificate, and payment of any required fees, a permit shall be issued.

135.10 PROPERTY OWNER'S RESPONSIBILITY FOR MAINTENANCE. The abutting property owner shall maintain all property outside the lot and property lines and inside the curb lines upon public streets and shall keep such area in a safe condition, free from nuisances, obstructions, and hazards. In the absence of a curb, such property shall extend from the property line to that portion of the public street used or improved for vehicular purposes. The abutting property owner shall not be required to remove diseased trees or dead wood on the publicly owned property or right-of-way. Maintenance includes, but is not limited to, timely mowing, trimming trees and shrubs, and picking up litter and debris. The abutting property owner may be liable for damages caused by failure to maintain the publicly owned property or right-of-way.[†]

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

135.11 FAILURE TO MAINTAIN. If the abutting property owner does not perform an action required under the above section within a reasonable time, the City may perform the required action and assess the cost against the abutting property for collection in the same manner as a property tax.

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

135.12 DUMPING OF SNOW. It is unlawful for any person to throw, push, or place or cause to be thrown, pushed or placed, any ice or snow from private property, sidewalks, or driveways onto the traveled way of a street or alley so as to obstruct gutters, or impede the passage of vehicles upon the street or alley or to create a hazardous condition therein; except

[†] **EDITOR'S NOTE:** See also Section 136.04 relating to property owner's responsibility for maintenance of sidewalks.

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. The property owner shall, at the owner's expense, install any culvert deemed necessary under any driveway or any other access to the owner's property, and before installing a culvert, permission must first be obtained from the City. The size of culvert pipe and materials to be used shall be approved by the City. In the event repairs are needed at any time with respect to culverts, it shall be the responsibility of the property owner to make such repairs, and, in the event the owner fails to do so, the City shall have the right to make the repairs. If the property owner fails to reimburse the City for the cost of said repairs, the cost shall be certified to the County Treasurer and specially assessed against the property as by law provided.

[The next page is 695]

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 Encroaching Steps
136.04 Property Owner's Responsibility for Maintenance	136.13 Openings and Enclosures
136.05 City May Order Repairs	136.14 Fires or Fuel on Sidewalks
136.06 Sidewalk Construction Ordered	136.15 Defacing
136.07 Permit Required	136.16 Debris on Sidewalks
136.08 Sidewalk Standards	136.17 Merchandise Display
136.09 Barricades and Warning Lights	136.18 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. "Defective sidewalk" means any public sidewalk exhibiting one or more of the following characteristics:
 - A. Vertical separations equal to three-fourths ($\frac{3}{4}$) inch or more.
 - B. Horizontal separations equal to one (1) inch or more.
 - C. Holes or depressions equal to three-fourths ($\frac{3}{4}$) inch or more and at least four (4) inches in diameter.
 - D. Spalling over fifty percent (50%) of a single square of the sidewalk with one or more depressions equal to one-half ($\frac{1}{2}$) inch or more.
 - E. Spalling over less than fifty percent (50%) of a single square of the sidewalk with one or more depressions equal to three-fourths ($\frac{3}{4}$) inch or more.
 - F. A single square of sidewalk cracked in such a manner that no part thereof has a piece greater than one square foot.
 - G. A sidewalk with any part thereof missing to the full depth.
 - H. A change from the design or construction grade equal to or greater than three-fourths ($\frac{3}{4}$) inch per foot.
3. "Established grade" means that grade established by the City for the particular area in which a sidewalk is to be constructed.
4. "One-course construction" means that the full thickness of the concrete is placed at one time, using the same mixture throughout.

5. “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.
6. “Portland cement” means any type of cement except bituminous cement.
7. “Sidewalk” means all permanent public walks in business, residential or suburban areas.
8. “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.
9. “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.[†] The abutting property owner shall remove snow, ice, and accumulations promptly from sidewalks. If a property owner does not remove snow, ice, or accumulations within a reasonable time, not to exceed 24 hours from the end of the event, the City may do so and assess the costs against the property owner for collection in the same manner as a property tax. The abutting property owner may be liable for damages caused by failure to remove snow, ice, and accumulations promptly from the sidewalk.

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

136.04 PROPERTY OWNER’S RESPONSIBILITY FOR MAINTENANCE. The abutting property owner shall repair, replace, or reconstruct, or cause to be repaired, replaced, or reconstructed, all broken or defective sidewalks and maintain in a safe and hazard-free condition any sidewalk outside the lot and property lines and inside the curb lines or, in the absence of a curb, any sidewalk between the property line and that portion of the public street used or improved for vehicular purposes. The abutting property owner may be liable for damages caused by failure to maintain the sidewalk.

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

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

[†] **EDITOR’S NOTE:** See chapter 135 for prohibition regarding blowing snow from private property, sidewalks or driveways onto streets or alleys.

City for such work. A written application for such permit shall be filed with the City and shall be accompanied by a permit fee in an amount set by resolution of the Council.

136.08 SIDEWALK STANDARDS. Sidewalks repaired, replaced or constructed under the provisions of this chapter shall meet the standards of the *Driveway and Sidewalk Specifications* adopted by the Council and on file in the City offices. [See also Section 166.10(5)].

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 is 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 are 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 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.

136.13 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.

136.14 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.

136.15 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)

136.16 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])

136.17 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.

136.18 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.

[The next page is 705]

CHAPTER 137

VACATION AND DISPOSAL OF STREETS

137.01 Power to Vacate

137.02 Planning and Zoning Commission

137.03 Notice of Vacation Hearing

137.04 Findings Required

137.05 Disposal of Vacated Streets or Alleys

137.06 Disposal by Gift Limited

137.01 POWER TO VACATE. When, in the judgment of the Council, it would be in the best interest of the City to vacate a street, alley, portion thereof or any public grounds, the Council may do so by ordinance in accordance with the provisions of this chapter.

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

137.02 PLANNING AND ZONING COMMISSION. Any proposal to vacate a street, alley, portion thereof or any public grounds shall be referred by the Council to the Planning and Zoning Commission for its study and recommendation prior to further consideration by the Council. The Commission shall submit a written report including recommendations to the Council within thirty (30) days after the date the proposed vacation is referred to the Commission.

(Code of Iowa, Sec. 392.1)

137.03 NOTICE OF VACATION HEARING. The Council shall cause to be published a notice of public hearing of the time at which the proposal to vacate shall be considered.

137.04 FINDINGS REQUIRED. No street, alley, portion thereof or any public grounds shall be vacated unless the Council finds that:

1. Public Use. The street, alley, portion thereof or any public ground proposed to be vacated is not needed for the use of the public, and therefore, its maintenance at public expense is no longer justified.
2. Abutting Property. The proposed vacation will not deny owners of property abutting on the street or alley reasonable access to their property.

137.05 DISPOSAL OF VACATED STREETS OR ALLEYS. When in the judgment of the Council it would be in the best interest of the City to dispose of a vacated street or alley, portion thereof or public ground, the Council may do so in accordance with the provisions of Section 364.7, *Code of Iowa*.

(Code of Iowa, Sec. 364.7)

137.06 DISPOSAL BY GIFT LIMITED. The City may not dispose of real property by gift except to a governmental body for a public purpose or to a fair.

(Code of Iowa, Sec. 174.15[2] & 364.7[3])

CHAPTER 138
STREET GRADES

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.

EDITOR'S NOTE
All ordinances previously adopted by the Council which establish street and/or sidewalk grades are not codified herein, but are specifically saved from repeal and remain in full force and effect.

o o o o o o o o o o

CHAPTER 139

NAMING OF STREETS

139.01 Naming New Streets
139.02 Changing Name of Street
139.03 Recording Street Names

139.04 Official Street Name Map
139.05 Revision of Street Name Map

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

1. Extension of Existing Street. Streets added to the City that are natural extensions of existing streets shall be assigned the name of the existing street.
2. Resolution. All street names, except streets named as a part of a subdivision or platting procedure, shall be named by resolution.

139.02 CHANGING NAME OF STREET. The Council may, by resolution, change the name of a street.

139.03 RECORDING STREET NAMES. Following official action naming or changing the name of a street, the Clerk shall file a copy thereof with the County Recorder, County Auditor and County Assessor.

(Code of Iowa, Sec. 354.26)

139.04 OFFICIAL STREET NAME MAP. Streets within the City are named as shown on the Official Street Name Map which is hereby adopted by reference and declared to be a part of this chapter. The Official Street Name Map shall be identified by the signature of the Mayor, and bearing the seal of the City under the following words: "This is to certify that this is the Official Street Name Map referred to in Section 139.04 of the Code of Ordinances of Huxley, Iowa."

139.05 REVISION OF STREET NAME MAP. If in accordance with the provisions of this chapter, changes are made in street names, such changes shall be entered on the Official Street Name Map promptly after the change has been approved by the Council with an entry on the Official Street Name Map as follows: "On (date), by official action of the City Council, the following changes were made in the Official Street Name Map: (brief description)," which entry shall be signed by the Mayor and attested by the Clerk.

o o o o o o o o o o

CHAPTER 140

DRIVEWAYS

140.01 Definitions

140.02 Permit

140.03 Fee for Permit

140.04 Driveway and Parking Requirements

140.05 Sidewalks

140.06 Excavations

140.07 Revocation of Permit

140.08 Inspection and Approval

140.09 Discontinuance or Abandonment

140.10 Property Under Construction

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

1. “Driveway” means that part of any approach for motor vehicles on private property that extends from the roadway of the public street to the garage or other point of termination on the private property.
2. “Hard surface” or “hard surface paving” means surfacing with Portland cement concrete (PCC) or asphalt/bituminous concrete (HMA or ACC).

140.02 PERMIT. Before any person constructs or repairs a driveway, said person shall obtain a written permit from the City Clerk. A written application for the permit shall be filed by the property owner with the Clerk. The application shall include a legal description of the property, the name of the property owner, the name and address of the person who will do the work, and the proposed plan of construction or repair which shall include the depth, width and type of surfacing material to be used. No other plan shall be followed except by written permission of the City Clerk, who may allow amendments to the application or permit that do not conflict with this chapter. The City shall issue the permit, bearing the signature of the Clerk and the date of issuance, if the proposed plan meets all of the requirements of this chapter, if the fee required under this chapter has been paid, and if the construction or repair as planned will not create any substantial hazard in the use of the street or sidewalk for public travel or drainage or create any defect. Each permit shall expire six (6) months after the date of issuance, if the driveway is not constructed within that time.

140.03 FEE FOR PERMIT. Before any permit is issued, the property owner shall pay any permit fee established by resolution of the Council.

140.04 DRIVEWAY AND PARKING REQUIREMENTS. All driveways shall be constructed in accordance with requirements of the *Driveway and Sidewalk Specifications* adopted by and on file with the City. All new single- and two-family residential structures shall have all portions of the driveway and parking areas located between the front yard setback line and the roadway covered with hard surface paving. All new single- and two-family residential structures shall provide hard surface parking areas for the parking of a minimum of two vehicles per structure or unit. No certificate of occupancy shall be issued until all portions of the driveway are completed. The property owner shall notify the City and request the City to inspect the driveway construction project when the driveway forms are in place and before any paving material is poured. The property owner shall provide the City with at least 24 hours’ prior notice before an inspection is desired.

140.05 SIDEWALKS. The grade of any sidewalk shall not be altered by the work done. The driveway shall be at the same level as any existing sidewalk.

140.06 EXCAVATIONS. Excavations to do work under this chapter shall be dug so as to occasion the least possible inconvenience to the public and to provide for the passage of water along the gutter. All such excavations shall have proper barricades at all times and warning lights placed from one-half hour before sunset to one-half hour after sunrise. In refilling the excavation, the earth must be laid in layers and each layer tamped thoroughly. Any street, sidewalk or other public property that is affected by the work shall be restored in accordance with the City's *Driveway and Sidewalk Specifications* standards. The affected area shall be maintained in good repair to the satisfaction of the Council for three months after refilling.

140.07 REVOCATION OF PERMIT. The City may at any time revoke the permit for any violation of this chapter and may require that the work be stopped.

140.08 INSPECTION AND APPROVAL. The driveway must be inspected and approved by the City within thirty (30) days after completion of the work, and the City shall keep a record of such approvals. If the City refuses to approve the work, it must be corrected immediately so that it will meet with approval. If the work has been done improperly, the City shall have the right to finish or correct the work and the Council shall assess the costs to the property owner. Such assessment shall be collected with the general property taxes and in the same manner.

140.09 DISCONTINUANCE OR ABANDONMENT. If any automobile driveway is discontinued or the use thereof abandoned by the owner of the property in front of which such driveway was constructed, such owner, upon notice from the City, shall restore the curbing, parking and sidewalk area to the condition they were in prior to the time such driveway was constructed. If such owner, after receiving such notice, shall refuse to comply with such order for a period of ten days, the Council may order the restoration of such curbing, parking and sidewalk. The cost of such restoration shall be assessed against the property in front of which such automobile driveway was constructed, and may be collected with and in the same manner as general property taxes.

140.10 PROPERTY UNDER CONSTRUCTION. All property under construction shall have placed gravel in the driveway until such time as the driveway is constructed in accordance with the building permit granted for said construction.

[The next page is 715]

CHAPTER 141

CONTROLLED ACCESS FACILITIES

141.01 Exercise of Police Power
141.02 Definition
141.03 Right of Access Limited
141.04 Access Controls Imposed

141.05 Unlawful Use of Controlled Access Facility
141.06 Commercial Areas
141.07 Parking Restricted

141.01 EXERCISE OF POLICE POWER. This chapter shall be deemed an exercise of the police power of the City under Chapter 306A, *Code of Iowa*, for the preservation of the public peace, health, safety and for the promotion of the general welfare.

(Code of Iowa, Sec. 306A.1)

141.02 DEFINITION. The term “controlled access facility” means a highway or street especially designed for through traffic, and over, from or to which owners or occupants of abutting land or other persons have no right or easement or only a controlled right or easement of access, light, air or view by reason of the fact that their property abuts upon such controlled access facility or for any other reason.

(Code of Iowa, Sec. 306A.2)

141.03 RIGHT OF ACCESS LIMITED. No person has any right of ingress or egress to or from abutting lands onto or across any controlled access facility, except at such designated points at which access is permitted.

(Code of Iowa, Sec. 306A.4)

141.04 ACCESS CONTROLS IMPOSED. There are hereby fixed and established controlled access facilities on the Primary Road System extension improvement, Project No. FN-69-5(2)21-85 Primary Road No. U.S. 69 within the City, described as follows:

From the south corporate limits (Sta. 79+82.5), thence northerly and northwesterly to the north corporate limits (Sta. 137+34)

regulating access to and from abutting properties along said highway all in accordance with the plans for such improvement identified as Project No. FN-69-5(2)21-85, on file in the office of the Clerk.

141.05 UNLAWFUL USE OF CONTROLLED ACCESS FACILITY. It is unlawful for any person to:

(Code of Iowa, Sec. 306A.3 and 321.366)

1. Cross Dividing Line. Drive a vehicle over, upon or across any curb, central dividing section, or other separation or dividing line on such controlled access facilities.
2. Turns. Make a left turn or a semicircular or U-turn except through an opening provided for that purpose in the dividing curb section, separation or line.
3. Use of Lanes. Drive any vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation, section or line.

4. Enter Facility. Drive any vehicle into the controlled access facility from a local service road except through an opening provided for that purpose in the dividing curb or dividing section or dividing line which separates such service road from the controlled access facility property.

141.06 COMMERCIAL AREAS. Access to controlled access streets from commercially zoned property shall be limited to 300-foot intervals, and such property shall be serviced by marginal access streets. Marginal access streets are minor streets which are parallel to and adjacent to arterial streets and highways, and which provide access to abutting properties and protection from through traffic.

141.07 PARKING RESTRICTED. The parking of vehicles on or along controlled access facilities is restricted as follows:

1. Minor Street Approaches. Parking shall be prohibited on all minor street approaches for a distance of thirty-five (35) feet in advance of the stop sign.
2. Minor Street Exits. Parking shall be prohibited on the exit side of a minor street for a distance of thirty-five (35) feet.
3. Diagonal Parking on Minor Street. Where diagonal parking is permitted, on the minor street approach, parking shall be restricted so that a 55-foot stop sign distance is maintained.
4. Intersection. Parking shall be prohibited on the Primary Road Extensions a distance of fifty-five (55) feet in advance of the near crosswalk and a distance of twenty-two (22) feet beyond the far crosswalk.

[The next page is 735]

BUILDING AND PROPERTY REGULATIONS

TABLE OF CONTENTS

CHAPTER 145 - MANUFACTURED AND MOBILE HOMES	735
CHAPTER 150 - BUILDING NUMBERING	751
CHAPTER 151 - TREES	753
CHAPTER 152 - DANGEROUS BUILDINGS.....	765
CHAPTER 154 – PROPERTY MAINTENANCE AND HOUSING CODE.....	775
CHAPTER 156 - RIGHTS-OF-WAY	801
CHAPTER 157 - BUILDING CODE	815
CHAPTER 158 - PUBLIC IMPROVEMENTS	831
CHAPTER 158A – FIRE CODE.....	839
CHAPTER 159 - EXISTING BUILDING CODE.....	831
CHAPTER 160 - SWIMMING POOL AND SPA CODE	841
CHAPTER 161 - PLUMBING CODE	843
CHAPTER 162 - MECHANICAL CODE	847
CHAPTER 163 - FUEL GAS CODE	850.1
CHAPTER 164 - ELECTRICAL REGULATIONS.....	850.5

CHAPTER 145

MANUFACTURED AND MOBILE HOMES

145.01 Definitions

145.02 Conversion to Real Property

145.03 Foundation Requirements

145.04 Permit Required

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

(Code of Iowa, Sec. 435.1)

1. “Manufactured home” means a factory-built structure, built under the authority of 42 U.S.C. Sec. 5403, which was constructed on or after June 15, 1976, and is required by federal law to display a seal from the United States Department of Housing and Urban Development.
2. “Manufactured home community” means any site, lot, field or tract of land under common ownership upon which ten or more occupied manufactured homes are harbored, either free of charge or for revenue purposes, and includes any building, structure or enclosure used or intended for use as part of the equipment of the manufactured home community.
3. “Mobile home” means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but also includes any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home means any such vehicle built before June 15, 1976, which was not built to a mandatory building code and which contains no State or federal seals.
4. “Mobile home park” means any site, lot, field or tract of land upon which three (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 “manufactured home community” or “mobile home park” is not to be construed to include manufactured or mobile homes, buildings, tents or other structures temporarily maintained by any individual, educational institution or company on their own premises and used exclusively to house their own labor or students. The manufactured home community or mobile home park shall meet the requirements of any zoning regulations that are in effect.

145.02 CONVERSION TO REAL PROPERTY. A mobile home or manufactured home which is located outside a manufactured home community or mobile home park shall be converted to real estate by being placed on a permanent foundation and shall be assessed for real estate taxes except in the following cases:

(Code of Iowa, Sec. 435.26 & Sec. 435.35)

1. Retailer’s Stock. Mobile homes or manufactured homes on private property as part of a retailer’s or a manufacturer’s stock not used as a place for human habitation.

2. Existing Homes. A taxable mobile home or manufactured home which is located outside of a manufactured home community or mobile home park as of January 1, 1995, shall be assessed and taxed as real estate, but is exempt from the permanent foundation requirement of this chapter until the home is relocated.

145.03 FOUNDATION REQUIREMENTS. A mobile home or manufactured home located outside of a manufactured home community or mobile home park shall be placed on a permanent frost-free foundation system 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 and City Building Codes.

(Code of Iowa, Sec. 103A.10 & 414.28)

145.04 PERMIT REQUIRED. Before any manufactured or mobile home located in a manufactured home community or mobile home park receives a connection, repair, reconnection or installation to a sewer or water line, a written permit must be obtained from the City. The fee for the required permit shall be established by resolution of the Council. The proposed connection, reconnection, repair or installation must be completed in compliance with the City requirements for public water and sewer connections and all work is subject to inspection and approval of the City.

[The next page is 751]

CHAPTER 150

BUILDING NUMBERING

150.01 Definitions

150.02 Owner Requirements

150.03 Building Numbering Plan

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

1. “Owner” means the owner of the principal building.
2. “Principal building” means the main building on any lot or subdivision thereof.

150.02 OWNER REQUIREMENTS. Every owner shall comply with the following numbering requirements:

1. Obtain Building Number. The owner shall obtain the assigned number to the principal building from the Clerk.
(Code of Iowa, Sec. 364.12[3d])
2. Display Building Number. The owner shall place or cause to be installed and maintained on the principal building the assigned number in a conspicuous place to the street in figures not less than two and one-half (2½) inches in height and of a contrasting color with their background.
(Code of Iowa, Sec. 364.12[3d])
3. Failure to Comply. If an owner refuses to number a building as herein provided, or fails to do so for a period of thirty (30) days after being notified in writing by the City to do so, the City may proceed to place the assigned number on the principal building and assess the costs against the property for collection in the same manner as a property tax.
(Code of Iowa, Sec. 364.12[3h])

150.03 BUILDING NUMBERING PLAN. Building numbers shall be assigned in accordance with the building numbering plan on file in the office of the Clerk.

o o o o o o o o o

CHAPTER 151

TREES

151.01 Definitions

151.02 Tree Ownership

151.03 Tree Care of Street Trees

151.04 Underground Utility or Above Ground Construction

151.05 Street Right-of-Way Plantings

151.06 Street Right-of-Way Spacing Requirements

151.07 Property Owner Responsibility

151.08 Diseased, Dead or Dangerous Trees and Bushes

151.01 DEFINITIONS. The following words and phrases are defined for use in this chapter.

1. “Drip-line” means the outline of a tree’s canopy at its greatest circumference transposed down to the ground.
2. “Shrub” means any plant material that may grow between one (1) foot and fifteen (15) feet in height. Shrubs must be less than eighteen (18) inches at mature growth or more than ten (10) feet at mature growth.
3. “Street right-of-way” means the area commonly known as the “parking” and existing between the traveled portion of a street and the lot line of adjacent private property.
4. “Street tree” means a tree or shrub within the street right-of-way.
5. “Traffic control device” means any official sign, signal or device that regulates the movement or parking of motor vehicle, pedestrian, or other traffic upon or across streets.
6. “Tree” means any single-stemmed, perennial woody plant with a minimum average mature height of fifteen (15) feet.
7. “Tree care” means cutting, trimming, pruning, removing, spraying, or otherwise treating trees.
8. “Tree topping” means the severe cutting back of tree limbs to stubs within a tree’s crown so as to remove the normal canopy and disfigure the tree.
9. “Utility lines” means City-maintained utilities and privately owned underground and overhead utilities.

151.02 TREE OWNERSHIP. Trees existing and planted in the street right-of-way are the property of the City.

151.03 TREE CARE OF STREET TREES. Any cost created by tree care for work on or around an existing utility or for new construction of a utility shall be borne by the entity needing the tree care. An abutting property owner may, at the owner’s expense, provide tree care. The City may perform required tree care if the abutting property owner does not maintain the street trees. Except as provided by Chapter 384 of the *Code of Iowa*, the resultant cost may not be passed on to the abutting property owner by the City. Street tree care includes the following requirements:

1. Trees shall be kept trimmed to a clearance height of fourteen (14) feet for branches overhanging a street and eight (8) feet for branches overhanging a sidewalk.

Private trees whose growth enters the street right-of-way or area above the sidewalk must be kept trimmed to the same distances as above.

2. Tree topping is not permitted on any tree in the street right-of-way. If tree topping is needed due to conflict with utilities, tree removal is required.
3. The City will remove any trees from the street right-of-way if they are a public hazard. Trees that fall into this category are dead trees, trees severely damaged by storms or insects, and trees that are leaning precariously. No stumps may remain in the street right-of-way. No burning or chemical means of stump removal is allowed. The City Administrator or Department of Public Works will make the final determination of what constitutes a public hazard.
4. No person shall intentionally damage, cut, carve, attach any rope, wire, nails, advertising posters, or other contrivance to any tree in the street 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.
5. Tree care required after natural disasters will be initiated and managed by the City as needed.

151.04 UNDERGROUND UTILITY OR ABOVE GROUND CONSTRUCTION.

1. Construction work is to be designed and performed by means of boring or other means to avoid existing trees in street right-of-way where possible. If a new underground utility cannot be located except where trees or tree roots are located, then such trees are subject to removal. All costs of such work shall be borne by the entity requesting tree removal. The City may require such cost to include the cost, in cash or in kind, of replacement street trees. The Tree Board may coordinate tree selection and planting.
2. Vehicle traffic or stockpiling of construction materials shall not take place within a tree's drip-line.
3. Suitable construction fencing located no closer to a tree than its drip-line is required to prevent damage to trees and tree roots during construction.

151.05 STREET RIGHT-OF-WAY PLANTINGS. Tree plantings are subject to the following conditions:

1. A person shall not engage in any excavation unless the requirements of Chapter 480 of the *Code of Iowa* have been satisfied. Before planting all new trees in the right-of-way, property owners must call Iowa One-Call (1-800-DIG-IOWA) to have the location of underground utilities marked for tree location.
2. No trees shall be planted in the street right-of-way if the street right-of-way width is less than five (5) feet.
3. Trees may be planted over City utility lines if said lines are at least 4 feet deep.
4. Unless approved in writing by the utility owner, no street tree shall be planted less than two feet from any private utility. Utility owner shall be contacted immediately if damage occurs or is suspected during tree planting.

5. A full list of acceptable street trees is maintained and enforced by the Tree Board.

151.06 STREET RIGHT-OF-WAY SPACING REQUIREMENTS.

1. Trees shall be spaced at least fifteen (15) feet apart, center-to-center.
2. Trees shall be at least ten (10) lineal feet from water hydrants, utility poles, transformers, telephone junction boxes and manholes.
3. Trees shall be at least fifteen (15) lineal feet from traffic signs and street lights.
4. Trees shall be at least twenty (20) lineal feet in all directions from intersecting roads with traffic control devices and thirty (30) lineal feet from intersections with partial or no traffic control devices.
5. Trees shall be at least five (5) feet from residential driveway approaches.

151.07 PROPERTY OWNER RESPONSIBILITY. The abutting property owner is required to maintain all property outside the lot and property lines and outside the curb lines upon the public street, except that the property owner shall not be required to remove diseased trees or dead wood on the publicly owned property or right-of-way.

151.08 DISEASED, DEAD OR DANGEROUS TREES AND BUSHES.

1. When the Public Works Director or department designee finds that a tree or bush growing on private property creates a hazard that threatens the general public safety or welfare, said official shall order the owner to remove the tree or bush or otherwise eliminate the hazardous condition. Trees posing a hazard to human life or safety may require the pruning or removal of said trees or parts thereof which are in danger of falling.
2. It is unlawful for an owner or occupier of property to permit any tree, bush, or other plant to remain on the property if such tree, bush, or other plant endangers persons and vehicles using the streets, alleys, and sidewalks of the City or poses a risk of fire or other property damage because of its location and/or condition.
3. It is unlawful for any responsible person to permit a dead and/or diseased tree that might endanger the health or safety of persons or property to remain on real property in the City.
4. The City Public Works Director or department designee may give a written notice of violation to the owner or occupier of property to remove any such tree, bush, or other plant. For the purpose of this chapter, "dead tree that might endanger the health or safety of persons or property" means any dead tree, any tree that is diseased; or has a dead, diseased, or broken limb or a dead, diseased or broken trunk, or any tree that is totally or partially uprooted, if the height of the tree or the length of the limb or trunk is such that, if it were to fall, the tree, limb, or trunk could fall within the public right-of-way or strike a structure or improvement to real property. Such notice shall give the owner or occupier 10 days after the date of service of the notice to inform the Public Works Director or department designee as to when the tree shall be removed. Owners shall have no more than 30 days after informing the Public Works Director or department designee to remove such trees unless the Public Works Director or department designee indicates otherwise in writing.

5. If the property owner fails to comply with such order within 30 days of notification, or sooner if necessary to protect the public safety, the City or its contractor may enter the property, remove the tree or bush or otherwise mitigate the hazardous condition, and assess the cost thereof against the property owner.
6. In an emergency, the City may have the tree, bush, or other plant removed without prior notice and require the owner or occupier of the property to pay the cost of removal.
7. If the cost of such removal remains unpaid for 60 days, the cost of removal shall be added to the next real estate tax bill of the property owner.

[The next page is 765]

CHAPTER 152

DANGEROUS BUILDINGS

152.01 Enforcement Officer
152.02 General Definition of Unsafe
152.03 Unsafe Building
152.04 Notice to Owner

152.05 Conduct of Hearing
152.06 Posting of Signs
152.07 Right to Demolish
152.08 Costs

152.01 ENFORCEMENT OFFICER. The City Administrator is responsible for the enforcement of this chapter.

152.02 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])

152.03 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.

152.04 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.

152.05 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.[†]

152.06 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 HUXLEY, 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.

152.07 RIGHT TO DEMOLISH; MUNICIPAL INFRACTION. In case the owner fails, neglects, or refuses to comply with the notice to repair, rehabilitate, or to demolish and remove the building or structure or portion thereof, the Council may order the owner of the building prosecuted as a violator of the provisions of this chapter and may order the enforcement officer to proceed with the work specified in such notice. A statement of the cost

[†] **EDITOR'S NOTE:** Suggested forms of notice and of a resolution and order of the Council for the administration of this chapter are provided in the APPENDIX to this Code of Ordinances. Caution is urged in the use of this procedure. We recommend you review the situation with your attorney before initiating procedures and follow his or her recommendation carefully.

of such work shall be transmitted to the Council. As an alternative to this action, the City may utilize the municipal infraction process to abate the nuisance.

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

152.08 COSTS. Costs incurred under Section 152.07 shall be paid out of the City treasury. Such costs shall be charged to the owner of the premises involved and levied as a special assessment against the land on which the building or structure is located, and shall be certified to the County Treasurer for collection in the manner provided for other taxes. In addition, the City may take any other action deemed appropriate to recover costs incurred.

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

[The next page is 775]

CHAPTER 154

PROPERTY MAINTENANCE AND HOUSING CODE

154.01 Short Title	154.08 Section 103.1 Addition, General
154.02 Adoptions of Property Maintenance Code	154.09 Section 302.4 Amended, Weeds
154.03 Amendments, Modifications, Additions and Deletions	154.10 Section 304.14 Amended, Insect Screens
154.04 Deletions	154.11 Section 602.3 Amended, Heat Supply
154.05 Referenced Codes, Conflicts	154.12 Section 602.4 Amended, Occupiable Work Spaces
154.06 Section 101.1 Amended, Title	154.13 Section 702.4 Addition, Emergency Escape Openings
154.07 Section 102.3 Amended, Application of Other Codes	

154.01 SHORT TITLE. This chapter shall be known as the Huxley Property Maintenance and Housing Code, and may be cited as such, and may be referred to herein as this chapter.

154.02 ADOPTION OF PROPERTY MAINTENANCE CODE. The *International Property Maintenance Code 2015 Edition*; published by the International Code Council, Inc., is adopted in full except for such portions as may be hereinafter deleted, modified or amended. A copy of the *International Property Maintenance Code 2015 Edition*, as adopted and a copy of this chapter are on file in the office of the Code Official.

154.03 AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETIONS. The *International Property Maintenance Code, 2015 Edition* (hereinafter known as the IPMC), is amended as hereinafter set out in Sections 154.04 through 154.13.

154.04 DELETIONS. The following are deleted from the IPMC and are of no force or effect in this chapter: Section - 111 Means of Appeal.

154.05 REFERENCED CODES, CONFLICTS. In the event requirements of this code conflict with applicable State and Federal requirements, the more stringent shall apply.

154.06 SECTION 101.1 AMENDED, TITLE. Section 101.1, Title, of the IPMC is hereby deleted and there is enacted in lieu thereof the following section:

Section 101.1 Title. These regulations shall be known as the Huxley Property Maintenance and Housing Code, hereinafter known as “this code.”

154.07 SECTION 102.3 AMENDED, APPLICATION OF OTHER CODES. Section 102.3 Application of other codes, of the IPMC, is hereby amended by deleting said section and inserting in lieu thereof the following:

Section 102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions, as applicable, of the Huxley Building Code, Huxley Residential Code, Huxley Mechanical Code, Huxley Fuel Gas Code, Huxley Plumbing Code, Huxley Fire Code, and the Huxley Electrical Code.

154.08 SECTION 103.1 ADDITION, GENERAL. Section 103.1, General, of the IPMC, is hereby amended by adding the following paragraph to said section:

Section 103.1 Building and Zoning Administrator. The term Code Official is intended to also mean the Building and Zoning Administrator and his or her representatives or designees, who are herewith delegated the same powers, authorities, duties and responsibilities as designated for the Code Official.

154.09 SECTION 302.4 AMENDED, WEEDS. Section 302.4, Weeds of the IPMC, is hereby amended by inserting the following:

Section 302.4 Weeds. Insert: 12 Inches

154.10 SECTION 304.14 AMENDED, INSECT SCREENS. Section 304.14, Insect Screens, of the IPMC, is hereby amended by inserting the following dates and deleting a portion of the last sentence as follows:

1. Section 304.14 Insect screens from April 1 to October 31
2. Delete: and every screen door used for insect control shall have a self-closing device in good working condition

154.11 SECTION 602.3 AMENDED, HEAT SUPPLY. Section 602.3, Heat supply, of the IPMC, is hereby amended by inserting the following dates:

Section 602.3 Heat supply from September 15 to May 15

154.12 SECTION 602.4 AMENDED, OCCUPIABLE WORK SPACES. Section 602.4, Occupiable work spaces, of the IPMC, is hereby amended by inserting the following dates:

Section 602.4 Occupiable work spaces from September 15 to May 15

154.13 SECTION 702.4 ADDITION, EMERGENCY ESCAPE OPENINGS. Section 702.4, Emergency Escape Openings, of the IPMC, is hereby amended by adding the following section:

Section 702.4.1 Emergency escape openings. Replacement windows shall be the manufacturer's largest standard size window that will fit within the existing frame or existing rough opening. The replacement window shall be permitted to be of the same operating style as the existing window or a style that provides for an equal or greater window opening area than the existing window. Emergency escape windows, other than replacement(s), shall meet the requirements for Emergency Escape and Rescue Openings of the Huxley Building Code.

[The next page is 801]

CHAPTER 156

RIGHTS-OF-WAY

156.01 Definitions	156.09 Compliance with Permit
156.02 Registration	156.10 Emergency Removal or Relocation
156.03 Right-of-Way Installation Permits	156.11 Coordination of Installations
156.04 Completion of Installations	156.12 Insurance and Bond Requirements
156.05 As-Built Drawings	156.13 Pole Attachments
156.06 Interference With the City	156.14 Appeal To Council
156.07 Relocation or Removal	156.15 No Easement; Permission Only; Not Assignable
156.08 Removal of Unauthorized Facilities	156.16 Franchise Fee Credit

156.01 DEFINITIONS. For the purpose of this chapter, the following terms are defined:

1. “City right-of-way” means the area on, below, or above a City roadway, street, bridge, bicycle path, or City sidewalk, in which the City has an interest, including other dedicated rights-of-way for travel purposes and utility easements. A City right-of-way does not include the airwaves above a City right-of-way with regard to cellular or other non-wire telecommunications or broadcasts service or utility poles owned by the City.
2. “Right-of-way users” means those entities, except the City, that own or operate facilities that are or are proposed to be installed within City right-of-way for purposes of conducting, transmitting or distributing water, drainage, sanitary sewage, electricity, steam, gas, or electronic communications.

156.02 REGISTRATION. The City and all right-of-way users that have or propose to have facilities within the City right-of-way shall register annually with the City on or before January 1 of each year to provide the following information:

1. The identity and form of legal entity of the registrant and if wholly owned by another legal entity the identity of the owning entity.
2. The name, address and telephone number of the officer, agent or employee responsible for the accuracy of the registration statement, and for local operations of the right-of-way user.
3. A description of the registrant’s existing and proposed facilities within the City right-of-way.
4. A description of the service that the registrant intends to offer or is currently offering within the City.
5. Information sufficient to enable the City to determine that the registrant has applied for or received any document or certificate required by State or federal law to provide services or facilities within the City.
6. Proof of registration with the Iowa ‘one-call’ system.

Each right-of-way user registration, and registration by the City, shall be accompanied by such registration fee as shall be set from time to time by resolution of the City Council. The purpose of the registration required by this section is to assist the City in enforcement of its regulations and to assist the City in the abatement of dangerous conditions or conditions that threaten to interfere with the property of others by reason of the registrant’s facilities.

156.03 RIGHT-OF-WAY INSTALLATION PERMITS.

1. A right-of-way user shall obtain, by application to the City Superintendent of Public Works, a permit for installation in the City right-of-way whenever the right-of-way user desires to place, construct, or bury anything in the City right-of-way. Such application shall be accompanied by:

A. Written and graphic material that states and shows with dimensioning the particular part of or point on the City right-of-way where placement, construction, or excavation is proposed to occur. Graphic material shall include the location of other permanent fixtures such as landscaping, other utilities, street signs, and the like, within the right-of-way that will be affected by the work proposed in the permit application.

B. A statement of the beginning and ending dates for the time during which the work is to be done and completed.

C. A sign-off sheet showing that the City and all other registered right-of-way users with facilities in the vicinity of the proposed installation or repair work have reviewed the plan for the proposed work and have no objection. So as not to have undue delay, the right-of-way user making application for the permit need only wait ten working days from the time of submitting its plans to the other right-of-way users. Failure by a right-of-way user to respond to such requested plan review within ten (10) days shall constitute an expression of no objection. If there is a dispute between right-of-way users as to location of the respective facilities of each in a segment of City right-of-way, the Superintendent of Public Works shall determine the placement of such facilities in a manner reasonably consistent with how various kinds of facilities are shown to be placed on a model right-of-way cross section established and maintained on file for public inspection by the Superintendent of Public Works.

D. Plans and specifications for the proposed work in such detail as the Superintendent of Public Works shall reasonably require to show that the work as proposed conforms to City ordinances, regulations, policies and adopted specifications.

2. In making excavations in the City right-of-way the right-of-way user shall do the work in a manner devised to cause the least possible inconvenience to the public.

3. The right-of-way user shall properly protect, according to safety standards generally accepted at the time that the installation in the City right-of-way occurs, all excavations and obstructions by proper placement of barricades, warning lights and such other or additional devices, in accordance with the current Manual on Uniform Traffic Control Devices, as circumstances may warrant. If in the opinion of the Superintendent of Public Works, obstruction is not properly and safely protected, the Superintendent of Public Works shall notify the right-of-way user and the right-of-way user shall comply immediately with the instructions of the Superintendent of Public Works. Failure or refusal by the right-of-way user to follow such instructions shall constitute a violation of this section.

4. Any trenches or excavations opened by a right-of-way user in the City right-of-way shall be filled by the right-of-way user. All backfilling in the City right-of-way shall be done in accordance with City specifications, including specifications for the replacement of grass and other landscaping features.

5. Temporary street surfacing shall be placed in excavations in a City street as soon as the same has been backfilled. Pavements, sidewalks, curbs and gutters or other portions of streets and public places opened, disturbed or damaged shall be promptly restored and replaced with like materials at the expense of the right-of-way user and left in as good a condition as before the opening, disturbance or damage occurred. In the event that the materials for replacement are not available, the Superintendent of Public Works may approve the use of an alternative material that is reasonably close in effect to the original material. The Superintendent of Public Works will consider, evaluate and review with the City Engineer for approved use, on a case by case basis, such alternative methods that meet standards of good engineering practice.
6. Where a cut or disturbance is made by a right-of-way user to a section of a street or a sidewalk paving, rather than replacing only the area cut, the right-of-way user shall replace the full width of the existing sidewalk or street paving and the full length of the section or sections cut, a section being that area marked by expansion joints or scoring, or as directed by the City.
7. Right-of-way users shall maintain, repair and keep in good condition for a period of two (2) years following such disturbance all portions of the City street surface disturbed by a right-of-way user. Landscaping that is so disturbed shall be repaired and maintained for a period of one year. Grass that is so disturbed shall be repaired and maintained for a period of 60 days or such period of time necessary to establish 70% success in grass growth.
8. No right-of-way user or any person acting on the right-of-way user's behalf shall commence any non-emergency work in the City right-of-way without five (5) working days' advance notice to the City. In the event of an emergency involving public safety, the Superintendent of Public Works may issue the permit orally, but the written documentation of the application for and issuance of the permit shall be completed as soon as practicable after the work has started.
9. Whenever any existing electric utility facilities, cable television facilities, or other telecommunications facilities are installed underground in a certain segment of the City right-of-way, any other right-of-way user shall also locate its facilities underground in that segment of the City right-of-way.
10. Street crossings and sidewalk crossings by right-of-way user facilities shall be bored at those locations where reasonably required by the Superintendent of Public Works. Some examples of where such boring may be required are: major streets, new streets, and locations of major events that conflict with construction.
11. No permit shall be issued for the installation of right-of-way user facilities in the City right-of-way unless the right-of-way user has filed with the City a registration statement in accordance with this chapter.
12. No permit for installation of right-of-way user facilities in the City right-of-way shall be issued by the City Superintendent of Public Works unless the right-of-way user has paid such installation permit fee as shall be established from time to time by resolution of the City Council.
13. Installation and repair work shall be done in accordance with the City street tree protection policy requirements. All trees, landscaping and grounds removed, damaged or disturbed as a result of installations by a right-of-way user in the City right-of-way shall be replaced or restored as soon as is reasonably possible, in

accordance with the City street tree protection policy with respect to effects of construction in the City right-of-way.

156.04 COMPLETION OF INSTALLATIONS. A right-of-way user shall promptly complete all installations in the City right-of-way so as to minimize disruption of the City ways and other public and private property. All installation work authorized by permit within the City right-of-way, including restoration work, shall be completed as soon as possible but not later than 180 days after the date the City Superintendent of Public Works issued a permit for the installation. An extension may be granted for good cause due to circumstances beyond the control of the right-of-way user.

156.05 AS-BUILT DRAWINGS. A right-of-way user shall, within 60 days of making an installation of facilities in the City right-of-way, furnish the City with one complete set of as-built drawings, in an electronic format compatible with the City's mapping system, if required, drawn to scale and certified by the contact person for the right-of-way user as accurately depicting the location of the facilities installed pursuant to the permit. When the Superintendent of Public Works has issued a single installation permit document relative to multiple installations linked in a single project, the as-built drawing pertaining to those installations are not required as aforesaid until 60 days after completion of all installations to be done for the project.

156.06 INTERFERENCE WITH THE CITY. A right-of-way user shall so construct, maintain, operate and locate its facilities in the City right-of-way so as not to interfere with the construction, location, maintenance and operation of City sewer, water, drainage, electrical, communications, signal and fiber optic facilities, or any other operations or facilities of the City. The City shall have the right and power by resolution of its Council, or by order of its Superintendent of Public Works, to specifically direct the location of right-of-way user facilities with reference to City facilities existing or proposed, in such a manner as shall serve the public use and convenience. Failure or refusal by a right-of-way user to promptly follow such directions shall be a violation of this section.

156.07 RELOCATION OR REMOVAL. Within 60 days following written notice from the City, a right-of-way user shall, at its own expense, temporarily or permanently relocate, change or alter the position of any facilities within the City right-of-way whenever the City shall have determined that such relocation, change or alteration is reasonably necessary for the construction, repair, maintenance, or installation of any City public improvement, or for the operations of the City in or upon the City right-of-way.

156.08 REMOVAL OF UNAUTHORIZED FACILITIES. Within 30 days following written notice from the City, a right-of-way user that owns, controls or maintains any unauthorized facility within the City right-of-way shall remove such facilities from the City right-of-way at the right-of-way user's sole expense. A facility is unauthorized if:

1. Any license, permit or authorization required by federal, State or City regulations with respect to the facilities has not been obtained, or has been revoked, or allowed to expire.
2. The facilities are not installed in accordance with the permit for installation or other requirements of this chapter.

156.09 COMPLIANCE WITH PERMIT. All installation work and activities for right-of-way user facilities in the City right-of-way shall be in accordance with the installation

permit issued by the Superintendent of Public Works. Any work done that is not in accordance with an applicable installation permit shall be a violation of this section by the right-of-way user, and failure to do work required by an installation permit shall be a violation by the right-of-way user, regardless of involvement of agents or contractors of the right-of-way user.

156.10 EMERGENCY REMOVAL OR RELOCATION. The City shall have the right and power to cut or move any right-of-way facilities in the City right-of-way as the City may determine to be necessary, appropriate or useful in response to any public health or safety emergency. The City shall endeavor to give notice of such emergency disruption, but nothing in this chapter shall be deemed to create a duty to give such notice. Restoration of right-of-way facilities that have been cut or moved as aforesaid shall be done by the right-of-way user at its own expense.

156.11 COORDINATION OF INSTALLATIONS. All right-of-way users with facilities in the City right-of-way or who expect to install facilities in the City right-of-way shall coordinate such activities with the City and with each other right-of-way user. Between January 1 and February 1 of each year, all registered right-of-way users shall provide to the City a schedule of their anticipated installations in the City right-of-way for that calendar year. Each registered right-of-way user shall meet with the City, and with the other registered right-of-way users as scheduled by the City Superintendent of Public Works, to schedule and coordinate installation of right-of-way user facilities in the City right-of-way, so as to minimize public inconvenience and costs.

156.12 INSURANCE AND BOND REQUIREMENTS.

1. A right-of-way user that has or expects to install facilities within the City right-of-way shall maintain in effect such insurance as the City shall reasonably deem appropriate to the nature of the facilities installed or to be installed, and the location of such installations.
2. The Superintendent of Public Works may require performance security in an amount commensurate with the scope of the work, to secure satisfactory installation in accordance with the installation permit, by means of an irrevocable letter of credit in a form approved by the City Attorney, or by cash deposit.

156.13 POLE ATTACHMENTS.

1. Nothing in this chapter shall be deemed to require a right-of-way user to attach its facilities to the utility poles of any other right-of-way user. Installation of right-of-way user facilities underground in the same places where other right-of-way user facilities are attached to an existing set of utility poles shall be permitted.
2. Nothing in this chapter shall be deemed to confer upon any right-of-way user any right or entitlement to make any attachment to the utility poles of any other right-of-way user.
3. At those locations on the City right-of-way where there are already existing utility poles of some other right-of-way user, a second set of poles is strictly prohibited, except when done by or at the request of the City. If there is not sufficient space on the existing utility poles for attachment of the proposed additional right-of-way user facilities, or if the right-of-way user proposing to install right-of-way user facilities at the site of the existing poles cannot reach an agreement with the owner of

the poles to allow attachment of those facilities, then those facilities shall be installed underground.

156.14 APPEAL TO COUNCIL. A right-of-way user that is denied registration, denied a right-of-way installation permit, that has its right-of-way installation permit revoked, or that believes that the fees imposed do not conform to the requirements of Chapter 480A, *Code of Iowa*, may request in writing that such denial, revocation or fee imposition be reviewed by the City Council. The Council shall act within 60 days of a timely written request. A decision by the Council affirming the denial, revocation, or fee imposition must be in writing and supported by a written finding establishing the reasonableness of the decision.

156.15 NO EASEMENT; PERMISSION ONLY; NOT ASSIGNABLE. The provisions of this chapter, and the permits and authorizations granted pursuant to this chapter, shall not be deemed to create or grant to anyone any easement, estate, or interest in the property of the City. A permit to install right-of-way user facilities in the City right-of-way is a mere license—that is, an authorization to the stated entity to go onto the land of the City to do only that which is explicitly stated by the permit—that may be revoked by the City as provided in this chapter, and that cannot be assigned to another. A right-of-way user that occupies City right-of-way or makes an installation of facilities in the City right-of-way on the basis of a purported assignment of an installation permit granted to another entity, shall be in violation of this section.

156.16 FRANCHISE FEE CREDIT. For a right-of-way user that pays a franchise fee, the amount of any registration fee paid per Section 156.02 and any installation permit fee paid per Section 156.03 shall be applied as a credit to reduce the amount due for the franchise fee.

[The next page is 815]

CHAPTER 157

BUILDING CODE

- 157.01 Short Title
- 157.02 Adoption of Building Code
- 157.03 Amendments, Modifications, Additions and Deletions
- 157.04 Referenced Codes, Conflicts
- 157.05 Sections 101.1 and R101.1 Amended, Title
- 157.06 Section 101.4 Amended, Referenced Codes
- 157.07 Section 101.4 Added, Referenced Codes
- 157.08 Section 101.4.6 Amended and R101.3.1 Addition, Energy
- 157.09 Sections 103.1 and R103.1 Amended, Creation of Enforcement Agency
- 105.10 Sections 105.2 and R105.2 Amended, Work Exempt From Permit
- 157.11 Sections 105.6.1 and R105.6.1 Addition, Revocation of Permit
- 157.12 Sections 109.4 and R108.6 Addition, Work Commencing Before Permit Issuance
- 157.13 Section R110.1 Amended, Use and Occupancy
- 157.14 Section 112 and R111 Addition, Underground Utility Installation
- 157.15 Section R202 Amended, Definitions
- 157.16 Table R301.2(4)A Amended, Climate and Geographic Design Criteria
- 157.17 Section R303.3 Amended, Bathrooms
- 157.18 Section R305.1.1 Amended, Basements
- 157.19 Section R310.2.2 Addition, Window Sill Height
- 157.20 Section R310.2.4 Amended, Emergency Escape Windows Under Decks and Porches
- 157.21 Section R311.7.5.1 Amended, Risers
- 157.22 Section R311.7.8.2 Addition, Continuity
- 157.23 Section R313.1 Amended, Townhouse Automatic Fire Sprinkler Systems
- 157.24 Section R313.2 Amended, One and Two-Family Dwellings Automatic Fire Systems
- 157.25 Section R403.1.4.1 Amended, Frost Protection
- 157.26 Section 1807.1.5.1 and R404.1.3.2.3 Addition, Foundation Walls for Conventional Light Frame Wood Construction
- 157.27 Section R405 Addition, Foundation Drainage
- 157.28 Section 423.4 Amended, Storm Shelter, Group E Occupancy
- 157.29 Section 501.2 Amended, Address Identification
- 157.30 Section 903.4.2 Amended, Alarms
- 157.31 Section 907.1.4 Addition, FACP (Fire Alarm Control Panels)
- 157.32 Section G2414.5.3 (403.5.4) Amended, Corrugated Stainless Steel Tubing
- 157.33 Section G2415.2 (404.2) Amended, CSST
- 157.34 Section P2603.5 Amended, Freezing
- 157.35 Section P2603.5.1 Amended, Sewer Depth
- 157.36 Section 1009.2 Addition, Continuity and Components
- 157.37 Section 1010.1.6 Addition, Landings at Door
- 157.38 Section 1014.4 Addition, (Handrail) Continuity
- 157.39 Section 1028.5 Addition, Access to a Public Way
- 157.40 Section 1030.5 Window Wells
- 157.41 Chapter 13 Energy Efficiency and Chapter 11 [Re] Amended, Energy Efficiency
- 157.42 Section 1608.2 Addition, Ground Snow Loads
- 157.43 Section 1612 Amended, Flood Loads
- 157.44 Section 1612.3 Amended, Establishment of Flood Hazard Areas
- 157.45 Section 1809.5 Addition, Frost Protection
- 157.46 Section 2902.6 Amended, Small Occupancies

157.01 SHORT TITLE. This chapter shall be known as the Huxley, Iowa Building Code, may be cited as such and will be referred to herein as this chapter.

157.02 ADOPTION OF BUILDING CODE. Pursuant to published notice as required by law, the *International Building Code 2015 Edition*; and the *International Residential Building Code 2015 Edition*, published by the International Code Council, Inc., is adopted in full except for such portions as may be hereinafter deleted, modified or amended. A copy of the *International Building Code 2015 Edition* as adopted, a copy of the *International Residential Code 2015 Edition* as adopted, and a copy of this chapter are on file in the office of the Code Official.

157.03 AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETIONS. *The International Building Code, 2015 Edition* (hereinafter known as the IBC), and the *International Residential Code, 2015 Edition* (hereinafter known as the IRC), are amended as hereinafter set out in Sections 157.04 through 157.46.

157.04 REFERENCED CODES, CONFLICTS. The remaining sections in this chapter represent amendments to the requirements contained in the IBC and IRC. In the event requirements of this code conflict with applicable State and/or Federal requirements, the more

stringent shall apply except that all references to flood hazard construction shall be coordinated in concurrence with Huxley NFIP adoption March 20, 2008.

157.05 SECTIONS 101.1 AND R101.1 AMENDED, TITLE. Sections 101.1, Title, of the IBC and R101.1, Title, of the IRC, are hereby deleted and there is enacted in lieu thereof the following sections:

1. Section 101.1 Title. These regulations shall be known as the Huxley Building Code, hereinafter known as “this code.”
2. Section R 101.1 Title. These provisions shall be known as the Huxley Residential Code for One- and Two – Family Dwellings and shall be cited as such and will be referred to herein as “this code.”

157.06 SECTION 101.4 AMENDED, REFERENCED CODES. Section 101.4, Referenced Codes, of the IBC, is hereby amended by the following subsections:

1. Section 101.4.1 Gas. Strike International and insert in lieu thereof Huxley.
2. Section 101.4.2 Mechanical. Strike International and insert in lieu thereof Huxley.
3. Section 101.4.3 Plumbing. Strike International and insert in lieu thereof Huxley.
4. Section 101.4.4 Property Maintenance. Strike International Property Maintenance and insert in lieu thereof Huxley Property Maintenance and Housing.
5. Section 101.4.5 Fire Prevention. Strike International and insert in lieu thereof Huxley.
6. Section 101.4.6 Energy. Strike International and insert in lieu thereof Huxley.
7. Section 101.4.7 Existing Buildings. Strike International and insert in lieu thereof Huxley.

157.07 SECTION 101.4 ADDED, REFERENCED CODES. Section 101.4, Referenced Codes, of the IBC, is hereby amended by adding the following subsection:

Section 101.4.8 Huxley Electrical Code

157.08 SECTION 101.4.6 AMENDED AND R101.3.1 ADDITION, ENERGY. Section 101.4.6, Energy, of the IBC, is hereby amended by deleting said sections and inserting in lieu thereof the following section and Section R101.3.1, Intent, of the IRC, is hereby established by adding the following section:

Section 101.4.6 Energy and Section R101.3.1 Intent. The provisions of the International Energy Conservation Code as currently adopted and amended by the Iowa State Building Code Bureau shall apply to all matters governing the design and construction of buildings for energy efficiency. Administration shall be as prescribed in “this code” and these regulations shall be known as the Huxley Energy Code. Construction or work for which a permit is required shall be subject to 3rd party inspections. The Building Official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability. Any portion that does not comply shall be corrected and such portion shall not be covered or concealed until authorized by the Building Official.

157.09 SECTIONS 103.1 AND R103.1 AMENDED, CREATION OF ENFORCEMENT AGENCY. Section 103.1, Creation of enforcement agency, of the IBC and R103.1, Creation of enforcement agency, of the IRC, are hereby amended by adding the following paragraph:

Sections 103.1 and R103.1 Building and Zoning Administrator. The Building Official shall be designated by the City Administrator and shall hereinafter be referred to as Code Official and his or her representatives or designees, who are herewith delegated the same powers, authorities, duties and responsibilities as designated for the Code Official. The Code Official when so appointed, shall be responsible for the enforcement of the Building Code; the Mechanical code; the Housing code; the Plumbing code; the Gas Code, the Energy code, the Electrical code, and the Fire code of the city. The Code Official shall have authority to file a complaint in any court of competent jurisdiction charging a person with the violation of this title. The Code Official shall have whatever additional duties the City Administrator may prescribe.

157.10 SECTIONS 105.2 AND R105.2 AMENDED, WORK EXEMPT FROM PERMIT. Sections 105.2, Work exempt from permit, of the IBC and R105.2, Work exempt from permit, of the IRC are hereby amended by deleting the following items and adding a sentence to said sections as follows:

1. Sections 105.2 and R105.2 Work Exempt From Permit
 - A. Section 105.2 Building - Item #1, Detached structures not exceeding 120 sq. ft., Delete
 - B. Section 105.2 Building - Item #2, Fences not over 7 feet high, Delete
 - C. Section 105.2 Building - Item #6, Sidewalks and driveways, Delete
 - D. Section 105.2 Building - Item #9, Prefabricated swimming pools , Delete
 - E. Section 105.2 Building - Item #10, Shade cloth structures, Delete
 - F. Section R105.2 Building - Item #1, Detached structures not exceeding 200 sq. ft., Delete
 - G. Section R105.2 Building - Item # 2, Fences not over 7 feet high, Delete
 - H. Section R105.2 Building - Item #5, Sidewalks and driveways, Delete
 - I. Section R105.2 Building - Item #10, Decks not exceeding 200 sq. ft., Delete
2. Exemption from permit requirements of this chapter shall not preclude requirements for permitting of plumbing, electrical and mechanical installations and systems or compliance with Huxley Code of Ordinances.

157.11 SECTIONS 105.6.1 AND R105.6.1 ADDITION, REVOCATION OF PERMIT. Sections 105.6.1 Revocation of Permit, of the IBC and R105.6.1, Revocation of Permit, of the IRC, are hereby established by adding the following sections:

Sections 105.6.1 and R105.6.1 Revocation of Permit. It is the responsibility of the permit holder to schedule the required inspections and obtain final approval. Failure to schedule the required inspections and receive approval of work authorized by the permit before covering

said work or at completion shall result in revocation of the permit and void any associated approvals granted by the City. This failure shall also equate to working without a permit in violation of City ordinance and no future permits shall be issued to any person or company who has outstanding violations of this code or any other laws or ordinances of the City. Failure to contact the City for any inspection or follow-up prior to expiration of a permit shall be deemed a violation of this code section. Failure to contact the City for any inspection or follow-up prior to expiration of a Temporary Certificate of Occupancy shall also be deemed a violation of this code section. Allowing occupancy of a structure, for which a person or company holds a building permit, prior to or without a valid Certificate of Occupancy (temporary or final) shall be deemed a violation of this code section and no future permits shall be issued to any person or company who has outstanding violations of this code or any other laws or ordinances of the City.

157.12 SECTIONS 109.4 AND R108.6 ADDITION, WORK COMMENCING BEFORE PERMIT ISSUANCE. Sections 109.4, Work commencing before permit issuance, of the IBC, and R108.6, Work commencing before permit issuance, of the IRC, are hereby established by adding the following sentence after said sections:

Sections 109.4 and R108.6 Work commencing before permit issuance. Said fee shall be 100 percent of the usual permit fee in addition to the required permit fees.

157.13 SECTION R110.1 AMENDED, USE AND OCCUPANCY. Section R110.1, Use and occupancy, of the IRC, is hereby amended by deleting exception #2 - Accessory buildings or structures.

157.14 SECTION 112 AND R111 ADDITION, UNDERGROUND UTILITY INSTALLATION. Sections 112.4, Service Utilities, of the IBC, and R111.4, Service Utilities, of the IRC, are hereby established by adding the following sections:

1. Sections 112.4 and R111.4 Underground utility installation. All electrical service lines not exceeding four hundred eighty volts and all telephone and cablevision service lines, as well as other utility lines serving any new building or structure, including signs and billboards, requiring permanent electrical service shall be placed underground unless a waiver from such is approved by the City Engineer.
2. The provisions of this section shall not apply to existing buildings or additions to such buildings. Nothing in this section shall be deemed to apply to temporary services when defined as such by the utility company.

157.15 SECTION R202 AMENDED, DEFINITIONS. Section 202, Definitions, of the IBC, and Section R202 Definitions, of the IRC, are hereby amended by deleting the definition swimming pool and inserting in lieu thereof the following:

Section 202 Swimming Pool. Any structure intended for swimming, recreational bathing or wading that is capable of containing water over 24 inches deep. This includes in-ground, above-ground and on-ground pools; hot tubs; spas and fixed-in-place wading pools, but excludes manmade lakes or ponds created through the collection of storm water or drainage runoff.

157.16 TABLE R301.2(4)A AMENDED, CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA. Table R301.2(1), Climatic and Geographic Design Criteria, of the IRC, is hereby amended by modifying said table and adding footnote (n) as follows:

TABLE R301.2(1)
Climatic and Geographic Design Criteria

Ground Snow Load	Wind Design		Seismic Design Category	Subject to Damage From			Winter		Flood Hazards	Air Freezing Index	Mean Annual Temp.
	Speed MPH	Topographic Effects		Weathering	Frost Line Depth	Termite	Design Temp	Ice Barrier Req'd.	NFIP Adoption		
*30 PSF	115 (51)	NO	A	Severe	42"	No	-5° F	Yes	Mar. 20, 2008	1833	48.6

*n – see 175.63 – minimum flat roof snow load 24 PSF

157.17 SECTION R303.3 AMENDED, BATHROOMS. Section R303.3, Bathrooms, of the IRC, is hereby amended by deleting said section and inserting in lieu thereof the following section and also by adding the following exception:

1. Section R303.3 Bathrooms. Bathrooms shall be provided with a mechanical ventilation system. The minimum ventilation rates shall be 50 cfm for intermittent ventilation or 20 cfm for continuous ventilation. Ventilation air from the space shall be exhausted directly to the outside.
2. Exception. Toilet rooms containing only a water closet and/or lavatory.

157.18 SECTION R305.1.1 AMENDED, BASEMENTS. Section R305.1.1 Basements, of the IRC, is amended deleting the exception and inserting in lieu thereof:

Section R305.1.1 Exception. Existing basements not having a height as specified in this section are allowed to be finished with a ceiling height that is not decreased more than the minimal measurement created by applying a finished ceiling of gypsum board or acoustical ceiling tiles.

157.19 SECTION R310.2.2 ADDITION, WINDOW SILL HEIGHT. Section R310.2.2 of the IRC, is hereby amended by adding the following exception:

Section R310.2.2 Exception. A landing, fastened in place, may be provided to meet the maximum sill height of forty-four (44) inches above the floor. The landing shall be not less than thirty-six (36) inches wide, not less than twelve (12) inches out from the exterior wall, and not more than twenty-four (24) inches in height. The landing shall be permanently affixed to the floor below or the wall under the window it serves.

157.20 SECTION R310.2.4 AMENDED, EMERGENCY ESCAPE WINDOWS UNDER DECKS AND PORCHES. Section R310.2.4, Emergency escape windows under decks and porches, of the IRC, is hereby amended by adding a new sentence following this section:

Section R310.4 Emergency escape windows under decks and porches. Cantilever areas of all construction elements shall be regulated in accordance with this section.

157.21 SECTION R311.7.5.1 AMENDED, RISERS. Section R311.7.5.1, Riser height, of the IRC, is hereby amended by adding the following exceptions:

Section R311.7.5.1 Riser height exception 3. The maximum riser height shall be 7 3/4 inches. The riser height shall be measured vertically between leading edges of the adjacent treads.

The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch, except at the top or bottom riser of any interior stair where this dimension may deviate by a maximum of 1 inch. In no case shall the risers exceed the maximum height of 7 3/4 inches.

157.22 SECTION R311.7.8.2 ADDITION, CONTINUITY. Section R311.7.8.2, Continuity, of the IRC, is hereby amended by adding the following exception:

Section R311.7.8.2 Continuity exception 3. Handrails within a dwelling unit or serving an individual dwelling unit shall be permitted to be interrupted at one location in a straight stair when the rail terminates into a wall or ledge and is offset and immediately continues.

157.23 SECTION R313.1 AMENDED, TOWNHOUSE AUTOMATIC FIRE SPRINKLER SYSTEMS. Section R313.1 Townhouse automatic fire sprinkler system, of the IRC, is hereby amended by adding the following exceptions (existing exception 1 remains unchanged):

Section R313.1 Townhouse automatic fire sprinkler systems. Exceptions:

2. An automatic residential fire sprinkler system shall not be required where *additions* or *alterations* are made to existing *townhouses* that do not have an automatic residential fire sprinkler system installed.
3. Townhouse structures that contain eight (8) or less dwelling units.
4. Townhouse structures less than eighteen thousand (18,000) square feet floor space, exclusive of any garages.

157.24 SECTION R313.2 AMENDED, ONE- AND TWO-FAMILY DWELLINGS AUTOMATIC FIRE SYSTEMS. Section R313.2 One- and two-family automatic fire sprinkler systems, of the IRC, is hereby amended by adding the following exception:

Section R313.2. One- and two-family automatic fire sprinkler systems exception 2. Dwelling units in which the gross square footage of the dwelling space(s), including all floor levels whether finished or unfinished and all basement areas whether finished or unfinished (exclusive of attached garage area), does not exceed 8,000 square feet.

157.25 SECTION R403.1.4.1, AMENDED, FROST PROTECTION. Section R403.1.4.1, of the IRC, is hereby amended by deleting all existing exceptions and inserting in lieu thereof the following exception #1 and exception #2:

Section R403.1.4.1. Frost protection exception 1. Detached garages of light frame wood construction of 1,010 square feet or less in size and detached garages of 400 square feet or less in size of other than light frame wood construction and more than 10 feet from a dwelling or attached garage may be provided with a floating slab. The floating slab shall include a thickened slab edge of a minimum twelve (12) inches thick. Six inches of the thickened slab shall be below grade and six inches shall be above finished grade. The bottom portion of the thickened slab area shall be twelve (12) by twelve (12) inches. Two #4 rebar shall be placed within the thickened edge continuous around the perimeter of the slab. Floors shall be of Portland cement concrete not less than 4 inches thick.

157.26 SECTIONS 1807.1.5.1 AND R404.1.3.2.3 ADDITION, FOUNDATION WALLS FOR CONVENTIONAL LIGHT FRAME WOOD CONSTRUCTION.

Sections 1807.1.5.1, Foundation Walls for Conventional Light Frame Wood Construction, of the IBC and R404.1.3.2.3, Foundation Walls for Conventional Light Frame Wood Construction, of the IRC, are hereby established by adding the following sections and table:

Sections 1807.1.5.1 and R404.1.3.2.3 Foundation Walls for Conventional Light Frame Wood Construction. As an alternate to the requirements of respective codes the following Table “Foundation Walls for Conventional Light Frame Construction” may be used:

Table – “Foundation Walls for Conventional Light Frame Construction”

Height of Foundation Wall (Net measured from top of basement slab to top of foundation wall)*		Thickness of Foundation Walls		Reinforcement type and placement within Foundation Wall**	Reinforcement type and placement within Foundation Wall** (maximum 12' span between corners and supporting cross walls.)	Type of Mortar
		Unit				
Gross	Net	Concrete	Masonry	Concrete	Masonry	Masonry
8	7' 8"	7 ½"	8"	½" horizontal bars, placement in the middle, and near the top & bottom – ½" bars @ 6' max. vertically	0.075 square inch bar 8' o.c. vertically in fully grouted cells. If block is 12" nominal thickness, may be unreinforced.	Type M or S. Grout & Mortar shall meet provisions of Chapter 21 IBC
9	8' 8"	8"	See Chapter 18 IBC	½" bars 2' o.c. horizontally & 20" vertically o.c. (5/8" bars 2' o.c. horizontally & 30" vertically o.c.)	See Chapter 18 IBC	Same as above
10	9' 8"	8"	See Chapter 18 IBC		See Chapter 18 IBC	Same as above
*Concrete floor slab to be nominal 4". If such floor slab is not provided prior to backfill, provide 1) 36" vertical #4 rebar embedded in the footing @ maximum 7' O.C. spacing -and/or- 2) full depth nominal 2" depth x 4" width keyway in footing						
** All reinforcement bars shall meet ASTM A6175 grade 40 minimum and be deformed. Placement of bars shall be in center of wall and meet the provisions of 18, 19, and 21 of the International Building Code.						
NOTE: Cast in place concrete shall have a compressive strength of 3,000 lbs @ 28 days. Footings shall contain continuous reinforcement of 2 – ½" diameter rebar throughout. Placement of reinforcement and concrete shall meet the requirements of Chapter 19 of the International Building Code.						
NOTE: Material used for backfilling shall be carefully placed granular soil of average or high permeability and shall be drained with an approved drainage system as prescribed in Section 1805.4 of the International Building Code. Where soils containing a high percentage of clay, fine silt or similar materials of low permeability or expansive soils are encountered or where backfill materials are not drained, or an unusually high surcharge is to be placed adjacent to the wall, a specially designed wall shall be required.						
Note: Foundation plate or sill anchorage shall be installed in accordance with the respective codes as applicable.						

157.27 SECTION R405 ADDITION, FOUNDATION DRAINAGE. Section R405, Foundation Drainage, of the IRC, is hereby amended by adding a new section as follows:

Section R405.3 Sump Pumps. Footing drains and drainage systems shall be discharged to a sump pump plumbed to a discharge system separated from the sanitary sewer and in accordance with the standard specifications adopted by the City Council. Exceptions may be

granted by the Code Official in accordance with said engineering standards based on local conditions as determined by the Huxley Public Works Department or City Engineer.

157.28 SECTION 423.4 AMENDED, STORM SHELTER, GROUP E OCCUPANCY.

Section 423.4 of the IBC is hereby amended by adding exception #4:

Exception #4 Existing Group E occupancies where the building area has not increased more than 25% as the result of all additions after January 1, 2018.

157.29 SECTION 501.2 AMENDED, ADDRESS IDENTIFICATION. Section 501.2, Address Identification, of the IBC, is hereby amended by deleting said section and inserting in lieu thereof the following section and table:

501.2 Address identification. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall be black or white and shall contrast with their background. Where required by the fire code official, address numbers shall be provided in greater dimension or additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers and letters shall be a minimum height and a minimum stroke width as dictated by Table 505.1. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained.

**Table 501.1
Minimum Height and Stroke Width^{a b}**

Distance from the centerline of the Public Way (ft)		Minimum Height (in)	Minimum Stroke Width (in)
Less than 100		4	1/2
100	199	6	3/4
200	299	8	1
For each additional 100		Increase 2	Increase 1/2

^a Exterior suite identification, minimum height shall be 4 inches and stroke width shall be ½ inch.

^b Interior suite identification, minimum height shall be 2 inches and stroke width shall be ¼ inch.

157.30 SECTION 903.4.2 AMENDED, ALARMS. Section 903.4.2, Alarms, of the IBC, is hereby amended by deleting said section and inserting in lieu thereof the following section:

Section 903.4.2 Alarms. An approved weather proof audible device suitable for outdoor use with 110 candela visual signal shall be connected to every automatic sprinkler system. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Alarm devices shall be provided on the exterior of the building in an approved location. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

157.31 SECTION 907.1.4 ADDITION, FACP (FIRE ALARM CONTROL PANELS).

Section 907.1.4, FACP (Fire Alarm Control Panels) is hereby established by adding the following section and exception:

1. Section 907.1.4 FACP (Fire Alarm Control Panels)
Each building shall have no more than 1 FACP.

Installation of fire alarm panel shall not exceed six feet in height measured from the floor to the top of the unit.

2. Exception: Suppression system releasing panels are not required to meet the height requirement or the limitation in the number of panels.

157.32 SECTION G2414.5.3 (403.5.4) AMENDED, CORRUGATED STAINLESS STEEL TUBING. Section G2414.5.3 (403.5.4) Corrugated Stainless Steel Tubing, of the IRC, is hereby amended by deleting said section and inserting in lieu thereof the following:

Section G2414.5.3 (403.5.4) Corrugated Stainless Steel Tubing. Arc resistant corrugated stainless steel tubing shall be listed in accordance with ANSI LC 1 (Optional Section 5.16)/CSA 6.26.

157.33 SECTION G2415.2 (404.2) AMENDED, CSST. Section G2415.2 (404.2) CSST, of the IRC, is hereby amended by deleting said section and inserting in lieu thereof the following:

Section G2415.2 (404.2) CSST. Only CSST with an Arc Resistant Jacket or Covering System listed in accordance with ANSI LC-1 (Optional Section 5.16)/CSA 6.26-2016 shall be installed in accordance with the terms of its approval, the conditions of listing, the manufactures instructions and this code including electrical bonding requirements in Section G2411. CSST shall not be used for through wall penetrations from the point of delivery of the gas supply to the inside of the structure. CSST shall not be installed in locations where subject to physical damage unless protected in an approved manner.

157.34 SECTION P2603.5 AMENDED, FREEZING. Section P2603.5 Freezing, of the IRC, is hereby amended by deleting the last sentence of said section and inserting in lieu thereof the following:

Section P2603.5 Freezing. Exterior water supply system piping shall be installed not less than sixty (60) inches below grade.

157.35 SECTION P2603.5.1 AMENDED, SEWER DEPTH. Section P2603.5.1 Sewer Depth, of the IRC, is hereby amended by deleting said section and inserting in lieu thereof the following:

Section P2603.5.1 Sewer Depth. Building sewers shall be a minimum of forty-eight (48) inches below grade.

157.36 SECTION 1009.2 ADDITION, CONTINUITY AND COMPONENTS. Section 1009.2, Continuity and Components, of the IBC, is hereby amended by adding the following #11 to said section:

Section 1009.2 Continuity and Components #11. Components of exterior walking surfaces shall be concrete, asphalt or other approved hard surface.

157.37 SECTION 1010.1.6 ADDITION, LANDINGS AT DOORS. Section 1010, Doors, Gates and Turnstiles, of the IBC, is hereby amended by adding the following section:

Section 1010.1.6.1 Landings at Doors. For landings required by Section 1010.1.6 to be at the same elevation on each side of the door exterior landings at doors shall be provided with frost protection.

157.38 SECTION 1014.4 ADDITION, (HANDRAIL) CONTINUITY. Section 1014.4, Continuity, of the IBC, is hereby amended by adding the following exception:

Section 1014.4 Continuity exception 6. Handrails within a dwelling unit or serving an individual dwelling unit of groups R-2 and R-3 shall be permitted to be interrupted at one location in a straight stair when the rail terminates into a wall or ledge and is offset and immediately continues.

157.39 SECTION 1028.5 ADDITION, ACCESS TO A PUBLIC WAY. Section 1028.5, Access to a Public Way, of the IBC, is hereby amended by adding the following section:

Section 1028.5.1 Access to a Public Way Components of exterior walking surfaces shall be concrete, asphalt or other approved hard surface.

157.40 SECTION 1030.5, WINDOW WELLS. Sections 1030.5, Window Wells, of the IBC, is hereby amended by adding the following section:

Sections 1030.5.3 Window well drainage. All window wells shall be provided with approved drainage.

157.41 CHAPTER 13 ENERGY EFFICIENCY AND CHAPTER 11 [RE] AMENDED, ENERGY EFFICIENCY. Chapter 13, Energy Efficiency, of the IBC and Chapter 11 [RE], Energy Efficiency, of the IRC, are hereby amended by deleting said chapters and inserting in lieu thereof the following:

Chapter 13 Energy Efficiency (IBC) and Chapter 11 (IRC). The provisions of the International Energy Code as currently adopted and amended by the Iowa State Building Code Bureau shall apply to all matters governing the design and construction of buildings for energy efficiency. Administration shall be as prescribed in “this code” and these regulations shall be known as the Huxley Energy Code.

157.42 SECTION 1608.2 ADDITION, GROUND SNOW LOADS. Section 1608.2, Ground Snow Loads, of the IBC, is hereby amended by adding the following sentence to said section:

Section 1608.2 Ground Snow Load. The ground snow load to be used in determining the design snow load for roofs is hereby established at 30 pounds per square foot. Subsequent increases or decreases shall be allowed as otherwise provided by code, except that the minimum allowable flat roof snow load may be reduced to not less than 80 percent of the ground snow load.

157.43 SECTION 1612 AMENDED, FLOOD LOADS. Section 1612, Flood Loads, of the IBC, is hereby amended by adding the following sections:

Section 1612.1.1 General Floodplain Construction Standards. The following standards are established for construction occurring within the one-hundred-year flood elevation:

1. All structures shall.
 - A. Be adequately anchored to prevent flotation, collapse or lateral movement of the structure;
 - B. Be constructed with materials and utility equipment resistant to flood damage; and
 - C. Be constructed by methods and practices that minimize flood damage.
2. Residential buildings. All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one foot above the one-hundred-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than one foot above the one-hundred-year flood level and extend at such elevation at least eighteen 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 Code Official 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.
3. Nonresidential buildings. All new or substantially improved nonresidential buildings shall have the first floor (including basement) elevated a minimum of one foot above the one-hundred-year flood level, or together with attendant utility and sanitary systems, be floodproofed to such a level.
4. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the one-hundred-year flood; that the structure, below the one-hundred-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 mean sea level) to which any structures are floodproofed shall be maintained by the Code Official.
5. Mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements are that:
 - A. Over-the-top ties be provided at each of the four corners of the mobile home with two additional ties per side at intermediate locations for mobile homes 50 feet or more in length or one such tie for mobile homes less than 50 feet in length;
 - B. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points for mobile homes 50 feet in length;
 - C. All components of the anchoring system be capable of carrying a force of four thousand eight hundred pounds; and
 - D. Any additions to the mobile home be similarly anchored.
6. Mobile homes shall be placed on lots or pads elevated by means of compacted fill so that the lowest floor of the mobile home will be a minimum of one foot above

the one-hundred-year flood level. In addition, the tie-down specification of Section 175.04.350 section E must be met and adequate surface drainage and access for a hauler must be provided.

7. New mobile homes, expansions to existing mobile homes and mobile home lots where the repair, reconstruction or improvement of the streets, utilities, and pads equals or exceeds fifty percent before the repair, reconstruction or improvement has commenced shall provide:

A. Lots or pads that have been elevated by means of compacted fill so that the lowest floor of mobile homes will be a minimum of one-foot above the one-hundred-year flood level;

B. Ground anchors for mobile homes.

8. Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one foot above the one-hundred-year flood level. Other material and equipment must either be similarly elevated or:

A. Not be subject to major flood damage and be anchored to prevent movement due to flood waters; or

B. Be readily removable from the area within the time available after flood warning.

9. Section 1612.1.2 Special floodway standards. The following standards are established for construction occurring within a designated floodway.

A. Structures, buildings and sanitary and utility systems, if permitted, shall meet the applicable general floodplain standards and shall be constructed or aligned to present the minimum possible resistance to flood flows.

B. Buildings, if permitted, shall have a low flood damage potential and shall not be for human habitation.

157.44 SECTION 1612.3 AMENDED, ESTABLISHMENT OF FLOOD HAZARD AREAS. Section 1612.3, Establishment of Flood Hazard Areas, of the IBC, is hereby amended by inserting the following:

Section 1612.3 Establishment of Flood Hazard Areas. Insert Jurisdiction: City of Huxley, Insert Date: March 20, 2008.

157.45 SECTION 1809.5 ADDITION, FROST PROTECTION. Section 1809.5, Frost Protection, of the IBC, is hereby amended by adding the following exception 4:

Exception 4 Detached garages, accessory to Group R-2 and R-3 occupancies, 1010 square feet or less in size of light frame wood construction and detached garages of 400 square feet or less in size of other than light frame wood construction and more than 10 feet from a dwelling or attached garage may be provided with a floating slab which shall include a thickened slab edge of a minimum 8 inches thick and tapered or squared from a width of 6 inches to 12 inches and have floors of Portland cement concrete not less than 4 inches thick. Garage areas shall have all sod and/or debris removed prior to installation of said floor.

157.46 SECTION 2902.6 AMENDED, SMALL OCCUPANCIES. Section 2902.6, of the IBC, is hereby amended by deleting said section and inserting in lieu thereof the following:

Section 2902.6 Small Occupancies. Water dispensers in accessible locations and within accessible reach ranges may be substituted for the initial (first required) drinking fountain in business occupancies. (re: IBC chapter 11, IPC 410.2)

(Ch. 157 – Ord. 467 – Apr. 18 Supp.)

[The next page is 831]

CHAPTER 158

PUBLIC IMPROVEMENTS

158.01 Urban Design Standards

158.02 Urban Standard Specifications

158.03 Additional Standards

158.01 URBAN DESIGN STANDARDS. The *Iowa Statewide Urban Design Standards for Public Improvements*, published by the Center for Transportation Research and Education of Iowa State University, dated 2004, and as from time to time amended or supplemented, are hereby adopted by reference as if set out fully by the City as the City's design standards for public improvements.

158.02 URBAN STANDARD SPECIFICATIONS. The *Iowa Statewide Urban Standard Specifications for Public Improvements*, published by the Center for Transportation Research and Education of Iowa State University, dated 2004, and as from time to time amended or supplemented, are hereby adopted by reference as if set out fully by the City as the City's standard specifications for public improvements.

158.03 ADDITIONAL STANDARDS. In addition to the standards set forth in this chapter and consistent with Section 166.19 of this Code of Ordinances, the Council may, from time to time, adopt by resolution, technical standards or specifications for public improvements. Such technical standards or specifications may vary for classes of improvements, giving due regard to the classification of streets or other improvements, and the extent and character of the area served by the improvements. Upon adoption by the Council by resolution, such technical standards or specifications for public improvements shall have such force and effect as if they were fully set forth in this section.

o o o o o o o o o o

CHAPTER 158A

FIRE CODE

158A.01 Short Title	158A.14 Section 507.5.7 Addition, Hydrant for Fire Markers and Identification Color
158A.02 Adoption of Fire Code	158A.15 Section 507.5.8 Addition, Fire Hydrant Installation
158A.03 Amendments, Modifications, Additions And Deletions	158A.16 Section 903.4.2 Amended, Alarms
158A.04 Referenced Codes, Conflicts	158A.17 Section 907.1.4 Addition, FACP (Fire Alarm Control Panel)
158A.05 Section 101.1 Amended, Title	158A.18 Section 912 Addition, Fire Department Connections
158A.06 Section 105.1.2 Addition, Types of Permits	158A.19 Section 1009.2 Addition, Continuity and Components
158A.07 Section 109.4 Amended, Violation Penalties	158A.20 Section 1010.6 Addition, Landings at Doors
158A.08 Section 111.4 Amended, Failure to Comply	158A.21 Section 1014.4 Addition, (Handrail) Continuity
158A.09 Section 113.3 Addition, Work Commencing Before Permit Issuance	158A.22 Section 1028.5 Addition, Access to Public Way
158A.10 Section 308.1.4 Amended, Open Flame Cooking Devices	158A.23 Section 1030.5 Addition, Window Wells
158A.11 Section 505.1 Amended, Address Identification	158A.24 Section 1103.7.6 Amended
158A.12 Section 507.5 Amended, Where Required (Fire Hydrant Spacing)	158A.25 Section 1103.9 Amended
158A.13 Section 507.5.1.1 Amended, Hydrant for Fire Department Connections	158A.26 Section 3301.2 Amended Purpose

158A.01 SHORT TITLE. This chapter shall be known as the Huxley Fire Code, and may be cited as such, and may be referred to herein as this chapter

158A.02 ADOPTION OF FIRE CODE. The *International Fire Code 2015 Edition*, published by the International Code Council, Inc., is adopted in full except for such portions as may be hereinafter deleted, modified or amended. A copy of the *International Fire Code 2015 Edition*, as adopted, and a copy of this chapter are on file in the office of the Code Official.

158A.03 AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETIONS. The *International Fire Code, 2015 Edition* (hereinafter known as the IFC), is amended as hereinafter set out in Sections 180.04 through 180.25.

158A.04 REFERENCED CODES, CONFLICTS. The remaining sections in this chapter represent amendments to the requirements contained in the IFC. In the event requirements of this code conflict with applicable State and/or Federal requirements, the more stringent shall apply.

158A.05 SECTION 101.1 AMENDED, TITLE. Section 101.1, Title, of the IFC, is hereby deleted and there is enacted in lieu thereof the following section:

Section 101.1 Title. These regulations shall be known as the Huxley Fire Code, hereinafter known as “this code.”

158A.06 SECTION 105.1.2 ADDITION, TYPES OF PERMITS. Section 105.1.2, Types of Permits, of the IFC, is hereby amended by adding the following paragraphs to said section:

1. Section 105.1.2 Certificate of Occupancy. A certificate of occupancy issued pursuant to provisions of the International Building Code may be assumed to comply with Section 1. Operational Permit.

2. Section 105.1.2 Other Permits. Building, Mechanical, Electrical and Plumbing permits issued pursuant to provisions of their respective codes may be assumed to comply with Section 2. Construction Permit.

158A.07 SECTION 109.4 AMENDED, VIOLATION PENALTIES. Section 109.4, Violation Penalties, of the IFC, is hereby amended by deleting said section and inserting in lieu thereof the following:

Section 109.4 Violation Penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

158A.08 SECTION 111.4 AMENDED, FAILURE TO COMPLY. Section 111.4, Failure to Comply, of the IFC, is hereby amended by deleting said section and inserting in lieu thereof the following:

Section 111.4 Failure To Comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

158A.09 SECTION 113.3 ADDITION, WORK COMMENCING BEFORE PERMIT ISSUANCE. Section 113.3, Work Commencing Before Permit Issuance, of the IFC, is hereby amended by adding the following sentence after said section:

Section 113.3 Work commencing before permit issuance. Said fee shall be 100 percent of the usual permit fee in addition to the required permit fees.

158A.10 SECTION 308.1.4 AMENDED, OPEN FLAME COOKING DEVICES. Section 308.1.4, Open Flame Cooking Devices, of the IFC, is hereby amended by deleting said section and exceptions and inserting in lieu thereof the following:

1. Section 308.1.4 Open Flame Cooking Devices. Charcoal burners, other open-flame cooking devices, and other devices that produce ashes or embers shall not be operated on balconies or within 20 feet (3048 mm) of combustible construction. Location of LP containers shall comply with Section 6104.
2. Exceptions:
 - A. 1. One- and two-family dwellings, constructed in accordance with the International Residential Code.
 - B. 2. LP-gas cooking devices having LP-gas container with a water capacity not greater than 20 pounds.

158A.11 SECTION 505.1 AMENDED, ADDRESS IDENTIFICATION. Section 505.1, Address Identification, of the IFC, is hereby amended by amending by deleting said section and inserting in lieu thereof the following section and table:

505.1 Address identification. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall

be black or white and shall contrast with their background. Where required by the fire code official, address numbers shall be provided in greater dimension or additional approved locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers and letters shall be a minimum height and a minimum stroke width as dictated by Table 505.1. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained.

**Table 505.1
Minimum Height and Stroke Width^{a b}**

Distance from the centerline of the Public Way (ft)		Minimum Height (in)	Minimum Stroke Width (in)
Less than 100		4	1/2
100	199	6	3/4
200	299	8	1
For each additional 100		Increase 2	Increase 1/2

^a Exterior suite identification, minimum height shall be 4 inches and stroke width shall be 1/2 inch.

^b Interior suite identification, minimum height shall be 2 inches and stroke width shall be 1/4 inch.

158A.12 SECTION 507.5 AMENDED, WHERE REQUIRED (FIRE HYDRANT SPACING). Section 507.5.1, Where Required, of the IFC, is hereby amended by deleting said section, including exceptions, and inserting in lieu thereof the following section and exception:

1. Section 507.5.1, Where required (fire hydrant spacing). Locate at street intersections or as approved by City subject to the following spacing:
 - A. Residential: 400 foot; maximum coverage: 86,000 SF.
 - B. Commercial: 400 foot; maximum coverage: 86,000 SF.
 - C. No part of a proposed single-family dwelling or duplex shall be more than 250 feet from a hydrant unless said building is sprinklered.
 - D. No part of a multi-family, commercial or industrial building shall be more than 200 feet from a fire hydrant unless said building is fully sprinklered.
2. Section 507.5.1 Where required (fire hydrant spacing) exception. For Group R-3 and Group U occupancies and for buildings equipped with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 the distance requirements may be modified when approved by the Code Official.

158A.13 SECTION 507.5.1.1 AMENDED, HYDRANT FOR FIRE DEPARTMENT CONNECTIONS. Section 507.5.1.1, Hydrant for Fire Department Connections, of the IFC, is hereby established by deleting said section and inserting in lieu thereof the following:

1. Section 507.2.1.1 Hydrant for Fire Department Connections. Buildings equipped with a fire department connection installed in accordance with Section 912 shall have a fire hydrant located on a fire access road within 100 feet (30 m) of the fire

department connection as measured by an approved route around the exterior of the building.

2. Exception: The distance shall be permitted to exceed 100 feet (30 m) where approved by the Code Official.

158A.14 SECTION 507.5.7 ADDITION, FIRE HYDRANT MARKERS AND IDENTIFICATION COLOR. Section 507.5.7, Fire Hydrant Markers and Identification Colors, of the IFC, is hereby established by adding the following section:

Section 507.5.7 Fire Hydrant Markers and Identification Colors. When required by the Code Official, hydrant locations shall be identified by the installation of an approved reflective marker. Both public and private hydrants shall comply with and be painted to Huxley Water Utility specifications.

158A.15 SECTION 507.5.8 ADDITION, FIRE HYDRANT INSTALLATION. Section 507.5.8, Fire Hydrant Installation, of the IFC, is hereby established by adding the following section:

Section 507.5.8 Fire Hydrant Installation. Fire hydrants shall be installed with the grade mark on the fire hydrant at the level of finished grade. The large diameter connection shall be installed such that the connection is oriented facing the fire department access road.

158A.16 SECTION 903.4.2 AMENDED, ALARMS. Section 903.4.2, Alarms, of the IFC, is hereby amended by deleting said section and inserting in lieu thereof the following:

Section 903.4.2 Alarms. An approved weather proof audible device suitable for outdoor use with 110 candela visual signal shall be connected to every automatic sprinkler system. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Alarm devices shall be provided on the exterior of the building in an approved location. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

158A.17 SECTION 907.1.4 ADDITION, FACP (FIRE ALARM CONTROL PANEL). Section 907.1.4, FACP (Fire Alarm Control Panel), of the IFC, is hereby established by adding the following section and exception:

1. Section 907.1.4 FACP (Fire Alarm Control Panel). Each building shall have no more than 1 FACP. Installation of fire alarm panel shall not exceed six feet in height measured from the floor to the top of the unit.
2. Exception: Suppression system releasing panels are not required to meet the height requirement or the limitation in the number of panels.

158A.18 SECTION 912 ADDITION, FIRE DEPARTMENT CONNECTIONS. Section 912, Fire department connections, of the IFC, is hereby amended by adding a new section and exception as follows:

1. Section 912.1.1 Storz fire department connection. The fire department connection(s) shall be a five-inch (5") Storz type connector(s) compatible with the hose couplings currently used by the Huxley Fire Department.

2. Section 912.1.1 Storz fire department connection exception 1. A fire department connection having the standard internal threaded swivel fittings of 2 1/2 inches NST may be substituted for the five-inch Storz connection with the approval of the Code Official where system pressures may exceed hose test pressure or water supply could require an extensive hose lay to the structure.

158A.19 SECTION 1009.2 ADDITION, CONTINUITY AND COMPONENTS. Section 1009.2, Continuity and Components, of the IFC, is hereby amended by adding the following #11 to said section:

Section 1009.2 Continuity and Components #11. Components of exterior walking surfaces shall be concrete, asphalt or other approved hard surface.

158A.20 SECTION 1010.1.6 ADDITION, LANDINGS AT DOORS. Section 1010.1.6, Landing at Doors, of the IFC, is hereby amended by adding a new section as follows:

Section 1010.1.6.1 Frost protection. For landings required by Section 1010.1.5 to be at the same elevation on each side of the door exterior landings at doors shall be provided with frost protection.

158A.21 SECTION 1014.4 ADDITION, (HANDRAIL) CONTINUITY. Section 1014.4, Continuity, of the IFC, is hereby amended by adding the following exception:

Section 1014.4 Continuity exception 6. Handrails within a dwelling unit or serving an individual dwelling unit of groups R-2 and R-3 shall be permitted to be interrupted at one location in a straight stair when the rail terminates into a wall or ledge and is offset and immediately continues.

158A.22 SECTION 1028.5 ADDITION, ACCESS TO A PUBLIC WAY. Section 1028.5, Access to a Public Way, of the IFC, is hereby amended by adding the following section:

Section 1028.5.1 Access to a Public Way. Components of exterior walking surfaces shall be concrete, asphalt or other approved hard surface.

158A.23 SECTION 1030.5 ADDITION, WINDOW WELLS. Section 1030.5, Window wells, of the IFC, is hereby amended by adding a new section as follows:

Section 1030.5.3 Window well drainage. All window wells shall be provided with approved drainage.

158A.24 SECTION 1103.7.6 AMENDED. Section 1103.7.6, Fire Alarms, of the IFC, is hereby amended by adding the following text to the end of the section. An approved fire alarm system shall be installed no later than January 1, 2020.

158A.25 SECTION 1103.9 AMENDED. Section 1103.9, Carbon Monoxide Alarms, of the IFC, is hereby amended by adding the following text to the end of the section. Carbon monoxide alarms as required by this section shall be installed no later than July 1, 2018 in accordance the State of Iowa requirements.

158A.26 SECTION 3301.2 AMENDED, PURPOSE. Section 3301.2, Purpose, of the IFC, is hereby amended by deleting said section and inserting in lieu thereof the following:

1. Section 3301.2 Purpose. This chapter prescribes minimum safeguards for construction, alteration and demolition operations to provide reasonable safety to life and property from fire and other emergencies during such operations.
2. Repeal. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.
3. Effective date. This ordinance shall be effective March 1, 2018, after its final passage and publication as required by law.

(Ch. 158A added by Ord. 468 – Apr. 18 Supp.)

CHAPTER 159

EXISTING BUILDING CODE

159.01 Short Title	159.05 Referenced Codes, Conflicts
159.02 Adoption of Existing Building Code	159.06 Section 101.1 Amended, Title
159.03 Amendments, Modifications, Additions and Deletions	159.07 Section 105.5 Amended, Expiration
159.04 Deletions	159.08 Section 1401.2 Amended, Applicability

159.01 SHORT TITLE. This chapter shall be known as the Huxley Existing Building Code, and may be cited as such, and may be referred to herein as this chapter.

159.02 ADOPTION OF EXISTING BUILDING CODE. The *International Existing Building Code 2015 Edition*; published by the International Code Council, Inc., is adopted in full except for such portions as may be hereinafter deleted, modified or amended. A copy of the *International Existing Building Code 2015 Edition*, as adopted and a copy of this chapter are on file in the office of the Code Official.

159.03 AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETIONS. The *International Existing Building Code, 2015 Edition* (hereinafter known as the IEBC), is amended as hereinafter set out in Sections 159.04 through 159.08.

159.04 DELETIONS. The following are deleted from the IEBC and are of no force or effect in this chapter:

1. Section 105.1.1 Annual Permit
2. Section 105.1.2 Annual Permits Record
3. Section 105.2 #1 Permit Requirement

159.05 REFERENCED CODES, CONFLICTS. In the event requirements of this code conflict with applicable State and Federal requirements, the more stringent shall apply.

159.06 SECTION 101.1 AMENDED, TITLE. Section 101.1, Title, of the IEBC, is hereby deleted and there is enacted in lieu thereof the following section:

Section 101.1 Title. These regulations shall be known as the Huxley Existing Building Code, hereinafter known as “this code.”

159.07 SECTION 105.5 AMENDED, EXPIRATION. Section 105.5 Expiration, of the IEBC, is hereby amended by deleting said section and inserting in lieu thereof the following:

Section 105.5 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 Code 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. Upon approval, permits may be extended for no more than two periods not exceeding 180 days each.

159.08 SECTION 1401.2 AMENDED, APPLICABILITY. Section 1401.2, Applicability, of the IEBC, is hereby amended by inserting the following date:

1. Section 1401.2 Applicability, February 13, 2018
2. Effective date. This ordinance shall be effective March 1, 2018, after its final passage and publication as required by law.

(Ch. 159 added by Ord. 469 – Apr. 18 Supp.)

CHAPTER 160
SWIMMING POOL AND SPA CODE

160.01 Short Title	160.06 Section 101.1 Amended, Title
160.02 Adoption of Swimming Pool and Spa Code	160.07 Section 105.5.3 Amended, Expiration
160.03 Amendments, Modifications, Additions and Deletions	160.08 Section 105.6.3 Amended, Fee Refunds
160.04 Deletions	160.09 Section 107.4 Amended, Violation Penalties
160.05 Referenced Codes, Conflicts	160.10 Section 107.5 Amended, Stop Work Order

160.01 SHORT TITLE. This chapter shall be known as the Huxley Swimming Pool and Spa Code, and may be cited as such, and may be referred to herein as this chapter.

160.02 ADOPTION OF SWIMMING POOL AND SPA CODE. The *International Swimming Pool and Spa Code 2015 Edition*; published by the International Code Council, Inc., is adopted in full except for such portions as may be hereinafter deleted, modified or amended. A copy of the *International Swimming Pool and Spa Code 2015 Edition*, as adopted, and a copy of this chapter are on file in the office of the Code Official.

160.03 AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETIONS. The *International Swimming Pool and Spa Code, 2015 Edition* (hereinafter known as the ISPSC), is amended as hereinafter set out in Sections 160.04 through 160.12.

160.04 DELETIONS. The following are deleted from the ISPSC and are of no force or effect in this chapter:

1. Section 105.5.4 Extensions
2. Section 108 Means of Appeal

160.05 REFERENCED CODES, CONFLICTS. In the event requirements of this code conflict with applicable State and Federal requirements, the more stringent shall apply.

160.06 SECTION 101.1 AMENDED, TITLE. Section 101.1, Title, of the ISPSC is hereby deleted and there is enacted in lieu thereof the following section:

Section 101.1 Title. These regulations shall be known as the Huxley Swimming Pool and Spa Code, hereinafter known as “this code.”

160.07 SECTION 105.5.3 AMENDED, EXPIRATION. Section 105.5.3 Expiration, of the ISPSC, is hereby amended by deleting said section and inserting in lieu thereof the following:

Section 105.5.3 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 Code 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. Upon approval, permits may be extended for no more than two periods not exceeding 180 days each.

160.08 SECTION 105.6.3 AMENDED, FEE REFUNDS. Section 105.6.3, Fee refunds, of the ISPSC, is hereby amended by inserting the following:

Section 105.6.3 Fee refunds. Insert, The Code Official is authorized to establish a refund policy in accordance with City policy.

160.09 SECTION 107.4 AMENDED, VIOLATION PENALTIES. Section 107.4, Violation penalties, of the ISPSC, is hereby amended by deleting said section and inserting in lieu thereof the following:

Section 107.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, installs, alters or repairs a pool or spa in violation of the approved construction documents or directive of the Code Official, or of a permit issued under the provisions of this code, shall be subject to penalties as prescribed by law.

160.10 SECTION 107.5 AMENDED, STOP WORK ORDER. Section 107.5, Stop Work Orders, of the ISPSC, is hereby amended by deleting the last sentence of said section and inserting in lieu thereof the following:

Section 107.5. Any person who shall continue any work on a pool or spa after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

(Ch. 160 added by Ord. 473 – Apr. 18 Supp.)

CHAPTER 161

PLUMBING CODE

161.01 Short Title	161.11 Section 106.6.3 Amended, Fee Refunds
161.02 Adoption of Plumbing Code	161.12 Section 108.4 Amended, Violation Penalties
161.03 Amendments, Modification, Additions and Deletions	161.13 Section 108.5 Amended, Stop Work Order
161.04 Deletions	161.14 Section 305.4 Amended, Freezing
161.05 Referenced Codes, Conflicts	161.15 Section 305.4.1 Amended, Sewer Depth
161.06 Section 101.1 Amended, Title	161.16 Section 312.3 Amended, Drainage and Vent Final Test
161.07 Section 105.2 Addition, Alternate Materials, Method and Equipment	161.17 Section 410.2 Amended, Small Occupancies
161.08 Section 106.1.1 Addition, Permit Acquisition	161.18 Section 703 Addition, Building Sewer
161.09 Section 106.5.3 Amended, Expiration	161.19 Section 715.1 Addition, Backwater Valves
161.10 Section 106.5.6 Amended, Retention of Construction Documents	

161.01 SHORT TITLE. This chapter shall be known as the Huxley Plumbing Code, and may be cited as such, and may be referred to herein as this chapter.

161.02 ADOPTION OF PLUMBING CODE. The *International Plumbing Code 2015 Edition*; published by the International Code Council, Inc., is adopted in full except for such portions as may be hereinafter deleted, modified or amended. A copy of the *International Plumbing Code 2015 Edition*, as adopted, and a copy of this chapter are on file in the office of the Code Official.

161.03 AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETIONS. The *International Plumbing Code, 2015 Edition* (hereinafter known as the IPC), is amended as hereinafter set out in Sections 161.04 through 161.19.

161.04 DELETIONS. The following are deleted from the IPC and are of no force or effect in this chapter:

1. Section 106.1.1 Annual Permit
2. Section 106.1.2 Annual Permits Record
3. Section 106.5.4 Extensions
4. Section 109 Means of Appeal
5. Section 703.6 Combined Sanitary and Storm Public Sewer.

161.05 REFERENCED CODES, CONFLICTS. In the event requirements of this code conflict with applicable State and Federal requirements, the more stringent shall apply.

161.06 SECTION 101.1 AMENDED, TITLE. Section 101.1, Title, of the IPC is hereby deleted and there is enacted in lieu thereof the following section:

Section 101.1 Title. These regulations shall be known as the Huxley Plumbing Code, hereinafter known as “this code.”

161.07 SECTION 105.2 ADDITION, ALTERNATE MATERIALS, METHODS AND EQUIPMENT. Section 105.2, Alternate materials, methods and equipment, of the IPC, is hereby amended by adding the following section 105.2.1 and exception:

1. Section 105.2.1 - Uniform Plumbing Code, As Currently Adopted Edition. The Uniform Plumbing Code, as prepared and edited by the International Association of Plumbing and Mechanical Officials, as currently adopted and amended by the Plumbing and Mechanical Systems Board, Iowa Department of Public Health, is hereby approved as an alternate equivalent method for complete plumbing systems.
2. Section 105.2.1, Administration exception 1. Administrative regulations shall be as prescribed in the *International Plumbing Code, 2015 Edition*, as amended in this ordinance.

161.08 SECTION 106.1.1 ADDITION, PERMIT ACQUISITION. Section 106.1.1 Permit acquisition, of the IPC, is hereby established by adding the following:

Section 106.1.1 Permit acquisition.

1. Permits are not transferable. Plumbing work performed under the provisions of this chapter must be done by a contractor meeting the licensing provisions as set forth by the State of Iowa Plumbing and Mechanical Systems Board in accordance with Iowa Code Chapter 105. A plumber licensed by the State of Iowa Plumbing and Mechanical Systems Board as a “Master” may sign and obtain a permit for the contractor for which they are employed only when said “Master” has provided proof of employment by said licensed contractor. Any permit required by the provisions of this code may be revoked by the Code Official upon the violation of any provision of this code.
2. A State of Iowa licensed Plumbing contractor shall be allowed only to secure permits for himself or herself, or for a single firm or corporation. When a State of Iowa licensed Plumbing contractor has secured such a permit, only the employees of such contractor when meeting the provisions of Iowa Code Chapter 105 shall perform the work for which the permit was obtained.
3. For purposes of this section, an “employee” shall be one employed by the contractor, firm or corporation for a wage or salary. A contractor may be required by the Code Official to show positive evidence as to the employee status of workers on the job. Such evidence shall be in the form of payroll and time records, canceled checks, or other such documents.
4. The contractor may also be required to show the agreement or contract pertaining to the work being questioned as evidence that said contractor is, in fact, the actual contractor for such work. Failure or refusal by the contractor to make available such employee or contractual records within 24 hours from demand therefore shall be grounds for immediate revocation of any permit for the work in question.
5. Homeowners (owner/occupants) qualifying for the homestead tax exemption may acquire permits for their principal residence (not an apartment or rental unit or rental building) and appurtenant accessory structures for plumbing work, not to include connection within the public right-of-way to the public main of sewer, water and storm lines, after having passed the Huxley Plumbing Homeowner’s exam.

161.09 SECTION 106.5.3 AMENDED, EXPIRATION. Section 106.5.3 Expiration, of the IPC, is hereby amended by deleting said section and inserting in lieu thereof the following:

Section 106.5.3 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 Code 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. Upon approval, permits may be extended for no more than two periods not exceeding 180 days each.

161.10 SECTION 106.5.6 AMENDED, RETENTION OF CONSTRUCTION DOCUMENTS. Section 106.5.6, Retention of construction documents, of the IPC, is hereby amended by deleting said section and inserting in lieu thereof the following:

Section 106.5.6 Retention of construction documents. One set of construction documents shall be retained by the Code Official for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local law.

161.11 SECTION 106.6.3 AMENDED, FEE REFUNDS. Section 106.6.3, Fee refunds, of the IPC, is hereby amended by inserting the following:

Section 106.6.3 Fee refunds Insert. The Code Official is authorized to establish a refund policy in accordance with City policy.

161.12 SECTION 108.4 AMENDED, VIOLATION PENALTIES. Section 108.4, Violation penalties, of the IPC, is hereby amended by deleting said section and inserting in lieu thereof the following:

Section 108.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, installs, alters or repairs plumbing work in violation of the approved construction documents or directive of the Code Official, or of a permit issued under the provisions of this code, shall be subject to penalties as prescribed by law.

161.13 SECTION 108.5 AMENDED, STOP WORK ORDER. Section 108.5, Stop Work Orders, of the IPC, is hereby amended by deleting the last sentence of said section and inserting in lieu thereof the following:

Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

161.14 SECTION 305.4 AMENDED, FREEZING. Section 305.4 Freezing, of the IPC, is hereby amended by deleting the last sentence of said section and inserting in lieu thereof the following:

Section 305.4 Freezing. Exterior water supply system piping shall be installed not less than sixty (60) inches below grade.

161.15 SECTION 305.4.1 AMENDED, SEWER DEPTH. Section 305.4.1 Sewer Depth, of the IPC, is hereby amended by deleting said section and inserting in lieu thereof the following:

Section 305.4.1 Sewer Depth. Building sewers shall be a minimum of forty-eight (48) inches below grade.

161.16 SECTION 312.3 AMENDED, DRAINAGE AND VENT FINAL TEST. Section 312.3 Drainage and Final Vent Test, of the IPC, is hereby amended by deleting the first sentence thereto.

161.17 SECTION 410.2 AMENDED, SMALL OCCUPANCIES. Section 410.2 Substitution, of the IPC, is hereby amended by deleting said section and inserting in lieu thereof the following:

Section 410.2 Small Occupancies. Water dispensers in accessible locations and within accessible reach ranges may be substituted for the initial (first required) drinking fountains in business occupancies.

161.18 SECTION 703 ADDITION, BUILDING SEWER. Section 703 Building Sewer, of the IPC, is hereby amended by adding the following section:

Section 703.7 Minimum Building Sewer Size. The minimum diameter for a building sewer shall be four (4) inches.

161.19 SECTION 715.1 ADDITION, BACKWATER VALVES. Section 715.1 Sewage Backflow, of the IPC, is hereby amended by adding the following:

Section 715.1 Sewage backflow exception 2. The requirements of this section shall apply when determined necessary by the Code Official based on local conditions as determined by the Huxley Public Works Department or City Engineer.

(Ch. 161 added by Ord. 471 – Apr. 18 Supp.)

CHAPTER 162

MECHANICAL CODE

162.01 Short Title	162.09 Section 106.4.3 Amended, Expiration
162.02 Adoption of Mechanical Code	162.10 Section 106.4.6 Amended, Retention of Construction Documents
162.03 Amendments, Modifications, Additions and Deletions	162.11 Section 106.5.3 Amended, Fee Refund
162.04 Deletions	162.12 Section 108.4 Amended, Violation Penalties
162.05 Referenced Codes, Conflicts	162.13 Section 108.5 Amended, Stop Work Order
162.06 Section 101.1 Amended, Title	162.14 Section 306.1 Addition, Access
162.07 Section 106.1.1 Additions, Permit Acquisition	162.15 Section 306.5 Addition, Equipment and Appliances on Roofs or Elevated Structures
162.08 Section 106.2 Addition, Permits not Required	

162.01 SHORT TITLE. This chapter shall be known as the Huxley Mechanical Code, and may be cited as such, and may be referred to herein as this chapter.

162.02 ADOPTION OF MECHANICAL CODE. The *International Mechanical Code 2015 Edition*; published by the International Code Council, Inc., is adopted in full except for such portions as may be hereinafter deleted, modified or amended. A copy of the *International Mechanical Code 2015 Edition*, as adopted and a copy of this chapter are on file in the office of the Code Official.

162.03 AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETIONS. The *International Mechanical Code, 2015 Edition* (hereinafter known as the IMC), is amended as hereinafter set out in Sections 162.04 through 162.15.

162.04 DELETIONS. The following are deleted from the IMC and are of no force or effect in this chapter:

1. Section 106.1.1 Annual Permit
2. Section 106.1.2 Annual Permits Record
3. Section 106.4.4 Extensions
4. Section 109 Means of Appeal

162.05 REFERENCED CODES, CONFLICTS. In the event requirements of this code conflict with applicable State and/or Federal requirements, the more stringent shall apply.

162.06 SECTION 101.1 AMENDED, TITLE. Section 101.1, Title, of the IMC, is hereby deleted and there is enacted in lieu thereof the following section:

Section 101.1 Title. These regulations shall be known as the Huxley Mechanical Code, hereinafter known as “this code.”

162.07 SECTION 106.1.1 ADDITION, PERMIT ACQUISITION. Section 106.1.1 Permit acquisition, of the IMC, is hereby established by adding the following:

Section 106.1.1 Permit acquisition

1. Permits are not transferable. Mechanical work performed under the provisions of this chapter must be done by a contractor meeting the licensing provisions as set forth by the State of Iowa Plumbing and Mechanical Systems Board in accordance with Iowa Code Chapter 105. A responsible person or mechanical professional licensed by the State of Iowa Plumbing and Mechanical Systems Board as a “Master” may sign and obtain a permit for the contractor for which they are employed only when said responsible person or “Master” has provided proof of employment or written confirmation by said licensed contractor. Any permit required by the provisions of this code may be revoked by the Code Official upon the violation of any provision of this code.
2. A State of Iowa licensed Mechanical contractor shall be allowed only to secure permits for himself or herself, or for a single firm or corporation. When a State of Iowa licensed Mechanical contractor has secured such a permit, only the employees of such contractor when meeting the provisions of Iowa Code Chapter 105 shall perform the work for which the permit was obtained.
3. For purposes of this section, an “employee” shall be one employed by the contractor, firm or corporation for a wage or salary. A contractor may be required by the Code Official to show positive evidence as to the employee status of workers on the job. Such evidence shall be in the form of payroll and time records, canceled checks, or other such documents.
4. The contractor may also be required to show the agreement or contract pertaining to the work being questioned as evidence that said contractor is, in fact, the actual contractor for such work. Failure or refusal by the contractor to make available such employee or contractual records within 24 hours from demand therefor shall be grounds for immediate revocation of any permit for the work in question.

162.08 SECTION 106.2 ADDITION, PERMITS NOT REQUIRED. Section 106.2, Permits not required, of the IMC, is hereby amended by adding the following #9 to said section:

Section 106.2 Permits not required 9. Replacement or relocation of existing house ventilation fans, bathroom exhaust, dryer vents, window air conditioners and extension of existing supply and return ductwork.

162.09 SECTION 106.4.3 AMENDED, EXPIRATION. Section 106.4.3 Expiration, of the IMC, is hereby amended by deleting said section and inserting in lieu thereof the following:

Section 106.4.3 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 Code 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. Upon approval, permits may be extended for no more than two periods not exceeding 180 days each.

162.10 SECTION 106.4.6 AMENDED, RETENTION OF CONSTRUCTION DOCUMENTS. Section 106.4.6, Retention of construction documents, of the IFGC, is hereby amended by deleting said section and inserting in lieu thereof the following:

Section 106.4.6 Retention of Construction Documents. One set of construction documents shall be retained by the Code Official for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local law.

162.11 SECTION 106.5.3 AMENDED, FEE REFUND. Section 106.5.3, Fee Refund, of the IMC, is hereby amended by inserting the following:

Section 106.5.3 Fee Refund, Insert. The Code Official is authorized to establish a refund policy in accordance with City policy.

162.12 SECTION 108.4 AMENDED, VIOLATION PENALTIES. Section 108.4, Violation penalties, of the IMC, is hereby amended by deleting said section and inserting in lieu thereof the following:

Section 108.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, installs, alters or repairs mechanical work in violation of the approved construction documents or directive of the Code Official, or of a permit issued under the provisions of this code, shall be subject to penalties as prescribed by law.

162.13 SECTION 108.5 AMENDED, STOP WORK ORDER. Section 108.5, Stop Work Orders, of the IMC, is hereby amended by deleting the last sentence of said section and inserting in lieu thereof the following:

Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

162.14 SECTION 306.1 ADDITION, ACCESS. Section 306.1, Access, of the IMC, is hereby amended by adding the following to said section:

Section 306.1 Access. Additionally, an unobstructed level working space at least 30 inches deep and 30 inches wide shall be provided on any side of equipment where service access is required. Code official or designee may approve service space reductions prior to equipment installation, provided manufacturer's instructions are met. (Excluding suspended ceiling)

162.15 SECTION 306.5 ADDITION, EQUIPMENT AND APPLIANCES ON ROOFS OR ELEVATED STRUCTURES. Section 306.5, Equipment and Appliances on Roofs or Elevated Structures, of the IMC, is hereby amended by adding the following to said section:

Section 306.5 Equipment and Appliances on Roofs or Elevated Structures. If the tenants of a multiple tenant building have, or are allowed to have, mechanical facilities on or which penetrate the roof, then code compliant roof access ladders shall be provided for use by all such tenants and their agents and contractors in a manner that does not require accessing space under the control of another tenant.

(Ch. 162 added by Ord. 472 – Apr. 18 Supp.)

o o o o o o o o o o

CHAPTER 163

FUEL GAS CODE

163.01 Short Title	163.09 Section 106.5.3 Amended, Expiration
163.02 Adoption of Fuel Gas Code	163.10 Section 106.5.6 Amended, Retention of Construction Documents
163.03 Amendments, Modifications, Additions and Deletions	163.11 Section 106.6.3 Amended, Fee Refund
163.04 Deletions	163.12 Section 108.4 Amended, Violation Penalties
163.05 Referenced Codes, Conflicts	163.13 Section 108.5 Amended, Stop Work Order
163.06 Section 101.1 Amended, Title	163.14 Section 403.5.4 Amended, Corrugated Stainless Steel Tubing (CSST)
163.07 Section 105.2 Addition, Alternate Materials, Methods and Equipment	163.15 Section 403.10 Addition, Metallic Piping Joints And fittings
163.08 Section 106.1 Addition, Permit Acquisition	

163.01 SHORT TITLE. This chapter shall be known as the Huxley Fuel Gas Code, and may be cited as such, and may be referred to herein as this chapter.

163.02 ADOPTION OF FUEL GAS CODE. The *International Fuel Gas Code 2015 Edition*; published by the International Code Council, Inc., is adopted in full except for such portions as may be hereinafter deleted, modified or amended. A copy of the *International Fuel Gas Code 2015 Edition*, as adopted and a copy of this chapter are on file in the office of the Code Official.

163.03 AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETIONS. The *International Fuel Gas Code, 2015 Edition* (hereinafter known as the IFGC), is amended as hereinafter set out in Sections 163.04 through 163.15.

163.04 DELETIONS. The following are deleted from the IFGC and are of no force or effect in this chapter:

1. Section 106.1.1 Annual Permit
2. Section 106.1.2 Annual Permits Record
3. Section 106.5.4 Extensions
4. Section 109 Board of Appeals.

163.05 REFERENCED CODES, CONFLICTS. In the event requirements of this code conflict with applicable State and/or Federal requirements, the more stringent shall apply.

163.06 SECTION 101.1 AMENDED, TITLE. Section 101.1, Title, of the IFGC, is hereby deleted and there is enacted in lieu thereof the following section:

Section 101.1 Title. These regulations shall be known as the Huxley Fuel Gas Code, hereinafter known as “this code.”

163.07 SECTION 105.2 ADDITION, ALTERNATE MATERIALS, METHODS AND EQUIPMENT. Section 105.2, Alternate materials, methods and equipment, of the IFGC, is hereby amended by adding the following sections 105.2.1 and 105.2.2:

1. Section 105.2.1 - National Fuel Gas Code (NFPA 54) As Currently Adopted Edition. The National Fuel Gas Code, as published by the National Fire Protection Association, as currently adopted, amended and/or referenced by the Plumbing and Mechanical Systems Board, Iowa Department of Public Health and/or the Iowa State Fire Marshal, is hereby approved as an alternate equivalent method for complete gas piping systems. Administrative regulations shall be as prescribed in the *International Fuel Gas Code, 2015 Edition*, as amended in this ordinance.

2. Section 105.2.2 - Liquid Petroleum Gas Code (NFPA 58) As Currently Adopted Edition. The Liquid Petroleum Gas Code, as published by the National Fire Protection Association, as currently adopted, amended and/or referenced by the Plumbing and Mechanical Systems Board, Iowa Department of Public Health and/or the Iowa State Fire Marshal and as referenced in this code, is hereby approved as an alternate equivalent method for complete gas piping systems. Administrative regulations shall be as prescribed in the *International Fuel Gas Code, 2015 Edition*, as amended in this ordinance.

163.08 SECTION 106.1 ADDITION, PERMIT ACQUISITION. Section 106.1 Permit acquisition, of the IFGC, is hereby established by adding the following:

Section 106.1 Permit acquisition.

1. Permits are not transferable. Fuel Gas work performed under the provisions of this chapter must be done by a contractor meeting the licensing provisions as set forth by the State of Iowa Plumbing and Mechanical Systems Board in accordance with Iowa Code Chapter 105. A responsible person or mechanical professional licensed by the State of Iowa Plumbing and Mechanical Systems Board as a “Master” may sign and obtain a permit for the contractor for which they are employed only when said responsible person or “Master” has provided proof of employment or written confirmation by said licensed contractor. Any permit required by the provisions of this code may be revoked by the Code Official upon the violation of any provision of this code.

2. A State of Iowa licensed Mechanical contractor shall be allowed only to secure permits for himself or herself, or for a single firm or corporation. When a State of Iowa licensed Mechanical contractor has secured such a permit, only the employees of such contractor when meeting the provisions of Iowa Code Chapter 105 shall perform the work for which the permit was obtained.

3. For purposes of this section, an “employee” shall be one employed by the contractor, firm or corporation for a wage or salary. A contractor may be required by the Code Official to show positive evidence as to the employee status of workers on the job. Such evidence shall be in the form of payroll and time records, canceled checks, or other such documents.

4. The contractor may also be required to show the agreement or contract pertaining to the work being questioned as evidence that said contractor is, in fact, the actual contractor for such work. Failure or refusal by the contractor to make available such employee or contractual records within 24 hours from demand therefore shall be grounds for immediate revocation of any permit for the work in question.

163.09 SECTION 106.5.3 AMENDED, EXPIRATION. Section 106.5.3 Expiration, of the IFGC, is hereby amended by deleting said section and inserting in lieu thereof the following:

Section 106.5.3 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 Code 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. Upon approval, permits may be extended for no more than two periods not exceeding 180 days each.

163.10 SECTION 106.5.6 AMENDED, RETENTION OF CONSTRUCTION DOCUMENTS. Section 106.5.6, Retention of construction documents, of the IFGC, is hereby amended by deleting said section and inserting in lieu thereof the following:

Section 106.5.6 Retention of Construction Documents. One set of construction documents shall be retained by the Code Official for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local law.

163.11 SECTION 106.6.3 AMENDED, FEE REFUND. Section 106.6.3, Fee Refund, of the IFGC, is hereby amended by inserting the following:

Section 106.5.6 Fee Refund. The Code Official is authorized to establish a refund policy in accordance with City policy.

163.12 SECTION 108.4 AMENDED, VIOLATION PENALTIES. Section 108.4, Violation penalties, of the IFGC, is hereby amended by deleting said section and inserting in lieu thereof the following:

Section 108.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, installs, alters or repairs Fuel Gas work in violation of the approved construction documents or directive of the Code Official, or of a permit issued under the provisions of this code, shall be subject to penalties as prescribed by law.

163.13 SECTION 108.5 AMENDED, STOP WORK ORDER. Section 108.5, Stop Work orders, of the IFGC, is hereby amended by deleting the last sentence of said section and inserting in lieu thereof the following:

Section 108.5 Stop Work Order. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

163.14 SECTION 403.5.4 AMENDED, CORRUGATED STAINLESS STEEL TUBING (CSST). Section 403.5.4, Corrugated Stainless Steel Tubing (CSST), of the IFGC, is hereby amended by deleting said section and inserting in lieu thereof the following:

Section 404.2 Corrugated Stainless Steel Tubing. Only Corrugated Stainless Steel Tubing (CSST) with an Arc Resistant Jacket or Covering System listed in accordance with ANSI LC-1 (Optional Section 5.16)/CSA 6.26-2016 shall be installed in accordance with the terms of its approval, the conditions of listing, the manufactures instructions and this code including

electrical bonding requirements in Section 1211.2. CSST shall not be used for through wall penetrations from the point of delivery of the gas supply to the inside of the structure. CSST shall not be installed in locations where subject to physical damage unless protected in an approved manner.

163.15 SECTION 403.10 ADDITION, METALLIC PIPING JOINTS AND FITTINGS.

Section 403.10.1, Pipe joints, of the IFGC, is hereby amended by adding a new section as follows:

Section 403.10.1.1 Welded Pipe Joints. All joints of wrought iron or steel gas piping larger than two-inch (2") standard iron pipe size and providing gas pressure of two (2) PSIG or greater shall be welded steel. All welded joints shall comply with the State of Iowa requirements and work shall be performed by certified welders.

(Ch. 163 Added by Ord. 475 – Apr. 18 Supp.)

CHAPTER 164

ELECTRICAL REGULATIONS

164.01 Short Title	164.08 Section 90.2.1 Addition, Permit Acquisition
164.02 Adoption of Electrical Code	164.09 Addition, Permit Expiration
164.03 Amendments, Modifications, Additions	164.10 Addition, Schedule of Permit Fees
164.04 Referenced Codes, Conflicts	164.11 Addition, Fee Refund
164.05 Deletions	164.12 Addition, Stop Work Order
165.06 Addition, Title	164.13 Article 220.12 Amended, Lighting Loads for Specified Occupancies
164.07 Section 90.2 Amended, Scope (A) Covered (Permits Required)	

164.01 SHORT TITLE. This chapter shall be known as the Huxley Electrical code, and may be cited as such, and may be referred to herein as this chapter.

164.02 ADOPTION OF ELECTRICAL CODE. Pursuant to notice as required by law, the *National Electric Code 2017 Edition*; published by the National Fire Protection Association (NFPA 70), is adopted in full except for such portions as may be hereinafter deleted, modified or amended. An official copy of the *National Electric Code 2017 Edition*, as adopted and a certified copy of this chapter are on file in the office of the Code Official.

164.03 AMENDMENTS, MODIFICATIONS, ADDITIONS. The *National Electric Code, 2017 Edition* (hereinafter known as the NEC), is amended as hereinafter set out in Sections 164.04 through 164.13.

164.04 REFERENCED CODES, CONFLICTS. In the event there are requirements of this code that conflict with applicable State and Federal requirements, the more stringent shall apply.

164.05 DELETIONS. The following are deleted from the NEC and are of no force or effect in this chapter:

1. Section 210.12B, Branch Circuit Extensions or Modifications - Dwelling Units
2. Section 406.4(d)(4), Arc Fault Circuit-Interrupter Protection

164.06 ADDITION, TITLE. Title, of the NEC is hereby established by adding the following:

Title. These regulations shall be known as the Huxley Electrical Code hereinafter known as “this code.”

164.07 ARTICLE 90.2 AMENDED, SCOPE (A) COVERED (PERMITS REQUIRED). Permits required, of the NEC is hereby established by adding the following subcategory (A) (5) and exceptions:

Permits Required. Permits shall be required for work contained within the scope of this article.

Exceptions:

1. Replacement of lighting fixtures, receptacles, switches, overcurrent protection devices of the same volt and amperage.
2. The repair or replacement of flexible cords of same volt and amperage.
3. The process of manufacturing, testing, servicing, or repairing of electrical equipment or apparatus.
4. No permit or inspections are required for electrical wiring of 50 volts or less.

164.08 ARTICLE 90.2.1 ADDITION, PERMIT ACQUISITION. Permit acquisition, of the NEC, is hereby established by adding the following article:

Article 90.2.1 Permit acquisition

1. Permits are not transferable. Electrical work performed under the provisions of this chapter must be done by a contractor meeting the licensing provisions as set forth by the Iowa Electrical Examining Board in accordance with Iowa Code Chapter 103. A responsible person or an electrician licensed by the State of Iowa Electrical Examining board as a “Master A or B” may sign and obtain a permit for the contractor for which they are employed only when said responsible person or “Master A or B” has provided proof of employment or written confirmation by said licensed contractor. Any permit required by the provisions of this code may be revoked by the Building Official upon the violation of any provision of this code.
2. A State of Iowa licensed Electrical Contractor or Residential Contractor shall be allowed only to secure permits for himself or herself, or for a single firm or corporation. When a State of Iowa licensed Electrical contractor has secured such a permit, only the employees of such contractor when meeting the provisions of Iowa Code Chapter 103 shall perform the work for which the permit was obtained.
3. For purposes of this section, an “employee” shall be one employed by the contractor, firm or corporation for a wage or salary. A contractor may be required by the Code Official to show positive evidence as to the employee status of workers on the job. Such evidence shall be in the form of payroll and time records, canceled checks, or other such documents.
4. The contractor may also be required to show the agreement or contract pertaining to the work being questioned as evidence that said contractor is, in fact, the actual contractor for such work. Failure or refusal by the contractor to make available such employee or contractual records within 24 hours from demand therefore shall be grounds for immediate revocation of any permit for the work in question.
5. Homeowners (owner/occupants) qualifying for the homestead tax exemption may acquire permits for their principal residence (not an apartment or rental unit or rental building) and appurtenant accessory structures for electrical work, not to include dwelling service upgrade or replacement, after having passed the Huxley Electrical Homeowner’s exam.

164.09 ADDITION, PERMIT EXPIRATION. Permit Expiration, of the NEC is hereby established by adding the following:

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. Upon approval, permits may be extended for no more than two periods not exceeding 180 days each.

164.10 ADDITION, SCHEDULE OF PERMIT FEES. Schedule of permit fees, of the NEC is hereby established by adding the following:

Schedule of permit fees. Permits shall not be issued until the fees, as set forth and established by resolution of the City Council, have been paid to the City of Huxley. An amended permit or a supplemental permit for additional construction shall not be issued until the permit fee(s) for the additional work has been paid.

164.11 ADDITION, FEE REFUNDS. Fee refunds, of the NEC is hereby established by adding the following:

Fee refunds. The Code Official is authorized to establish a refund policy in accordance with City policy.

164.12 ADDITION, STOP WORK ORDER. Stop work order of the NEC is hereby established by adding the following sections:

Stop Work Order

1. Authority. Whenever the building official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the building official is authorized to issue a stop work order.
2. Issuance. The stop work order shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume. Where an emergency exists the building official shall not be required to give notice prior to stopping the work

164.13 ARTICLE 220.12 AMENDED, LIGHTING LOADS FOR SPECIFIED OCCUPANCIES. Article 220.12, Lighting Loads for Specified Occupancies, of the NEC is hereby amended by deleting the exception and subsections and inserting in lieu thereof the following exception:

Exception: Where the building is designed and constructed to comply with an energy code adopted by the local authority, the lighting load shall be permitted to be calculated at the values specified in the energy code.

(Ch. 164 added by Ord. 474 – Apr. 18 Supp.)

o o o o o o o o o

ZONING AND SUBDIVISION

TABLE OF CONTENTS

CHAPTER 165 - ZONING REGULATIONS	851
CHAPTER 166 - SUBDIVISION REGULATIONS	1025
CHAPTER 167 - SITE PLAN REVIEW	1075
CHAPTER 168 - LANDSCAPE PLAN REVIEW	1101
CHAPTER 169 - GREEN SPACE DEDICATION.....	1125
CHAPTER 170 - FLOOD PLAIN MANAGEMENT	1145

CHAPTER 165

ZONING REGULATIONS

165.01 Purpose	165.24 R-3 District – Multi-Family Residential District
165.02 Zoning Provisions Enacted	165.25 R-4 District – Mobile Home Residential District
165.03 Title and Interpretation	165.26 R-5 District – Planned Unit Development District
165.04 Territory of Jurisdiction	165.27 C-1 District – Neighborhood Commercial District
165.05 Definitions	165.28 C-2 District – General Commercial District
165.06 Nonconformities Generally	165.29 C-3 District – Old Towne Commercial District
165.07 Nonconforming Lots of Record	165.30 M-1 District – Industrial District
165.08 Nonconforming Uses of Land	165.31 Supplementary District Regulations
165.09 Nonconforming Structures	165.32 Sign Regulations
165.10 Nonconforming Uses of Structures or of Structures and Premises in Combination	165.33 Off-Street Loading and Parking
165.11 Repairs and Maintenance	165.34 Unregistered Vehicles
165.12 Uses Permitted Under Special Exception Provisions	165.35 Mobile Home Residency; Recreational Vehicles
165.13 Building Permit	165.36 Location of Adult Use Establishments
165.14 Residential Dwelling Standards	165.37 Fences and Walls
165.15 Zoning Map	165.38 Well Site Protection
165.16 Zoning Districts Designated	165.39 Certificate of Occupancy / Zoning Compliance Certificate
165.17 Zoning District Boundaries	165.40 Engineering
165.18 Annexations	165.41 Administration
165.19 A-1 District – Agricultural Holding District	165.42 Zoning Administrator
165.20 R-1 District – Single-Family Residential District	165.43 Board of Adjustment
165.21 R-1A District – Single-Family Residential District	165.44 Amendments
165.22 R-2 District – Single-Family and Duplex Residential District	165.45 Violation
165.23 R-2A District – Patio Homes Residential District	165.46 Small Wind Energy Conversion Systems
	165.47 Solar Energy Systems

165.01 PURPOSE. This chapter is enacted for the purpose of promoting the public health, safety and general welfare; of providing adequate light and air; of preventing the overcrowding of land, of avoiding undue concentration of population; of securing safety from fire, panic and other dangers; of facilitating the adequate provision of transportation, water, sewage, schools, parks and other public interests, all in accordance with the adopted Comprehensive Plan for the desirable long-range development of the City.

165.02 ZONING PROVISIONS ENACTED. There are established by the provisions of this chapter comprehensive zoning regulations for the City, by dividing the incorporated area into various districts and setting forth certain district standards and general provisions in accordance with Chapter 414 of the *Code of Iowa*, as amended.

165.03 TITLE AND INTERPRETATION. This chapter shall be known and may be cited and referred to as the “Zoning Ordinance of the City.” In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements. Where this chapter imposes a greater restriction than is imposed or required by other provisions of law or by other regulations or ordinances, the provisions of this chapter shall control.

165.04 TERRITORY OF JURISDICTION. This chapter applies to all of the territory within the incorporated limits of the City.

165.05 DEFINITIONS. As used in this chapter, the words “used and occupied” also mean “intended, designed or arranged to be used or occupied.” In addition, the following words or terms are defined as set out in this chapter.

1. “Accessory building” means a subordinate building located on the same lot with the main building, occupied by or devoted to an accessory use, and not attached to the principal structure. Where an accessory building is attached to the main building in the subordinate manner, as by a wall or roof, such accessory building shall be considered part of the main building.

2. “Accessory use” or “accessory structure” means use or structure on the same lot with, and of a nature customarily incidental and subordinate to the principal use or structure, but not including incomplete or inoperable motor vehicles. Any such use or structure must comply with accessory building height.

3. “Adult use establishment” means any real property used by any person to disseminate, display, allow to be displayed, sell, offer to sell, rent or transfer possession of, with or without consideration, sexually explicit material. The term “adult use establishment” includes, but is not limited to, enterprises commonly known as adult bookstores, strip bars, juice bars and adult theaters that disseminate, display, allow to be displayed, sell, offer to sell, rent or transfer possession of, with or without consideration, sexually explicit material. The term “adult use establishment” does not include dwellings used exclusively for residential purposes; enclosed single-sex public restrooms; enclosed single-sex functional shower, locker or dressing room facilities; enclosed motel rooms and hotel rooms designed and intended for sleeping accommodations; areas within doctor’s offices, medical clinics, hospitals, and other licensed medical health care facilities designed and intended for the examination of patients; and similar places in which nudity is necessarily and customarily expected outside of the home and the sphere of privacy constitutionally protected therein.

A. “Nude” means the genitals, vulva, pubis, pubic symphysis, pubic hair, buttocks, natal cleft, perineum, anus, anal region or pubic hair region of any person, or any portion of the breast at or below the upper edge of the areola thereof of any female person, is exposed to public view or not covered by opaque covering.

B. “Sex act” means any sexual contact, actual or simulated between two or more persons, or between a person and an animal, by penetration of the penis into the vagina or anus, or by contact between the mouth or tongue and genitalia or anus, by contact between a finger of one person and the genitalia of another person or by use of artificial sexual organs or substitutes therefor in contact with the genitalia or anus, or masturbation, except palpitation in the course of examination or treatment by a person licensed under Iowa law to make such examination.

C. “Sexually explicit material” means:

(1) Any printed, electronic or moving pictures in which there is a sex act; or

(2) Any live appearance: (i) in which there is a sex act; (ii) in which any person who is an owner, employee or independent contractor of any commercial enterprise is nude; (iii) in which any person who acts as an entertainer is nude, whether or not the activity is performed for compensation; or (iv) in which any patron or invitee is nude.

The term “sexually explicit material” does not include motion pictures rated by the Motion Picture Association of America as G, PG, PG-13, R, or NC-17.

4. "Agriculture" means the use of land for growing crops, including farming, pasturage, agriculture and horticulture, and the necessary uses for packing, treating, or storing the produce; excepting grain storage and drying facilities and the raising of farm animals, including dairying, animal and poultry husbandry, and feed lots.
5. "Alley" means a public way, other than a street, twenty feet or less in width affording secondary means of access to abutting property.
6. "Animal pound" means a public or private facility operated for the purpose of impounding seized, stray, homeless, abandoned or unwanted animals.
7. "Basement" means a story having part but not more than one-half of its height above grade. A basement is counted as a story if the vertical distance from the average adjoining grade to its ceiling is over five feet.
8. "Bed and breakfast establishment" means a dwelling unit in the R-2 District containing not more than three guest rooms, where rent is paid in money, goods, labor or otherwise. A maximum of six guests shall be allowed to stay, with a maximum stay of seven days. Breakfast, but no other meals, may be provided. A single, non-electric wall sign having an area not to exceed four square feet may be posted, identifying the name of the establishment, telephone number and vacancies only.
9. "Billboard," as used in this chapter, includes all structures, regardless of the material used in construction of the same, that are erected, maintained or used for public display of posters, painted signs, wall signs, whether the structure is placed on the wall or painted on the wall itself, pictures or other pictorial reading matter which advertise a business or attraction which is not carried on or manufactured in or upon the premises upon which said signs or billboards are located.
10. "Board" means the Board of Adjustment of the City.
11. "Boardinghouse" means a building other than a hotel, where for compensation, meals or lodging and meals are provided for three or more persons.
12. "Building" means any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property, but not including signs or billboards.
 - A. "Height of accessory building" means the vertical distance between the highest point of the roof structure and the floor slab or grade level of an unfinished floor of an accessory building and shall not exceed 20 feet, with 10-foot sidewalls maximum. The height of accessory building shall not exceed principal building.
 - B. "Height of principal building" means the vertical distance from the average ground level grade of the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the height of the highest gable of a pitch or hip roof.
 - C. "Building depth" means the longest horizontal distance of all sides combined of a building abutting a side yard or parallel to a side lot line measured from front yard to rear yard.
 - D. "Building width" means the longest horizontal distance of all sides of a building facing a front or rear yard or parallel to the front lot line measured from side yard to side yard.
 - E. "Building setback line" or "setback line" – see definition of "yard."

13. “Building Inspector” means the person designated by the City to administer and enforce these zoning regulations.
14. “Carport” means a roofed structure providing space for the parking of motor vehicles and enclosed on not more than two sides. For the purposes of this chapter a carport attached to a principal building shall be considered as part of the principal building and subject to all yard requirements in this chapter.
15. “Cellar” means that portion of a building having more than one-half of its height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement.
16. “Cemetery” means land intended and used for the burial of the human dead, including columbarium, crematories, mausoleums and mortuaries within the boundaries of said cemetery.
17. “Childcare center” means any facility which provides care, supervision or guidance for seven or more children by a person other than the parent, guardian or relative for periods of two hours or more and less than 24 hours per day per child on a regular basis in a place other than the child’s home or an accredited public or private school.
18. “Clinic, medical” or “dental clinic” means a building or buildings in which physicians, dentists, or physicians and dentists, and allied professional assistants are associated for the purpose of carrying on their professions.
19. “Commission” means the Planning and Zoning Commission of the City.
20. “Comprehensive Plan” means a plan intended to guide future growth in the City, consisting of factual base information, determinations of future needs, and goals and objectives, intended to be implemented through the provisions of this chapter and other ordinances of the City; prepared by the Commission and adopted by the Council in accordance with Chapter 414 of the *Code of Iowa*.
21. “District” means a geographical portion of the City within which certain provisions of this chapter are uniformly applied.
22. “Dwelling” means any building or portion thereof which is designed or used exclusively for residential purposes but not including a tent, cabin, trailer, manufactured home, mobile home, modular home, motor home, boardinghouse, hotel, motel or recreational vehicle.
 - A. “Single-family dwelling” means a detached residence designed for or occupied by one family only.
 - B. “Duplex dwelling” means a residence designed for or occupied by two families only, with separate housekeeping and cooking facilities for each family.
 - C. “Multiple dwelling” or “multi-family dwelling” means a residence designed for or occupied by three or more families, with separate housekeeping and cooking facilities for each family.
 - D. “Condominium dwelling” means a multiple dwelling as defined in this chapter whereby the fee title to each dwelling unit is held independently of the others.

- E. “Patio home dwelling” means a duplex dwelling as defined in this chapter whereby the fee title to each dwelling unit is held independently of the others. Each unit is erected on a separate lot and separated from others by an approved wall or walls.
- F. “Row dwelling” means any one of three or more attached dwellings in a continuous row, each such dwelling designed and erected as a unit on a separate lot, and separated from one another by an approved wall or walls.
- G. “Town home dwelling” means a multiple dwelling as defined in this chapter whereby the fee title to each dwelling unit is held independently of the others. Each unit is erected on a single lot and separated from others by an approved wall or walls.
23. “Dwelling unit” means a room or group of rooms which are arranged, designed or used as living quarters for the occupancy of one family containing bathroom and kitchen facilities.
24. “Family” means an individual; or two or more persons related to each other by blood, marriage or adoption, including foster children, and not more than two unrelated persons; or not more than four unrelated persons occupying a single dwelling unit, with the intent of staying more than seven (7) days.
25. “Family home” means a community-based residential home which is licensed as a residential care facility under Chapter 135C of the *Code of Iowa* or as a child foster care facility, not individual home, under Chapter 237 of the *Code of Iowa* to provide room and board, personal care, habilitation services, and supervision in a family environment exclusively for not more than eight developmentally disabled persons and any necessary support personnel. A family home is a permitted use in all residential districts, except that a new family home shall not be located within one-fourth of a mile from another family home.
26. “Farm” means an area used for agriculture.
27. “Fence” means an artificially constructed barrier of any material or combination of materials erected to enclose, screen or separate areas.
28. “Floor area ratio” means the gross floor area of all buildings on a lot divided by the lot area on which the building or buildings are located.
29. “Garage, private” means a portion of a dwelling or a building accessory thereto used principally for the shelter of private motor vehicles by the occupants of such dwelling. A private garage is considered an accessory building detached from the principal dwelling only if it is separated from the dwelling by a distance of not less than four feet.
30. “Gas station” means any building or premises used for the retail sale of liquefied petroleum products for the propulsion of motor vehicles, and including such products as kerosene, fuel oil, packaged naphtha, lubricants, tires, batteries, antifreeze, motor vehicle accessories, and other items customarily associated with the sale of such products, for the rendering of services and making of adjustments and replacements to motor vehicles, and the washing, waxing, and polishing of motor vehicles, as incidental to other services rendered; and the making of repairs to motor vehicles except those of a major type. Repairs of a major type are defined to be spray painting, body, fender, clutch, transmission, differential, axle, spring, and frame repairs; major overhauling of engines requiring the removal of engine cylinder head or

crankcase pan; repairs to radiators requiring the removal thereof, or complete recapping or re-treading of tires.

31. “Home occupation” means an occupation carried on in a dwelling unit provided that the use is limited in extent and compatible with surrounding properties and which meets the requirements for home occupations which are contained in Section 165.31 of this chapter, Supplementary District Regulations.

32. “Hotel” or “motel” means a building in which lodging is provided and offered to the public for compensation, and which is open to transient guests, in contradistinction to a boardinghouse or a rooming house.

33. “Junk yard” means any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled or packed, disassembled, or handled, including places or yards for storage of salvaged house wrecking and structural steel materials and equipment but not including areas where such uses are conducted entirely within a completely enclosed building and not including the processing of used, discarded or salvaged material as part of manufacturing operations.

34. “Kennel, dog” means any premises on which four or more dogs, six months old or older, are kept.

35. “Lot” means a parcel, plot or tract of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area and to provide such yards and other open space as are required by this chapter. Such lot shall have frontage on an approved public or private street and may consist of: (i) a single lot of record; (ii) a portion of a lot of record; (iii) a combination of complete lots of record; of complete lots of record and portions of lots of record; or of portions of lots of record; and (iv) a parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this chapter.

A. “Corner lot” means a lot abutting upon two or more streets at their intersection.

B. “Double frontage lot” means a lot having a frontage on two non-intersecting streets, as distinguished from a corner lot.

C. “Interior lot” means a lot other than a corner lot.

D. “Lot depth” means the mean horizontal distance between the front and rear lot lines.

E. “Lot frontage” means that portion of a lot which abuts a public street. Each side of a lot so abutting a public street shall be considered as separate lot frontage.

F. “Lot lines” means the lines bounding a lot. A “front lot line” is a boundary line abutting a public street (see also paragraph I in this subsection). A “rear lot line” is a boundary line opposite a front lot line. A “side lot line,” if it exists, is a boundary line lying between a front lot line and a rear lot line.

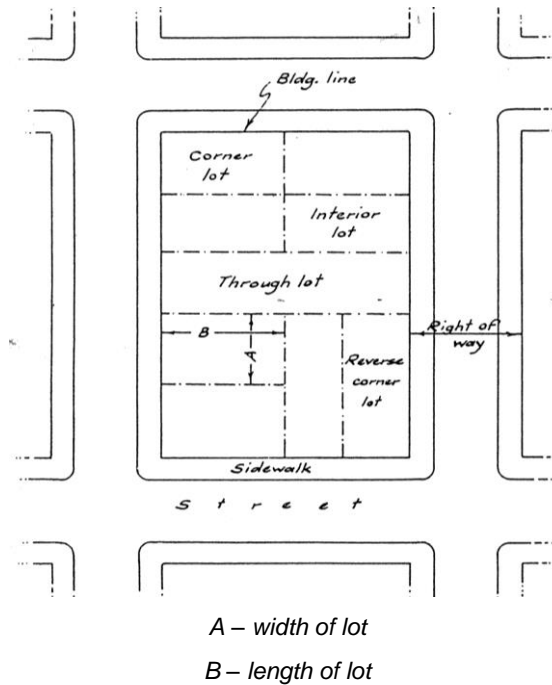
G. “Lot of record” means a lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

H. “Lot width” means the width of a lot measured at the building line and at right angles to its depth.

- I. “Reversed frontage lot” means a corner lot, the side street line of which is substantially a continuation of the front lot line of the first platted lot to its rear.
- J. “Through lot” means a lot other than a corner lot with frontage on more than one street other than an alley. Lots with frontage on two non-intersecting streets may be referred to as “through lots.”

Lot types are illustrated in Figure 1.

Figure 1
Lot Types



- 36. “Manufactured home” means a factory-built structure built under authority of 42 U.S.C. §5403 required by federal law to display a seal from the United States Department of Housing and Urban Development constructed on or after June 15, 1976.
- 37. “Mobile home” means any vehicle without motive power used or 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 vehicles with motive power not registered as a motor vehicle in Iowa. A mobile home is not built to a mandatory building code, contains no State or federal seals, and was built before June 15, 1976.
- 38. “Mobile home lot” means the parcel of land within a mobile home park upon which a single manufactured, mobile, or modular home may be located and which is

of at least sufficient size to meet minimum zoning requirements for use, coverage and area as set forth in Section 165.25.

39. “Mobile home park” means any site, lot or portion of a lot, field or tract of land upon which two or more mobile homes, manufactured homes, modular homes, or a combination thereof occupied for dwelling purposes are located regardless of whether or not a charge is made for such accommodations.

40. “Modular home” means a factory-built structure built on a permanent chassis which is manufactured to be used as a place of human habitation, is constructed to comply with the Iowa State Building Code for modular factory-built structures, and must display the seal issued by the State Building Code Commissioner.

41. “Nonconforming use” means a building, structure, or premises legally existing and/or used at the time of adoption of this chapter or any amendment to this chapter, which does not conform with the use or regulations of the district in which it is located.

42. “Nursing home” or “convalescent home” means a building or structure having accommodations and where care is provided for invalid, infirm, aged, convalescent, or physically disabled or injured persons, not including insane and other mental cases, inebriate, or contagious cases.

43. “Parking lot” means an open area other than a street or other public way used for the parking of motor vehicles and available for use for a fee or free.

44. “Parking space” means a permanently surfaced area of not less than 200 square feet which includes the parking stall plus the maneuvering space required for the parking of motor vehicles. Space for maneuvering, incidental to parking or unparking, shall not encroach upon any public right-of-way.

45. “Permitted use” means a use by right which is specifically authorized in a particular zoning district.

46. “Person” means any human being and any sole proprietorship, partnership, limited liability company, corporation, nonprofit corporation, trust or other type of artificial legal entity.

47. “Porch, unenclosed” means a roofed projection which has no more than 50% of each outside wall area enclosed by a building or siding material other than meshed screens.

48. “Principal use” means the main use of land or structures as distinguished from an accessory use.

49. “Private roadway” means a paved access, private right-of-way which is for private usage and ingress and egress to a public street.

50. “Projections” (into yards) means parts of buildings such as architectural features that extend beyond the building’s exterior wall.

51. “Rooming house” means a building where a room or rooms are provided for compensation to three or more persons.

52. “Rural Residential Subdivision” means a subdivision of real estate for residential purposes pursuant to Chapter 354 of the *Code of Iowa* within two miles of the corporate City limits, but not within the corporate City limits.

53. “Service station” (gas station) means a building or premises used for dispensing or offering for sale at retail any automobile fuels, oils, or having pumps and storage tanks therefor, or where battery, tire or any similar services are rendered, and where vehicles are not parked for purposes of inspection or sale.

54. “Setback” means the required distance between every structure and lot line on the lot in which it is located. Roof overhangs and normal architectural features extending up to two feet beyond the exterior wall of the foundation of the structure shall not be considered in computing the distance between the structure and the lot line. All roof overhangs and other architectural features extending more than two feet beyond the exterior wall of the foundation of the structure shall be considered for purposes of measuring the setback requirements to the extent those roof overhangs and architectural features exceed two feet in length.

55. “Speculative building” or “spec building” means a commercial or industrial building erected before arrangements have been made for use and operation by a buyer and/or tenant, and with the expectation that the building will be purchased or leased by a buyer and/or tenant for future use and operation.

56. “Story” means that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling or a roof next above it. A basement is counted as a story for the purpose of height regulations; a cellar is not.

57. “Story, half” means a space under a sloping roof which has the line of intersection of roof decking and wall face not more than four feet above the top floor level.

58. “Street” means a public right-of-way which provides a public means of access to abutting property. Streets shall be of PCC construction.

59. “Street line” means the right-of-way line of a street.

60. “Structural alterations” means any replacement or changes in the type of construction or in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, beyond ordinary repairs and maintenance.

61. “Structure” means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, billboards and poster panels.

62. “Swimming pool” means a water-filled enclosure, permanently constructed or portable, having a depth of more than 18 inches below the level of the surrounding land, or an above-surface pool, having a depth of more than 30 inches, designed, used, and maintained for swimming and bathing.

63. “Use” means the purpose or activity for which a piece of land or its buildings is designed, arranged, or intended, or for which it is occupied or maintained.

64. “Variance” means a departure from the height, area and yard requirements of this chapter.

65. “Yard” means an open space on the same lot with a building or structure unoccupied and unobstructed by any portion of a structure from 36 inches above the general ground level of the graded lot upward, but not including such things as yard recreational and laundry drying equipment, arbors and trellises, flagpoles, yard lights, fences, statuary or other similar decorative things. In measuring a yard for the

purpose of determining the depth of a front yard or the depth of a rear yard, the least distance between the lot line and the main building shall be used. In measuring a yard for the purpose of determining the width of a side yard, the least distance between the lot line and nearest permitted building shall be used.

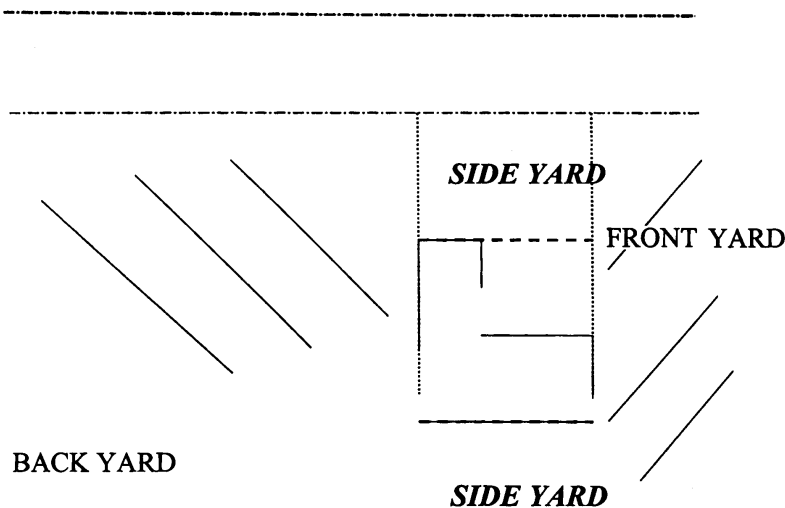
A. “Front yard” means a yard extending across the full width of the lot and measured between the front lot line and the building or any projection thereof, other than the projection of the usual steps. On corner lots, the front yard is considered the yards facing any and all streets.

B. “Rear yard” means a yard extending across the full width of the lot and measured between the rear lot line and the building or any projections other than steps, unenclosed balconies or unenclosed porches. On corner lots with multiple front yards, a rear will not exist.

C. “Side yard” means a yard extending from the front yard to the rear yard and measured between the side lot lines and the nearest building. On corner lots, a side yard exists wherever the definitions of a front yard do not apply.

Yards are illustrated in the following Figure 2.

Figure 2
Yards



66. “Zoning Administrator” means the local official responsible for reviewing zoning/building permits and following a determination by the Zoning Board of Adjustment for special exceptions and variances. Decisions of the official may be appealed to the Board of Adjustment. Permits are issued by the Zoning Administrator.

67. “Zoning map” means the official zoning map of the City, adopted by the provisions of this chapter together with all amendments thereto subsequently adopted.

165.06 NONCONFORMITIES GENERALLY. Within the districts established by this chapter there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before the provisions of this chapter were passed or amended, but which are prohibited, regulated, or restricted under the terms of this chapter or future amendment. It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. Further nonconformities shall not be enlarged upon, expanded or extended, or be used as grounds for adding other structures or uses prohibited elsewhere in the same district, but it is the intent of this chapter to allow structures which were nonconforming under the previous zoning ordinance, but which are conforming under this chapter to be considered legal as of the date of adoption of this Zoning Ordinance and shall be allowed to be rebuilt, added to, or modified within the terms and requirements of this chapter. To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

165.07 NONCONFORMING LOTS OF RECORD. In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this chapter, notwithstanding limitations imposed by other provisions of the chapter. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, if the lot shall conform to the other bulk regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through the action of the Board of Adjustment.

165.08 NONCONFORMING USES OF LAND. Where at the time of passage of this Zoning Ordinance lawful uses of land exist which would not be permitted by the regulations imposed by this chapter, and where such use involves no individual structure with a replacement cost exceeding \$1,000.00, the use may be continued so long as it remains otherwise lawful, provided:

1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter.
2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this chapter.
3. If any such nonconforming use of land ceases for any reason for a period of twelve (12) months, then any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.
4. No additional structure not conforming to the requirements of this chapter shall be erected in connection with such nonconforming use of land.

165.09 NONCONFORMING STRUCTURES. Where a lawful structure exists at the effective date of adoption or amendment of this Zoning Ordinance that could not be built

under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming structure may be enlarged or altered in such a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
2. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

165.10 NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND PREMISES IN COMBINATION. If lawful use involving individual structures with a replacement cost of \$1,000.00 or more, or of structure and premises in combination, exists at the effective date of adoption or amendment of this Zoning Ordinance, that would not be allowed in the district under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions.

1. No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside such building.
3. If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may as a special exception be changed to another nonconforming use provided that the Board of Adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accordance with the provisions of this chapter.
4. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.
5. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six (6) consecutive months or for eighteen (18) months during any three-year period (except when government action impedes access to the premises) the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
6. When nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of the subsection is

defined as damage to an extent of more than 50 percent of the replacement cost at time of destruction. Reconstruction when damaged to less than 50% shall begin within 6 months of the time of destruction or the nonconforming status shall expire. Said construction shall also be completed within 18 months of the time of destruction or the nonconforming status shall expire.

165.11 REPAIRS AND MAINTENANCE. On any building devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs, provided that the cubic content of the building as it existed at the time of passage or amendment of this chapter shall not be increased.

165.12 USES PERMITTED UNDER SPECIAL EXCEPTION PROVISIONS. Any use which is permitted as a special exception in a district under the terms of this chapter (other than a change through Board of Adjustment action from a nonconforming use to another use not generally permitted in the district) shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

165.13 BUILDING PERMIT

1. Required. No building, utility shed or deck/porch shall be erected, moved, or added to without a permit therefor issued by the Zoning Administrator. No building permit, utility shed permit or deck/porch permit shall be issued except in conformity with the provisions of this chapter, except after written order from the Board of Adjustment. Fees for building permits, utility shed permits and deck/porch permits shall be as provided by City resolution. Building permits and deck/porch permits shall be applied for at City Hall and shall expire one year after the date of issuance if work is begun within 180 days of issuance or after 180 days if no substantial beginning of construction has occurred. Utility shed permits shall be applied for at City Hall and shall expire 180 days after the date of issuance if work is begun within 90 days of issuance or after 90 days if no substantial beginning of construction has occurred. Extensions of time may be granted in writing, prior to expiration, by the Zoning Administrator for good cause. Applicants for building permits shall provide the name and registration number required by State law for all contractors to be engaged in the development.

2. Applications. All applications for building permits shall be accompanied by plans in duplicate showing the actual dimensions and shape of the lot to be built upon; the exact size and location of the lot and buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the Zoning Administrator including existing or proposed uses of the building and land; number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with and provide for the enforcement of this chapter.

3. Fees. All fees required shall be paid to the City Clerk, who shall keep complete and accurate record of fees received and shall forthwith deposit them to the credit of the general revenue fund of the City. There will be no fees charged to the United States of America, the State of Iowa, or any political subdivision thereof. Failure to approve any request made in an application, petition or appeal shall not be cause to refund the fee. All fees shall be set by resolution of the City Council.

4. Deposits. Building permits shall have a deposit in an amount set by resolution of the Council. The Clerk will retain all deposits until satisfactory project completion. Forfeiture of the deposit will occur if City inspections are not allowed when appropriate, or if all City codes, ordinances, and rules are not properly followed as determined by the Zoning Administrator.

165.14 RESIDENTIAL DWELLING STANDARDS. All dwelling units and accessory buildings shall meet the following minimum standards:

1. The minimum single-family dwelling width shall be 22 feet at the exterior dimension.
2. All single-family dwelling units including attached garages shall be placed on a permanent frost-free perimeter foundation. The permanent foundation for a manufactured home, however, may be a pier footing foundation system designed and constructed to be compatible with the structure and the conditions of the site; provided, however, (i) the pier foundations are placed below the frost line and (ii) the manufactured home is skirted with construction materials giving the appearance of a poured concrete foundation or a cement block foundation to insure visual compatibility with surrounding residential structures.
3. All single-family dwelling units shall provide for a minimum of 660 square feet of first floor space except for units within retirement homes, nursing homes, assisted living facilities and family homes. (For purposes of an arch structure, the side walls will be determined to be 8-foot vertical and must meet wall requirements.)
4. Have for the exterior wall covering either:
 - A. Wood or masonry finish or its appearance and/or vertical or horizontal grooved siding or lap siding or its appearance.
 - B. All skirting covering pier footings or converted mobile homes shall be visually compatible with adjacent residential structures.
5. Use of flat or corrugated sheet metal for the exterior walls on buildings or structures larger than 150 square feet is prohibited.

165.15 ZONING MAP. The official zoning map of the City, adopted on October 23, 2002, and as thereafter amended, is amended and readopted as shown on the zoning map, on file at City Hall, and is made a part of this chapter. The location and boundaries of the zoning districts established by this chapter are set forth on the zoning map in accordance with the Comprehensive Plan.[†]

165.16 ZONING DISTRICTS DESIGNATED. For purposes of this chapter, the City is organized into the following zoning districts, all of which correspond with plan designations set forth in the Comprehensive Plan and on the Comprehensive Plan map. The A-1 District can implement any of the plan designations as it is a temporary, not an ultimate zoning district. The R-5 District can implement any of the six other residential plan designations. The following are the districts:

[†] (See EDITOR'S NOTE at the end of this chapter for ordinances amending the zoning map.)

A-1, Agricultural Holding District;
R-1, Single-Family Residential District;
R-1A, Single-Family Residential District;
R-2, Single-Family and Duplex Residential District;
R-2A, Patio Homes Residential District;
R-3, Multi-Family Residential District;
R-4, Mobile Home Park Residential District;
R-5, Planned Unit Development District;
C-1, Neighborhood Commercial Office District;
C-2, General Commercial District;
C-3, Old Towne Commercial District;
M-1, Industrial District.

165.17 ZONING DISTRICT BOUNDARIES. Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways, alleys, or other public rights-of-way shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following City limits shall be construed as following City limits.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as following the centerlines of rivers, streams, creeks or other waterways shall be construed to follow such centerlines.
6. Boundaries indicated as following section lines, quarter section lines, or quarter-quarter section lines of the original federal survey shall be construed as following such lines.
7. Boundaries not capable of being determined in the other subsections of this section shall be as dimensioned on the official zoning map or if not dimensioned shall be determined by the scale shown on the map.

165.18 ANNEXATIONS. All territory which may hereafter be annexed to the City shall be considered as lying in the A-1 Agricultural Holding District, until such classification shall have been changed by amendment in accordance with the provisions of this chapter and the Comprehensive Plan map.

[The next page is 875]

165.19 A-1 DISTRICT – AGRICULTURAL HOLDING DISTRICT. The A-1 District is intended and designed to maintain larger lot holdings for future development, while allowing certain agricultural and other appropriate interim uses until rezoning in accordance with the Comprehensive Plan map occurs. The A-1 District is subject to the following regulations:

1. Permitted Uses. Only the following uses of structures or land shall be permitted in the A-1 District:
 - A. Agricultural building and structures. If a parcel is ten acres or more in area, and if the parcel is designated on the Comprehensive Plan as agricultural use, and if A-1 zoning appears to be the ultimate zoning classification, then raising of farm animals, dairying, animal and poultry husbandry, feed lots, and grain storage and drying facilities are permitted. If a parcel is less than ten acres in area, or if the parcel is not designated on the Comprehensive Plan as agricultural use, or if A-1 zoning does not appear to be the ultimate zoning classification, then raising of farm animals, dairying, animal and poultry husbandry, feed lots, and grain storage and drying facilities are not permitted. *(Ord. 457 – May 17 Supp.)*
 - B. One-family dwellings if permitted in the district ultimately to be applied to the area.
 - C. Publicly owned parks, playgrounds and recreation areas if permitted in the district ultimately to be applied to the area.
 - D. Private noncommercial recreational areas and centers including clubs and swimming pools if permitted in the district ultimately to be applied to the area.
 - E. Kennels for raising, breeding and boarding of dogs or other small animals if permitted in the district ultimately to be applied to the area and providing that all outdoor runways shall be at least 200 feet from any R-1 District.
 - F. Nurseries and greenhouses if permitted in the district ultimately to be applied to the area.
 - G. Uses of land or structures customarily incidental and subordinate to a principal permitted use, including the rental of a room and permanent or movable storage sheds.
 - H. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
 - I. Home occupations.
2. Minimum Requirements. The following minimum requirements shall be observed in the A-1 District:
 - A. Lot Area: dwellings and other permanent structures where connected to public sewer and water, as set forth in the district ultimately to be applied to the area; where not connected, as required by the Iowa Department of Natural Resources. All new land divisions shall have a ten-acre minimum lot area.

B. Lot Width, Front Yard, Side Yard: dwellings and other permanent structures, as set forth in the districts ultimately to be applied to the area.

C. Rear Yard: as set forth in the districts ultimately to be applied to the area. Where yards border Ballard Creek or its tributaries, the rear yard shall be 50 feet and no more than 50% of shrubs and trees shall be removed, for purposes of maintaining a wildlife corridor.

D. Maximum Height: as set forth in the districts ultimately to be applied to the area.

E. Solar Access: No structure or improvements to an existing structure shall be situated so that it shades an adjacent residence in a significant way, or interferes significantly in the use of solar devices.

F. Minimum Requirements Applicable when A-1 is Ultimate Zoning Classification: In the preceding subsections of this Section 2, minimum requirements for lot area, lot width, front yard, side yard, rear yard and maximum height are the same as the requirements for the regulations of the zoning district ultimately to be applied to the area. If a parcel is ten acres or more in area, and if the parcel is designated on the Comprehensive Plan as agricultural use, and if A-1 zoning appears to be the ultimate zoning classification, then the following minimum requirements shall apply:

(1) For non-agricultural buildings and structures, the minimum requirements for lot area, lot width, front yard, side yard and rear yard shall be the same as those set forth in the R-1 regulations of section 165.20, subject to the provisions for subsection (2) below. However, for agricultural buildings and structures, the rear yard setback shall be a minimum of 15 feet if the rear yard does not adjoin a residential "R" zoned property.

(2) No livestock and no agricultural building or structure shall be permitted closer than 500 feet from the property line between the subject property and any residential "R" zoned adjoining property.

(3) The maximum height shall be 30 feet for principal non-agricultural buildings, 20 feet for accessory non-agricultural buildings, and 45 feet for principal and accessory agricultural buildings.

(4) No agricultural building that is 150 or more square feet in area shall be located closer than 20 feet from another agricultural building that is 150 or more square feet in area.

(Ord. 457 – May 17 Supp.)

3. Other Standards. All uses shall meet the parking, design and sign standards of this chapter.

[The next page is 881]

165.20 R-1 DISTRICT – SINGLE-FAMILY RESIDENTIAL DISTRICT. The R-1 District is intended and designed to provide for certain low-density residential areas of the City now developed primarily with single-family detached dwellings and areas where similar residential development is appropriate. The R-1 District is subject to the following regulations:

1. Permitted Uses. Only the following uses of structures or land shall be permitted in the R-1 District:
 - A. Single-family dwellings.
 - B. Publicly owned parks, playgrounds and recreation areas.
 - C. Uses of land or structures customarily incidental and subordinate to a permitted principal use, including the rental of a room and permanent or movable storage sheds.
 - D. Home occupations.
 - E. Agricultural uses, provided that no sense of odors or dust are created; provided, however, that no agricultural uses are permitted on platted lots with water and/or sewer connections except gardens established for the primary use of the property owner.
 - F. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
 - G. Temporary use of a dwelling structure within a new subdivision as a job office and real estate office for the subject subdivision, which use shall terminate upon completion or abandonment of the project.
 - H. Manufactured homes, provided:
 - (1) The manufactured home is installed upon a permanent foundation system that is compatible with the site and the structure and is visually compatible with surrounding residential structures.
 - (2) If 50% or more of the residential structures within 300 feet of the lot on which a manufactured home is to be erected have a basement or cellar, the visually compatible permanent foundation is a basement or cellar.
 - (3) If the permanent foundation system is a pier footing foundation, the open space between the bottom of the floor of the manufactured home and the grade level shall be completely enclosed by skirting of a permanent type material and construction at the time of installation of the manufactured home.
 - I. School buildings used for accredited educational purposes.
 - J. Places of worship.

2. Bulk Regulations. The following requirements shall be observed in the R-1 District:

Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Maximum Height	Minimum Building Depth	Minimum Building Width
10,000 square feet ¹	80 feet ²	30 feet	1½ stories: 8 feet each side 2 or 3 stories: 10 feet each side ³	25 feet ⁴	principal building: 35 feet accessory building: 20 feet	24 feet or 30% of lot depth, whichever is smaller	40 feet or 80% of lot width, whichever is smaller
<p>1 For preexisting nonconforming lots, the minimum lot area shall be 7,000 square feet for an unbuilt lot and any size for a built lot where the dwelling has been destroyed.</p> <p>2 For an unbuilt nonconforming lot, minimum lot width shall be 50 feet.</p> <p>3 For an unbuilt nonconforming lot, minimum side yard shall be seven feet for 1½ stories and eight feet for 2 and 3 stories; detached building, 5 feet each side.</p> <p>4 For detached building, minimum rear yard shall be 5 feet. Where yard borders Ballard Creek or its tributaries, rear yard shall be 50 feet and no more than 50% of shrubs and trees shall be removed, for purposes of maintaining a wildlife corridor.</p>							

3. Solar Access. No structure or improvement to an existing structure shall be situated so that it shades an adjacent residence in a significant way, or interferes significantly in the use of solar devices.

4. Other Standards. All uses shall meet the parking, design and sign standards of this chapter.

[The next page is 887]

165.21 R-1A DISTRICT – SINGLE-FAMILY RESIDENTIAL DISTRICT. The R-1A District is intended and designed to provide for certain low- and medium-density residential areas of the City now developed primarily with single-family detached dwellings and areas where similar residential development is appropriate. The R-1A District is subject to the following regulations:

1. Permitted Uses. Only the uses of structures permitted in the R-1 District shall be allowed in the R-1A District as specified in the regulations therefor. Except as may be specifically set forth otherwise, all uses shall meet the parking, design, sign, fence and wall, and all other standards of this chapter.
2. Bulk Regulations. The following minimum requirements shall be observed in the R-1A District:

Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Maximum Height
7,000 square feet	50 feet	30 feet	8 feet each side ¹	25 feet ¹	principal building: 35 feet accessory building: 20 feet
1 For detached building, minimum side or rear yard shall be 5 feet.					

3. Solar Access. No structure or improvement to an existing structure shall be situated so that it shades an adjacent residence in a significant way, or interferes significantly in the use of solar devices.

[The next page is 893]

165.22 R-2 DISTRICT – SINGLE-FAMILY AND DUPLEX RESIDENTIAL DISTRICT.

The R-2 District is intended and designed for certain medium density residential areas of the City now developed with single-family and duplex residences, and areas where similar residential development is appropriate. The R-2 District is subject to the following regulations:

1. Permitted Uses. Only the following uses of structures or land shall be permitted in the R-2 District:
 - A. Any use permitted in the R-1 District.
 - B. Duplex residences.
 - C. Bed and breakfast establishment.
2. Bulk Regulations. The following minimum requirements shall be observed in the R-2 District:

Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Maximum Height
single-family dwelling: 7,000 square feet duplex: 12,000 square feet ¹	single-family dwelling: 50 feet duplex: 65 feet	30 feet	8 feet each side ²	25 feet	principal building: 35 feet accessory building: 20 feet
1 For preexisting nonconforming lots, the minimum lot area shall be 6,000 square feet for an unbuilt lot and any size for a built lot where the dwelling has been destroyed. 2 For detached building, 5 feet each side.					

3. Solar Access. No structure or improvement to an existing structure shall be situated so that it shades an adjacent residence in a significant way or interferes significantly in the use of solar devices.
4. Other Standards. All uses shall meet the parking, design and sign standards of this chapter.

[The next page is 899]

165.23 R-2A DISTRICT – PATIO HOMES RESIDENTIAL DISTRICT. The R-2A District is intended and designed for certain medium density residential areas of the City now developed with single-family and duplex residences, and areas where similar residential development is appropriate. The R-2A District is subject to the following regulations:

1. Permitted Uses. Only the following uses of structures or land shall be permitted in the R-2A District:
 - A. Patio homes.
 - B. All of the uses allowed in R-1 except for single-family dwellings, manufactured homes and detached garages.
2. Bulk Regulations. The following minimum requirements shall be observed in the R-2A District:

Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Maximum Height
5,000 square feet	40 feet	30 feet	8 feet except at common wall	25 feet	principal building 35 feet

3. Other Standards.
 - A. Common wall must meet current codes adopted by the City.
 - B. No fence shall be allowed in the front yard.
 - C. If on-street parking is permitted on the side of the street that fronts the subject property, driveways to the principal building shall be constructed without separation between them. If on-street parking is not permitted on the side of the street that fronts the subject property, driveways to the principal building may be constructed with separation between them. Driveways to the principal building shall be constructed with a maximum combined width of 32 feet in the right-of-way, plus a 4-foot flare on each side at the street curb.
 - D. Each principal building unit shall have separate City and private services and metering systems.
 - E. There shall be at least one entrance per unit facing the street.
 - F. All uses shall meet the parking, design and sign standards of this chapter.
 - G. A site plan for all structures shall be submitted for approval prior to building permit issuance.

[The next page is 905]

165.24 R-3 DISTRICT – MULTI-FAMILY RESIDENTIAL DISTRICT. The R-3 District is intended and designed for certain high density residential areas of the City now developed with duplexes and multi-family dwellings, and areas where similar residential development is appropriate. The R-3 District is subject to the following regulations:

1. Permitted Uses. Only the following uses of structures or land are permitted in the R-3 District:
 - A. Any use permitted in the R-2 District, with the exception of single-family dwellings.
 - B. Any use permitted in the R-2A District.
 - C. Multiple dwellings, including row dwellings, townhouses, condominiums and apartments. Row dwellings, townhouses and condominiums are to consist of not more than eight units in a continuous row per building.
 - D. Boardinghouses and rooming houses.
 - E. Nursing, convalescent and retirement homes.
2. Bulk Regulations. The following minimum requirements shall be observed in the R-3 District:

Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Maximum Height
duplex: 10,000 square feet multi-family units: 10,000 square feet plus 2,000 square feet for each dwelling unit over 2	duplex: 60 feet multi-family units: 70 feet	30 feet	10 feet ¹	25 feet	principal building: 45 feet accessory building: 20 feet
1 For detached building, 5 feet each side.					

3. Solar Access: No structure or improvement to an existing structure shall be situated so that it shades an adjacent residence in a significant way, or interferes significantly in the use of solar devices.
4. Other Standards.
 - A. For multiple dwellings, common walls must meet current City Code.
 - B. For row dwellings, townhouses and condominiums, zero lot lines may only occur in the vertical plane. Stacked units or zero lot lines in the horizontal plane are not allowed. Each unit must have a public accessible entrance. Association agreements shall be created to provide for the maintenance and replacement of the commonly owned interior streets, public walks and grounds.
 - C. All interior private roadways shall be paved according to City standards for residential street pavement construction with a minimum pavement width of 26 feet, measured back to back of curb.

- D. All meter banks, air conditioning units, transformer units, and trash collection areas shall be screened with sight obscuring fence or vegetation.
- E. Detached garage buildings shall not consist of more than 16 stalls per building, and usage shall be for dwelling unit tenants only.
- F. All uses shall meet the parking, design and sign standards of this chapter.

[The next page is 911]

165.25 R-4 DISTRICT – MOBILE HOME RESIDENTIAL DISTRICT. The R-4 District is intended and designed to provide for certain medium density residential areas of the City now developed with mobile home parks, which by reason of their design and location are compatible with surrounding residential areas and areas where similar development is appropriate. The R-4 District is subject to the following regulations:

1. Permitted Uses. Only the following uses of structures or land shall be permitted in the R-4 District:
 - A. Mobile homes, manufactured homes and modular homes.
 - B. Common services buildings which provide laundry facilities, accessory buildings, park management buildings, community buildings, and other uses of land or structures customarily incidental to and subordinate to manufactured, mobile or modular homes.
 - C. Home occupations.
2. Minimum Requirements. The following minimum requirements shall be observed for each mobile home park in the R-4 District:
 - A. The minimum total area shall be ten acres.
 - B. Each yard abutting on a public street shall be a minimum of 10 feet, and this minimum shall be an exception to the following general requirements for side and rear yards. Each side or rear yard shall be a minimum of 50 feet when adjacent to an R-1 or R-2 district and 30 feet when adjacent to an R-3, R-5, C or M district. *(Ord. 456 – May 17 Supp.)*
 - C. The minimum area of a mobile home lot shall be 5,000 square feet and shall measure at least 50 by 100 feet.
 - D. Manufactured, mobile and modular homes shall be located on each mobile home lot so that there will be at least a 25-foot separation at the nearest point between each manufactured, mobile or modular home, a seven-foot open space between the manufactured, mobile or modular home including any permanently enclosed appendage and any driveway or walkway and a five-foot open space from the mobile home lot boundary; and a ten-foot open space at the rear of the manufactured, mobile or modular home.
 - E. Land area for one or more recreation areas shall be provided for mobile home park residents. Land area for recreation areas shall be computed on the basis of 250 square feet of land for each mobile home lot in the park. Said 250 square feet shall not be considered as part of the 5,000-square-foot minimum mobile home lot size.
 - F. The entrance road connecting the mobile home park roadways with the public streets shall have a minimum pavement width of 31 feet, measured back to back of curb. All interior private roadways shall be paved construction with a minimum pavement width of 26 feet, measured back to back of curb, and shall meet City specifications.
 - G. If it exists, an open space between the grade level of the temporary or permanent foundation and the bottom of the floor of a manufactured, mobile or modular home shall be completely covered and enclosed by skirting of a permanent type material and construction within ninety days. This skirting

shall be maintained in an attractive manner consistent with the exterior of the manufactured, mobile or modular home to preserve the appearance of the mobile home park.

H. Sewer and water facilities shall be provided for each mobile home lot in accordance with the City and the State Department of Health requirements. All mobile home park developments must be connected to the municipal sanitary sewer and the municipal water systems.

I. All uses shall meet the parking, design and sign standards of this chapter.

J. The maximum height of principal buildings and common facilities services buildings shall be 35 feet; the maximum height of accessory buildings shall be 15 feet.

K. Accessory buildings shall not be any closer than 7 feet to any modular, mobile or manufactured home or other accessory buildings; and accessory buildings shall not be closer than 7 feet and modular, mobile or manufactured homes shall not be closer than 5 feet from side lot lines and 10 feet from rear lot line.

3. Park Plan Required. Each petition for a change to the R-4 zoning classification shall be accompanied by a mobile home park plan. Said plan shall show each mobile home, lot, the water, electrical and sewer lines serving each mobile home lot, the location of garbage receptacles, water hydrants, service buildings, private roadways, driveways, walkways, recreation areas, required yards, parking facilities, lighting and landscaping. The plan shall be considered by the Commission and the Council, who may approve or disapprove said plan or require such changes thereto as are deemed necessary.

4. Compliance with Regulations. The City shall cause to be made such inspection and investigation necessary to determine that such mobile home park complies with all local ordinances, codes, and other regulatory measures applicable thereto, and is not in conflict with State law and regulations of the State Department of Health.

5. Sanitary and Water Facilities. No person shall construct, expand, remodel or make alterations to the sanitary and water facilities in a mobile home park within the City without first obtaining a permit therefor from the City. The application for such permit shall be filed with the City Clerk. All materials shall meet City specifications and construction methods for water and sanitary sewer systems.

6. Mobile Homes Outside of Mobile Home Parks. It is unlawful for any person to park any manufactured, mobile or modular home on the streets, alleys, highways, or any public place outside a mobile home park. It is unlawful to use or occupy a manufactured, mobile or modular home as a dwelling place outside a mobile home park, unless such manufactured, mobile or modular home has been converted to real estate as provided by State law and meets with all requirements of the building, plumbing, health, sanitary, electrical and zoning ordinances of the City.

[The next page is 917]

165.26 R-5 DISTRICT – PLANNED UNIT DEVELOPMENT DISTRICT. The R-5 District is intended and designed to provide a means for the development of large tracts of land on a unit basis, allowing greater flexibility and diversification of land uses and building locations than the conventional single lot method provided in other sections of this chapter. It is the intent of this section that the basic principles of good land use planning including an orderly and graded relationship between various types of uses be maintained and that the sound zoning standards as set forth in this chapter concerning population density, adequate light and air, recreation and open space, and building coverage be preserved. The R-5 District is subject to the following regulations:

1. The owner or owners of any tract of land in an R district may submit to the Council a petition requesting a change to the R-5 zoning district classification. The petition shall be accompanied by a proposed plan for the use and development of the entire tract of land. The proposed development plan shall be referred to the Commission for study and report. The Commission shall review the conformity of the proposed development with the standards of the Comprehensive Plan, and with recognized principles of civic design, land use planning and landscape architecture. The Commission may approve the plan as submitted, or, before approval, may require that the applicant modify, alter, adjust, or amend the plan as the Commission deems necessary to the end that it preserves the intent and purpose of the Comprehensive Plan and this chapter and to promote public health, safety, morals, and general welfare. The development plan as approved by the Commission shall then be reported to the Council; whereupon the Council may approve or disapprove said plan as reported or may require such changes thereto as it deems necessary to effectuate the intent and purpose of the Comprehensive Plan and this chapter.
2. The final development plan shall be accompanied by the following required documents:
 - A. If the proposed development includes common land which will not be dedicated to the City and the proposed development will not be held in single ownership, proposed bylaws of a homeowners' association fully defining the functions, responsibilities and operating procedures of the association. The proposed bylaws shall include but not be limited to provisions:
 - (1) Automatically extending membership in the association to all owners of dwelling units within the development;
 - (2) Limiting the uses of the common property to those permitted by the final development;
 - (3) Granting to each owner of a dwelling unit within the development the right to the use and enjoyment of the common property;
 - (4) Placing the responsibility for operation and maintenance of the common property in the association;
 - (5) Giving every owner of a dwelling unit voting rights in the association; and
 - (6) If the development will combine rental and for sale dwelling units, stating the relationship between the renters and the homeowners' association and the rights renters shall have to the use of the common land.

- B. Performance bond which shall insure to the City that the dedicated public streets, utilities and other common development facilities shall be completed by the developer within the time specified on the final development plan.
- C. Covenant to run with the land, in favor of the City and all persons having a proprietary interest in any portion of the development premises, that the owner of the land or successors in interest will maintain all interior streets, parking areas, sidewalks, common land, parks and plantings which have not been dedicated to the City in compliance with the City ordinances.
- D. Any additional agreements required by the Council at the time of preliminary plan approval.
- E. A final plat shall be submitted with each stage of the final development plan. The plat shall show building lines, lots and/or blocks, common land, streets, easements and other applicable items required by Chapter 166 of this Code of Ordinances. Following approval of the final plat by the Commission and Council, the plat shall be recorded with the County Auditor and Recorder.
3. The final development plan and required documents shall be reviewed by the Commission for compliance with R-5 standards and substantial compliance with the preliminary plan. The Commission's recommendations and report on the final development plan shall be referred to the Council for final approval. The final development plan and final plat shall be approved by the Council before any building permit is issued.
4. Permitted principal and accessory land uses, lot area, yard and height requirements shall be as set out below, which shall prevail over conflicting requirements of this chapter or Chapter 166 of this Code of Ordinances.
- A. Buildings shall be used only for residential purposes; occupant garages, occupant storage space and similar accessory uses; noncommercial recreational facilities; and community activities.
- B. The minimum lot and yard requirements of the zoning districts in which the development is located shall not apply, except that minimum yards specified in the district shall be provided around the boundaries of the development. The Council may require open space or screenings be located along all or a portion of the development boundaries in accordance with the design standards of this chapter applicable to site plan review. The height requirements of the zoning district in which the development is located shall apply. No structure shall be situated so that it shades or will shade an adjacent residence in a significant way, or interferes significantly in the uses of solar devices.
- C. All public streets, water mains, sanitary sewer and storm sewer facilities shall comply with appropriate ordinances and specifications of the City.
- D. "Common land," as used in this section, refers to land retained in private ownership for the use of the residents of the development, or to land dedicated to the general public.

- E. Any land gained within the development because of the reduction in lot sizes below minimum title requirements shall be placed in common land to be dedicated to the City or retained in private ownership to be managed by a homeowners' association.
- F. The requirements of this chapter relating to off-street parking and loading shall apply to all R-5 Districts.
5. The maximum number of dwelling units permitted in an R-5 District shall be determined by dividing the net development area by the minimum lot area per dwelling unit required by the zoning district or districts in which the area is located. In the R-2 District, the one-family dwelling requirement shall apply. Net development area shall be determined by subtracting the area set aside for churches and schools, if any, and deducting the area actually proposed for streets from the gross development area. The area of land set aside for common land, open space, or recreation shall be included in determining the number of dwelling units permitted.
6. The Council may make the approval of the development plan contingent upon the completion of construction and improvements within a reasonable period of time; provided, however, in the determination of such period, the Council shall consider the scope and magnitude of the development project and any schedule of construction and improvements submitted by the developer. Failure to complete all construction and improvements within the said period of time shall be deemed sufficient cause for the Council to rezone the unimproved property to the classification effective at the time of original submission of the development plan, unless an extension is recommended by the Commission and approved by the Council for due cause shown. Any proposed change in the development plan after approval by the Council shall be resubmitted and considered in the same manner as the original proposal. "Unimproved" property means all property situated within a stage or stages of the final development plan upon which the installation of improvements has not been commenced.
7. In no event shall the installation of any improvements be commenced in the second or subsequent stages of the final development plan until such time as ninety percent of all construction and improvements have been completed in any prior stage of such plan.

[The next page is 925]

165.27 C-1 DISTRICT – NEIGHBORHOOD COMMERCIAL DISTRICT. The C-1 District is intended for small areas in or near residential neighborhoods. The zone encourages the provision of small-scale retail and service use for nearby residents. Uses are restricted in size to promote a local orientation and to limit adverse impacts on nearby residential areas. Development is intended to be pedestrian-oriented and compatible with the scale of surrounding residential areas. Parking areas are strictly regulated, to promote compatibility with the character of surrounding residential development and the intended pedestrian orientation of the uses. Residential type structures are also permitted. This district is characterized by large homes suitable for use as offices or parcels of land economically desirable for the construction of new office facilities. The uses permitted are intended to require lower volume of traffic.

1. Permitted Uses. The following uses are permitted in the C-1 District:
 - A. Professional offices and clinics.
 - B. Sale and service of goods and products conducted entirely within the building. Limited manufacturing and processing of goods is allowed, however, there must be a retail store front.
 - C. Community facilities.
 - D. Household living.
 - E. Preschools/child care centers.
 - F. Funeral homes.
2. Accessory Uses. Uses of land or structures customarily incidental and subordinate to a permitted use in the C-1 District including, but not limited to, the following:
 - A. Private garages.
 - B. Parking lots.
 - C. Temporary buildings for the uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
3. Special Exceptions. Certain uses may be permitted in the C-1 District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses:
 - A. Gasoline service stations and convenience stores that do not conduct automotive repairs or maintenance.
 - B. Special home occupations.

4. Bulk Regulations. The following minimum requirements shall be observed in the C-1 District:

Minimum Lot Area	Maximum Building Size	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Maximum Height
6,000 square feet	10,000 square feet	50 feet	25 feet	0 feet ¹	25 feet	principal building: 35 feet accessory building: 20 feet
1 Unless abutting a residential lot, then minimum side yard required is 15 feet.						

5. Performance Standards. The following performance standards shall apply to the C-1 District:

- A. All required yards, including those which may be used for off-street parking, shall be landscaped. They shall be landscaped in accordance with Chapter 168. Any areas left in a natural state shall be properly maintained in a sightly and well-kept condition.
- B. All right-of-way shall be landscaped in accordance with Chapter 168. Any areas left in a natural state shall be properly maintained in a sightly and well-kept condition.
- C. All business shall be conducted within an enclosed yard or building, except by special exceptions.
- D. Uses in this district shall comply with all sign, landscaping and other design standards adopted by the City.

6. Legally Existing Nonconforming Single-Family Residences.

- A. A nonconforming, but otherwise legal, single-family residence may be reconstructed regardless of the extent to which it may have been destroyed by casualty. Section 165.09(2) shall not apply.
- B. Notwithstanding any provision in this Code of Ordinances to the contrary, the total gross floor area above grade existing immediately before destruction may be increased as a part of the bona fide reconstruction project, but by no more than 25 percent of the original area and provided that such expansion shall not expand or create any other nonconformity.
- C. The right to reconstruct consistent with this section shall be personal to the owner of the property and shall not be transferable.
- D. Notwithstanding Sections 165.08, 165.09 and 165.10, if a nonconforming, but otherwise legal, single-family residential use of the land, structure, or land and structure in combination is converted to a commercial use or ceases for any period of time (except for lawful reconstruction), the uses shall thereafter conform to the district regulations.

[The next page is 931]

165.28 C-2 DISTRICT – GENERAL COMMERCIAL DISTRICT. The C-2 District is intended and designed to provide for general retail and service commercial uses, in an efficient and compact manner. The uses permitted are intended to accommodate both the needs of the resident consumer and the traveling consumer. The C-2 District is subject to the following regulations:

1. Permitted Uses. Only the following uses of structures or land shall be permitted in the C-2 District:
 - A. Any use permitted in the C-1 District except multi-family housing;
 - B. Animal hospitals, veterinary clinics and kennels with indoor runs only;
 - C. Antique shops;
 - D. Art shops/studios;
 - E. Automobile display/sales/new parts and, where in conjunction with sales, repair;
 - F. Bakeries, must include retail sales and have maximum total floor space of 5,000 square feet;
 - G. Barber/beauty shops;
 - H. Bookstores;
 - I. Commercial amusements;
 - J. Confectionery stores, including ice cream or snack bars;
 - K. Dance studios;
 - L. Department stores;
 - M. Drugstores;
 - N. Dry cleaning/laundry/laundrette;
 - O. Fabric stores;
 - P. Florist shops, greenhouses and nurseries;
 - Q. Furniture stores;
 - R. Gift shops;
 - S. Grocery stores, including supermarkets, health food stores, delicatessens, dairy stores, all retail only;
 - T. Hardware and dry goods stores;
 - U. Hobby shops;
 - V. Hotels and motels;
 - W. Household appliance stores;
 - X. Jewelry stores and watch repair shops;
 - Y. Key shops;
 - Z. Leather goods stores;

- AA. Locker plants for storage and retail sales only;
- BB. Music stores/studios/record stores;
- CC. Office supply stores;
- DD. Paint and wallpaper stores;
- EE. Pet shops;
- FF. Photography stores/studios;
- GG. Plumbing/heating/air conditioning shops;
- HH. Printing and photocopying shops;
- II. Public buildings and utilities, including administrative, collection and sales offices, equipment storage buildings, and enclosed storage;
- JJ. Radio and television sales/repair shops;
- KK. Real estate, insurance and financial offices;
- LL. Service stations where pumps are at least 25 feet from street and at least 100 yards from a City well;
- MM. Restaurants and cafes;
- NN. Shoe and hat sales/repair shops;
- OO. Sporting good stores;
- PP. Tailor and dressmaking shops;
- QQ. Taverns/nightclubs;
- RR. Toy stores;
- SS. Variety stores;
- TT. Video stores;
- UU. Wholesale display and sales rooms;
- VV. School buildings used for accredited educational purposes;
- WW. Places of worship;
- XX. Any combination of the above listed uses;
- YY. Any uses determined by the Zoning Administrator to be of a similar nature to the above listed uses;
- ZZ. A residence occupied by the owner or an employee of the commercial use and that is an integral part of or contiguous to the principal commercial structure at the time of adoption of this provision;
- AAA. Storage of merchandise incidental to the principal use, but not to exceed forty percent of the floor area used for such use;
- BBB. Uses of land or structures customarily incidental and subordinate to a permitted principal use, unless otherwise excluded;
- CCC. Agricultural uses, provided that no offensive odors or dust are created.

2. Bulk Regulations. The following minimum requirements shall be observed in the C-2 District:

Minimum Lot Area	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Maximum Height
6,000 square feet	25 feet	0 feet ¹	25 feet	principal building: 35 feet accessory building: 20 feet
<p>¹ Unless abutting a residential lot, then minimum side yard required is 15 feet. Animal hospitals, taverns and nightclubs shall have a 50-foot side yard from any adjacent R District.</p>				

3. Solar Access. No structure or improvement to an existing structure shall be situated so that it shades an adjacent residence in a significant way, or interferes significantly in the use of solar devices.

4. Other Standards. All uses shall meet the parking, design and sign standards of this chapter.

5. Legally Existing Nonconforming Single-Family Residences.

E. A nonconforming, but otherwise legal, single-family residence may be reconstructed regardless of the extent to which it may have been destroyed by casualty. Section 165.09(2) shall not apply.

F. Notwithstanding any provision in this Code of Ordinances to the contrary, the total gross floor area above grade existing immediately before destruction may be increased as a part of the bona fide reconstruction project, but by no more than 25 percent of the original area and provided that such expansion shall not expand or create any other nonconformity.

G. The right to reconstruct consistent with this section shall be personal to the owner of the property and shall not be transferable.

H. Notwithstanding Sections 165.08, 165.09 and 165.10, if a nonconforming, but otherwise legal, single-family residential use of the land, structure, or land and structure in combination is converted to a commercial use or ceases for any period of time (except for lawful reconstruction), the uses shall thereafter conform to the district regulations.

[The next page is 939]

165.29 C-3 DISTRICT – OLD TOWNE COMMERCIAL DISTRICT. The C-3 District is intended and designed to provide for general retail and service commercial uses in an efficient and compact manner and to preserve the historic character of the original business district of the City. The uses permitted are intended to accommodate both the needs of the resident consumer and the traveling consumer. The C-3 District shall be subject to the same regulations as the C-2 District except that a maximum of fifty percent of the floor area of a principal commercial structure may be used for residential purposes.

[The next page is 945]

165.30 M-1 DISTRICT – INDUSTRIAL DISTRICT. The M-1 District is intended and designed to provide areas of the City suitable for uses of a light industrial nature. The M-1 District is subject to the following regulations:

1. Permitted Uses. Only the following uses of structures or land shall be permitted in the M-1 District:
 - A. Any use permitted in the C-2 District, except the following unless by special permit:
 - (1) School buildings used for accredited educational purposes;
 - (2) Places of worship.
 - B. Animal hospitals, kennels and pounds, outdoor runs;
 - C. Automobile and farm implement sales, repair, paint and body shops;
 - D. Bottling, creamery, ice manufacture, cold storage;
 - E. Broadcasting;
 - F. Compounding of drugs, cosmetics;
 - G. Contractors shops;
 - H. Laboratories: research, experimental and testing;
 - I. Lumber and building material yards;
 - J. Machine, metal, welding, repair, tool and die shops;
 - K. Manufacture, assembly, processing, packaging or other comparable treatment of the following:
 - (1) Bakery goods,
 - (2) Cameras and other photographic equipment,
 - (3) Electronic parts, instruments and devices of a small nature,
 - (4) Musical instruments, toys and novelties,
 - (5) Pottery, brick and clay products,
 - (6) Products from the previously prepared materials: bone, canvas, cellophane, cloth, rope, cord, twine, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, cardboard, plastics, natural and synthetic rubber, precious or semi-precious metals or stones, shells, textiles, tobacco, wax, wood, yarns, light metal mesh, pipe, rods, strips or wire,
 - (7) Small precision instruments, including medical and drafting instruments;
 - L. Printing and bookbinding;
 - M. Public utilities;
 - N. Rental storage, no Class B flammable liquids or explosives allowed;
 - O. Rug cleaning/dying;

- P. Truck and freight terminal/repair;
- Q. Wholesaling and warehousing uses, but not including the bulk storage of anhydrous ammonia or petroleum products under pressure;
- R. Uses and structures clearly incidental and necessary to the principal permitted uses of structures of this district;
- S. Temporary buildings in conjunction with construction work provided that such buildings are removed promptly upon completion of the construction work;
- T. Agricultural use, provided that no offensive odors or dust are created.

All uses shall be wholly contained within a building, except for animal hospital, kennel and pound outdoor runs, automobile and farm implement display areas, lumber and building material yards, public utilities and truck and freight terminals. No use shall be permitted to be established which, in the judgment of the Zoning Administrator, by reason of its nature or manner of operation is or may become hazardous, noxious, or offensive owing to the emission of odor, dust, smoke, cinders, gas fumes, noises, vibrations, refuse matter or water-carried waste. There shall be no underground storage or dumping of flammable or toxic substances. All proposed uses shall demonstrate the adequate availability of water to meet anticipated needs prior to approval.

2. Bulk Regulations. The following minimum requirements shall be observed in the M-1 District:

Minimum Lot Area	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Maximum Height
6,000 square feet	25 feet	10 feet ¹	10 feet ²	principal building: 45 feet ³ accessory building: 30 feet
1 Except when adjacent to an R or C-2 District, in which case minimum side yard shall be 50 feet. 2 Except when adjacent to an R or C-2 District, in which case the minimum rear yard shall be 50 feet. 3 Except in the area east of 560 th Street, north of State Highway 210, west of I-35 and south of the Heart of Iowa Trail the maximum height of the principal building shall be 60 feet, except when the lot is adjacent to an R district, in which case the maximum height of the principal building shall be 45 feet.				

- 3. Solar Access: No structure or improvement to an existing structure shall be situated so that it shades an adjacent residence in a significant way, or interferes significantly in the use of solar devices.
- 4. Other Standards. All uses shall meet the parking, design and sign standards of this chapter.

[The next page is 951]

165.31 SUPPLEMENTARY DISTRICT REGULATIONS.

1. Home Occupation. An occupation conducted in a dwelling unit, provided that:

A. No more than one person, other than members of the family residing on the premises, shall be engaged at any one time in such occupation, except by special exception by the Board of Adjustment. If a special exception is granted, the number of persons, other than members of the family residing on the premises, shall not exceed three (3).

B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 30 percent of the gross floor area in the dwelling unit shall be used in the conduct of the home occupation. Any extension of the home occupation beyond 30 percent of the gross floor area of the dwelling unit shall only be approved by special exception of the Board of Adjustment. If a special exception is granted, the gross floor area shall not exceed 50 percent.

C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding two (2) square feet in area, non-illuminated, and mounted flat against the wall of the principal building.

D. No home occupation may be conducted in any accessory building, except by special exception of the Board of Adjustment.

E. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met by providing off-street parking and shall not be in a required front yard.

F. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.

2. Building Lines on Approved Plats. Whenever the plat of a land subdivision approved by the Planning Commission and on record in the office of the County Recorder shows a building line along any frontage for the purpose of creating a front yard or side street yard line, the building line thus shown shall apply along such frontage in place of any other yard line required in this chapter unless specific yard requirements in this chapter require a greater setback.

3. Structures to Have Access. Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private roadway, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

4. Erection of More Than One Principal Structure on a Lot. Multi-family dwellings on a single lot of record or on adjoining lots under the same ownership shall

not be subject to minimum lot width requirements provided, however, all dwellings are a minimum sixteen feet in distance from each other.

5. Accessory Buildings. For residential districts, no accessory building may be erected in any required front yard and no separate accessory building may be erected within five feet of a main building. No accessory building shall be closer than five feet to the rear lot line unless abutting an alley. Accessory buildings located in the rear yard may not occupy more than thirty percent (30%) of the rear yard. Accessory garages which are entered directly from the alley shall be at least 15 feet from the alley right-of-way. Except for storage, no accessory building shall be used without occupancy of the principal building. In such cases of storage use, there shall be no fee charged.
6. Sills, belt courses, cornices, and ornamental features may project only two feet into a required yard.
7. Open fire escapes, above-ground outside stairways and balconies into a rear or side yard for a distance of not more than 3½ feet when so placed as not to obstruct light and ventilation, may be permitted by the Zoning Administrator. Chimney flues are allowed to project into rear yards not more than 3½ feet.
8. Nothing in this chapter shall have the effect of prohibiting utility service lines.
9. Private swimming pools, as defined in this chapter, shall be allowed only in rear yards and shall not be allowed in front or side yards.

[The next page is 957]

165.32 SIGN REGULATIONS.

1. Short Title; Scope; Purpose. This section may hereafter be known and cited as the “sign regulations.” The provisions of this section shall govern the construction, repair, erection, alteration, location and maintenance of privately owned outdoor signs and outdoor advertising and identification devices of every kind, together with their appurtenant and auxiliary devices. The sign regulations are found and declared to be necessary and proper to the following purposes:
 - A. Protecting property values within the City.
 - B. To prevent the occurrence of urban blight and slum conditions.
 - C. To protect the general public from damage and injury which may be caused by the faulty and unregulated use of signs.
 - D. To prevent any unreasonable appropriation of the public domain, its open spaces, streets and ways to private use.
 - E. To restore, preserve and promote aesthetic character in the City.
2. Definitions. As used in this section, the following words or terms shall have the following definitions:
 - A. “Awning sign” means any sign affixed directly on or attached to an awning.
 - B. “Canopy sign” means any sign mounted on or supported by a canopy.
 - C. “Developer” means the legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase, or any other person having an enforceable proprietary interest in such land.
 - D. “Electronic message sign” means any sign that displays a message by means of electronically induced changes in points of illumination.
 - E. “Freestanding sign” means any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.
 - F. “Ground sign” means any sign supported by one or more uprights or braces placed or set into the ground, but not including any sign that is exempt from a permit fee under this section. Ground signs include, but are not limited to, pole signs and monument signs.
 - G. “Illuminated sign” means any sign that has characters, letters, figures, designs or outline illuminated by electric lights or luminous tubes as a part of the sign proper.
 - H. “Marquee sign” means any sign mounted on or supported by a marquee.
 - I. “Menu board” means a sign that advertises primarily food and/or beverages in connection with drive-in and drive-through restaurants.
 - J. “Monument sign” means a ground-based sign supported by a slab or base where at least 75 percent of the sign width is directly attached to the ground base. A sign mounted on two supporting poles at each end of the sign

would qualify as long as the bottom of the sign is no higher than three (3) feet off the ground.

K. “Off-premises sign” means any sign not located at the site of that which is advertised or identified.

L. “On-premises sign” means any sign located at the site of that which is advertised or identified.

M. “Projecting sign” means any sign other than a wall sign that is attached to a building and extends beyond the line of said building.

N. “Residential subdivision entrance sign” means any freestanding, on-premise, permanent, ground sign designating the name of a residential subdivision.

O. “Roof sign” means any sign erected, constructed and maintained wholly upon or over the roof of any building.

P. “Sign” means any advertising device or surface out-of-doors, on or off premises, which conveys information or identification.

Q. “Sign height” means the vertical distance between finished grade of the ground nearest the sign structure and the uppermost point of the sign structure.

R. “Sign structure” means an element or assemblage of elements that supports or is capable of supporting a sign. A sign structure may be free-standing, attached to a building, an integral part of the building, or a combination thereof.

S. “Structural member” means a component part of a structural system required to carry the primary supportive stresses of the building or other structure to the ground, as opposed to members carrying little or no supportive stress other than their own weight and functioning as an in-fill or nonstructural enclosure.

T. “Subdivision development sign” means any temporary sign identifying a new or developing residential housing subdivision by name.

U. “Temporary or portable sign” means any sign, banner, pennant or valance, to be displayed for a limited time only, or any sign set upon the ground unsecured. A portable sign shall be defined as any sign set upon or affixed to any device or ground with wheels, skids or framing so as to afford portability by persons or auxiliary devices.

V. “Wall sign” means any sign, impressed or painted on, or attached to a wall with the exposed face of the sign in a plane approximately parallel to the plane of the wall.

3. Measurement Standards. If a sign has two or more faces, the area of all faces shall be included in determining the total area of the sign; except that if two sign faces are placed back to back, and are at no point more than 30 inches from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area.

4. Permit, Fee Required. It shall be unlawful for any person to erect, alter structurally or relocate within the City any sign as herein defined without first obtaining a permit from the building official. The City Council shall, from time to

time, establish a reasonable sign permit fee to cover costs related to issuance of permits.

5. Applications for Permits. Applications for permits shall be made upon forms provided by the City and shall contain or have attached thereto the following information:

- A. The name, address and telephone number of the applicant.
- B. The location of the sign in relation to the boundaries of the lot where the sign is to be located, and the location of buildings and structures on the lot. where the sign is to be located.
- C. The location of the sign in relation to buildings or structures on the lot where the sign is to be located.
- D. Two (2) blueprints or ink drawings of the plans and specifications and method of construction and attachment to the building or on the ground.
- E. Written consent of the owner of the building, structure or land to which or on which the sign is to be erected. The lease between landlord and tenant will constitute written consent.
- F. The name of the person, firm, corporation or association that is registered with the City to do the work of installing or erecting the sign.
- G. Such other information as the building official shall require to show full compliance with these sign regulations and all other laws and ordinances of the City which may be applicable, including the intended duration of temporary signs.

6. Permit Issued if Application in Order. It shall be the duty of the building official upon the filing of an application for a sign permit to examine such plans and specifications and other data and the premises where it is proposed to erect the sign, and if it shall appear that the provisions of the sign regulations and all other laws and ordinances of the City are complied with, he shall then issue the permit. If the work authorized by such permit is not completed in six (6) months from the date of its issuance, such permit shall become null and void. In addition, where the permit is for a subdivision development sign, the sign permit shall be renewed annually until such time as the sign must be removed. Removal is subject to approval by the City.

7. Inspection. The building official or designees may inspect signs subject to the provisions of the sign regulations for the purpose of determining whether the same are in compliance with the sign regulations.

8. Permit Revocation. If the building official shall find that any sign subject to the sign regulations is unsafe or insecure, or is a menace to the public, or has been constructed or erected or is being maintained in violation of the provisions of the sign regulations, the building official shall give written notice thereof to the person in possession and control of the premises on which the sign is located. If such person fails to remove or alter the sign so as to comply with the provisions of the sign regulations within 30 days of such notice, such person commits a municipal infraction. If a sign is an immediate hazard, the building official may cause it to be removed immediately. A permit for a sign is a license revocable at any time by the City Council subsequent to notice to the permittee and an opportunity for the permittee to be heard by said City Council.

9. Construction. All signs shall be constructed in such a manner and installed with such materials so as to be considered safe and substantial by the building official. The building official may require a copy of stress sheets and calculations showing the structures as designed for dead load and wind velocity in the amount required by the building code adopted by the City.
10. Maintenance Provisions. All signs shall be maintained so as to be structurally sound and in a safe condition, and shall be kept in a state of undeteriorated appearance by means of painting, sealing or coating and by repair or replacement of damaged parts, panels or lights.
11. Removal of Certain Signs. Any sign now or hereafter existing, which for a period of six (6) months no longer advertises a bona fide business conducted, or a product sold, or a service offered, shall be taken down and removed by the owner or owners of the building or premises upon which it is located within thirty (30) days of written notice from the building official.
12. Prohibited Signs. No person shall have or permit on any premises in any zoning district:
 - A. Any permanent sign which consists of or incorporates pennants, twirler lights, pinwheels, whirligigs or other displays or devices which are designed to be activated by atmospheric conditions so as to attract or distract the attention of the public by virtue of their movements.
 - B. Any ground sign that extends to any degree over public property.
 - C. Any sign that employs flashing, blinking or rotating lights, except electronic message signs that conform to subsection 25 and are located in a commercial or industrial zoning district.
 - D. Any off-premises sign.
 - E. Signs attached to or placed upon rocks, fences, trees or utility poles.
 - F. Any marquee sign.
 - G. Any roof sign.
 - H. Any sign that extends into the sight-distance setback triangle, as such is described by Section 168.04 (7) of the City of Huxley Code of Ordinances.
13. Exemptions from Permit Fees. The following signs shall not require a permit fee; however, such signs shall be subject to the sign regulations:
 - A. Real estate signs that advertise the sale, rental or lease of the premises upon which said signs are located, provided that such signs do not exceed six (6) square feet in area in residential zoning districts or 32 square feet in area in other districts, and provided that such signs shall be set back at least 10 feet from all property lines. In C-3 Districts, no setback is required.
 - B. Nonelectrical signs, including bulletin boards, that are not over 16 square feet in area for public, educational, charitable, fraternal or religious institutions when the same are located on the premises of such institution.
 - C. Occupational signs denoting only the name and profession of an occupant in a commercial building or public institutional building, and not exceeding two (2) square feet in area per occupant, not to exceed a total of 16 square feet.

- D. Signs denoting the architect, engineer, contractor, lending institution or future occupant (or any one or more of them) placed upon work under construction, and not exceeding eight (8) square feet in area in residential zoning districts or 32 square feet in other zoning districts, provided that such sign is erected not more than five (5) days prior to the beginning of construction and removed prior to occupancy of the structure.
- E. Nonelectrical memorial signs or tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of bronze or other noncombustible materials.
- F. Nonelectrical public service signs that give only directions "in and out" or signs that provide only information about directing people to ancillary facilities such as parking, entrance, etc.
- G. A nonelectrical temporary sign supporting a candidacy for office or urging action on any other matter on the ballot of a primary, general, special or city election shall not require a permit.
- H. Publicly owned street name signs, traffic control signs, legal notices, railroad crossing signs, danger and temporary warning or emergency signs; and, emblems, names, logo, and symbols on motor vehicles and equipment being used for purposes other than the display of signs or advertising devices shall not require a permit.
- I. Athletic fields and similar recreation area signage are permitted in addition to other permitted signage addressed herein, so long as said signs are intended to be viewed primarily from the playing field and spectator area. Said athletic field and similar recreation area signage shall not exceed the maximum 25-foot height and the maximum total sign area of all signs of 250 square foot area with a maximum 20 percent of said signage to be permitted as private non-school advertising. For clarity, this 250 square feet of signage is in addition to the 250 square feet of total signage allowed for public schools as presented herein.
- J. On-premises signs offering "drive-up" service and/or items available may be excluded from the total allowable sign area permitted for the zone within which it is located, if such signs do not exceed 30 square feet in area.
- K. Yard sale signs not exceeding a gross aggregate total of four square feet in area and auction sale signs not exceeding a total of four signs with a maximum of four square feet each. Such signs shall be displayed for a maximum period of 72 hours. No person shall display such sign on the property of another person without having first obtained the consent of the owner of such property. Such signs shall not require a permit.
14. Obstruction of Doors Windows or Fire Escapes Prohibited. No person shall erect, locate or maintain any sign so as to prevent free ingress to or egress from any door, window, or fire escape. No person shall attach any sign of any kind to a stand pipe or fire escape.
15. Signs May Not Constitute Traffic Hazards. No person shall erect any sign at the intersection of any street in such a manner as to obstruct free and clear vision of such intersection, or at any location where by reason of the position, shape or color it

may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device.

16. Reflector Lights. Lighting shall be permitted on signs; provided, however, that the reflectors shall be provided with proper lenses, concentrating the illumination on the area of the sign so as to prevent glare upon the street or adjacent property.

17. Floodlights and Spotlights. It shall be unlawful for any person to have any sign that is wholly or partially illuminated by floodlights or spotlights in a manner that interferes with the vision of pedestrian or vehicular traffic.

18. Beacon-Type Lights Prohibited. It shall be unlawful for a person to operate any device, or to permit a site under their use and control to be the location of any device that is being operated to produce a beacon-type beam of electric light, whether portable or fixed (except common battery powered hand held lights), the primary purpose of which is to cast a concentrated beam of light generally skyward during any time between sunset and sunrise as a means of attracting attention to a location rather than to illuminate any place, person or thing.

19. On-Premises Signage. For all signs subject to the sign regulations in all commercial and industrial zoning districts in the City three square feet of signage for each foot of street frontage shall be the maximum allowable area. Signs in the planned unit development zoning districts are as permitted on the approved site plan. Where any side of a building abuts on an alley, only painted-on wall signs shall be permitted on the side abutting the alley. Such sign shall be calculated as part of total permissible signage. For all signs subject to the sign regulations in all zoning districts in the City the following signs are permitted and cannot be placed in the public right-of-way; provided that in all residential zoning districts in the City the following signs are the only permitted signs:

A. Real estate signs not exceeding six square feet in area, that advertise the sale, rental or lease of the premises upon which said signs are located only.

B. Signs, including bulletin boards, that are not over 16 square feet in area for public, educational, charitable, fraternal or religious institutions when the same are located on the premises of such institution.

C. Signs denoting only the name and profession/business of an occupant in a commercial building, public institutional building, or dwelling house and not exceeding two square feet in area.

D. Single sign denoting the architect, engineer or contractor when placed upon work under construction and not exceeding 32 square feet in area; provided such signs shall not be placed any sooner than five (5) days prior to the start of construction and shall be removed upon completion of the construction.

E. Memorial signs or tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of bronze or other noncombustible materials.

F. Publicly owned street name signs, traffic control signs, legal notices, railroad crossing signs, danger and temporary warning or emergency signs; and emblems, names, logos, and symbols on motor vehicles and equipment being used for purposes other than the display of signs or advertising devices.

G. Public service signs which give only directions "in and out" or signs which provide only information about directing people to ancillary facilities such as parking, entrance, etc.

H. Temporary sign supporting a candidacy for office or urging action on any matter on the ballot of a primary, general or special election, or city election; provided such signs shall be removed within 48 hours after the election and cannot go up earlier than 60 days prior to the election.

I. Permitted and conditional uses, other than family residential uses, and home occupations shall be permitted one non-illuminated identification sign per establishment with a surface area not exceeding 10 square feet, denoting only the name and address of the premises, and the name of the management.

J. Church, school, other institutions and public buildings shall be permitted 100 square feet of signage. A maximum of 50 square feet may be used for an illuminated freestanding sign and the remaining 50 square feet shall be used in conjunction and/or attached to the principal building. This total square footage would also include any decorative supports and columns. Height of freestanding signs is not to exceed six feet and cannot be within 50 feet of an adjoining lot used and/or zoned for residential purposes. Churches, schools, other institutions and public buildings that cannot meet the 50-foot setback will be allowed one bulletin board displaying name, activities and services. Such bulletin boards shall not exceed 24 square feet in area, shall be located on the same lot as the building, and may be illuminated. State licensed public or private schools may be permitted to have up to 250 square feet of total signage; however, no ground sign shall exceed 25 feet in height. Churches, schools and other institutions and public buildings may be permitted no more than four (4) directional/informational signs located off-premises, not to exceed seven square feet per sign; provided that these signs may be permitted only after a special permit has been issued by the Board of Adjustment pursuant to Section 165.32(29)(D).

K. Mobile home parks shall be permitted one identification sign not exceeding 10 square feet for the entire development, displaying only the name and address, and may be illuminated.

L. Nonconforming uses, other than residential, shall be permitted a maximum of 40 square feet of signage. A maximum of 20 square feet of such signage may be illuminated.

M. Home occupations shall be permitted a maximum of 3.75 square feet of signage. Said sign shall be non-illuminated.

N. Signs as permitted and regulated in the single-family districts are subject to the following modification: For multiple-family dwelling buildings, one or two signs with a total surface area not exceeding two square feet for each dwelling unit contained in the building or complex, not to exceed a total maximum of 32 square feet in area, are permitted. Such signs shall indicate only the name and/or address of the building or complex and the name and location of the management thereof. Signs may be illuminated.

O. Subdivision Development Signs. One subdivision development sign is permitted per entrance per preliminary plat for subdivisions of two acres or more in area. This sign shall not exceed 32 square feet in area and eight feet in

height. It shall be located in the subdivision it identifies and no closer than 25 feet from any property line, no closer than 100 feet from any pre-existing residence and only on lots abutting collector or arterial streets. The sign shall be the sole use of the property on which it is located. The sign shall identify the name of the subdivision exactly as it is set out on the preliminary plat or conceptual development plan approved by the City and may include the names of the subdivision developers, a map of the area covered by the subdivision and a description of amenities in it. The sign shall not be installed until utility construction has begun in the subdivision, and the sign shall be removed once building permits have been issued for 50 percent of the lots in the subdivision.

P. Residential Subdivision Entrance Signs. The regulations described in this subsection apply to subdivision entrance signs in residential subdivisions. The location, number, size, height, materials, maintenance and message regulations for subdivision identification signs are as follows:

- (1) Signs located on private property shall be no closer to the traveled part of a street than the right-of-way line.
- (2) It shall be unlawful to erect a subdivision entrance sign on public property, and the Council shall grant no encroachment permits for such signs.
- (3) Subdivision entrance signs shall not be permitted off-premise.
- (4) Two signs shall be permitted at each subdivision entrance. Double-faced signs shall be counted as two signs.
- (5) The size of the message area (subdivision name and address) of the sign shall not exceed 20 square feet. The size of the sign structure in comparison to the size of the message area shall not exceed a ratio of 7 to 1, unless approved as part of a planned unit development.
- (6) Signs shall not exceed six feet in height.
- (7) Materials used in the construction of subdivision entrance signs shall be low-maintenance materials and may include metal, wood, brick, stone or concrete.
- (8) Maintenance of signs, illumination devices, and landscaping shall be the responsibility of the property owner. Signs that, by reason of deterioration, may become unsafe or unsightly, shall be repaired or removed by the property owner upon written notice of the City. Signs that, by reason of deterioration, become unsafe or unsightly may be removed by the City upon written notice from the City.
- (9) The message on a subdivision entrance sign shall include only the name and address of the subdivision.
- (10) Signs may be illuminated internally or by reflected light subject to the following:
 - (a) The light source shall not be directly visible and shall be arranged to reflect away from adjoining premises;

- (b) The light source shall not be placed so to cause confusion or hazard to traffic, or to conflict with traffic control signs or lights;
 - (c) No illumination involving movement, by reason of the lighting arrangement, the lighting source, or other devices shall be permitted. This includes blinking, flashing, rotating and message changing; and
 - (d) The property owner's association or developer shall be responsible for the costs associated with providing electricity to the light source.
- (11) Landscaping shall be incorporated at the base of each subdivision entrance sign that enhances the site and the surrounding area. Plant materials shall not obstruct the visibility of moving vehicles or interfere with the maintenance of adjacent public property. Approval of a landscape plan for each residential subdivision entrance sign by the Director of Public Works is required.
20. Ground Signs. All ground signs subject to the sign regulations shall meet the following requirements:
- A. All letters, figures, characters or representations in cut out or irregular form maintained in conjunction with or attached to or superimposed upon any ground sign shall be safely and securely built or attached to the sign's structure.
 - B. Sign Height. Ground signs located within 1,500 feet from the right-of-way of Interstate 35 (excluding on and off ramps), and the content of which is visible from Interstate 35, shall not exceed 50 feet in height. All other ground signs shall not exceed 10 feet in height.
 - C. Sign Area. Ground signs located within 1,500 feet from the right-of-way of Interstate 35 (excluding on and off ramps), and the content of which is visible from Interstate 35, shall not exceed 400 square feet in area. All other ground signs shall not exceed ten 100 square feet in area.
 - D. No more than two ground signs are permitted per 200 feet of frontage on any one business location. The minimum distance between ground signs on any one business location shall be 50 feet.
 - E. No ground sign shall be erected or permitted nearer the street than the property line. No ground sign shall be erected or permitted within any special building line setback as established from time to time by City Council. No part of any ground sign shall be permitted to overhang the public domain.
 - F. The premises surrounding all ground signs shall be maintained by the owner in a sanitary and uncluttered condition, free and clear of all obnoxious substances, rubbish, litter and weeds.
21. Wall Signs. All wall signs subject to the sign regulations shall meet the following requirements:
- A. Limitation on Placement. No wall sign shall cover wholly or partially any wall opening or project beyond the ends or tops of the wall to which it is attached.

- B. Projection over Public Property. No wall sign shall be erected on public right-of-way without approval of the City Council.
- C. Size Regulations. With respect to each building, one permanent wall sign shall be permitted for each of the building's sides that parallel a public street. No single wall sign on any one side of a building shall exceed one square foot per front foot of wall on which the sign is located; provided that the size limitations of this subsection shall apply to wall signs in lieu of the general size limitations for on-premises signs set forth in subsection 19.
22. Projecting Signs. All projecting signs subject to the sign regulations shall meet the following requirements:
- A. Support. All bracing systems shall be designed and constructed to transfer lateral forces to the foundations. For signs on buildings, the dead and lateral loads shall be transmitted through the structural members of the building to the ground in such manner as not to overstress any of the elements thereof.
- B. Limitations on Glass. The lettering or advertising design to be illuminated on projecting signs may be composed of glass or other transparent or semitransparent material. Any glass forming a part of any sign shall be safety glass or wire glass.
- C. Movable Parts to be Secured. Any movable parts of a projecting sign, such as a cover of a service opening, shall be securely fastened by safety chains or hinges.
- D. Height Limitations. The top line of a projecting sign shall not be higher than the roof or parapet line of the building to which attached, except that when the roof line is less than 15 feet in height the sign may extend three feet above the roof line; but under no circumstances shall the top line of a projecting sign be permitted at a height of more than 50 feet above ground level.
- E. Thickness Limitations. The distance measured between the principal faces of any projecting sign shall not exceed 18 inches.
- F. Location. The bottom line of every projecting sign shall be placed at least 10 feet above any sidewalk over which it is erected. No projecting signs shall be erected in an alleyway. No projecting signs shall project across or over any portion of public right-of-way.
23. Temporary and Portable Signs. Temporary and/or portable signs subject to the sign regulations shall meet the following requirements:
- A. A banner shall not exceed 100 square feet in area. All other temporary and/or portable signs shall not exceed 32 square feet in area.
- B. Except for those temporary signs and banners affixed to city light and utility poles with the permission of the city, no temporary or portable sign shall be displayed longer than 90 consecutive days without removal or replacement.
- C. No permit fee shall be required for a temporary or portable sign that will be displayed for less than 30 days, provided that a permit is required for such a sign, and further provided that no new sign shall be displayed on the

same premises for a period of fourteen (14) days immediately following the removal of the original sign.

24. Awning and Canopy Signs. No portion of an awning or canopy may be lower than eight feet above a sidewalk. They may overhang public right-of-way only by permission of the City Council.

25. Electronic Message Signs. Electronic message signs shall meet the following requirements:

A. No more than one electronic message sign shall be installed on or in relation to the same building.

B. An electronic message sign shall not have more than two sides on which messages can be displayed by electronic means.

C. No electronic message sign shall have a continuously running message or messages. That is, each display of a message shall have a clearly discernible beginning and ending indicated by a blank or dark time on the message display device or screen, which blank or dark time shall be not less than three tenths (0.3) of a second in duration.

D. The minimum time for display of a message shall be four seconds, except for time and temperature displays.

E. A message that requires sequential changes in the image displayed on the message display shall be displayed in its entirety in not more than eight seconds.

26. Illuminated Signs. All electrically illuminated signs shall be subject to the provisions of all electrical codes adopted by the City.

27. Menu Boards. Outdoor menu boards are only allowed on zone lots that have previously been approved for the current operation of restaurants with drive-thru windows and under the following conditions:

A. Only one outdoor menu board shall be permitted per order window on a lot.

B. Display service area shall not exceed 32 square feet.

C. Stacking lane (drive-thru lane) shall be a minimum of 80 feet from the menu board.

D. If the sign is lighted, it may be lighted by illuminated sign only.

E. The outdoor menu board lettering may not be legible from any distance off the zoned lot for which it is approved.

28. Nonconforming Signs. Any sign that was lawful when erected, but which does not conform to the provisions of sign regulations that became effective on a later date, may continue in existence subject to the following:

A. Continued Use. Each nonconforming sign shall be permitted to continue in use for so long as the sign remains otherwise lawful.

B. Structural Alteration; Moving of Sign. A nonconforming sign shall not be altered structurally or moved unless it is brought into conformity with the sign regulations, except that the changing of the movable parts of an

existing sign that is designed for such changes, or the repainting or reposting of display matter shall not be deemed a structural alteration.

C. Discontinuance of Use. If the use of a nonconforming sign is discontinued for a continuous period of six (6) months, the sign either shall be brought into conformity with the sign regulations or shall be removed.

D. Damage. If a nonconforming sign is damaged, for any reason, to the extent that 50 percent or more of the sign is destroyed, the sign either shall be brought into conformity with the sign regulations or shall be removed. Any nonconforming sign that has been damaged to an extent less than 50 percent may be restored to its condition which existed prior to the damage, and may continue in use as a nonconforming sign. A sign shall be considered as destroyed to the extent of 50 percent or more if 50 percent or more of the face or message portion of the sign is damaged, or if 50 percent or more of the supporting structure of the sign is damaged.

29. Board of Adjustment; Special Permits. The Board of Adjustment, after public hearing, may grant a special permit to authorize a sign that otherwise would not be permitted under the provisions of the sign regulations of this section. Any special permit granted by the Board shall authorize a sign only for the current use of the premises, and the permit shall terminate immediately at such time as the use of the premises changes. In granting any special permit, the Board may include appropriate conditions and time limitations. The Board may grant such a special permit only if the applicant establishes all of the following elements:

A. An extraordinary or exceptional situation exists with respect to the property on which the sign is to be located, such as exceptional narrowness, shallowness or shape of the property, or exceptional topographical conditions, or obstructions on the subject property or adjacent property, that prohibits or significantly reduces the ability of the property owner to use a sign meeting the strict sign regulations to communicate as effectively as the use of comparable signs by other property owners in the same district.

B. The special permit authorizes the least exception from the sign regulations reasonably necessary to allow the property owner to use the subject sign to communicate as effectively as the use of comparable signs by other property owners in the same district.

C. The exception authorized by the special permit is in harmony with the essential character of the neighborhood of the land in question.

D. A special permit shall be required for all directional/information signs otherwise permitted under Section 165.32(19)(J). Such special permit shall be granted if the Board determines that the proposed signs do not create a traffic hazard. If a sign is proposed to be erected in the right-of-way, the Board may not grant a special permit without the written approval of all public agencies having jurisdiction over the right-of-way. Applications for permits under this subsection are not subject to the standards of subsections A, B and C of Section 165.32(29).

[The next page is 977]

165.33 OFF-STREET LOADING AND PARKING.

1. Off-Street Loading. Loading shall not be permitted to block public right-of-way unless otherwise provided for in this Code of Ordinances. Variances may be granted by the Board of Adjustment.
2. Off-Street Loading Spaces. In any C or M district, in connection with every building or part thereof hereafter erected, having a gross floor area of 10,000 square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building, at least one off-street loading space plus one additional such loading space for each 20,000 square feet or major fraction thereof of gross floor area so used in excess of 10,000 square feet. Each loading space shall be not less than 10 feet in width, 35 feet in length. Such space may occupy all or any part of any required side or rear yard or court space except where adjoining an R district, it shall be set back five feet and effectively screen planted.
3. Off-Street Parking Spaces. In all districts, in connection with every industrial, commercial, business, trade, institutional, recreational, or dwelling use, and similar uses, space for parking and storage of vehicles shall be provided in accordance with the following schedule. Required off-street parking shall be primarily for the parking of private passenger automobiles of occupants, patrons, or employees of the principal use served. The exception shall be for any permitted use in the C-1 District as it applies to the downtown area, in which case the parking requirement shall be eliminated. †
4. Access to Off-Street Parking. Where a parking lot does not abut on a public or private alley or easement of access, there shall be provided an access drive not less than eight feet in width in case of a dwelling, and not less than 16 feet in width in all other cases leading to the loading or unloading spaces and parking or storage areas required by this chapter in such manner as to secure the most appropriate development of the property in question; provided, however, such easement of access or access drive shall not be located in any residence district, except where serving a permitted use in a residence district. All entrances and exits for parking areas in C and M districts shall be approved by the Council.
5. Specifications for Parking Spaces. Every parcel of land used as a public or private parking area shall be developed and maintained in accordance with the following requirements:
 - A. No part of any parking space shall be closer than five feet to any established street right-of-way or alley line. In case the parking lot adjoins an R district, it shall be set back at least five feet from the R district boundary and shall be effectively screened by plantings and/or fencing.
 - B. Any off-street parking area shall be surfaced with an HMA or Portland cement pavement so as to provide a durable and dustless surface; shall be so graded and drained as to dispose of all surface water accumulation within the area; and shall be so arranged and marked as to provide for orderly and safe loading or unloading and parking and storage of self-propelled vehicles.

† **EDITOR'S NOTE:** For detailed off-street parking requirements see chart at the end of Chapter 167.

C. Any lighting used to illuminate any off-street parking area, including any commercial parking lots, shall be so arranged as to reflect the light away from adjoining premises in any R district.

6. Off-Street Parking in R Districts. Off-street parking areas in residential districts shall be provided on the same lot with the principal use. No off-street parking is permitted in the front yard of any R district, except upon a regularly constructed duly authorized driveway. All approaches and driveways within right-of-way shall be Portland cement concrete.

165.34 UNREGISTERED VEHICLES. Automotive vehicles or trailers of any kind or type without current license plates shall be parked or stored in a completely enclosed building, except where otherwise permitted by this chapter.

165.35 MOBILE HOME RESIDENCY; RECREATIONAL VEHICLES. No person shall occupy any mobile home residence on any premises in the City except as provided for by this chapter. The temporary parking of a recreational vehicle for a period not to exceed ten consecutive days on any premises, and the permanent parking or storage of an unoccupied travel trailer in an accessory garage, other accessory building, side or rear yard shall be permitted, provided that no living quarters shall be maintained and no business conducted in such vehicle while parked or stored and provided that no front yard shall be occupied by such vehicle.

165.36 LOCATION OF ADULT USE ESTABLISHMENTS. No adult use establishment shall be located within any A-1, residential district, C-1 or C-3 District or within 1,000 feet, measured lot line to lot line, from any school, day care/preschool, child care center, place of worship, public park, public playground, public plaza or any other adult use establishment.

165.37 FENCES AND WALLS.

1. Side and Rear Yards. No fence or wall shall exceed six feet in height, except in M-1 and R-4 Districts, where fences may not exceed eight feet in height. However, fences not to exceed eight feet in height are permitted along the property line in any residential (R) District that immediately abuts an M-1 or C-1 or C-2 District or the right-of-way of a federal or State highway.

2. Front Yards. No fence or wall shall exceed four feet in height within a front yard.

3. Retaining Walls. When a wall is a retaining wall or supporting embankment, only that part of the wall above the highest ground level shall be subject to the maximum height requirements under this section.

4. Corner Lots. In any district, the maximum height of a fence, wall, structure or foliage within a radius of 20 feet from the corner of the property lines at the intersection of two or more streets shall not exceed three feet.

5. Exterior Finish. The exterior side of a fence shall be of a finished quality. The term "finished quality" includes but is not limited to placement of supporting poles on the interior side of the fence. The term "finished quality" does not mean that a fence must be painted.

165.38 WELL SITE PROTECTION. For purposes of this section “well site control zone” means the land within a radius of 200 feet of any well site from which the City draws its domestic water supply. The public health and safety of the residents of the City require that the well sites from which the City draws its domestic water be protected from contamination by prohibiting certain structures and uses within any well site control zone. Therefore, in addition to the general zoning regulations of this chapter, the following regulations shall apply to structures and uses of structures and land within a well site control zone.

1. No structure shall be permitted within a well site control zone, nor shall any structure or land within a well site control zone be used, for any of the following purposes:
 - A. Discharge of sanitary or industrial wastewater.
 - B. Sanitary sewer line, sewer force main, storm water drain line or wastewater drain line unless it is constructed of pipe meeting water main specifications.
 - C. Land application of solid waste and irrigation of land with wastewater.
 - D. Septic tank, concrete vault, mechanical wastewater treatment plant, cesspool, earth pit privy, soil absorption field, lagoon and any similar structures used for the storage and/or processing of wastewater.
 - E. Surface application of agricultural chemicals to land and the storage of agricultural chemicals and minerals either above ground or below ground.
 - F. The pasturage or enclosure of animals for agricultural purposes.
 - G. The application of animal wastes to land surfaces in the form of either solids or liquid or slurry.
 - H. The storage of animal wastes in a storage tank, a stockpile for solids or a lagoon or basin.
 - I. The storage of silage in an earthen trench or pit.
 - J. Cistern, cemetery and solid waste disposal sites.

2. Existing structures and existing uses that are in violation of this section shall be removed or terminated or modified in such a manner as to no longer constitute a violation of this section and shall not be permitted to continue under the provisions of this chapter granting exceptions for nonconformities existing on the effective date of this section.

165.39 CERTIFICATE OF OCCUPANCY/ZONING COMPLIANCE CERTIFICATE.

A certificate of occupancy/zoning compliance certificate for a new or altered use is required. It is unlawful to use, occupy, or permit the use or occupancy of any building or premises, or both, or parts thereof, hereafter created, erected, changed, or converted, or wholly or partly altered or enlarged in its use or structure, until a certificate of occupancy/zoning compliance certificate shall have been issued by the Zoning Administrator stating that the proposed use of the building or land conforms to this chapter. A certificate of occupancy/zoning compliance certificate shall be issued within ten days after the lawful erection or alteration of a building is completed in conformity with the provisions of this chapter. A temporary certificate of occupancy/zoning compliance certificate may be issued for a period of not exceeding six months during alterations or partial occupancy of a building pending its completion, provided

that such temporary certificate may require such conditions and safeguards as will protect the safety of the occupants and the public. The City Clerk shall maintain a record of all certificates of occupancy/zoning compliance certificates and copies shall be furnished upon request to any person. Builders shall lose deposit if structure is occupied prior to issuance of a certificate of occupancy/zoning compliance certificate.

165.40 ENGINEERING. Site plan reviews and all building permits, except single-family or accessories, shall be reviewed by the City Engineer for conformance to City standards. The applicant, before issuance of a certificate of occupancy/zoning compliance certificate, shall pay costs of such review.

165.41 ADMINISTRATION. It is the intent of this chapter that all questions of interpretation and enforcement shall be first presented to the Zoning Administrator, and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Zoning Administrator, and that recourse from the decisions of the Board of Adjustment shall be to the courts as provided by law and particularly by statute. It is further the intent of this chapter that the duties of the Council shall not include hearing and deciding questions of interpretation in enforcement that may arise.

165.42 ZONING ADMINISTRATOR. This chapter shall be administered and enforced by a Zoning Administrator who shall be appointed by the City Council, and may be provided with the assistance of such other persons as the Council and Commission may direct.

1. Decisions by Zoning Administrator. The Zoning Administrator shall act upon all applications on which such officer is authorized to act under the provisions of this chapter within five working days after the date the application is filed at City Hall. The Zoning Administrator shall issue a building permit within said five working days or shall notify the applicant in writing of the refusal of such permit and the reasons therefor.
2. Enforcement by Zoning Administrator. If the Zoning Administrator finds that any provisions of this chapter are being violated, said officer shall notify, in writing, the persons responsible for such violations and order the actions necessary to correct it. Furthermore, the Zoning Administrator shall order discontinuance of illegal use of land, buildings, or structures, removal of illegal buildings or structures, or the illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; and shall take any other action authorized by this chapter to insure compliance with or to prevent violations of this chapter.

165.43 BOARD OF ADJUSTMENT. A Board of Adjustment is created which shall consist of five members appointed by the Mayor subject to approval by the Council. Members shall each be appointed for staggered terms of five years. Vacancies shall be filled by appointment of the Mayor, subject to approval by the Council, for the unexpired term for any member whose term becomes vacant. Members shall serve without compensation, but shall be reimbursed for actual expenses incurred in the performance of their official duties.

1. Board of Adjustment Meetings. The meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board may determine. Such Chairperson, or in the absence of the Chairperson, the acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board 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 members shall be necessary to constitute a quorum. The concurring vote of three members of the Board is necessary on all matters upon which it is required to pass under the provisions of this chapter.

2. Appeals. Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the Zoning Administrator or of any other administrative officer in the enforcement of this chapter or of the zoning laws of this State. Such appeal shall be taken within ten days by filing with the Zoning Administrator and with the Board a notice of appeal specifying the grounds thereof. The Zoning Administrator and any other officer whose decision is the subject of the appeal shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from is taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board, after notice of appeal shall have been filed, that by reason of the facts stated in the certificate, a stay would, in the opinion of the Zoning Administrator, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by a court of record on application on notice to the Zoning Administrator and on due cause shown. The Board shall fix a reasonable time for the hearing on the appeal, and give not less than seven or more than 20 days' public notice thereof in a paper of general circulation in the City. At least seven days immediately preceding the hearing, a sign of at least 12" by 18" regarding the action and informing the public of said action and directing attention to the office of the Clerk for information on said action shall be conspicuously placed on the lot in question, visible to pedestrian and vehicular traffic. At said hearing any party may appear in person or by agent, or by attorney.

3. Board of Adjustment Powers. The Board of Adjustment shall have the following powers and duties:

A. To hear and decide appeals taken pursuant this chapter.

B. To authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest when a property owner can show that his or her property was acquired in good faith and where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or whereby reason of exceptional topographical conditions or other extraordinary or exceptional situation, the strict application of the terms of this chapter actually prohibits the use of his or her property in a manner substantially similar to that of other property in the district, and where the Board is satisfied under the evidence before it that:

- (1) The land in question cannot yield a reasonable return if used only for a purpose allowed in the district in which it is located, and
- (2) The plight of the owner of the land in question is due to the unique circumstances shown to the Board and is not of his own making, and
- (3) The use to be authorized by the variation will not alter the essential character of the locality in which such land is located.

In granting any variance, the Board 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 as such.

C. To authorize upon appeal in specific cases the following exceptions to the district regulations set forth in this chapter, provided 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 in the public streets, shall not increase public danger of fire and safety, and shall not diminish or impair established property values in surrounding areas:

(1) To permit erection and use of a building or the use of premises or vary the height, yard or area regulations in any location for a public service corporation for public utility purposes, or for purposes of public communication, including the distribution of newspapers, 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 district where the boundary line of a district divides a lot in a single ownership as shown of record or by existing contract or purchase at the time of the passage of the ordinance codified in this chapter, but in no case shall such extension of the district boundary line exceed 40 feet in any direction.

D. To authorize upon appeal in specific cases special permits in accordance with the provisions of this chapter.

4. Special Permits. The Board of Adjustment may, by special permit after public hearing, authorize the location of any of the following buildings or uses in any district in which they are otherwise not enumerated:

A. Any public building erected and used by any department of the City, township, county, state or federal government;

B. Community building or recreation field or park;

C. Hospitals, non-profit fraternal institutions, provided they are used solely for fraternal purposes, and institutions of an educational, religious, philanthropic or eleemosynary character;

D. Public cemetery;

E. Private golf courses, country clubs, and tennis or swimming clubs;

F. Privately owned public utilities;

G. Public and private educational institutions having an established accredited curriculum;

H. Places of worship;

I. Plant nursery.

J. Mini-storage buildings and outdoor storage lots provided they are on a paved surface, surrounded by an eight-foot fence, properly screened on all sides, and in the M zoning districts only.

K. Practical Difficulties. The Board shall have the power to authorize exceptions to any setback, area, length, width, yard size, or projection limitations or to the minimum required number of off-street parking or loading spaces; provided, such an exception may be granted only where:

(1) Such exception does not exceed 50 percent of the particular limitation or number in question; or such exception is from a yard requirement to permit an addition to an existing legal nonconforming building, and such addition extends no further into the required yard than the existing building;

(2) The exception relates entirely to a use classified by applicable district regulations as either a principal permitted use, a permitted accessory use, a permitted sign, or to off-street parking or loading areas accessory to such a permitted use;

(3) The exception is reasonably necessary due to practical difficulties related to the land in question that prohibit the use of the subject property in a manner reasonably similar to that of other property in the same district, including, but not limited to, exceptional narrowness, shallowness or shape of the subject property, exceptional topographical conditions, location of public utilities or public improvements on or adjacent to the subject property, or other extraordinary or exceptional situation;

(4) Such practical difficulties cannot be overcome by any feasible alternative means other than an exception; and

(5) The exception is in harmony with the essential character of the neighborhood of the land in question.

5. Conditions Applicable to Special Permits. Before issuing any special permit for any building or use, the Board of Adjustment shall review the conformity of the proposed building or use with the standards of the comprehensive plan, and with recognized principles of civic design, land use planning and landscape architecture. The Board of Adjustment may approve the special permit as submitted, or before approval, may require that the applicant modify, alter, adjust or amend the proposal as the Board of Adjustment deems necessary to the end that it preserves the intent and purpose of this chapter to promote public health, safety, morals and the general welfare. Applications for a special permit under the terms of this section shall be accompanied by evidence concerning the feasibility of the proposed request and its effect on surrounding property and shall include a site plan defining the areas to be developed for buildings, the areas to be developed for parking, the locations of sidewalks and driveways and the points of ingress and egress, including access streets where required, the location and heights of walls, the location and type of landscaping and the location, size and number of signs. In the event a special permit is granted, any change thereafter in the approved use or site plan shall be re-submitted and considered in the same manner as the original proposal. The Board shall give at least ten days' public notice of the hearing on each application for a special permit.

6. Decisions of Board of Adjustment. In exercising its powers, the Board may, in conformity with the provisions of law, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determinations as it believes proper, and to that end shall have all the powers of the Zoning Administrator. The concurring vote of three of the members of the Board shall be necessary to reverse any order, requirement, 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; provided, however, the action of the Board shall not become effective until after the written resolution of the Board, setting forth the full reason for its decision and the vote of each member participating therein, has been filed. Such resolution, immediately following the Board's final decision, shall be filed in the office of the Board, and shall be open to public inspection.

7. Appeals to District Court. Any taxpayer, or any officer, department, board or bureau of the City or any person or persons jointly or severally aggrieved by any decision of the Board may present to a court or record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the office of the Board.

165.44 AMENDMENTS. The regulations imposed and districts created by this chapter may, from time to time, be amended, supplemented, changed, modified or repealed as follows:

1. Initiation. The Council may act on its own initiative, with or without prior citizen request, to amend this chapter. Any interested citizen, including the owner of record title or of equitable title to affected property, may petition for amendment of this chapter.

2. Form of Petition. A petition to amend this chapter shall state: (i) the legal description of the affected property; (ii) the street address of the affected property; (iii) the existing and proposed designation or regulation; (iv) a concise statement of the purpose of the amendment; and (v) the names and addresses of the owners of record and equitable title located within 200 feet of the boundary of the affected property. A petition shall be dated and signed by its sponsor.

3. Review of Proposed Amendment. Within 30 days of receipt by the City, the Commission shall review a petition for amendment and report its recommendations to the Council. The Council may refer self-initiated amendments to the Commission for consideration upon such conditions as it may direct.

4. Notice and Hearing. If the Council resolves to consider for passage a proposed amendment to this chapter, the Council shall set a time and date for hearing upon the proposed amendment. Notice of the hearing describing the affected property and purpose of the hearing shall be published at least once not less than seven or more than 20 days prior to the hearing date, but not earlier than the next regularly scheduled Council meeting following the date notice is published. The Clerk shall send notice of the hearing by ordinary mail to owners of property within 200 feet of the boundaries of the affected property.

5. Protest. Protest of a proposed amendment must be in writing submitted to the Council before or at the public hearing on the proposed amendment. If 20% or more of the owners of property within two hundred feet of the boundaries of the affected

property file a written protest, the proposed amendment shall not be effective unless three-fourths of the Council members vote in favor of the proposed amendment.

6. Action by Council. The Council shall not be required to act upon a proposed amendment. At any time prior to a hearing on a proposed amendment, the Council may either act unfavorably on the proposed amendment or take no action. After a hearing, the Council may act either favorably or unfavorably on the proposed amendment or take no action. If the Council acts unfavorably on the proposed amendment, no petition that is substantially the same as the proposed amendment rejected, shall be submitted for one year after the unfavorable action. Nothing herein shall prevent the Council from acting on its own initiative.

7. Costs. The sponsor of a petition for amendment of this chapter shall be liable to the City for the reasonable costs of amending this chapter, including but not limited to the cost of publication of notice, and, unless waived by the Council, shall pay such cost at the office of the Clerk upon demand or shall pay such fee as the Council may prescribe by ordinance.

8. Additional Notices; Signs. Any person who requests a land use plan amendment or rezoning of property shall cause to be erected at all of the street frontages of the property a notification sign, stating a notification message as prescribed by City staff, and intended to inform the public of the proposed change and the time and place of the hearing on said change. Notification signage will be black letters on a white sign board and will be installed in accordance with the following minimum stand:

Speed Limit	Lettering	Number of Signs on Each Street Frontage	Minimum Size
20-35 MPH	3 inches	One per 300'	2' x 2'
36 MPH & greater	6 inches	One per 1,000'	4' x 8'

Such signs shall be erected no less than seven days before the hearing before the Plan and Zoning Commission and shall remain in place until the final hearing before the City Council. It shall be the responsibility of the property owner to ensure that the signs are erected and maintained to be visible from the street rights-of-way in accordance with the provisions of this section. The failure on the part of the property owner to erect and maintain the signs may be considered by the Commission and Council, along with all other facts and circumstances, in determining whether the request for rezoning shall be granted. The property owner shall remove the signage within seven days of the date of the final action on the rezoning or land use plan amendment by the City Council. Any person who removes a sign erected by the property owner, without the property owner's consent, shall be guilty of a misdemeanor.

165.45 VIOLATION. Each day a violation of this chapter continues shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties provided in this section. Nothing in this section shall prevent the City from taking any other lawful action as is necessary to prevent or remedy any violation.

[The next page is 995]

165.46 SMALL WIND ENERGY CONVERSION SYSTEMS.

1. Intent. The intent of the regulations of this section is to balance the need for clean, renewable energy resources with the need to protect the public health, safety and welfare. The regulations of this section are found to be necessary to ensure that small wind energy conversion systems are appropriately designed, sited and installed. Small wind energy conversion systems include only those systems having a rated capacity of no more than one hundred kilowatts. The regulations of this section have no applicability to larger wind energy conversion systems having a rated capacity of greater than one hundred kilowatts.
2. Definitions. For use in this section, the following definitions shall be controlling:
 - A. “Kilowatt” (kW) is equal to 1,000 Watts.
 - B. “Qualified professional” means an individual certified by the manufacturer of a SWECS as qualified to install that manufacturer’s SWECS.
 - C. “Small wind energy conversion system” or “SWECS” means a wind energy conversion system that has a rated capacity of no more than 100 kilowatts and that is incidental and subordinate to a permitted use on the same parcel. A system is considered a SWECS only if it supplies electrical power solely for on-site use, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company in accordance with Section 199, Chapter 15.11(5) of the Iowa Administrative Code.
 - D. “System height” means the total height above grade of the system, including the generating unit and the highest vertical extension of any blades or rotors.
 - E. “Tower” means the vertical component of a WECS that elevates the wind turbine generator and attached blades and rotors above the ground.
 - F. “Watt” (W) is the International System of Units standard unit of power, the equivalent of one joule per second.
 - G. “Wind energy conversion system” or “WECS” means wind turbine electrical generating facility comprised of an aggregation of parts, including the base, tower, generator, rotor, blades, supports, guy wires, and accessory equipment such as power lines, transformers and battery banks, in such configuration as necessary to convert the kinetic energy of wind into electrical energy. The energy may be used on-site or distributed into the electrical grid.
 - H. “Wind turbine generator” means the component of a wind energy conversion system that transforms mechanical energy from the wind into electrical energy.
3. Accessory Use; Site Plan Approval Required. A Small Wind Energy Conversion System (SWECS) shall be allowed only as an accessory use to a permitted principal use, and shall require approval of a site plan application by the City Council, after recommendation by the Planning and Zoning Commission, prior to the construction, installation, alteration or location of a SWECS. In addition to site plan approval, the owner/operator of the proposed SWECS shall obtain all other permits

and approvals required by federal, State and local agencies prior to construction, installation, alteration or location of the proposed SWECS.

4. Site Plan Application Required Information. The owner/operator of a proposed SWECS shall submit a site plan application to the City containing the following information and documentation:

A. Site Plan. Nine (9) complete copies of a site plan shall be submitted, prepared by a professional engineer or a surveyor licensed to practice in the state of Iowa. The site plan shall be drawn to scale no greater than one inch equals 50 feet, based on a certified instrument survey. The site plan shall include:

- (1) Location of the SWECS on the site and system height;
- (2) The area of the base of each tower and depths;
- (3) Utility lines, telephone lines and any other lines, both above and below ground, within a radius from the tower base equal to one hundred ten percent (110%) of the system height;
- (4) Details showing how the power will be delivered to the grid, including the route and size of poles and towers to be used;
- (5) Property lot lines, land uses and the location and dimensions of all existing structures and uses on and off site within a radius of 400 feet from the tower base;
- (6) Standard drawings and dimensional representations of the wind turbine structure, including the tower, blades, base and footings;
- (7) A line drawing of the electrical components in sufficient detail to allow for a determination that the manner of the installation conforms to the *National Electric Code*; and
- (8) Design data for the system indicating the basis of design, including manufacturer's dimensional drawings and installation and operation instructions.

B. Soil Study. For standard soil conditions, foundations developed by the SWECS manufacturer shall be acceptable for installation of a SWECS with a rated capacity of no more than 25 kilowatts, and a project-specific soil study shall not be required. For a SWECS with a rated capacity of greater than 25 kilowatts, and for any SWECS with non-standard soil conditions, a project-specific soil study shall be submitted by a professional engineer licensed to practice in the State of Iowa.

C. Certification. A written certification shall be submitted by a qualified professional approved by the manufacturer, certifying that the plans for the system are in full compliance with all applicable governmental regulations and requirements, that the tower design is sufficient to withstand any applicable wind-load requirements for structures, that the electrical system design is in compliance with accepted engineering practices and with the appropriate provisions of the *National Electric Code*, and that the rotor over speed control system is in compliance with accepted engineering practices.

D. Decommissioning Plan. A Decommissioning Plan shall be submitted outlining the anticipated means and cost of removing the SWECS at the end

of its serviceable life or upon its becoming a discontinued use. The Plan shall identify the financial resources that will be available to pay for the decommissioning and removal of the SWECS. Immediately upon transfer of title to the premises on which the SWECS is located, the new owner shall submit an amendment to the Decommissioning Plan, which shall include identification of the new owner's financial resources that will be available to pay for the decommissioning and removal of the SWECS.

E. Proof of Insurance. A certificate or binder evidencing liability insurance coverage shall be submitted.

F. Identification of Qualified Professional Installer. A statement shall be submitted identifying the name and address of the person who will install the proposed SWECS, along with a full explanation of the installer's qualifications.

G. Utility Notification. Written evidence shall be submitted showing that the owner/operator has notified the electrical utility company of the owner/operator's intent to install the SWECS.

5. Review of Site Plan Application by Commission. The Planning and Zoning Commission shall review the site plan and other documents and information provided by the applicant in support of the application. The Commission shall make a determination as to whether or not the application meets all of the applicable requirements and regulations of this Section 165.46, and the Commission shall forward its report and recommendations to the City Council.

6. Review of Site Plan Application by City Council. The City Council shall consider the site plan application and the report and recommendations of the Commission at a meeting to be held within a reasonable time after receipt of the Commission's report and recommendations. If the City Council determines that the application meets all of the applicable requirements and regulations of this Section 165.46 and all other legal requirements, the City Council shall approve the application.

7. Installation. Installation shall be done by a qualified professional certified by the manufacturer of a SWECS as qualified to install and maintain that manufacturer's SWECS according to the manufacturer's recommendations.

8. Compliance with All Governmental Regulations. A SWECS shall be located and maintained in compliance with all applicable governmental regulations and requirements, including, but not limited to, all *National Electric Code* and Federal Aviation Administration (FAA) regulations, guidelines and standards, as amended from time to time. No SWECS shall project above any of the imaginary airspace surfaces described in FAR Part 77 of the FAA guidance on airspace protection.

9. Location.

A. No SWECS shall be installed on any lot that is used for residential purposes or that is located in a residential (R) or commercial (C) zoning district.

B. No part of a SWECS shall be located within or over drainage, utility or other established easements, or on or over any property lines.

C. A SWECS shall be located entirely in the rear yard (as defined in Section 165.05(65)(B) of the Zoning Ordinance).

- D. A SWECS shall not be installed within 20 feet laterally from any overhead electric power line (excluding secondary electric service lines or service drops).
- E. A SWECS shall not be installed within 10 feet laterally from any underground electric distribution line.
10. Bulk Regulations. A SWECS shall comply with all of the following bulk regulations; provided, however, that in the event of any conflict between the regulations of this subsection 10 and the bulk regulations of the particular district in which the SWECS is to be located, the regulations of this subsection 10 shall control:
- A. Setbacks. The minimum distance between any SWECS and any property line shall be a distance that is equal to 110 percent of the system height.
- B. Minimum Lot Size. The minimum lot size for a SWECS shall be one acre.
- C. Maximum System Height. The maximum system height of a SWECS shall be 200 feet.
- D. Clearance of Blade. No portion of any SWECS blade shall extend closer than 30 feet from the ground. No portion of any SWECS blade shall extend over parking areas, driveways or sidewalks. No portion of any SWECS blade shall extend within 20 feet of the nearest tree or structure.
11. Automatic Over Speed Controls. Every SWECS shall be equipped with manual (electronic or mechanical) and automatic over speed controls to limit the blade rotation speed within the design limits of the specific system.
12. Restriction on Use of Electricity Generated. A SWECS shall be used exclusively to supply electrical power for on-site use, except that excess electrical power generated by the SWECS and not presently needed for on-site use may be used by the utility company in accordance with Section 199, Chapter 15.11(5) of the Iowa Administrative Code.
13. Noise. Except during short term events, including utility outages and severe wind events, every SWECS shall be designed, installed and operated so that the noise generated does not exceed the definition of nuisance noise and/or the maximum noise levels established in this Code of Ordinances.
14. No Guy Wires. Any SWECS tower shall be constructed without guy wires or ground anchors.
15. Color and Finish. Every SWECS shall be white or grey in color, unless a different color is approved by the City Council at the time of site plan approval. All finishes shall be matt or non-reflective.
16. Lighting. No light shall be installed on the tower, unless required to meet FAA regulations.
17. Signage. One sign, limited to four square feet, shall be posted at the base of the tower. The sign shall include a notice of no trespassing, a warning of high voltage, and the phone number of the owner/operator to call in case of emergency. No other signs are permitted on the SWECS.

18. Climbing Apparatus. All climbing apparatus shall be located at least 12 feet above the ground, and the tower must be designed to prevent climbing within the first 12 feet.
19. Maintenance. Structures and facilities shall be well maintained in an operational condition that poses no potential safety hazard.
20. Insurance. The owner/operator of a SWECS must demonstrate adequate liability insurance of not less than one million dollars (\$1,000,000) coverage. The terms of the insurance policy must provide for coverage against any liability resulting from the use or collapse of the SWECS.
21. Electromagnetic Interference. Every SWECS shall be designed and constructed so as not to cause radio and television interference. If it is determined that the SWECS is causing electromagnetic interference, the operator shall take the necessary corrective action to eliminate this interference, including relocation or removal of the facilities, subject to the approval of the appropriate City authority. The conditional use permit may be revoked if electromagnetic interference from the SWECS becomes evident.
22. Other Uses. The tower may be used only for SWECS purposes and additionally for radio transmission purposes. No signs, flags, banners or any other uses are permitted on the tower.
23. Removal. If the SWECS remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed discontinued and abandoned and shall constitute a public nuisance. The owner/operator shall remove the abandoned system at their sole expense. Removal of the system includes the entire structure, including foundations, transmission equipment, and fencing from the property. Nonfunctioning or lack of operation may be proven by reports from the interconnected utility. If removal of towers and appurtenant facilities is required, the zoning administrator shall notify the owner/operator.
24. Right of Entrance. As a condition for authorization of a SWECS by the City, the owner/operator grants permission to the City to enter upon the property to inspect the SWECS and/or to remove the SWECS in the event that the SWECS is being maintained in violation of any of these regulations. Removal shall be at the sole expense of the owner/operator.
25. Conditional Use Permit. The Board of Adjustment may, by special permit after public hearing, authorize a SWECS that does not comply with the prohibition of a SWECS in a residential or commercial zoning district under subsection 9(A) and/or with any of the bulk regulations of subsection 10 of this Section 165.46, but only under circumstances where the proposed SWECS is to be an accessory use to: (i) a public building erected and used by any department of the City, Township, County, State or federal government; or (ii) a public or private educational institution having an established accredited curriculum. No such permit may be granted unless the Board determines: (i) that the SWECS is in compliance with all of the regulations of this section, other than subsections 9(A) and 10 of this section; and (ii) that the installation of the SWECS will be in harmony with the essential character of the neighborhood of the land in question. If requested by the applicant, the Board, as one of the terms of such permit, may allow the tower to be used for cellular and wide band communications purposes, which uses are otherwise prohibited by subsection 22 of this Section 165.46. In granting such permit, the Board may impose conditions on the

use in addition to the regulations of this section. The permit may be revoked by the Board any time the approved SWECS does not comply with the regulations of this section and the conditions imposed by the Board.

165.47 SOLAR ENERGY SYSTEMS

1. Intent. The intent of the regulations of this Section is to balance the need for clean, renewable energy resources with the need to protect the public health, safety and welfare. The regulations of this Section are found to be necessary to ensure that solar energy conversion systems are appropriately designed, sited and installed.

2. Definitions. For use in this Section, the following definitions shall be controlling:

A. “Solar Energy System (SES)” means an aggregation of parts including the base, supporting structure, photovoltaic or solar thermal panels, inverters and accessory equipment such as utility interconnect and battery banks, in such configuration as necessary to convert radiant energy from the sun into mechanical or electrical energy.

B. “Large Solar Energy System (LSES)” means a solar energy system that has a nameplate rated capacity of over fifteen kilowatts in electrical energy or fifty KBTU of thermal energy for nonsingle-family residential uses and districts and which is incidental and subordinate to a principal use on the same parcel. A system is considered an LSES only if it supplies electrical power or thermal energy solely for use by the owner on the site, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed by the owner for on-site use may be used by the utility company in accordance with section 199, chapter 15.11(5) of the Iowa Administrative Code, as amended from time to time.

C. “Small Solar Energy System (SSES)” means a solar energy system that has a nameplate rated capacity of up to fifteen kilowatts in electrical energy or fifty KBTU of thermal energy for residential uses and districts and that is incidental and subordinate to a principal use on the same parcel. A system is considered an SSES only if it supplies electrical power or thermal energy solely for use by the owner on the site, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed by the owner for on-site use may be used by the utility company in accordance with section 199, chapter 15.11(5) of the Iowa Administrative Code, as amended from time to time.

D. “Solar Energy System, Building Mounted” means a SES that is securely fastened to any portion of a building roof, whether attached directly to a principal or accessory building.

E. “Solar Energy System, Ground Mounted” means a SES that is not located on a building and is installed on the ground.

F. “Total System Height for Building Mounted System” means the height above roof surface measured perpendicular to the roof specific to the installation on a sloped roof or the height above the roof surface specific to the installation on a flat roof.

- G. “Total System Height for Ground Mounted System” means the height above grade from the highest point, including the supporting structure, related equipment and the collector panels. Adjustable angle systems shall be measured from the highest point when the system is at its maximum vertical extension.
- H. “Off Grid” means an electrical system that is not connected to a utility distribution grid.
- I. “Solar Access” means a property owner’s right to have sunlight shine on his land.
- J. “Solar Energy” means radiant energy received from the sun at wavelengths suitable for heat transfer, photosynthetic use or photovoltaic use.
- K. “Solar Energy System, Building Integrated” means a solar photovoltaic system that is constructed as an integral part of a principal or accessory building and where the collector component maintains a uniform profile or surface with the building’s vertical walls, window openings, and roofing. Such a system is used in lieu of an architectural or structural component of the building. A building integrated system may occur within vertical facades, replacing glazing or other facade material; into semitransparent skylight systems; into roofing systems, replacing traditional roofing materials; or other building or structure envelope systems. To be considered a building integrated solar energy system, the appearance of the collector components must be consistent with the surrounding materials.
- L. “Utility Scale Solar Energy System” means a solar energy system that supplies electrical power or thermal energy solely for use by off-site consumers.
- M. “Kilowatt” (kW) is equal to 1,000 watts.
- N. “Watt” (W) is the International System of Units’ standard unit of power, the equivalent of one joule per second.
3. Permitted SES. The following solar energy systems (SES) are permitted in all zoning districts within the City of Huxley, subject to the stated limitations:
- A. A building integrated system.
 - B. A building mounted system attached to the roof of an accessory or primary structure.
 - C. A ground mounted system as a detached accessory structure to a primary structure.
 - D. Large solar energy systems (LSES) are not allowed in A-1, R-1 and R-1A districts.
 - E. Utility scale solar energy systems are not allowed.
4. Building Permit Required. It shall be unlawful to construct, erect, install, alter or locate any solar energy system (SES) within the City of Huxley, unless approved with a building permit. The application for building permit shall include:
- A. A site plan showing the location of the system on the site, the area of the base of the system and the total height of the system;

- B. Standard drawings and dimensional representations of the system and all its components, including the supporting frame and footings;
 - C. A line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the national electrical code; and
 - D. For systems to be mounted on existing buildings, an engineering analysis showing sufficient structural capacity of the receiving structure to support the SES per the applicable code regulations, certified by an Iowa licensed professional engineer.
5. Compliance with All Governmental Regulations. The owner/operator of the SES shall obtain any other permits required by other Federal, state and local agencies/departments prior to erecting the system.
6. Installation and Certification. Installation shall be subject to certification by the City building inspector. Installation must be done according to manufacturer's recommendations. All work must be completed according to the applicable building, fire and electric codes. All electrical components must meet code recognized test standards.
7. Color. The base of the SES shall be a neutral color. All surfaces shall be non-reflective to minimize glare that could affect adjacent or nearby properties. Measures to minimize nuisance glare may be required including modifying the surface material, placement or orientation of the system, and if necessary, adding screening to block glare.
8. Lighting. No lighting other than required safety lights or indicators shall be installed on the SES.
9. Signage. No advertising or signage other than the manufacturer's identification logo shall be permitted on the SES.
10. Maintenance. The SES shall be well maintained in an operational condition that poses no potential safety hazard. Should the SES fall into disrepair and be in such dilapidated condition that it poses a safety hazard or would be considered generally offensive to the senses of the general public, the SES may be deemed a public nuisance and will be subject to abatement as such.
11. Displacement of Parking Prohibited. The location of the SES shall not result in the net loss of minimum required parking.
12. Utility Notification. No SES that generates electricity shall be installed until evidence has been given that the utility company has been informed of and is in agreement with the customer's intent to install an interconnected customer owned generator. Off grid systems shall be exempt from this requirement.
13. Interconnection. The SES, if interconnected to a utility system, shall meet the requirements for interconnection and operation as set forth by the utility and the Iowa Utilities Board.
14. Restriction on Use Of Energy Generated. An SES shall be used exclusively to supply electrical power or thermal energy for on-site consumption, except that excess electrical power generated by the SES and not presently needed for on site use may be used by the utility company in accordance with section 199, chapter 15.11(5) of the Iowa Administrative Code.

15. **Shutoff.** A clearly marked and easily accessible shutoff for any SES that generates electricity will be required as determined by the Fire Marshal.
16. **Electromagnetic Interference.** All SESs shall be designed and constructed so as not to cause radio and television interference. If it is determined that the SES is causing electromagnetic interference, the operator shall take the necessary corrective action to eliminate this interference including relocation or removal of the facilities, subject to the approval of the appropriate City authority. A permit granting an SES may be revoked if electromagnetic interference from the SES becomes evident.
17. **Solar Access Easements.** The enactment of this Section does not constitute the granting of an easement by the City. The owner/operator may need to acquire covenants, easements, or similar documentation to assure sufficient solar exposure to operate the SES unless adequate accessibility to the sun is provided by the site. Such covenants, easements, or similar documentation is the sole responsibility of the owner/operator. Should the owner/operator pursue a solar access easement, the extent of the solar access should be defined and the easement document executed in compliance with the regulations contained in Iowa Code chapter 564A (access to solar energy).
18. **Removal.** If the SES remains nonfunctional or inoperative for a continuous period of one year, the system shall be deemed to be abandoned. The owner/operator shall remove the abandoned system at their expense. Removal of the system includes the entire structure, collector panels and related equipment from the property excluding foundations. Should the owner/operator fail to remove the system, the SES will be considered a public nuisance and will be subject to abatement as such.
19. **Nonconforming Systems.** An SES that has been installed on or before the effective date of this Section and is in active use and does not comply with any or all of the provisions of this Section shall be considered a legal nonconforming structure under the provisions of the Zoning Ordinance.
20. **Unsafe Condition.** Nothing in this Section shall be deemed to prevent the strengthening or restoring to a safe condition of any SES or associated building or structure, or any part thereof, declared to be unsafe by the appropriate authority.
21. **Bulk Regulations.**
 - A. **Location.**
 - (1) No more than one SES may be placed on any zoned lot unless otherwise specifically approved by the City Council.
 - (2) No SES shall be constructed within twenty feet laterally from an overhead electrical power line, excluding secondary electrical service lines or service drops.
 - (3) **Ground Mounted SES.**
 - (a) No part of an SES shall be located within or over drainage, utility or other established easements, or on or over property lines.
 - (b) The SES shall be located in accordance with the regulations for detached accessory structures in Zoning Ordinance or not less than one foot from the property line for

every one foot of the system height measured at its maximum height, whichever is most restrictive.

- (c) A LSES shall not be located in the front yard setback.
- (d) A SES shall not be located in any required buffer.
- (e) The setback from underground electric distribution lines shall be at least five feet.
- (f) No SES shall be located which may obstruct vision between a height of thirty inches and ten feet on any corner lot within a vision triangle of twenty-five feet formed by intersecting street right of way lines.

(4) Building Mounted SES.

- (a) The SES shall be set back not less than one foot from the exterior perimeter of the roof for every one foot the system extends above the parapet wall or roof surface.
- (b) Should the SES be mounted on an existing structure that does not conform to current setback requirements, the SES shall be installed to meet the current setback requirements applicable to the structure.
- (c) The SES shall be designed to minimize its visual presence to surrounding properties and public thoroughfares. Panel arrangement shall take into account the proportion of the roof surface, and panels shall be placed in a consistent manner without gaps unless necessary to accommodate vents, skylights or equipment.
- (d) Access pathways for the SES shall be provided in accordance to all applicable building, fire and safety codes.
- (e) The SAS shall be located in such a manner that fall protection railings are not required or are not visible from the public thoroughfare.

(5) Building Integrated SES:

- (a) No setback required.
- (b) Access pathways for the SES shall be provided in accordance to all applicable building, fire and safety codes.
- (c) The SES shall be located in such a manner that fall protection railings are not required or are not visible from the public thoroughfare.

B. Height.

- (1) Ground Mounted SES. The maximum height of the SES shall not exceed eighteen feet in height as measured from existing grade.
- (2) Building Mounted SES.

- (a) The collector panel surface and mounting system shall not extend higher than eighteen inches above the roof surface of a sloped roof.
- (b) The collector panel surface and mounting system shall not extend higher than seven feet above the roof surface of a flat roof.
- (3) Building Integrated SES. The collector panel shall maintain a uniform profile or surface with the building's vertical walls, window openings, and roofing.

C. Size.

- (1) Size of the SES is calculated by measuring the total surface area of the collector panels for the system.
- (2) Ground Mounted SES.
 - (a) In A-1, R-1 and R-1A districts, the SES is restricted in size to no more than the allowed area for detached accessory structures on the specific property. The SES would be included in the collective total of all detached accessory structures.
 - (b) In all other zoning districts, the SES is restricted in size to no more than fifty percent of the area of the footprint of the largest primary structure.
- (3) Building Mounted SES. System size will be determined by the available roof area subject to the installation, minus the required setbacks or access pathways.
- (4) Building Integrated SES. System size will be determined by the available building surface area subject to the installation, minus the required access pathways.

(Sec. 165.47 added by Ord. 465 – Apr. 18 Supp.)

EDITOR'S NOTE			
<p>The following ordinances have been adopted amending the Official Zoning Map described in Section 165.15 of this chapter and have not been included as a part of this Code of Ordinances but have been specifically saved from repeal and are in full force and effect.</p>			
ORDINANCE NO.	DATE ADOPTED	ORDINANCE NO.	DATE ADOPTED
Ord. No. 320 adopted October 23, 2002 Official Zoning Map			
347	September 28, 2004		
351	January 25, 2005		
352	January 25, 2005		
358	April 26, 2005		
361	July 12, 2005		
364	September 12, 2005		
374	February 13, 2007		
375	February 13, 2007		
378	May 8, 2007		
398	March 24, 2009		
399	March 24, 2009		
406	September 22, 2009		
409	November 24, 2009		
415	August 10, 2010		
419	January 11, 2011		
422	May 8, 2012		
424	November 13, 2012		
428	May 28, 2013		
429	August 13, 2013		
444	July 28, 2015		
445	October 13, 2015		
446	September 22, 2015		
447	October 27, 2015		
462	May 23, 2017		

[The next page is 1025]

CHAPTER 166

SUBDIVISION REGULATIONS

166.01 Purpose	166.19 Construction Standards For Improvements
166.02 Definitions	166.20 Street Standards
166.03 Applicability	166.21 Block and Lot Standards
166.04 Recording Of Plat	166.22 Pre-Application Conference
166.05 Fees	166.23 Sketch Plan Required
166.06 Building Permit Denials	166.24 Subdivision Classification
166.07 Penalties	166.25 Plats Required
166.08 Improvements Required	166.26 Preliminary Plat Requirements
166.09 Observation and Testing	166.27 Procedure For Review of Preliminary Plat
166.10 Minimum Improvements	166.28 Acceptance of Improvements
166.11 Easements Required	166.29 Performance Bond or Irrevocable Letter of Credit
166.12 Maintenance Bond Required	166.30 Final Plat Requirements
166.13 Alternative Systems For Sewer or Water	166.31 Final Plat Attachments
166.14 Deferred Improvements	166.32 Procedure For Review of Final Plat
166.15 Minimum Design Standards	166.33 Variances
166.16 Land Suitability	166.34 Changes and Amendments
166.17 Lands Subject To Flooding	166.35 Limitation of Provisions
166.18 Plat To Conform To Comprehensive Plan	

166.01 PURPOSE. The purpose of this chapter is to provide minimum standards for the design, development and improvement of all new subdivision and resubdivisions of land, so that existing land uses will be protected and so that adequate provisions are made for public facilities and services, and so that growth occurs in an orderly manner, consistent with the comprehensive plan, and to promote the public health, safety and general welfare of the citizens of the City.

166.02 DEFINITIONS. For the purposes of this chapter, the following words are defined and interpreted.

1. “Alley” means public property dedicated to public use primarily for vehicular access to the back or side of properties otherwise abutting on a street.
2. “Block” means an area of land within a subdivision that is entirely bounded by streets, railroad rights-of-way, rivers, tracts of public land or the boundary of a subdivision.
3. “City Engineer” means the professional engineer licensed in the State of Iowa designated as City Engineer by the Council.
4. “Commission” means the Planning and Zoning Commission of the City.
5. “Comprehensive plan” means the general plan for the development of the community, which may be titled master plan, comprehensive plan or some other title, which plan has been adopted by the City Council. Such “comprehensive plan” shall include any part of such plan separately adopted, and any amendment to such plan or parts thereof.
6. “Cul-de-sac” means a street having one end connecting to another street, and the other end terminated by a vehicular turnaround. Cul-de-sacs will not be allowed unless special situations exist. When allowed, all water lines serving the cul-de-sac must be looped.
7. “Developer” means the owner of the lot to be developed or constructed upon.

8. "Easement" means an authorization by a property owner for another to use a designated part of this property for a specified purpose.
9. "Flood hazard area" means any area subject to flooding by a one percent probability flood, otherwise referred to as a 100-year flood as designated by the Iowa Natural Resources Council or the Federal Insurance Administration.
10. "Floodway" means the channel of a river or other watercourse and the adjacent lands that must be reserved in order to discharge the waters of a 100-year flood without cumulatively raising the waterway surface elevation more than one foot
11. "Improvements" means changes to land necessary to prepare it for building sites including, but not limited to, grading, filling, street paving, curb paving, sidewalks, walkways, water mains, sewers, drainageways and other public works and appurtenances.
12. "Lot" means a portion of a subdivision or other parcel or tract of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for building development.
13. "Lot, corner" means a lot situated at the intersection of two streets.
14. "Lot, double frontage" means any lot which is not a corner lot which abuts two streets.
15. "Owner" means the legal entity holding title to the property being subdivided, or such representative or agent as is fully empowered to act on its behalf.
16. "Plat" means a map, drawing or chart on which a subdivider's plan for the subdivision of land is presented, which the subdivider submits for approval and intends, in final form, to record.
17. "Resubdivision" means any subdivision of land which has previously been included in a recorded plat. In appropriate context, it may be a verb referring to the act of preparing a plat of previously subdivided land.
18. "Street" means public property, not an alley, intended for vehicular circulation. In appropriate context, "street" may refer to the right-of-way bounded by the property lines of such public property, or may refer to the paving installed within such right-of-way.
19. "Street, arterial" means a street primarily intended to carry traffic into, through and out of the city and not intended to provide access to abutting property, except as provided for by the comprehensive plan. Arterial streets are as designated per the major street plan.
20. "Street, local through" means a street connected cul-de-sacs and other local through streets to minor collector streets and major collector streets. Local through streets are intended to provide access to abutting property.
21. "Street, major" means an arterial, major collector, minor collector or local through street that has or is planned to have continuity to carry traffic from one section of the City to another.
22. "Street, major collector" means a street as designated by the major street plan with the purpose of conveying traffic efficiently from minor collectors, local through streets and cul-de-sacs to other major collectors and arterial streets. Major collector streets are intended to provided access to abutting property.

23. “Street, minor” means streets not classified as arterial or major streets, such as cul-de-sacs or private streets.
24. “Street, minor collector” means a street designated by the major street plan to connect local through streets, cul-de-sacs, and other minor collector streets to major collector streets. Minor collector streets are intended to provide access to abutting property.
25. “Subdivider” means the owner of the property being subdivided or such other person or entity empowered to act on the owner’s behalf.
26. “Subdivision” means the division of land into three or more parts for the purpose, whether immediate or future, of transfer of ownership or building development. The term, when appropriate to the context, may refer to the process of subdividing or to land subdivided; however, the sale or exchange of small parcels of land to or between the owners of adjacent platted lots, where such sale or exchange does not create any additional lots and where the land sold or exchanged constitutes less than 50% of the area of the enlarged lot after such transfer, shall not be considered a subdivision.
27. “Telecommunication service” means any telephone, telegraph, cable television or CATV system or any other system of cables, wires, fibers or conduits, and any related equipment, facilities, manholes or overhead poles, operated and maintained for the purpose of producing, receiving, transmitting, amplifying and distributing audio, video and other forms of electronic or electrical signals or for other communications purposes, or operated for the purpose of transmitting data.
28. “Utilities” means systems for the distribution or collection of water, gas, electricity, wastewater, storm water, cable and telephone.

166.03 APPLICABILITY. Every owner of any tract or parcel of land who has subdivided or shall subdivide or plat said tract or parcel into three or more parts, for the purpose of laying out an addition, subdivision, building lot or lots, acreage or suburban lots within the City or, pursuant to Section 354.9 of the *Code of Iowa*, within two (2) miles from the corporate limits shall cause plats of such area to be made in the form, and containing the information, as set forth in this chapter before selling any lots therein contained or placing the plat on record.

166.04 RECORDING OF PLAT. No subdivision plat, resubdivision plat or street dedication within the City or within two miles of the corporate limits of the City shall be filed for record with the County Recorder, or recorded by the County Recorder, until a final plat of such subdivision, resubdivision or street dedication has been reviewed and approved in accordance with the provisions of this chapter. Upon the approval of the final plat by the Council, it shall be the duty of the subdivider to immediately file such plat with the County Auditor and County Recorder, as required by law. Such approval shall be revocable after 30 days, unless such plat has been duly recorded and evidence thereof filed with the Clerk within such 30 days.

166.05 FEES. No plat for any subdivision or resubdivision shall be considered filed with the Clerk unless or until said plat is accompanied by a fee in an amount set by resolution of the Council.

166.06 BUILDING PERMIT DENIALS. No building permit shall be issued for construction on any lot, parcel or tract, where a subdivision is required by this chapter, unless and until a final plat of such subdivision has been approved and recorded in accordance with

this chapter or other provisions approved by the Council to assure completion and compliance. No certificate of occupancy shall be granted until the final plat is approved and duly recorded and the infrastructure accepted by the Council.

166.07 PENALTIES. Any person who disposes of or offers for sale any lot or lots within the area of jurisdiction of this chapter, until the plat thereof has been approved by the Council, and recorded as required by law, shall forfeit and pay \$500.00 for each lot or part of lot sold, disposed of or offered for sale. Nothing contained in this chapter shall in any way limit the City's right to any other remedies available to the City for the enforcement of this chapter.

166.08 IMPROVEMENTS REQUIRED. The subdivider shall, at his or her expense, install and construct all improvements required by this chapter. All required improvements shall be installed and constructed in accordance with the current City standards, and as shown on the submitted construction plans approved by the Council. All improvements must be inspected upon completion by the City Engineer prior to approval.

166.09 OBSERVATION AND TESTING. All improvements shall be observed by the City Engineer to review for compliance with this chapter. The cost of such observation shall be borne by the subdivider, and shall be the actual cost of the observation to the City. The cost of all necessary testing of soils and materials as required by this chapter shall be borne by the subdivider.

166.10 MINIMUM IMPROVEMENTS. The improvements set forth in this section shall be considered the minimum improvements necessary to protect the public health, safety and welfare.

1. Streets. The subdivider of land being subdivided shall provide the grading of the entire street right-of-way, alley or public place and provide appropriate PCC paving, including curb and gutter on all streets to the plat boundary. All streets or alleys shall be of such width and shall be so constructed as to meet the standards of the City. Under some circumstances the City may require, as a condition for approval of the plat, dedication and improvement of a street having a width greater than outlined in Section 166.20 of this chapter or a thickness greater than that outlined in the design standards to meet the needs of the platted area, but necessary to complete the City street system as it relates to both the area being platted and other areas. In such event, the City will pay the subdivider the difference in cost of improving the wider and/or thicker street and the street width and/or thickness reasonable to meet the foreseeable needs of the subdivision taken alone. The streets shall, upon final observation, approval and acceptance by the City, become the property of the City. The developer may be responsible for all or a portion of the cost of paving of adjoining unpaved street.

2. Sanitary Sewer System. The subdivider of the land being platted shall make adequate provision for the disposal of sanitary sewage from the platted area with due regard being given to present or reasonably foreseeable needs. There shall be constructed, at the subdivider's expense, a sanitary sewer system including all necessary pumping stations, pumping equipment, manholes and all other necessary or desirable appurtenances to provide for the discharge of sanitary sewage from all lots or parcels of land within the platted area to a connection with the City's sanitary sewers. Mains shall be extended to plat boundary where extension will be needed. The sanitary sewer system shall be constructed in accordance with the current City standards and at the sewer grades approved by the City. Under some circumstances

the City may require, as a condition of approval of the plat, installation of a sanitary sewer that is larger than necessary to complete the City sanitary sewer system as it relates to both the area being platted and other areas. In such event, the City will pay the subdivider the difference in cost of pipe and installation between the larger sewer and the diameter of sewer reasonable to meet the foreseeable needs of the area. The above-mentioned facilities for the collection and disposal of sanitary sewage from the platted area shall, upon final observation, approval and acceptance by the City, become the property of the City.

3. Storm Sewer System. The subdivider of land being platted shall install and construct a storm sewer system adequate to serve the area, including anticipated extension of use to serve additional areas. Mains shall be extended to plat boundary where extension will be needed. The storm sewer system shall be constructed in accordance with the current City standards and at sewer grades approved by the City. Under some circumstances the City may require, as a condition of approval of the plat, installation of a storm sewer system that is larger than necessary to meet the needs of the platted area, but necessary to complete the City storm sewer system as it relates to both the area being platted and other areas. In such event, the City will pay the subdivider the difference in cost of pipe and installation between the larger sewer and the diameter of sewer reasonable to meet the foreseeable needs of the area. The sewers shall, upon final observation, approval and acceptance by the City, become the property of the City. In the storm sewer design phase, consideration shall be given to alternatives and principles of storm water management, or the provisions of a storm water management plan if such plan has been adopted by the City.

4. Water Main System. The subdivider of land being platted shall install and construct a water main system to adequately serve all lots or parcels of land within the platted area, with due regard to the present and reasonably foreseeable needs of the entire area, and shall connect the same to the City's existing water mains. Mains shall be extended to plat boundary where extension will be needed. The water mains and appurtenances system shall be constructed in accordance with the current City standards. All water lines shall be at least eight inches in diameter and looped as may be required by the City. Under some circumstances the City may require, as a condition for approval of the plat, installation of a water main that is larger than necessary to complete the City water distribution system as it relates to both the area being platted and other areas. In such event the City will pay the subdivider the difference in cost of pipe and installation between the larger water main and the diameter of water main reasonable to meet the foreseeable needs of the area. The water mains shall, upon final observation, approval and acceptance by the City, become the property of the City.

5. Sidewalks. The developer of land shall install sidewalks to current City standards (SUDAS) with a minimum width of five (5) feet at his or her expense where the fronts, rears or sides of lots front an existing or platted street adjacent to or within the proposed plat as well as within parks and open spaces as directed by the City. The sidewalk shall be extended to the part or open space boundary through the developable subdivided areas to a proposed or existing street right-of-way as directed by the City. Each individual lot developer contained within the subdivision plat shall install all other sidewalks within the subdivision as required by this Code of Ordinances. As a condition for approval of the plat, installation of a sidewalk wider than five (5) feet may be necessary to complete the City Trails system as it relates to both the area being platted and other areas. In such event the City will pay the sub-

divider or developer the cost of the additional sidewalk width above the required five-foot minimum. The sidewalk shall, upon final observation, approval and acceptance by the City, become the property of the City. All work shall be completed prior to the issuance of any certificate of occupancy. All sidewalks on vacant lots in a subdivision shall be installed within eight (8) years of final plat approval.

(Ord. 443 – Apr. 16 Supp.)

6. Street Lighting. The subdivider of land being platted shall, at his or her expense, provide for street lighting. The subdivider shall coordinate with the necessary agencies to provide such lighting and shall submit to the City, for review and approval, a plan consistent with the current edition of the *Iowa Statewide Urban Design Standards for Public Improvements*, as amended by the City. The street lighting shall, upon final observation, approval and acceptance by the City, become the responsibility of the City.

7. Electrical/Telecommunication Service. The subdivider of land being platted shall, at his or her expense, provide for underground electrical/telecommunication service to the land being platted and each of its parcels contained therein. The subdivider shall coordinate with the necessary agencies to provide such service in accordance with the controlling agencies' regulations and requirements.

8. Street Signs and Traffic Signalization. The subdivider of land being platted shall, at his or her expense, provide for signage and installation of permanent street and traffic control signs consistent with the City's standards. In the event the land being platted directly results in the need for traffic signalization, the proportion of traffic directly attributed to the proposed subdivision and contributing to the need of such signalization may be included in the subdivision plat at the subdivider's expense. The portion of the traffic contributing to the need for traffic signalization as a result of existing conditions prior to the proposed subdivision shall be at the City's expense. The traffic signalization shall, upon final observation, approval and acceptance by the City, become the property of the City.

9. Fire Hydrants. The subdivider of land being platted shall install and connect to the waterworks system fire hydrants as required by the Council. Fire hydrants shall be located in accordance with current City standards. In no instance shall a hydrant be located farther than 300 feet from any structure. The type of fire hydrant shall be determined by the Public Works Director.

10. Subsurface Drainage. The subdivider of land shall install a collector storm sewer line designed to carry water from residential sump pumps to a public storm sewer system or other acceptable drainageway in accordance with City standards and to take into consideration volume of flows, soil conditions, etc. The storm sewer lines running within the street right-of-way shall be owned by the City. The lines running from a residence and connecting to the City storm sewer system shall be privately owned.

11. Studies. The subdivider and/or developer of land shall be responsible for improvements or studies that the County Engineer deems necessary because of the impact of their development on the surrounding area.

166.11 EASEMENTS REQUIRED. The subdivider shall grant easements to the City and utility companies as required for providing utility services to the subdivision as follows:

1. Public Utilities. Where alleys are not provided, or where otherwise required by the present or future placement of public utilities, easements of not less than ten

feet in width shall be granted by the owner along rear and front, and where necessary, alongside lot lines for public utility requirements. Except where prohibited by topography, such easements shall be centered on lot lines. Easements of greater width may be required along lot lines, or across lots when necessary for the placement and maintenance of utilities. No buildings or structures, except as necessary for utilities, shall be permitted on such easements.

2. Easements Along Streams and Watercourses. Wherever any stream or surface watercourse is located in an area that is being subdivided or developed, the subdivider/land developer shall, at his or her own expense, make adequate provisions for the proper drainage of surface water and shall provide and dedicate to the City an easement along said stream or watercourse as necessary for the proper maintenance of the watercourse and as provided by the City.

3. Sidewalks. Where sidewalks are required to be extended from street rights-of-way to parks and open spaces, the subdivider shall dedicate to the City a platted outlot for said sidewalk with sufficient width as necessary for proper maintenance of the sidewalks. Such dedication will count toward green space dedication as applicable.

166.12 MAINTENANCE BOND REQUIRED. The owner and subdivider of the land being platted shall be required to provide to the City proper maintenance bonds, satisfactory to the City, so as to ensure that for a period of four (4) years from the date of final acceptance of any improvement the owner and subdivider shall be responsible to maintain such improvement in good repair.

166.13 ALTERNATIVE SYSTEMS FOR SEWER OR WATER. Where connection to the City sewer or water system cannot reasonably be made, the City may approve alternate facilities for the distribution of water or the collection and disposal of sanitary wastes. Such alternate systems shall be designed to fully protect the public health, safety and welfare, and shall meet all requirements of State, County or other applicable health regulations. Prior to granting approval of such alternate systems, the City shall require that the owner and subdivider provide to the City a waiver of assessment protest or such other legally binding documents necessary to protect the City from the expense of the subsequent installation of sewer or water facilities.

166.14 DEFERRED IMPROVEMENTS. Where the subdivision is located outside but within two miles of the City limits, the construction of public improvements within the subdivision may be deferred at the option of the City provided that the subdivider furnish to the City a written waiver authorizing the City to install specified public improvements within the subdivision and recover the full cost thereof by special assessment procedures in the event the subdivision should be annexed to the City.

166.15 MINIMUM DESIGN STANDARDS. The standards set forth in this chapter shall be considered the minimum standards necessary to protect the public health, safety and general welfare. The minimum improvements outlined in this chapter shall be designed in accordance with the current edition of the *Iowa Statewide Urban Design Standards for Public Improvements*.

166.16 LAND SUITABILITY. No land shall be subdivided which is found to be unsuitable for subdividing by reason of flooding, ponding, poor drainage, adverse soil conditions, adverse geological formations, unsatisfactory topography or other conditions likely

to be harmful to the public health, safety or general welfare, unless such unsuitable conditions are connected to the satisfaction of the City. If land is found to be unsuitable for subdivision for any of the reasons cited in this section, the Council shall state its reasons in writing and afford the subdivider an opportunity to present data regarding such unsuitability. Thereafter, the Council may reaffirm, modify or withdraw its determination regarding such unsuitability.

166.17 LANDS SUBJECT TO FLOODING. No subdivision containing land located in a floodway or a flood hazard area shall be approved by the City without the approval of the Iowa Natural Resources Council. No lot shall be located so as to include land located within a floodway or flood hazard area unless the lot is of such size and shape that it will contain a buildable area not within the floodway or flood hazard area suitable for development as allowed by Chapter 165 of this Code of Ordinances for the zone in which the lot is located. Land located within a flood hazard area or floodway may be included within a plat as follows, subject to the approval of the City:

1. Included within individual lots in the subdivision, subject to the limitations of this section;
2. Reserved as open space for recreation use by all owners of lots in the subdivision, with an appropriate legal instrument, approved by the City, providing for its care and maintenance by such owners;
3. If acceptable to the City, dedicated to the City as public open space for recreation or flood control purposes.

166.18 PLAT TO CONFORM TO COMPREHENSIVE PLAN. The arrangement, character, extent, width, grade and location of all streets and the general nature and extent of the lots and uses proposed shall conform to the comprehensive plan of the City, provided such plan has been adopted by the City, and shall conform to such other plans, including but not limited to, a major street plan, a sanitary sewer system plan, or a parks and open space plan, provided such plan has been adopted by the City.

166.19 CONSTRUCTION STANDARDS FOR IMPROVEMENTS. In addition to the standards set forth in this chapter, all minimum improvements outlined in this chapter shall be constructed in accordance with the current edition of the *Iowa Statewide Urban Standard Specifications for Public Improvements*. The City Engineer shall from time to time prepare, and the Council shall from time to time adopt by resolution, technical standards for public improvements amending the *Iowa Statewide Urban Standard Specifications for Public Improvements*. Such technical standards for public improvements shall contain the minimum acceptable specifications for the construction of public improvements. Such technical standards may vary for classes of improvements, giving due regard to the classification of streets or other improvements, and the extent and character of the area served by the improvements. Upon adoption by the Council by resolution, such technical standards for public improvements shall have such force and effect as if they were fully set forth in this section.

166.20 STREET STANDARDS. The following standards shall apply to all streets to be located within the subdivision:

1. Streets shall provide for the continuation of major streets from adjoining platted areas, and the extension of major streets into adjoining unplatted areas. Where a plat encompasses the location for a major street proposed in the comprehensive plan or major street plan the plat shall provide for such major street.

2. Street grades shall align to existing streets, and all grades for streets shall be as approved by the City.
3. Arterial streets shall be located so as to not require direct access from the arterial street to abutting lots.
4. Street right-of-way widths and pavement widths shall be as specified in the comprehensive plan, major streets plan or technical standards for public improvements.
5. Half streets are prohibited, except where an existing platted half street abuts the subdivision, a platted half street to complete the street shall be required.
6. Minor streets should be designed to discourage through traffic while safely connecting to major collector or arterial streets.
7. Street jogs with centerline offset of less than 150 feet are prohibited, except where topography or other physical conditions make such jogs unavoidable.
8. Streets shall intersect as nearly at right angles as possible and no street shall intersect any other street at less than 60 degrees.
9. At intersections of major streets, and otherwise as necessary, lot corners abutting the intersection shall be rounded with a radius sufficient to provide necessary space within the right-of-way for sidewalks, traffic control devices and other necessary improvements without encroachment onto the corner lots.
10. Dead-end streets are prohibited, except where a street is planned to continue past the subdivider's property. A dead end may be allowed, provided a hard-surfaced HMA or PCC turnaround (a "bulb" or "hammerhead") is constructed and removed upon subsequent development.
11. Streets which connect with other streets, or loop streets, are preferable for maintenance, fire protection and circulation, but cul-de-sacs may be permitted. Cul-de-sacs shall not exceed 500 feet in length.
12. In general, alleys shall be prohibited in residential areas and required in commercial areas with normal street frontage. Dead-end alleys are prohibited, unless provided with a turnaround with a minimum right-of-way diameter of 100 feet.
13. When a tract is subdivided into larger than normal lots or parcels, such lots or parcels shall be so arranged as to permit the logical location and opening of future streets and appropriate resubdivision with provision for adequate utility connections for such resubdivision. Easements for the future openings and extensions for such streets or utilities may, at the discretion of the City, be made a requirement of the plat.
14. Streets which are or will become extensions of existing streets shall be given the same name of the existing streets. New street names shall not be the same or sound similar to existing street names. All street names shall be at the approval of the City.
15. The City may approve a private street where unusual conditions make a private street desirable, provided adequate covenants or other legal documents ensure that the City will not have to assume any maintenance or other responsibility for such street.
16. The width of the right-of-way and paved surface for streets within a subdivision shall be determined by the Council upon recommendation of the

Commission. The type of street is designated by the major street plan. The minimum width of right-of-way and paved surface for streets shall be as follows:

Type of Street	Minimum Right-of-Way Width	Minimum Paved Surface	Permitted Vehicle Parking for Minimum Paved Surface
Arterial	100 feet	to be determined	None
Major	66 feet	34 feet	one side only
Major collector	60 feet	34 feet	one side only
Minor collector	60 feet	31 feet	one side only
Local through Minor	60 feet	31 feet	one side only
Cul-de-sac	55 feet	31 feet	one side only
Alley	Prohibited		
Dead end	Prohibited		
Private	Discouraged	to be determined	

166.21 BLOCK AND LOT STANDARDS. The following standards shall apply to the layout of blocks and lots in all subdivisions and, to the extent possible, in all resubdivisions:

1. No residential block shall be longer than 1,300 feet or shorter than 300 feet measured from street centerline to street centerline. The width of blocks should be arranged so as to allow two tiers of lots, with utility easements.
2. In blocks over 700 feet in length, the City may require a public way or an easement at least ten feet in width, at or near the center of the block, for use by pedestrians.
3. The size and shape of blocks or lots intended for commercial or industrial use shall be adequate to provide for the use intended and to meet the parking, loading and other requirements for such uses contained in Chapter 165 of this Code of Ordinances.
4. Lot arrangement and design shall be such that all lots will provide satisfactory building sites, properly related to topography and surrounding land uses.
5. The size and shape of all lots shall comply with all requirements of Chapter 165 of this Code of Ordinances for the zone in which the lot is located.
6. The front of all lots shall abut a public street, or upon an approved private street, with a minimum frontage of at least 35 feet measured as a straight line between the two front lot corners.
7. Unless unavoidable, lots shall not front on or have direct access to arterial or major collector streets. Where unavoidable, lots shall be so arranged as to minimize the number of access points. Commercial and multi-family development along Highway 69 shall use group access points on adjacent streets.
8. All lot lines shall be at right angles to straight street lines or radial to curved street lines, except where, in the judgment of the City, a variation to this provision will provide a better street and lot layout.
9. Corner lots shall have sufficient extra width to permit the required front yard setback as specified in Chapter 165 of this Code of Ordinances, oriented to either street.

10. Reversed frontage lots are prohibited. Double frontage lots shall only be permitted where abutting a major street and a minor street, and such lots shall front only on the minor street.

11. Any lot not to be served by a sanitary sewage system shall have sufficient area to allow for a satisfactory drain field. No subdivision to be served by a septic system shall be approved by the City Council until percolation tests have been performed and the results of said tests have been provided to and reported on by the City Engineer.

12. All lots abutting on Ballard Creek or its tributaries shall be sufficiently long to permit a minimum fifty-foot rear yard for purposes of maintaining a wildlife corridor.

166.22 PRE-APPLICATION CONFERENCE. Whenever a subdivision located within the platting jurisdiction of the City is proposed, the owner and subdivider shall schedule a pre-application conference with the City. The conference shall be attended by such City or utility representatives as deemed desirable, and by the owner and the owner's engineer and/or planner, as deemed desirable. The purpose of such conference shall be to acquaint the City with the proposed subdivision, and to acquaint the subdivider with the requirements, procedures and any special problems relating to the proposed subdivision.

166.23 SKETCH PLAN REQUIRED. For the pre-application conference the subdivider shall provide a map or sketch showing the location of the subdivision, the general location of any proposed streets and other improvements, and the general layout and arrangement of intended land uses, in relation to the surrounding area. The subdivider may present the sketch plan to the City staff, City Engineer, City Administrator and Public Works Director for review, prior to incurring significant costs preparing the preliminary or final plat.

166.24 SUBDIVISION CLASSIFICATION. Any proposed subdivision or resubdivision shall be classified as a minor subdivision or a major subdivision.

1. Minor Subdivision. Any subdivision which contains not more than four lots fronting on an existing street and which does not require construction of any public improvements, and which does not adversely affect the remainder of the parcel, shall be classified as a minor plat.

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

166.25 PLATS REQUIRED. In order to secure approval of any proposed subdivision, the owner and subdivider shall submit to the City plats and other information as required by this chapter. The owner and subdivider of any major subdivision shall comply with the requirements for a preliminary plat and the requirements for a final plat. The owner and subdivider of a minor subdivision may elect to omit the submission of a preliminary plat.

166.26 PRELIMINARY PLAT REQUIREMENTS. The subdivider shall prepare and file with the Clerk 20 copies of the preliminary plat drawn to a scale of one inch equals 100 feet or larger. Sheet size shall be at least 11 inches by 17 inches. In addition, at least one 11-inch x 17-inch submittal that is reproducible shall be filed with the City. Where more than one sheet is required, the sheets shall show the number of the sheet and the total number of sheets in the plat, and match lines indicating where other sheets adjoin. The preliminary plat

shall be clearly marked “preliminary plat” and shall show, or have attached thereto the following:

1. Title, scale, north point and date.
2. Proposed name of the subdivision, which shall not duplicate or resemble existing subdivision names in the County.
3. The name and address of the owner and the name, address and profession of the person preparing the plat.
4. A key map showing the general location of the proposed subdivision in relation to surrounding development.
5. The names and locations of adjacent subdivisions and the names of record owners and location of adjoining parcels of unplatted lands. A list of all owners of record of property located within 200 feet of the subdivision boundaries shall be attached.
6. The location of property lines, streets and alleys, easements, buildings, utilities, watercourses, tree masses and other existing features affecting the plat.
7. Existing and proposed zoning of the proposed subdivision and adjoining property.
8. Contours at vertical intervals of not more than two feet if the general slope of the site is less than ten percent and at vertical intervals of not more than five feet if the general slope is ten percent or greater.
9. The legal description of the area being platted.
10. The boundary of the area being platted, shown as a dark line, with the approximate length of boundary lines and the approximate location of the property in reference to known section lines.
11. The layout, numbers and approximate dimensions of proposed lots.
12. The location, width and dimensions of all streets and alleys proposed to be dedicated for public use.
13. The proposed names for all streets in the area being platted.
14. Present and proposed utility systems, including sanitary and storm sewers, other drainage facilities, water lines, gas mains, electric utilities and other facilities.
15. Proposed easements, showing locations, widths, purposes and limitations.
16. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds or other public, semi-public or community purposes, or shown for such purpose in the comprehensive plan or other adopted plans.
17. A general summary description of any protective covenants or private restrictions to be incorporated in the final plat.
18. Any other pertinent information as necessary.
19. The fee, as required by this chapter, shall be submitted with the plat submission.

166.27 PROCEDURE FOR REVIEW OF PRELIMINARY PLAT. The following procedures shall govern the review of preliminary plats:

1. The City Clerk, upon receipt of 20 copies of the preliminary plat, shall file one copy in the records of the City, shall retain one copy for public inspection and shall forward the remaining copies of the plat to the Zoning Administrator. In addition, at least one 11-inch x 17-inch submittal that is reproducible shall be filed with the City.
2. The Zoning Administrator shall provide copies of the plat to the City Engineer, and such other persons as necessary to review the plat and within 21 days have comments back to the developer's engineer. When comments have been corrected, corrected plan is then submitted to the Commission.
3. The Commission shall examine the plat and the report of the City Engineer and such other information as it deems necessary or desirable to ascertain whether the plat conforms to the ordinances of the City and conforms to the comprehensive plan and other duly adopted plans of the City. The Commission shall, within 45 days of the filing of the plat with the City Clerk, forward a report and recommendation regarding the plat to the Council. If such recommendation is to disapprove or modify the plat, the reasons therefor shall be set forth in writing in the report, and a copy of the report and recommendation shall be provided to the applicant.
4. The Council shall examine the plat, the report of the City Engineer, the report of the Commission and such other information as it deems necessary or desirable. Upon such examination, the Council shall ascertain whether the plat conforms to the ordinances and standards of the City, conforms to the comprehensive plan and other duly adopted plans of the City, and will be conducive to the orderly growth and development of the City, in order to protect the public health, safety and welfare. Following such examination, the Council may approve, approve subject to conditions, or disapprove the plat. If the decision of the Council is to disapprove the plat, or to approve the plat subject to conditions, the reasons therefor shall be set forth in writing in the official records of the Council, and such decisions shall be provided to the applicant. Action on the preliminary plat by the Council shall be taken within 60 days of the filing of the plat with the City Clerk, unless such time period is extended by agreement between the subdivider and the City. Final submittal of the corrected preliminary plat must be within 30 days after Council action.
5. **Duration of Approval.** The approval of a preliminary plat by the City shall be valid for a period of one year from the date of such approval, after which such approval shall be void, and the subdivider shall take no action requiring the precedent approval of a preliminary plat except upon application for and approval of an extension of such period of validity by the Council.
6. **Improvement Authorization.** The approval of the preliminary plat shall constitute authorization by the Council for the design of improvements as required by this chapter, and as shown on the preliminary plat; provided, no such improvement shall be constructed or installed until and unless the plans, profiles, cross-sections and specifications for the construction of such improvement has been submitted to and approved in writing by the City Engineer and the Council.

166.28 ACCEPTANCE OF IMPROVEMENTS. Before the Council will approve the final plat, all of the applicable improvements required in this chapter shall be constructed and accepted by formal resolution of the Council. Before passage of said resolution of acceptance, the City Engineer shall report that said improvements meet all City specifications and

ordinances or other City requirements and the agreements between the subdivider and the City.

166.29 PERFORMANCE BOND OR IRREVOCABLE LETTER OF CREDIT. In lieu of the requirement that improvements be completed prior to the approval of a final plat, the subdivider may post a performance bond with the City or provide an irrevocable letter of credit to the City guaranteeing that improvements not completed shall be completed within a period of two years from the date of approval of such final plat, but such approval of the plat shall not constitute a final acceptance of any improvements to be constructed. The amount for the letter of credit shall be established by the City Administrator and the City Engineer. The amount will be no less than 150% of the bid cost/award. Improvements will be accepted only after their construction has been completed and approved by the City Engineer and the Public Works Director.

166.30 FINAL PLAT REQUIREMENTS. The subdivider shall, within one year from the date of approval of the preliminary plat, unless such time period has been extended, prepare and file with the City Clerk 20 copies of the final plat and required attachments, as set forth in this chapter. Except for a final plat for a minor subdivision as set forth in this chapter, no final plat shall be considered by the Council until and unless a preliminary plat for the area included in the proposed final plat has been approved and has not expired and become void as set forth in this chapter. The final plat shall be drawn at a scale of one inch equals 100 feet or larger. Sheet size shall be at least 22 inches by 34 inches and shall be of a size acceptable to the County Auditor. In addition, the subdivider shall submit to the City one copy that is 11 inches by 17 inches which is reproducible. If more than one sheet is used, each sheet shall clearly show the number of the sheet, the total number of sheets included in the plat and match lines indicating where other sheets adjoin. The final plat shall be clearly marked "final plat" and shall show the following:

1. The name of the subdivision.
2. Name and address of the owner and subdivider.
3. Scale and a graphic bar scale, north arrow and date on each sheet.
4. All monuments to be of record.
5. Sufficient survey data to positively describe the bounds of every lot, block, street, easement or other areas shown on the plat, as well as the outer boundaries of the subdivided land.
6. All required distance, bearing, curve and other survey data.
7. All adjoining properties shall be identified, and where such adjoining properties are a part of a recorded subdivision, the name of that subdivision shall be shown. If the subdivision platted is a resubdivision of a part or the whole of a previously recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made. Resubdivisions shall be labeled as such in a subtitle following the name of the subdivision wherever the name appears on the plat.
8. Street names and clear designation of public alleys.
9. Block and lot numbers.
10. Accurate dimensions for any property to be dedicated or reserved for public use, and the purpose for which such property is dedicated or reserved for public use.

11. The purpose of any easement shown on the plat shall be confined to only those easements pertaining to public utilities including gas, power, telephone, cable television, water, sewer, easements for ingress and egress and such drainage easements as are deemed necessary for the orderly development of the land encompassed within the plat.
12. All interior excepted parcels, clearly indicated and labeled “not a part of this plat.”
13. A strip of land shall not be reserved by the subdivider unless the land is of sufficient size and shape to be of some practical use or service as determined by the Council.
14. The minimum unadjusted acceptable error of closure for all subdivision boundaries shall be 1:10,000 and shall be 1:5,000 for any individual lot.
15. A statement by a registered land surveyor that the plat was prepared by the surveyor or under the surveyor’s direct personal supervision, signed and dated by the surveyor and bearing the surveyor’s Iowa registration number or seal, and a scaled certificate of the accuracy of the plat by the registered land surveyor who drew the plat.

166.31 FINAL PLAT ATTACHMENTS. The following shall be attached to and accompany any final plat and be fully executed:

1. A statement by the proprietors and their spouses, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgments of deeds. The statement by the proprietors may also include a dedication to the public of all lands within the plat that are designated for streets, alleys, parks, open areas, school property, or other public use, if the dedication is approved by the Council.
2. An opinion by an attorney-at-law who has examined the abstract of title of the land being platted. The opinion shall state the names of the proprietors and holders of mortgages, liens or other encumbrances on the land being platted and shall note the encumbrances, along with any bonds securing the encumbrances. Utility easements shall not be construed to be encumbrances for the purpose of this section.
3. A certificate of the County Treasurer that the land is free from certified taxes and certified special assessments or that the land is free from certified taxes and that the certified special assessments are secured by bond in compliance with Section 354.12 of the *Code of Iowa*.
4. A statement from the mortgage holders or lienholders, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgment of deeds. An affidavit and bond as provided for in Section 354.12 of the *Code of Iowa* may be recorded in lieu of the consent of the mortgage or lienholder. When a mortgage or lienholder consents to the subdivision, a release of mortgage or lien shall be recorded for any areas conveyed to the City or dedicated to the public.
5. The encumbrance bond, if any.
6. A statement of restriction of all types that run with the land.
7. A certificate by the City Engineer that all required improvements have been satisfactorily completed in accordance with the construction plans as approved and in

substantial compliance with the approved preliminary plat. Prior to such certification, “as built” plans for all improvements shall have been provided to the City Engineer. In lieu thereof, the subdivider shall provide a written agreement for the completion of public improvements together with a performance bond or irrevocable letter of credit guaranteeing completion in a form approved by the City Attorney.

8. Where the improvements have been installed, a resolution accepting and approving such improvements, along with the maintenance bond required by this chapter.

9. If private streets or other private improvements have been approved, an agreement in the form of a covenant running with the land, in a form approved by the City Attorney, providing for the construction or reconstruction of any improvements to meet City standards, and the assessment of all costs to the property owners in the event of annexation and dedication and acceptance shall be required.

10. A resolution and certificate for approval by the Council and for signatures of the Mayor and Clerk.

11. The applicable fee, if any, due upon Council approval.

12. An electronic version of the final plat and as-builts shall be submitted. The version and type of electronic copy shall be determined by the City Engineer at the time of submission.

13. Written easement document covering all easements as required in Section 166.11.

14. The subdivider shall provide an agreement for the installation of sidewalks stating the time and who is responsible for installation.

15. The Permittee shall submit three copies of the record drawings prepared by the Permittee’s engineer in accordance with the Code of Iowa and one digital copy of said drawings in Arc View, MicroStation, AutoCad or other approved format. Such drawings shall show the “as-built” grading and shall include spot elevations along the flowline of drainage swales and ditches at each property line along with a note on the as-built drawings stating the drainage ditches and/or swales were constructed to the designed depth and width and that said ditches and/or swales are located within the overland flowage easements shown on the Final Plat. Such drawings shall be public record and shall be made available for public review and use of the information shown. Provided, however, the City does not warrant or guarantee the accuracy of such drawings and nothing in this section is intended nor shall it be construed or interpreted to create any such warranty. *(Ord. 442 – Apr. 16 Supp.)*

166.32 PROCEDURE FOR REVIEW OF FINAL PLAT. The following procedures shall govern the review of final plats:

1. The City Clerk, upon receipt of 20 copies of the final plat shall file one copy in the records of the City, shall retain one copy for public inspection and shall forward the remaining copies to the Zoning Administrator. Sheet size shall be at least 22 inches by 34 inches. In addition, at least one 11-inch by 17-inch submittal that is reproducible shall be filed with the City.

2. The Zoning Administrator shall provide copies of the plat to the City Engineer and such other persons as are necessary to review the plat and shall schedule the plat for review by the City Council.

3. The Zoning Administrator, Public Works Director and the City Engineer shall examine the plat as to its compliance with the ordinances and standards of the City and its conformance with the preliminary plat and shall set forth their findings in writing. A copy of the findings shall be provided to the subdivider and the Planning and Zoning Commission for review prior to review by the Council. The Commission shall then review the plat and shall forward a written recommendation thereon to the Council within 45 days of the filing of the plat with the Clerk. If the recommendation is to disapprove the plat or to require modification of the plat, the reasons therefor shall be set forth in writing and a copy of the recommendation shall be provided to the subdivider. Five copies of the corrected plat shall be due within 30 days of Council action.
4. Upon receipt of the plat and written reports thereon, the Council shall review the plat and attachments thereto. If the plat is found to conform to the ordinances and standards of the City and the comprehensive plan and other adopted plans, all as of the date of approval of the preliminary plat and is found to substantially conform to the preliminary plat, the Council shall approve the plat, and shall cause its approval to be entered on the plat as required by law.
5. Action on the final plat by the Council shall be taken within 60 days of the date of filing of the plat with the Clerk, unless such time period is extended by agreement between the subdivider and the City. If the action is to disapprove the plat, the reasons therefor shall be set forth in the official records of the Council and such decision shall be provided to the subdivider.

166.33 VARIANCES. Where, in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of this chapter would result in extraordinary hardship to the subdivider, because of unusual topography and other conditions, the Council may vary, modify or waive the requirements so that substantial justice may be done and the public interest secured; provided, however, such variance, modification or waiver shall not have the effect of nullifying the intent and purpose of this chapter. In no case shall any variance or modification be more than minimum easing of the requirements as necessary to eliminate the hardship. In granting a variance, the Council may impose such additional conditions as are necessary to secure substantially the objectives of the requirements so varied, modified or waived.

166.34 CHANGES AND AMENDMENTS. This chapter or any provision of this chapter may be changed or amended from time to time by the City Council, provided, however, that such changes or amendments shall not become effective until after a public hearing has been held, public notice of which shall have been published at least once, not less than seven or more than 20 days before the date of the hearing.

166.35 LIMITATION OF PROVISIONS. Nothing contained in this chapter shall serve to abrogate, limit, repeal or otherwise modify any other ordinance or regulation except as expressly set forth in this chapter. If any provision of this chapter conflicts with the provisions of any other ordinance, regulation or statute, the more restrictive shall apply.

[The next page is 1075]

CHAPTER 167

SITE PLAN REVIEW

167.01 Purpose	167.07 Relationship of Site Plan Review to the Zoning Regulations
167.02 Copies and Submission of Site Plan	167.08 Forms and Fees
167.03 Site Plan Review	167.09 Contents of Site Plan – Graphic
167.04 Status of Zoning Compliance Applications	167.10 Contents of Site Plan – Written
167.05 Scope of Site Plan Review	
167.06 Site Plan Approval	

167.01 PURPOSE. In order to further promote the safe and efficient use of land and to further enhance the value of property in the City, the Council deems it advisable to establish a Site Plan Review Process for any construction of 2,500 square feet or more; or brings existing gross floor area to 2,500 square feet or more, for which a building permit is required, except for construction of single-family and two-family residential structures or structures accessory thereof in R-1 and R-2 districts. Site Plan Review is also required for any parking lot construction of eight (8) or more parking spaces. This review is intended to supplement the review and administrative procedures which are carried out under other City policies or ordinances. The Site Plan Review Process is intended to help ensure that newly developed properties or redeveloped properties are compatible with adjacent development and that safety, traffic, over-crowding and environmental problems are minimized to the extent possible. The Site Plan must include landscaping plans as required by landscaping regulations within Chapter 168 of this Code of Ordinances. No building permit shall be issued until Site Plan approval is obtained where applicable. Site Plan Review will also apply to all areas within two miles of the corporate limits of the City where such development will have an impact on the City's traffic or waterways.

167.02 COPIES AND SUBMISSION OF SITE PLAN. Any person developing or re-developing property which is required to be reviewed as part of the site plan process shall submit to the Clerk 20 copies of the proposed site plan. The site plan shall be drawn at a scale of one inch equals 100 feet or larger. Sheet size shall be at least 22 inches by 34 inches and shall be of a size acceptable to the County Auditor. The developer shall submit to the City two copies that are no larger than 11 inches by 17 inches which are reproducible. If more than one sheet is used, each sheet shall clearly show the number of the sheet, the total number of sheets included in the plan and match lines indicating where other sheets adjoin.

167.03 SITE PLAN REVIEW. The review of Site Plans will be done by the Planning and Zoning Commission. Said review will be forwarded to the Council for approval.

167.04 STATUS OF ZONING COMPLIANCE APPLICATIONS.

1. Any development on a site of two (2) acres or more in size shall have a storm water management plan and traffic analysis included in its Site Plan.

A. Storm Water Management Plan. Those developments that are applicable under this section of the Code shall be required to retain/detain storm water run-off on their site with a controlled outlet. Water shall not flow from the site at a rate greater than what was there prior to the development and not greater than what standards are adopted by the Council, or in absence thereof, the City Engineer's recommendation. The Storm Water Management

Plan should be compatible with the plan as submitted with the preliminary plat, construction drawings and/or final plat.

- B. Traffic Analysis. Traffic analysis shall include:
- (1) Projected number of trips estimated for daily and peak traffic levels;
 - (2) Projected traffic flow patterns;
 - (3) Impact on traffic upon abutting roads in relation to their capacity;
 - (4) Combined traffic impact of approved but not yet constructed projects within the City.
2. If, in the Commission's judgment, the building permit application does not contain sufficient information to enable the Commission to properly discharge its responsibilities, the Commission may request additional information from the applicant.
3. No building permit shall be issued by the Zoning Administrator until Site Plan approval has been granted by the Council, as provided in this chapter.

167.05 SCOPE OF SITE PLAN REVIEW. The Planning and Zoning Commission, when evaluating Site Plans, will review:

1. Traffic and parking layout so as to:
 - A. Minimize dangerous traffic movements.
 - B. Achieve efficient traffic flow.
 - C. Provide for the optimum number of parking spaces and loading area, while maintaining City design standards.
 - D. Separate loading/delivery areas from pedestrian movement where possible.
 - E. Separate parking from access drives if possible.
 - F. Provide sufficient access for emergency vehicles to and from each lot.
 - G. Provide access along cross access easements with adjacent properties and/or provide frontage roads where feasible so as to minimize curb cuts.
2. Landscaping, so as to:
 - A. Comply with Chapter 168 of this Code of Ordinances.
 - B. Maintain existing mature trees and shrubs that are listed on the City's recommended trees and shrubs list, to the maximum extent practicable.
 - C. Buffer adjacent incompatible uses; size of the buffer shall be:
 - (1) Size of buffer (living material) between Commercial and Residential no less than 50 feet wide.
 - (2) Size of buffer (living material) between Commercial and Industrial no less than 50 feet wide.

- (3) Size of buffer (living material) between Industrial and Residential no less than 100 feet wide.
 - A. Use of manmade screening (i.e., fence) along with living material may reduce the widths between the uses. Width of buffers may be adjusted depending on material used both manmade and living. Plantings shall not be any less than specified in “New Plant Material” Section for medium and long deciduous, conifer and upright evergreens.
 - D. Screen unsightly activities from public view; this may be living or manmade screening. If the screen is manmade, it should be architecturally integrated into the design of the building.
 - E. Break up large expanses of paving with plant material. Shade trees must be from City’s approved list, shall be planted along commercial arteries and within commercial development areas where possible, with a 20% green space minimum requirement. Within parking lots there should be at least one landscaped island equal to the size of a parking space for every 20 parking spaces provided. A site plan may combine islands into fewer larger islands.
 - F. Provide an aesthetically pleasing landscaping design including around all ground signs.
 - G. Provide hardy plant materials and landscaping designs that can withstand the City’s climate.
 - H. All required landscaping shall be maintained in proper condition and replaced when necessary.
3. Specific District Guidelines. The following guidelines shall apply when practical and reasonable in each case being considered by the Commission:
- A. Commercial Development.
 - (1) Separate parking for service vehicles from shoppers’ cars.
 - (2) Screen service/loading area from adjacent residential development and public right-of-way.
 - (3) Screen trash/recycling receptacles from adjacent residential, commercial and industrial developments and public rights-of-way.
 - (4) Put signs and light poles in landscaped areas where possible.
 - (5) Require stacking room at driveway/street intersection where possible.
 - (6) Separate buildings from pavement with landscaping and/or walkways.
 - (7) Create a landscape setback between road and parking. In new developments within a C-2 or Industrial Zoning, landscaping shall be required and setback at least five feet from right-of-way.
 - (8) Make storm water detention/retention ponds an open space asset.
 - (9) Require that lighting stays upon the property in a pleasing and compatible manner.

- B. Industrial Development.
 - (1) Create a landscape setback or screening between road and parking.
 - (2) Make storm water detention/retention ponds an open space asset.
 - (3) Require landscaping in front of fence screening of outdoor storage.
 - (4) Require design of large planted medians at park entry.
 - (5) Intersection configuration to follow *Iowa Statewide Urban Designs and Specifications*.
 - (6) Screen and berm from adjacent non-industrial uses and zoning districts.
 - (7) Require that lighting stays upon the property in a pleasing and compatible manner.
- 4. General Guidelines. The following guidelines shall be considered:
 - A. The proposed development and all structures therein shall be designed in such a manner as to create a quality environment and to such end shall be architecturally and aesthetically harmonious and attractive with the surroundings, including with regard to site, light, and sound.

167.06 SITE PLAN APPROVAL. If the Council approves the Site Plan submitted to them, a building permit may then be issued, provided that all other requirements of all other applicable City codes and ordinances are satisfied.

167.07 RELATIONSHIP OF SITE PLAN REVIEW TO THE ZONING REGULATIONS. The procedures prescribed by these guidelines are not intended to be a substitute for, or to have any bearing upon, any procedures required under the Zoning Regulations of the City. If a proposed Site Plan involves the granting of a special exception or a variance from the requirements of the Zoning Regulations, the Planning and Zoning Commission may review the Plan in advance of the Zoning proceedings and may make findings on the assumption that the special exception or variance will be granted. However, such findings shall not constitute a position by the City or by any employee of the City in support of the petitioner's application for a special exception or a variation and shall not be received in evidence in any proceedings before the Zoning Board of Adjustment. The report of the Planning and Zoning Commission in such cases shall be submitted to the Board of Adjustment concurrently with the application.

167.08 FORMS AND FEES. Application forms for Site Plan Review shall be established. All applications shall be filed and copies made. One copy shall, upon completion of review, be returned to the applicant and one shall remain in the records of the City. Fees for Site Plan Review applications shall be established by resolution of the Council.

167.09 CONTENTS OF SITE PLAN – GRAPHIC. The Site Plan shall include one or more appropriately scaled maps or drawings of the property clearly and accurately indicating the following:

- 1. Complete property dimensions.

2. The location, grade and dimensions of all present and/or proposed streets right-of-ways, easements, utilities, lighting or other paved surfaces and engineering cross-sections of proposed new curbs and pavement. This requirement may be waived by the Zoning Administrator if found to be unnecessary.
3. Complete parking and traffic circulation plan, if applicable, showing location and dimensions of parking stalls, dividers, planters or similar permanent improvements; and perimeter screening treatment, including landscaping.
4. Location and full dimensions of all buildings or major structures, both proposed and existing, showing exterior dimensions, number and area of floors, location number and type of dwelling units, and height of buildings.
5. Existing and proposed contours of the property taken at regular contour intervals not to exceed five feet, or two feet if the Zoning Administrator determines that greater contour detail is necessary to satisfactorily make the determinations required by these regulations. This requirement may be waived by the Zoning Administrator if found to be unnecessary.
6. The general nature, location and size of all significant existing natural and manmade land features, including but not limited to, sidewalks, tree or bush masses, all individual trees over four (4) inches in diameter, grassed areas and soil features, terraces, and all streams or other permanent or temporary bodies of water.
7. A location map or other drawing at appropriate scale showing the general location and relation of the property to surrounding areas, including, where relevant, the zoning and land use pattern of adjacent properties, and existing street system in the area and location of nearby public facilities. This requirement may be waived by the Zoning Administrator if found to be unnecessary.
8. Additional graphic information as may be required by the Zoning Administrator to make determinations required by these regulations.

167.10 CONTENTS OF SITE PLAN – WRITTEN. All Site Plans shall include a report or narrative containing the following:

1. Legal description and address of the property.
2. Name, address and phone numbers of the property owners.
3. Name, address and phone numbers of the developers or contractors, if different from the owners, if available.
4. Proposed uses.
5. Data clearly identifying the following: existing and proposed total number and types of dwelling units on the property; number and type of all structures or buildings, whether residential or nonresidential; total area of the property; number of dwelling units per acre; and total floor area of each building.
6. Proposed landscaping plan indicating plant types, number and timing for installation.
7. Existing zoning classifications of the property.
8. Existing and proposed type and number of parking spaces on the property.

9. A photometric plan showing proposed light levels for development measured in foot candles. This should, at minimum, show light intensity at the property line, brightest point and average light intensity.

PERMITTED PRINCIPAL USES AND STRUCTURES	MINIMUM REQUIRED OFF-STREET PARKING
1. Automobiles and farm implement sales, parts, rentals and service garages	1 parking space for each 600 square feet of gross floor area
2. Banks, business and professional offices	1 parking space for every 400 square feet of gross floor area, but in no case less than 5 parking spaces
3. Bowling alleys	5 spaces for each lane
4. Churches and schools	1 parking space for every 80 square feet of principal auditorium, including balcony, if any; where no auditorium is involved, 1 parking space for each staff member
5. Clinics	1 parking space per 300 square feet of gross floor area
6. Dance hall, assembly halls	1 parking space for each 150 square feet of floor area used for dancing or assembly
7. Dwellings: Single-family dwelling Two-family dwelling to 7 units Multi-family dwelling, 8 units or more Manufactured homes in R-1 or R-2 Districts Mobile home parks	† 2 parking spaces 2 spaces per dwelling unit 1 3/4 spaces per dwelling unit 2 parking spaces 2 spaces for every mobile home lot
8. Funeral homes, mortuaries	1 parking space for each 5 seats in the principal auditorium
9. Furniture and appliances stores, household equipment or furniture repair shops	1 parking space for each 600 square feet of gross floor area
10. Hotels, motels, lodging houses	1 space for each sleeping or living unit
11. Manufacturing plants	1 parking space for each 3 employees on the maximum working shift, but in no case less than 1 space for each 500 square feet of gross floor area
12. Nursing care homes and retirement homes	1 space per 8 beds, plus 1 space per 3 employees, plus 1 space for each resident staff member
13. Offices	1 parking space per 300 square feet of gross floor area
14. Preschools/child care centers	1 parking space for each employee
15. Restaurants, taverns and night clubs	1 parking space for each 150 square feet of gross floor area
16. Retail stores, shops and supermarkets over 2,000 square feet gross floor area	1 parking space for each 300 square feet of gross floor area
17. Retail stores, shops and supermarkets under 2,000 square feet gross floor area	1 parking space for each 120 square feet of gross floor area
18. Sales and service buildings	1 parking space per 300 square feet of gross floor area
19. Theaters, assembly halls and auditoriums	1 parking space for each 6 seats
20. Wholesale establishments or warehouses	1 parking space for each 2 employees but in no case less than 1 space for each 5,000 square feet of gross floor area
21. Speculative buildings	No parking spaces shall be required until such time as the building is occupied and used, at which time the owner shall be required to provide the minimum number of parking spaces required for the use. If an original site plan was approved by the City for the building that did not show the minimum number of parking spaces required after the building became occupied and used, the owner shall submit for City approval an amended site plan showing the required number of parking spaces.
† All driveways will be hard surfaced (HMA or PCC) to garage or carport from right-of-way. All approaches within right-of-way shall be hard surfaced with PCC..	

For any building, structure or premises, the use of which is not specifically mentioned in this table, the provisions for a use which is so mentioned and to which said use is similar shall apply.

[The next page is 1101]

CHAPTER 168

LANDSCAPE PLAN REVIEW

168.01 Purpose

168.02 Interpretation and Definitions

168.03 Landscape Plans Required

168.04 Landscape Design Elements

168.05 New Plant Material

168.06 Maintenance

168.07 Completion of Landscaping

168.08 Enforcement

168.09 Recommended Trees

168.10 Shrubs

168.01 PURPOSE. This chapter is intended to provide uniform standards for the development and maintenance of landscaping on private property and public right-of-way. Landscaping improves livability of residential neighborhoods; it enhances the appearance and customer attraction of commercial area; it increases property values; it improves the compatibility of adjacent uses; it screens undesirable views; and it can reduce air and noise pollution. The intent of these regulations is to achieve a reasonable balance between the right of individuals to develop and maintain their property in a manner they prefer and the right of the City residents to live, work, shop, and recreate in pleasant and attractive surroundings. The results of this effort will be the strengthening of the economic stability of the City's business, cultural and residential areas. The intent of this chapter is to work with new construction and new subdivisions. The intent is to also regulate plantings within the public right-of-way. In addition, the intent of this chapter is to prevent plantings which would jeopardize the safety of vehicles, property and, most importantly, people. It is not the intent of this chapter to regulate existing developed private property except in areas as stated within this chapter.

168.02 INTERPRETATION AND DEFINITIONS. As used in this chapter, the word "used" includes "designed and intended or arranged to be used or occupied"; and the word "person" includes a firm, association, organization, partnership, trust, foundation, company or corporation as well as an individual. Also for the purpose of this chapter, the following words are defined in addition to all words defined in Chapter 165 of this Code of Ordinances (Zoning Ordinance):

1. "Berm" means an earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.
2. "Deciduous trees" means generally those trees which shed their leaves annually, such as Ash, Sycamore, Willow, etc.
3. "Evergreen trees" means generally those trees which do not shed their leaves annually, such as Pine, Spruce, Juniper, etc.
4. "Grass, native" means species of perennial grass other than those designated as noxious weeds by the State of Iowa Department of Natural Resources.
5. "Grass, turf" means a species of perennial grass grown as permanent lawns or for landscape purposes as distinguished from those species grown for agricultural or commercial seed purposes.
6. "Ground cover" means landscape materials, or living, low-growing plants other than turf grass, installed in such a manner so as to form a continuous cover over the ground surface.

7. “Landscape easement” means that portion of land dedicated to the City in residential zoning districts by the owner of the property for planting and maintenance of required street trees.
8. “Landscape material” means such living material as trees; shrubs; ground cover/vines; turf grasses; and non-living material such as rocks, pebbles, sand, bark, brick pavers, earthen mounds (excluding pavement); and/or other items of a decorative or embellishment nature such as fountains, pools, walls, fencing, sculpture, etc.
9. “Landscaped buffer” means an area of landscaping separating two (2) distinct land uses, or a land use and a public right-of-way, and which acts to soften or mitigate the effects of one land use on the other.
10. “Landscaped open spaces” means all land area within the property lines not covered by building or pavement.
11. “Landscaping” means the modification of the landscape for an aesthetic or functional purpose. It includes the preservation of existing vegetation and the continued maintenance thereof together with grading and installation of minor structures and appurtenances.
12. “Multi-family structures” means any structures with three (3) or more dwelling units.
13. “Screen” means an area of planting which provides an effective visual barrier.
14. “Shrub” means any self-supporting, woody plant of a species which normally grows to an overall height of less than fifteen (15) feet in this region.
15. “Street tree planting area” means the area of development site that lies between the street right-of-way line and the edge of the street curb parallel to the street. This land is publicly owned but is often used for street tree planting and maintenance.
16. “Street tree” means any tree located within the City right-of-way or landscape easement on either side of all streets, avenues, or ways, or within 15 feet of the street pavement in a development with private streets, as described in Chapter 151 of this Code of Ordinances.
17. “Tree” means any self-supporting, woody plant of a species that normally grows to an overall minimum height of 10 feet in this region.
 - A. “Large trees” means generally those species of trees that reach a height of 50 feet or taller at maturity.
 - B. “Medium trees” means generally trees 35 to 50 feet in height at maturity.
 - C. “Small trees” means generally trees 35 feet or less in height at maturity, including ornamental flowering trees and “patio” trees.
18. “Yard tree” means any tree which is not a street tree as defined in the appropriate subsection.

168.03 LANDSCAPE PLANS REQUIRED. The landscape plan requirements are as follows:

1. A preliminary landscape plan shall be submitted in support of all preliminary plans. A final landscape plan shall be submitted in support of all final plans. These landscape plans shall be designed and signed by a registered landscape architect/landscape professional (landscape business minimum of three years) and must be approved by the Planning and Zoning Commission.
2. New residential subdivisions will show requirements for all lots to have approved trees planted within one year after structure is completed. As a minimum for each lot, an approved tree must be planted in the front or front side yard and rear yard or rear side yard. Said requirement shall be part of the subdivision covenants.
3. A landscape plan is required for all residential (except single- and two-family dwellings), commercial, professional office and industrial developments, redevelopments, additions or changes in usage. When same is adjacent to a residentially zoned area, a landscape plan showing a landscape buffer between the different zoned areas is required. All preliminary and final landscape plans shall have the following information:
 - A. North point and scale.
 - B. Topographic information and final grading adequate to identify and properly specify planting for areas needing slope protection.
 - C. The location, size, and surface of materials of all structures and parking areas.
 - D. The location, size, and type of all above-ground and underground utilities and structures with proper notation where appropriate, as to any safety hazards to avoid during landscape installation.
 - E. The location, type, size, and quantity of all proposed landscape materials, along with common and botanical names of all plant species. The size, grading, and condition shall be specified according to American Association of Nurserymen Standards.
 - F. The location, size, and common name of all existing plant materials to be retained on site.
 - G. Mature sizes of plant material shall be drawn to scale and called out on plan by common name or appropriate key.
 - H. The location of all trees ten-inch caliper or larger measured ten inches above ground level on the site.
 - I. The location of all significant stands of trees on the site.
 - J. Documentation to show that loading spaces and all above-ground utility structures and ground-mounted mechanical equipment shall be adequately screened. This includes building-mounted utility and mechanical equipment.

168.04 LANDSCAPE DESIGN ELEMENTS. The following basic design elements shall be used in the preparation of a landscape plan:

1. Landscaping shall be used to provide an interesting open space and to break the visual impact of parking areas.

2. Encourage trees and landscape vegetation to screen unsightly views, soften hard architectural lines, frame buildings and views, and buffer between contrasting or lower land uses.
3. Planting design shall coordinate appropriate new plant materials and other environment requirements.
4. The overall quality of existing landscape material shall be considered and treated in the planting design in a similar manner to new landscape material.
5. Service areas and facilities shall be screened from major points of pedestrian access of all buildings and from the public right-of-way.
6. Landscape materials shall be selected and arranged to prevent blocking or obscuring night lighting of pedestrian ways at any stage of growth.
7. Plantings at intersections or driveway entrances off a public or private street shall be arranged to allow a permanent safe sight distance. No plantings, with an ultimate mature height, or decorative or permanent structure exceeding 18 inches shall be placed within the required sight-distance landscape setback triangle. For the purpose of these regulations, the required "sight-distance landscape setback triangle" is defined as follows: At an intersection of two streets, or of a street and a driveway or alley, each lot at the intersection shall have a sight-distance landscape setback triangle, with two sides of the triangle being lines extending back along each of the curb lines, commencing at the intersection of the curb lines at the lot corner adjacent to the intersection, and ending at a point 30 feet from the intersection of the two curb lines, and with the third side of the triangle being the line joining the end points on each of the other two lines.
8. If plantings or other amenities occur that are determined to be a safety hazard due to restrictions of sight distance, property owner shall be notified by the Public Works Director, Zoning Administrator, or Police Chief to abate the hazard. Said notification shall be such as to give the property owner sufficient time to abate the hazard. If the hazard is not abated after proper notification, the Public Works Director, Zoning Administrator or Police Chief shall cause said hazard to be removed and removal and administrative cost shall be borne by property owner.
9. Trees or shrubs shall not be planted under existing or planned utility lines when their ultimate height will interfere with the lowest line.
10. Trees and shrubs shall not be planted over underground drainage lines and shall be placed far enough away from the storm and sanitary sewers and water lines to avoid roots entering the lines.
11. Boundary landscaping may be required along all property lines.
12. The design shall serve to preserve, protect, and enhance existing trees and natural landscape areas on the site.

168.05 NEW PLANT MATERIAL. The installation size and regulations for all new landscape materials are as follows:

1. Medium and Large Deciduous Shade Trees – 1 to 1½-inch caliper, as measured six inches above the ground as specified by the American Association of Nurserymen.

2. Small Deciduous or Ornamental Trees – 6 to eight 8 feet in height as specified by the American Association of Nurserymen, with the exception of true dwarf species.
3. Conifers – 5 to 6 feet in height.
4. Upright Evergreen Trees – 5 to 6 feet in height as specified by the American Association of Nurserymen, except for true dwarf varieties.
5. Shrubs (Deciduous and Conifer, including Spreader and Globe Tree Forms) – Size optional as determined by applicant.
6. Primary Lawns – Those essential to the use and appearance of a home or development and usually intended for regular mowing; shall be planted according to good local horticultural practices with locally acceptable lawn grasses by seeding, sodding, plugging, or sprigging in a manner which will result in a satisfactory stand of permanent grass. Where the area is not to be mowed, an acceptable permanent ground cover may be used.
7. Secondary Lawns – Those consisting of large open spaces maintained as meadows and only occasionally mowed and rear areas of developments, where fine quality lawns are of secondary importance, shall be planted with grass or other ground cover appropriate to the location and intended use.
8. Ground Cover – Ground cover plants shall be of good quality, appropriate form, growth habit, and ultimate size to fulfill intended use.
9. Restricted Location—No trees or shrubs shall be planted within the public or private street right-of-way without a permit approved by the Public Works Director.

168.06 MAINTENANCE. The maintenance regulations for all landscaping vegetation are as follows:

1. All landscaping materials depicted on approved landscape or final plans shall be maintained in a neat, clean, and healthy condition. This shall include proper pruning, mowing of lawns, weeding, removal of litter and fertilizing.
2. The developer, successor, subsequent owners or their agents shall be responsible for continuous maintenance of all plant materials.
3. The City shall have the authority to require that dead trees, shrubs and plants on commercial or industrial sites be replaced within the next planting season at the property owner's sole cost and expense.
4. The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within public grounds, parks, and rights-of-way as may be necessary to ensure public safety.
5. The City shall have the authority to prune, maintain and remove trees, plants and shrubs located upon private property which cause an obstruction to public travel along streets, sidewalks, or impair vision of traffic signals or prevent the proper sight distance at intersections. These costs may be assessed to responsible property owner.
6. The City shall have the right to cause removal of any dead or diseased trees, plants, or shrubs on private property within the City, when such trees, plants and shrubs constitute a safety hazard because of site restrictions to vehicle traffic, hazard to life and property, or harbor insects of disease which constitute a potential threat to other trees, plants, or shrubs within the City. The City's Public Works Director, or any authorized representative, will notify in writing the owners of such trees. Said

owner at his or her own expense shall do removal within thirty (30) days after date of service of notice. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove such trees and charge the cost of removal to the property owner or have same on the owner’s property tax notice.

168.07 COMPLETION OF LANDSCAPING. When the final landscape plan is submitted, a date for completion of all plantings and related work shall be included on the plan. Landscaping shall be installed and completed prior to acceptance of the infrastructure or the issuance of a certificate of occupancy. In periods of adverse weather conditions, an irrevocable letter of credit will be accepted for the completion of necessary landscaping, said letter of credit to be equal to one and one-half (1½) times the cost of the landscaping to be completed. A cost estimate for landscaping not installed at the time shall be presented to the City Council for approval. Letters of credit will not be released until all planting and finish materials shown on the approved landscape plan are installed and accepted.

168.08 ENFORCEMENT. Regulations for enforcement of the landscape requirements are as follows:

1. When in the opinion of the Public Works Director, or an authorized representative, landscaping has not been installed, maintained, or replaced to comply with the approved final or landscape plan, and then said official shall issue a written order to the alleged violator. The order shall specify the sections of the Code of which the individual is in violation.
2. All landscaping on public or private property shall be subject to periodic inspection by the Public Works Director, or an authorized representative, to detect diseased, dead, or hazardous shrubs, trees, or plants.

168.09 RECOMMENDED TREES. No list of recommended trees is ever complete or static. New species and cultivars are developed and will prove useful, while old standards will be phased out. The following list, taken from Iowa State University Extension Service Bulletin, should provide a broad selection of trees proven to be tough and attractive. The following is a list of trees that are acceptable and not acceptable:

1. Recommended Street Trees

<i>Acer Platanoides</i> and <i>Acer Saccharum</i>	Norway Maple, Black Maple, Red Maple, Sugar Maple
<i>Carya ovata</i>	Shagbark Hickory
<i>Celtis occidentalis</i>	Hackberry
<i>Corylus colurna</i>	Turkish Filbert
<i>Fraxinus Spp.</i>	White Ash, European Ash, Green Ash, Blue Ash
<i>Gleditsia triacanthos Var. inermis</i>	Thornless Common Honeylocust
<i>Quercus Spp.</i>	White Oak, Swamp White Oak, Hills Oak, Shingle Oak, Bur Oak, Chinkapin Oak, English Oak, Red Oak, Black Oak
<i>Taxodium distichum</i>	Bald Cypress
<i>Tilia Spp.</i>	American Linden, Littleleaf Linden, Redmond Linden, European Linden
<i>Ulmus “Regal”</i>	Regal hybrid Elm

2. Unacceptable Street Trees:

<i>Ginkgo biloba</i>	Female Ginkgo (Female)
<i>Betula papyrifera</i>	Paper/White Birch
<i>Maclura pomifera</i>	Osage Orange, Hedge Apple
<i>Malus Spp.</i>	Apples, Crabapples
<i>Populus Spp.</i>	Poplars, Cottonwoods, Aspen
<i>Prunus Spp.</i>	Cherries, Plums

3. Recommended Plant Materials For Detention Areas

<i>Acer rubrum</i>	Red Maple
<i>Acer saccharum</i>	Sugar Maple
<i>Betula nigra</i>	River Birch
<i>Fraxinus quadrangulata</i>	Blue Ash
<i>Gymnocladus dioicus</i>	Kentucky Coffeetree
<i>Juglans nigra</i>	Black Walnut
<i>Quercus bicolor</i>	Swamp White Oak
<i>Taxodium distichum</i>	Bald Cypress

168.10 SHRUBS. Shrubs shall not be planted in the street right-of-way. Any other plantings or ground cover planted in the street right-of-way shall not attain a height greater than eighteen (18) inches at maturity, except street trees as permitted by this chapter.

[The next page is 1125]

CHAPTER 169

GREEN SPACE DEDICATION

169.01 Title	169.06 Requirement of Dedication and Installation of
169.02 Purpose and Intent	Land or Easement for Trails
169.03 Definitions	169.07 Alternative to Dedication of Green Space
169.04 Green Space Dedication Requirement	169.08 Exemptions
169.05 Computation of Green Space Dedication Required	

169.01 TITLE. This chapter shall be known and may be cited as the “City of Huxley Public Green Space Ordinance.”

169.02 PURPOSE AND INTENT. The purpose of this chapter is to regulate the use and development of land so as to assure that new developments provide for the health, safety and welfare of future residents by providing land for public parks within the City and within areas being newly developed or redeveloped for residential purposes.

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

1. “Developer” means any person, individual, firm, partnership, association, corporation, estate, trust or other entity acting or proposing to subdivide land for the construction of any of the residential buildings.
2. “Dwelling unit” means a room or group of rooms which are arranged, designed, or used as a dwelling for the occupancy of one family containing sleeping, bathroom and kitchen facilities.
3. “Green space” means any park, pond, waterway, trail or other set aside land such as entryways or undevelopable land that the public may have access to. A detention pond is NOT green space.
4. “Mobile home” is defined in Section 145.01(3) of this Code of Ordinances.
5. “Multiple-family dwelling” is a dwelling designed for or occupied by three (3) or more families with separate housekeeping and cooking facilities for each but excluding townhomes or condominiums.
6. “Pond” means any still body of standing water.
7. “Private recreational facility” is any recreational facility which is not owned by or dedicated to the City.
8. “Recreational facility improvements” consist of the acquisition and installation of equipment, building construction, grading, landscaping, and extension of services. These improvements include only those activities that are directly associated with the development of the proposed recreational facilities from raw ground.
9. “Single-family attached dwelling” includes a two-family dwelling, townhomes and condominiums.
10. “Single-family detached dwelling” is a one-family dwelling.
11. “Waterway” means a channel through which water runs.

169.04 GREEN SPACE DEDICATION REQUIREMENT.

1. Any developer who seeks to develop land for residential purposes within the City shall be required to dedicate public green space.
2. No new plats or site plans for residential development shall be approved unless and until the provisions of this chapter are complied with.
3. The percentage of green space dedication required shall be determined at the time of the submission of the preliminary plat. If the final plat submitted for approval represents only a portion or a part of the approved preliminary plat and does not contain within its boundaries the land dedicated to the City, the final plat shall not be accepted until the developer shall deliver to the City the developer’s warranty deed to the parcel of land dedicated, pursuant to the preliminary plat; or in lieu thereof, shall submit the developer’s covenant, running with the land, and in favor of the City only, that such parcel is reserved solely for use as a public green space and further assuring that said land will be dedicated to the City upon approval of the final plat of which it is a part. Any remaining final plat submitted shall be in substantial compliance with the approved preliminary plat. Any land conveyed by the developer within the approved preliminary plat shall be subject to these provisions. If the developer has an interest in adjacent lands not made a part of the preliminary or final plat, the developer shall enter into an agreement with the City for the orderly development of the adjacent lands or the City shall consider the adjacent lands as a part of the preliminary plat for determining green space requirements. No additional land shall be required for green space purposes from the developer upon submission of subsequent partial final plat in excess of that which was required in the preliminary plat; provided, however, nothing in this section shall be deemed to prevent the City and the owner, at a later time, from altering the placement, size, design or location of the proposed green space, due to a change of circumstances since the approval of the preliminary plat. No changes shall be made however, without an agreement on the part of both the developer and the City.

169.05 COMPUTATION OF GREEN SPACE DEDICATION REQUIRED. This section prescribes the minimum amount of space to be provided in a proposed development for use as a public green space. Such space shall be required to be provided for by a developer who seeks to develop land within the City, by submitting a plat or site plan for approval.

1. Minimum. Unless an exception applies or unless a development agreement applies, the amount of green space required in a proposed development shall be a minimum of one acre and shall be computed as follows:
 - A. Residential Occupancy Per Dwelling Units. In determining the anticipated occupancy for the proposed development it shall be assumed that the following types of dwellings will accommodate the number of individuals shown:

<u>Land Use Type (Unit)</u>	<u>Individuals Per Each Residential Living Unit</u>
Single-Family Detached	2.980 individuals
Single-Family Attached	1.954 individuals
Multi-Family	1.615 individuals
Mobile Home each Unit	1.600 individuals

B. Public Green Space Per Individual. In determining the space required for public green space in a proposed development, it shall be required that 5 acres of recreational space be provided for every 1,000 individuals. Because some developments will not house 1,000 individuals, the space requirement is to be applied on a per-individual basis. Therefore, 0.005 acres of public green space shall be provided for each individual proposed to be housed in the new development based on the assumptions contained in paragraph 1(A) above.

C. Calculation of Required Public Green Space for Each Development.

(1) For single-family detached developments generally intended for individual ownership, the following formula shall be utilized:

$$(number\ of\ lots) \times (2.980\ individuals/lot) \times (0.005\ acres/individual)$$

Example for illustration purposes only: For a single-family detached residential development subject to the requirements of this chapter that proposes 75 lots, the calculation under this paragraph would be as follows:

$$75\ lots \times 2.980 \times 0.005 = 1.118\ acres$$

(2) For single-family attached developments generally intended for individual ownership, the following formula shall be utilized:

$$110\ lots \times 1.954 \times 0.005 = 1.07\ acres$$

Under this illustration, the developer would be required to dedicate public green space of at least 1.07 acres of property within the proposed development.

(3) For multi-family developments generally intended for rental, the following formula shall be utilized:

$$(number\ of\ units) \times (1.615\ individuals/unit) \times (0.005\ acres/individual)$$

(Note: the 1.615 is based upon 2000 census for rental occupancy.)

Example for illustration purposes only: For a multi-family residential development subject to the requirements of this chapter that proposes 100 units, the calculation under this paragraph would be as follows:

$$100\ units \times 1.615 \times 0.005 = 0.8075\ acres$$

Under this illustration, the developer would be required to dedicate public green space of at least 0.8075 acres of property within the proposed development.

(4) For mobile home developments, the following formula shall be utilized:

$$(number\ of\ lots) \times (1.60\ individuals/lot) \times (0.005\ acres/individual)$$

Example for illustration purposes only: For a mobile home development subject to the requirements of this chapter that proposes 75 mobile home lots, the calculation under this paragraph would be as follows:

$$130\ lots \times 1.60 \times 0.005 = 1.04\ acres$$

Under this illustration, the developer would be required to dedicate public green space of at least 1.04 acres of property within the proposed development.

(5) If a plat or site plan is requested for mixed uses, then subsection 1 of this section shall apply only to those areas of the plat or site plan devoted to residential uses.

2. The dedicated public green space may include waterways and ponds, provided the area of such waterways and ponds is not used to satisfy the amount of public green space required in subsection 1 of this section. The area of any pond or waterway shall be considered the top of the bank of such feature and calculated from the high water mark.

3. In the case of change of use, redevelopment, or expansion or modification of an existing use which requires the approval of an amended plat or site plan, the above space requirements for public green space shall be based upon the new lots or new units being proposed for development.

4. Where proposed subdivisions abut undeveloped lands, the dedicated public green space shall be located adjacent to the subdivision boundaries with the undeveloped land, at the discretion of the City Council, to allow the public parkland to be increased in size when the adjacent property develops.

5. The amount of public green space required to be dedicated under this section, the provisions of subsection 1 notwithstanding, shall be capped and shall not exceed the following percentages when compared to the amount of acres being developed:

A. Single-Family Detached: The amount of acres required to be dedicated as public green space shall not exceed 5% of the total number of acres being developed as single-family detached.

B. Single-Family Attached and Multi-Family: The amount of acres required to be dedicated as public green space shall not exceed 10% of the total number of acres being developed as long as the proposed development does not exceed 12 units per acre. If the proposed development exceeds 12 units per acre, the amount of acres required to be dedicated as public green space shall not exceed 15% of the total number of acres being developed as single-family attached or multi-family.

C. Mobile Homes: The amount of acres required to be dedicated as public green space shall not exceed 10% of the total number of acres being developed as mobile homes.

6. Rural Subdivisions. Where a proposed subdivision lies outside of the corporate limits and within two miles of the City, the developer shall provide private green space in the same proportion as required herein in lieu of public green space. The City may, however, reduce or eliminate the green space requirement based on: (i) the size and configuration of the development; (ii) distance from existing corporate boundaries; and (iii) the City's comprehensive plan.

169.06 REQUIREMENT OF DEDICATION AND INSTALLATION OF LAND OR EASEMENT FOR TRAILS. Where bike/pedestrian or recreational trails are indicated in the Comprehensive Plan, the developer shall be required to dedicate land or trail easements at least twenty (20) feet in width. This land or easements, if approved by the Council, may serve to satisfy green space dedication requirements.

169.07 ALTERNATIVE TO DEDICATION OF GREEN SPACE. The developer, at the developer's option, may:

1. Make cash payment calculated by multiplying 0.005 acres for each individual proposed to be housed in the new development provided in section 169.05(1) by the fair market value per acre of the development; or
2. Provide land of value equal to the fair market value calculated in the preceding subsection and in a location agreeable to the Council.

The cash payment shall be placed in a special fund by the City and shall be used for acquisition and/or development of park and recreational lands to serve the residents of the City. The developer may make a request at the developer's option to the Council to make arrangements to contribute in some manner agreeable to the Council for a regional or close-proximity park or other green space as described by the City's Comprehensive Growth Plan and Parks and Open Spaces Plan.

169.08 EXEMPTIONS. The following shall be exempted from the requirement of Sections 169.04, 169.05, and 169.06:

1. Alterations or expansion of an existing building where no additional residential units are created and where the use is not changing.
2. The construction of accessory buildings or structures.
3. The replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same size and use.
4. The installation of a replacement mobile home.
5. The construction of any non residential building or structure or the installation of a nonresidential mobile home.
6. Any claim of exemption shall be made no later than the time of application for a preliminary plat approval. Any claim not so made shall be deemed to be waived.
7. Minor subdivisions as defined in Chapter 166.
8. A developer who demonstrates to the satisfaction of the Council that the minimum public green space dedication requirement: (i) creates an undue hardship upon the developer for the reason that the minimum public green space dedication requirement exceeds 10 percent of the proposed development; and (ii) suitable public green space is easily accessible within a reasonable distance from the furthest boundary of the proposed development.

[The next page is 1145]

CHAPTER 170

FLOOD PLAIN MANAGEMENT

170.01 Purpose	170.14 Administration
170.02 Definitions	170.15 Flood Plain Development Permit Required
170.03 Lands to Which Chapter Applies	170.16 Application for Permit
170.04 Rules for Interpretation of District Boundaries	170.17 Action on Permit Application
170.05 Compliance	170.18 Construction and Use to Be as Provided in Application and Plans
170.06 Abrogation and Greater Restrictions	170.19 Conditional Uses, Appeals and Variances
170.07 Interpretation	170.20 Factors Upon Which the Decision to Grant Variances Is Based
170.08 Warning and Disclaimer of Liability	170.21 Conditions Attached to Variances
170.09 Establishment of Zoning (Overlay) Districts	170.22 Appeals to the Court
170.10 Floodway (Overlay) District – FW	170.23 Nonconforming Uses
170.11 Floodway Fringe (Overlay) District – FF	170.24 Violation
170.12 General Flood Plain (Overlay) District - FP	170.25 Amendments
170.13 Shallow Flooding (Overlay) District – SF	

170.01 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. Reserve sufficient flood plain area for the conveyance of flood flows so that flood heights and velocities will not be increased substantially.
2. 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.
3. Require that uses vulnerable to floods, including public utilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.
4. Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.
5. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

170.02 DEFINITIONS. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

1. “Base flood” means the flood having one percent (1%) 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 and 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 Insurance Rate Map (FIRM)” means the official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.
12. “Flood plain” means any land area susceptible to being inundated by water as a result of a flood.
13. “Flood plain management” means an overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of flood plains, including but not limited to emergency preparedness plans, flood control works, flood proofing and flood plain management regulations.
14. “Flood proofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities which will reduce or eliminate flood damage to such structures.
15. “Floodway” means the channel of a river or stream and those portions of the flood plains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one foot.

16. “Floodway fringe” means those portions of the flood plain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities.
17. “Historic structure” means any structure that is:
- A. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing 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 either: (i) by an approved state program as determined by the Secretary of the Interior; or (ii) directly by the Secretary of the Interior in states without approved programs.
18. “Lowest floor” means the floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:
- A. The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section 170.11(4)(A); and
 - B. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage; and
 - C. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one foot above the 100-year flood level; and
 - D. The enclosed area is not a basement, as defined in this section.

In cases where the lowest enclosed area satisfies criteria A, B, C and D above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

19. “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 City.

20. “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 these flood plain management regulations.

21. “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.
22. “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.
23. “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.
24. “Start of construction” includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.
25. “Structure” 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.
26. “Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
27. “Substantial improvement” means any improvement to a structure which satisfies either of the following criteria:
- A. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either: (i) before the start of construction of the improvement; or (ii) if the structure has been substantially damaged and is being restored, before the damage occurred. The term does not, however, include any project for improvement of a structure to comply with existing State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of a historic structure, provided

the alteration will not preclude the structure's designation as a historic structure.

B. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after the effective date of the flood plain management regulations adopted by the community, shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

28. "Variance" means a grant of relief by a community from the terms of the flood plain management regulations.

29. "Violation" means the failure of a structure or other development to be fully compliant with this chapter.

170.03 LANDS TO WHICH CHAPTER APPLIES. The provisions of this chapter shall apply to all lands within the jurisdiction of the City shown on the Official Flood Plain Zoning Map as being within the boundaries of the Floodway, Floodway Fringe, General Flood Plain and Shallow Flooding (Overlay) Districts. The Flood Insurance Rate Map (FIRM) prepared as part of the Flood Insurance Study for Story County and Incorporated Areas, City of Huxley, Panels 286, 287, and 290, dated February 20, 2008, is hereby adopted by reference and declared to be the Official Flood Plain Zoning Map. The flood profiles and all explanatory material contained with the Flood Insurance Study are also declared to be a part of this chapter.

170.04 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES. The boundaries of the zoning district areas shall be determined by scaling distances on the Official Flood Plain Zoning Map. When an interpretation is needed as to the exact location of a boundary, the Zoning Administrator shall make the necessary interpretation. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Zoning Administrator in the enforcement or administration of this chapter.

170.05 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.

170.06 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.

170.07 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 governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

170.08 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 Flood Plain (Overlay) District areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City or any

officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

170.09 ESTABLISHMENT OF ZONING (OVERLAY) DISTRICTS. The flood plain areas within the jurisdiction of this chapter are hereby divided into the following districts:

1. Floodway District (FW)
2. Floodway Fringe District (FF)
3. General Flood Plain District (FP)
4. Shallow Flooding District (SF).

The boundaries are as shown on the Official Flood Plain Zoning Map. Within these districts all uses not allowed as permitted uses or permissible as conditional uses are prohibited unless a variance to the terms of this chapter is granted after due consideration by the Board of Adjustment.

170.10 FLOODWAY (OVERLAY) DISTRICT - FW.

1. Permitted Uses. The following uses shall be permitted within the Floodway District to the extent they are not prohibited by any other ordinance (or underlying zoning district) and provided they do not include placement of structures, factory-built homes, fill or other obstruction, the storage of material or equipment, excavation or alteration of a watercourse.
 - A. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting.
 - B. Industrial-commercial uses such as loading areas, parking areas, airport landing strips.
 - C. Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.
 - D. Residential uses such as lawns, gardens, parking areas and play areas.
 - E. Such other open-space uses similar in nature to the above uses.
2. Conditional Uses. The following uses which involve structures (temporary or permanent), fill, storage of materials or equipment, excavation or alteration of a watercourse may be permitted only upon issuance of a conditional use permit by the Board of Adjustment as provided for in Section 170.19. Such uses must also meet the applicable provisions of the Floodway District Performance Standards.
 - A. Uses or structures accessory to open-space uses.
 - B. Circuses, carnivals, and similar transient amusement enterprises.
 - C. Drive-in theaters, new and used car lots, roadside stands, signs, and billboards.
 - D. Extraction of sands, gravel, and other materials.
 - E. Marinas, boat rentals, docks, piers, and wharves.

- F. Utility transmission lines and underground pipelines.
 - G. Other uses similar in nature to uses described in subsection 1 and in this subsection which are consistent with the provisions of subsection 3 and the general spirit and purpose of this chapter.
3. Performance Standards. All Floodway District uses allowed as a permitted or conditional use shall meet the following standards:
- A. No use shall be permitted in the Floodway District that would result in any increase in the 100-year flood level. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
 - B. All uses within the Floodway District shall:
 - (1) Be consistent with the need to minimize flood damage.
 - (2) Use construction methods and practices that will minimize flood damage.
 - (3) Use construction materials and utility equipment that are resistant to flood damage.
 - C. No use shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch or any other facility or system.
 - D. Structures, buildings and sanitary and utility systems, if permitted, shall meet the applicable performance standards of the Floodway Fringe District and shall be constructed or aligned to present the minimum possible resistance to flood flows.
 - E. Buildings, if permitted, shall have a low flood damage potential and shall not be for human habitation.
 - F. Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited. Storage of other material may be allowed if readily removable from the Floodway District within the time available after flood warning.
 - G. Watercourse alterations or relocations (channel changes and modifications) 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.
 - H. Any fill allowed in the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.
 - I. Pipeline river or stream crossings shall be buried in the streambed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.

170.11 FLOODWAY FRINGE (OVERLAY) DISTRICT - FF. All uses within the Floodway Fringe District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet applicable performance standards of the Floodway Fringe District. All uses must be consistent with the need to minimize flood damage and shall meet the following applicable performance standards.

1. All Structures. All structures shall:
 - A. Be adequately anchored to prevent flotation, collapse or lateral movement of the structure.
 - B. Use construction materials and utility equipment that are resistant to flood damage.
 - C. Use construction methods and practices that will minimize flood damage.
2. Residential Buildings. All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one foot above the 100-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than one foot above the 100-year flood level and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers) may be allowed, subject to favorable consideration by the Board of Adjustment, 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 non-residential buildings shall have the lowest floor (including basement) elevated a minimum of one foot above the 100-year flood level, or together with attendant utility and sanitary systems, be flood proofed to such a level. When flood proofing is utilized, a professional engineer registered in the State of Iowa shall certify that the flood proofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood; and that the structure, below the 100-year flood level, is watertight with walls substantially impermeable to the passage of water. 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 they permit the automatic entry and exit of floodwaters.

Such areas shall be used solely for parking of vehicles, building access and low damage potential storage.

B. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

C. New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5. Factory-Built Homes.

A. All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one foot above the 100-year flood level.

B. All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

6. Utility and Sanitary Systems.

A. On-site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.

B. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one foot above the 100-year flood elevation.

C. New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one foot above the 100-year flood elevation.

D. Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.

7. Storage of Equipment and Materials. Storage of equipment and materials that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one foot above the 100-year flood level. Other material and equipment must either be similarly elevated or: (i) not subject to major flood damage and anchored to prevent movement due to floodwaters; or (ii) readily removable from the area within the time available after flood warning.

8. Flood Control Structures. Flood control structural works such as levees, flood-walls, etc. shall provide, at a minimum, protection from a 100-year flood with a

minimum of three feet of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources.

9. Watercourses. Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.

10. Subdivision. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this chapter. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the 100-year flood. Proposals for subdivisions shall include 100-year flood elevation data for those areas located within the Flood Plain (Overlay) District.

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 foot above the 100-year flood level.

B. Exemption from the 100-year flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

12. Recreational Vehicles.

A. Recreational vehicles are exempt from the requirements of subsection 5 of this section regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.

- (1) The recreational vehicle shall be located on the site for less than 180 consecutive days, and,
- (2) The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

B. Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of subsection 5 of this section regarding anchoring and elevation of factory-built homes.

13. Pipeline Crossings. Pipeline river and stream crossings shall be buried in the stream bed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

170.12 GENERAL FLOOD PLAIN (OVERLAY) DISTRICT - FP.

1. Permitted Uses. The following uses shall be permitted within the General Flood Plain District to the extent they are not prohibited by any other ordinance (or underlying zoning district) and provided they do not include placement of structures, factory-built homes, fill or other obstructions; the storage of materials or equipment; excavation or alteration of a watercourse.

A. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting.

B. Industrial-commercial uses such as loading areas, parking areas, and airport landing strips.

C. Private and public recreation uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.

D. Residential uses such as lawns, gardens, parking areas and play areas.

2. Conditional Uses. Any use which involves placement of structures, factory-built homes, fill or other obstructions; the storage of materials or equipment; excavation or alteration of a watercourse may be allowed only upon issuance of a conditional use permit by the Board of Adjustment as provided for in Section 170.19. All such uses shall be reviewed by the Department of Natural Resources to determine: (i) whether the land involved is either wholly or partly within the floodway or floodway fringe; and (ii) the 100-year flood level. The applicant shall be responsible for providing the Department of Natural Resources with sufficient technical information to make the determination.

3. Performance Standards.

A. All conditional uses, or portions thereof, to be located in the floodway as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway (Overlay) District (Section 170.10).

B. All conditional uses, or portions thereof, to be located in the floodway fringe as determined by the Department of Natural Resources shall meet the applicable standards of the Floodway Fringe (Overlay) District (Section 170.11).

170.13 SHALLOW FLOODING (OVERLAY) DISTRICT - SF. All uses within the Shallow Flooding District shall be permitted to the extent that they are not prohibited by any

other ordinance (or underlying zoning district) and provided they meet the applicable performance standards of the Shallow Flooding District. The performance standards for the Shallow Flooding District shall be the same as the performance standards for the Floodway Fringe District with the following exceptions:

1. In shallow flooding areas designated as an AO Zone on the Flood Insurance Rate Map, the minimum flood proofing/flood protection elevation shall be equal to the number of feet as specified on the Flood Insurance Rate Map (or a minimum of two feet if no number is specified) above the highest natural grade adjacent to the structure.
2. In shallow flooding areas designated as an AH Zone on the Flood Insurance Rate Map, the minimum flood proofing/flood protection elevation shall be equal to the elevation as specified on the Flood Insurance Rate Map.

170.14 ADMINISTRATION. The Zoning Administrator shall implement and administer this chapter and will herein be referred to as the Administrator. The duties and responsibilities of the Administrator include, but are not necessarily 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 or local governmental agencies including approval when required from the Department of Natural Resources for flood plain construction.
3. Record and maintain a record of: (i) the elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of all new or substantially improved structures; or (ii) the elevation to which new or substantially improved structures have been flood proofed.
4. Notify adjacent communities and/or countries and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.
5. Keep a record of all permits, appeals, and such other transactions and correspondence pertaining to the administration of this chapter.
6. Submit to the Federal Insurance Administrator an annual report concerning the community's participation, utilizing the annual report form supplied by the Federal Insurance Administrator.
7. Notify the Federal Insurance Administration of any annexations or modifications to the community's boundaries.
8. Review subdivision proposals to insure such proposals are consistent with the purpose of this chapter and advise the Council of potential conflicts.

170.15 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 or 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.

170.16 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. Description of the work to be covered by the permit for which application is to be made.
2. Description of the land on which the proposed work is to be done (i.e., lot, block, tract, street address or similar description) that will readily identify and locate the work to be done.
3. Indication of the use or occupancy for which the proposed work is intended.
4. Elevation of the 100-year flood.
5. 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. For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.
7. Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this chapter.

170.17 ACTION ON PERMIT APPLICATION. The Administrator shall, within a reasonable time, make a determination as to whether the proposed flood plain development meets the applicable standards of this chapter and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefor. The Administrator shall not issue permits for variances except as directed by the Board of Adjustment.

170.18 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 of Iowa, that the finished fill, building floor elevations, flood proofing or other flood protection measures were accomplished in compliance with the provisions of this chapter, prior to the use or occupancy of any structure.

170.19 CONDITIONAL USES, APPEALS AND VARIANCES. The Board of Adjustment shall hear and decide: (i) applications for conditional uses upon which the Board is authorized to pass under this chapter; (ii) appeals; and (iii) requests for variances to the provisions of this chapter; and shall take any other action which is required of the Board.

1. Conditional Uses. Requests for conditional uses shall be submitted to the Administrator, who shall forward such to the Board of Adjustment for consideration. Such requests shall include information ordinarily submitted with applications as well as any additional information deemed necessary by the Board of Adjustment.
2. Appeals. Where it is alleged there is any error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this chapter, the aggrieved party may appeal such action. The notice of appeal shall be filed with the Board of Adjustment and with the official from whom the appeal is

taken and shall set forth the specific reason for the appeal. The official from whom the appeal is taken shall transmit to the Board of Adjustment all the documents constituting the record upon which the action appealed from was taken.

3. Variances. The Board of Adjustment may authorize upon request in specific cases such variances from the terms of this chapter that will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this chapter will result in unnecessary hardship. Variances granted must meet the following applicable standards.

A. Variances shall only be granted upon: (i) a showing of good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.

B. Variances shall not be issued within any designated floodway if any increase in flood levels during the 100-year flood would result. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

C. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

D. In cases where the variance involves a lower level of flood protection for 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 \$25.00 for \$100.00 of insurance coverage; and (ii) such construction increases risks to life and property.

E. All variances granted shall have the concurrence or approval of the Department of Natural Resources.

4. Hearings and Decisions of the Board of Adjustment.

A. Hearings. Upon the filing with the Board of Adjustment of an appeal, an application for a conditional use or a request for a variance, the Board shall hold a public hearing. The Board shall fix a reasonable time for the hearing and give public notice thereof, as well as due notice to parties in interest. At the hearing, any party may appear in person or by agent or attorney and present written or oral evidence. The Board may require the appellant or applicant to provide such information as is reasonably deemed necessary and may request the technical assistance and/or evaluation of a professional engineer or other expert person or agency, including the Department of Natural Resources.

B. Decisions. The Board shall arrive at a decision on an appeal, conditional use or variance within a reasonable time. In passing upon an appeal, the Board may, so long as such action is in conformity with the provisions of this chapter, reverse or affirm wholly or in part, or modify the

order, requirement, decision, or determination appealed from, and it shall make its decision, in writing, setting forth the findings of fact and the reasons for its decision. In granting a conditional use or variance, the Board shall consider such factors as contained in this section and all other relevant sections of this chapter and may prescribe such conditions as contained in Section 170.21.

170.20 FACTORS UPON WHICH THE DECISION TO GRANT VARIANCES IS BASED. In passing upon applications for variances, the Board 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 service provided by the proposed facility to the City.
6. The requirements of the facility for a flood plain location.
7. The availability of alternate 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.

170.21 CONDITIONS ATTACHED TO VARIANCES. Upon consideration of the factors listed above, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose of this chapter. Such conditions may include, but not necessarily be limited to:

1. Modification of waste disposal and water supply facilities.
2. Limitation on periods of use and operation.
3. Imposition of operational controls, sureties, and deed restrictions.

4. Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this chapter.

5. Flood proofing measures designed to be consistent with the flood protection elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Board of Adjustment shall require that the applicant submit a plan or document certified by a registered professional engineer that the flood proofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

170.22 APPEALS TO THE COURT. Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the Board.

170.23 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.

C. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50 percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this chapter.

2. Except as provided in subsection B above, any use which has been permitted as a conditional use or variance shall be considered a conforming use.

170.24 VIOLATION. Violations of the provisions of the chapter or failure to comply with any of the requirements (including violation of conditions and safeguards established in connection with grants of conditional uses or variances) shall be a violation of this Code of Ordinances. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy violation.

170.25 AMENDMENTS. The regulations and standards set forth in this chapter may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval of the Department of Natural Resources.

INDEX TO CODE OF ORDINANCES

CHAPTER OR SECTION NUMBER

ABANDONED BUILDINGS	152
ABANDONED OR UNATTENDED REFRIGERATORS	41.08
ABANDONED UTILITY CONNECTIONS	
On-Site Wastewater Treatment and Disposal Systems	98.07
Water Service	90.08
ABANDONED VEHICLES	80
See also Impounding Vehicles	70.06
See also State Code Traffic Regulations	62.01
ABANDONMENT OF CATS AND DOGS	55.04
ABATEMENT OF NUISANCES	50
ABATEMENT OF TAXES	
See URBAN RENEWAL	9
See URBAN REVITALIZATION	8
ACCESS CONTROLLED	141
ACCESSORY BUILDINGS	165.31(5)
See also:	
Residential Dwelling Standards	165.14
Mobile Home District Requirements	165.25(2)(K)
ACCOUNTING RECORDS	7.07
AIR POLLUTION	50.02(8)
See also ENVIRONMENTAL VIOLATION	3.02 and 3.03(2)(B)
AIRPORT AIR SPACE	50.02(11)
ALCOHOL	
Consumption and Intoxication	45
Liquor Licenses and Wine and Beer Permits	120
Open Containers in Motor Vehicles.....	62.01(49) and (50)
Social Host Liability	45.04
ALL-TERRAIN VEHICLES AND SNOWMOBILES	75
AMBULANCE SERVICE	35.20
AMUSEMENT DEVICES	120.06
ANGLE PARKING	69.03 and 69.04
ANIMAL PROTECTION AND CONTROL	
Abandonment of Cats and Dogs	55.04
Animal Neglect	55.02
Annoyance or Disturbance	55.08

	CHAPTER OR SECTION NUMBER
ANIMAL PROTECTION AND CONTROL (continued)	
At Large Prohibited; Leashing Required	55.06
Birds and Animals in Parks.....	47.11 and 47.18
Confinement of Animals Suspected of Having Rabies.....	55.12
Damage or Interference by Animals	55.07
Dog and Cat Licenses Required.....	56
Domestic Chickens	55.18
Duty to Report Attacks	55.11
Impounding.....	55.13 and 55.14
Livestock.....	55.03 and 55.05
Pet Awards Prohibited	55.15
Prohibited Animals	55.16
Rabies Vaccination	55.10
Vicious Dogs.....	55.09
Waste Removal	47.17(2)
ANTENNA AND RADIO WIRES.....	41.09
APPOINTMENTS	
By Council	17.05
By Mayor	15.03
ASSAULT	40.01
ATTORNEY FOR CITY	20
AUTOMOBILE REPAIR ON PUBLIC PROPERTY	69.05(2)
BARBED WIRE AND ELECTRIC FENCES.....	41.10
BEER, LIQUOR, AND WINE CONTROL	
<i>See ALCOHOL</i>	
BICYCLES	76
<i>See also</i> Heart of Iowa Bike Trail.....	62.07
<i>See also</i> Clinging to Vehicles	62.04
<i>See also</i> State Code Traffic Regulations.....	62.01
BILLBOARDS	50.02(6) and 62.06
BONDS	
City Officials.....	5.02
House Movers	122.04
Public Bonds, Records of.....	18.08(3)
Streets.....	135.09(5)
Transient Merchants	123.06
BUDGET PREPARATION	7.05
BUILDING CODE.....	157

	CHAPTER OR SECTION NUMBER
BUILDING MOVERS	122
BUILDING NUMBERING	150
BUILDING PERMITS	165.13
BUILDING SEWERS AND CONNECTIONS	96
BUILDINGS, DANGEROUS	152
BULKY RUBBISH	106.05
BURNING	
Burning on Streets and Alleys.....	135.08
Fires in Parks.....	47.14
Fires or Fuel on Sidewalks	136.14
Open Burning Restricted.....	105.05
Yard Waste.....	105.06
BUSINESS DISTRICT	60.02(1)
<i>See also:</i>	
Bicycles on Sidewalks.....	76.08(1)
CABLE TELEVISION	
Huxley Communications.....	114
Mediacom.....	115
CAMPING IN PARKS	47.20
CAR WASHING ON STREETS	135.07
CEMETERY PROVISIONS	116
<i>See also</i> Parks, Cemeteries and Parking Lots (Speed Limits).....	63.03
CHARTER	2
CIGARETTES AND TOBACCO	
Permits	121
Possession by Minors.....	46.02
CITY ADMINISTRATOR	21
CITY ATTORNEY	20
CITY CHARTER	2
CITY CLERK	18
CITY COUNCIL	
Appointments by	17.05
Compensation.....	17.06
Meetings.....	17.04 and 5.06
Number and Term	2.04 and 17.01
Powers and Duties.....	17.02 and 17.03

CHAPTER OR SECTION
NUMBER

CITY ELECTIONS 6

CITY ENGINEER 26

CITY OFFICERS AND EMPLOYEES

 Appointments by Council 17.05

 Appointments by Mayor 15.03

 Bonds 5.02

 Cemetery Superintendent..... 116.03

 City Administrator 21

 City Attorney 20

 City Clerk..... 18

 City Council..... 17

 City Engineer 26

 Conflict of Interest 5.07

 Discretionary Powers 1.13

 Extension of Authority..... 1.07

 Fire Chief 35

 Gifts to 5.11

 Harassment of 41.05

 Indemnity of..... 1.04

 Mayor..... 15

 Oath of Office 5.01

 Parks and Recreation Director 24.04

 Police Chief..... 30

 Powers and Duties..... 5.03

 Removal of an Officer’s Communication or Control Device 41.07

 Removal of Appointed Officers and Employees 5.09

 Representation by City Attorney 20.09

 Resignations..... 5.08

 Sewer Superintendent 95.03

 Vacancies 5.10

 Water Superintendent..... 90.02

CITY OPERATING PROCEDURES 5

CITY POWERS 1.03

CITY RIGHTS-OF-WAY 156

CITY SEAL 18.13

CIVIL CITATIONS..... 3.04

CLINGING TO VEHICLE..... 62.04

CODE OF IOWA TRAFFIC REGULATIONS..... 62.01

CHAPTER OR SECTION
NUMBER

CODE OF ORDINANCES

Altering	1.10
Amendments to	1.08
Catchlines and Notes.....	1.09
Definitions of Terms	1.02
Rules of Construction.....	1.06
Validity.....	1.11

COMPENSATION

Changes in.....	17.02(7)
City Administrator	21.01
City Attorney.....	20.01
City Clerk.....	18.01
Council Members	17.06
Mayor	15.04
Mayor Pro Tem	16.04
Set by Council.....	17.02(7)
Treasurer	19.02

CONFLICT OF INTEREST 5.07

CONTRIBUTING TO DELINQUENCY 46.03

CONTROLLED ACCESS FACILITIES..... 141

COUNCIL..... 17

COUNCIL MEETINGS 17.04

CRIMINAL MISCHIEF..... 42.02

CROSS CONNECTIONS AND BACKFLOW PREVENTION..... 91

CROSSWALKS

Designation and Maintenance	61.02
Parking Prohibited in	69.06(1)
Pedestrians in Crosswalks	65.07

CURFEW 46.01

DANGEROUS BUILDINGS..... 152

DANGEROUS SUBSTANCES, DISTRIBUTING OF 41.01

DANGEROUS TOYS (THROWING AND SHOOTING)..... 41.12

DEFACING PROCLAMATIONS AND NOTICES 42.03

DEPOSIT FOR UTILITIES 93.10

DEPOSITS AND INVESTMENTS 7.03(2)

CHAPTER OR SECTION
NUMBER

DESTRUCTION OF PROPERTY 42.02

DISCRETIONARY POWER OF CITY OFFICERS AND EMPLOYEES 1.13

DISORDERLY CONDUCT..... 40.03

DOGS 55
See also ANIMALS

DRIVEWAY CULVERTS 135.13

DRIVEWAYS..... 140

DRUG PARAPHERNALIA..... 43

DUMPING PROHIBITED 105.08

DUTCH ELM DISEASE..... 50.02(10)

EASEMENTS, USE OF..... 95.08

ELECTIONS
 Duties of Clerk..... 18.12
 Procedures..... 6

ELECTRIC FRANCHISE
 Alliant 112
 Consumers Energy 111

ELECTRICAL REGULATIONS..... 164

ENVIRONMENTAL VIOLATIONS..... 3.02

EXCAVATIONS
 Driveways 140.06
 Sewer 96.03 and 96.08
 Streets..... 135.09
 Water..... 90.12

EXISTING BUILDING CODE 159

EXTENSION OF AUTHORITY..... 1.07

FAILURE TO DISPERSE 40.05

FALSE IDENTIFICATION INFORMATION..... 41.03

FALSE REPORTS
 Of Catastrophe 40.03(5)
 To Public Safety Entities 41.02

	CHAPTER OR SECTION NUMBER
FENCES	
Barbed Wire and Electric Fences	41.10
Blocking Public and Private Ways.....	50.02(5)
Zoning Requirements	165.37
FIGHTING	40.03(1)
FINANCE OFFICER	7.02
FINANCES	7
FINANCIAL REPORTS	7.07
FIRE AND RESCUE DEPARTMENT	35
FIRE CODE	158
FIREARMS IN PARKS	47.21
FIRE HAZARD CONDITIONS	
Health and Fire Hazard	105.04
Storing of Flammable Junk	50.02(7)
Unsafe Buildings	152
Weeds and Brush.....	50.02(9)
FIRE SPRINKLER SYSTEMS CONNECTIONS	92.03
FIRES	
In Parks	47.14
On Sidewalks	136.14
FIREWORKS	41.14
FISCAL MANAGEMENT	7
FLAG, DISRESPECT OF	40.03(6)
FLOOD PLAIN MANAGEMENT	170
FORM OF GOVERNMENT	2.02
FRAUD	42.05
FUEL GAS CODE	163
FUNDS	7.04
FUNERAL SERVICE, DISRUPTION OF	40.03(8)
<i>See also</i> State Code Traffic Regulations	62.01
GANG ACTIVITY	50.02(12)
GARBAGE COLLECTION AND DISPOSAL	105 and 106
GAS FRANCHISE	110
GIFTS TO CITY OFFICIALS	5.11

	CHAPTER OR SECTION NUMBER
GOLF CARTS	77
GRADES OF STREETS, ALLEYS AND SIDEWALKS	138
GREEN SPACE DEDICATION	169
HANDICAPPED PARKING	
<i>See</i> Persons with Disabilities Parking	69.07
HARASSMENT	
Of Other Persons.....	40.02
Of Public Officers and Employees	41.05
HAZARDOUS SUBSTANCE SPILLS	36
HAZARDOUS WASTE	105.09
<i>See also</i> Prohibited and Restricted Discharges to Sewer System	97.03 and 97.04
HEART OF IOWA BIKE TRAIL	62.07
HITCHHIKING	67.02
HOUSE MOVERS	122
HOUSE NUMBERS	150
HOUSES OF ILL FAME	50.02(12)
IMPOUNDING	
Animals	55.13
Vehicles	70.06 and 80.02
INDEMNITY AGREEMENT; PERMITS AND LICENSES	1.04
INSURANCE REQUIREMENTS	
Firefighters.....	35.15
Fireworks	41.14
House Movers	122.05
Solid Waste Collector	106.07(2)
Street Excavations.....	135.09(6)
INTERFERENCE WITH OFFICIAL ACTS	41.06
INTERMENT RIGHTS	116
INTERNATIONAL BUILDING CODE	157
INTERNATIONAL EXISTING BUILDING CODE	159
INTERNATIONAL FIRE CODE	158A
INTERNATIONAL FUEL GAS CODE	163
INTERNATIONAL MECHANICAL CODE	162

CHAPTER OR SECTION
NUMBER

INTERNATIONAL PLUMBING CODE 161

INTERNATIONAL PROPERTY MAINTENANCE CODE..... 154

INVESTMENTS AND DEPOSITS 7.03(2)

JUNK AND JUNK VEHICLES 51
See also Storing of Flammable Junk 50.02(7)

LANDSCAPE PLAN REVIEW 168
See also **SITE PLAN REVIEW** 167

LEGAL OPINIONS 20.06

LIBRARY 22

LICENSES
 Dogs and Cats 56
 Drivers..... 62.01
 Liquor..... 120
See also Issuance of Licenses and Permits..... 18.10
See also **PERMITS**

LIQUOR LICENSES AND WINE AND BEER PERMITS 120

LITTERING
 Debris on Sidewalks..... 136.16
 Park Regulations 47.08
 Placing Debris on Streets 135.03
 Solid Waste Control 105.07

LIVESTOCK..... 55.03 and 55.05

LOAD AND WEIGHT RESTRICTIONS, VEHICLES 66

LOCAL EMERGENCY POWERS..... 10

LOITERING..... 40.04

MANUFACTURED AND MOBILE HOMES 145
See also:
 Factory-Built Homes (Flood Plain Regulations)..... 170.11(5)
 Mobile Homes (Zoning Regulations)..... 165.25 and 165.35

MAYOR
 Appointments 15.03
 Compensation..... 15.04
 Powers and Duties..... 15.02
 Term of Office..... 15.01
 Voting..... 15.05
See also **CITY OFFICERS AND EMPLOYEES**

	CHAPTER OR SECTION NUMBER
MAYOR PRO TEM	16
MECHANICAL CODE	162
MEETINGS	
Council Meetings	17.04
Procedures for Notice and Conduct of.....	5.06
Publication of Minutes of Council Meetings	18.03
METERS, WATER	92
MINORS	46
<i>See also:</i>	
Amusement Devices	120.06
Employment for Serving of Alcohol.....	120.05(4)
Persons Under Legal Age	45.01
Persons Under Legal Age	121.07
MOBILE FOOD VENDORS	124
MOBILE HOMES	145
<i>See also</i> ZONING REGULATIONS	165.25 and 165.35
MUNICIPAL INFRACTIONS	3
<i>See also</i> MUNICIPAL INFRACTION ABATEMENT PROCEDURE	50.07
MUNICIPAL PARKING LOTS	69.11
NAMING OF STREETS	139
NATURAL GAS FRANCHISE	110
NOISE	
Amplified Sound (in Parks)	47.07
Annoyance or Disturbance (Barking Dogs).....	55.08
Disorderly Conduct.....	40.03(2) and 40.03(8)
Quiet Zones.....	62.05
NOMINATIONS FOR ELECTIVE OFFICES	6
NUISANCE ABATEMENT PROCEDURE	50
NUMBERING OF BUILDINGS	150
OATH OF OFFICE	5.01
OFFENSIVE SMELLS AND SUBSTANCES	50.02(1) and (2)
<i>See also</i> Restricted Discharges to Sanitary Sewer System	97.04
OFF-ROAD MOTORCYCLES AND UTILITY VEHICLES	75
ONE-WAY TRAFFIC	68

	CHAPTER OR SECTION NUMBER
ON-SITE WASTEWATER SYSTEMS	98
OPEN BURNING	105.05
OPEN CONTAINERS IN MOTOR VEHICLES	62.01(49) and (50)
OPEN MEETINGS	5.06
OPERATING PROCEDURES	5
PARADES REGULATED	60.08
PARK REGULATIONS	47
<i>See also</i> Parks, Cemeteries and Parking Lots (Speed Limits).....	63.03
PARKING REGULATIONS	
Angle Parking.....	69.03 and 69.04
Controlled Access	141.07
Illegal Purposes	69.05
Municipal Parking Lots.....	69.11
No Parking Zones.....	69.08
Park Adjacent to Curb.....	69.01 and 69.02
Parking of Bicycles	76.11
Parking Prohibited.....	69.06
Parking Violations.....	70.03 and 70.04
Persons With Disabilities Parking.....	69.07
Snow Removal	69.10
Truck Parking Limited	69.09
PARKS AND RECREATION BOARD	24
PEACE OFFICERS	
Failure to Assist.....	41.04
Interference with	41.06
Obedience to.....	60.07
Powers and Authority under Traffic Code	60
Qualifications	30.03
Removal of an Officer’s Communication or Control Device	41.07
Training.....	30.04
<i>See also</i> POLICE DEPARTMENT	30
PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS	123
PEDESTRIANS	67
<i>See also:</i>	
Crosswalks	61.02
State Code Traffic Regulations	62.01
Yield to Pedestrians in Crosswalks	65.07

CHAPTER OR SECTION
NUMBER

PENALTIES

Abatement of Violation of Sewer Connection Requirements..... 96.11
 Additional Penalties – Cigarette and Tobacco Permits..... 121.07
 Curfew Violations..... 46.01(6)
 Municipal Infractions..... 3
 Special Penalties (Sanitary Sewer Regulations) 95.09
 Special Penalty (Bicycle Regulations)..... 76.13
 Standard Penalty for Violation of Code of Ordinances 1.14
 Traffic Code Violations 70

PERMITS

Beer and Wine 120
 Building 165.13
 Cigarette and Tobacco 121.02
 Fireworks 41.14
 Flood Plain Development 170.15
 House Mover..... 122.02
 Mobile Home 145.04
 On-Site Wastewater System 98.04
 Open Burning..... 105.05
 Open Dumping..... 105.08
 Parade (Approval)..... 60.08(2)
 Persons with Disabilities Parking 69.07
 Right-of-Way Installation 156.03
 Sewer Connection 96.01
 Sidewalks 136.07
 Signs..... 165.32(4)
 Street Excavation 135.09(1)
 Vehicles, Excess Size and Weight 66.02
 Vending Machines and Sales Stands on Sidewalks 136.18
 Water System Connection..... 90.09
See also Issuance of Licenses and Permits 18.10

See also **LICENSES**

PERSONAL INJURIES 1.05

PET AWARDS PROHIBITED..... 55.15

PLANNING AND ZONING COMMISSION 23

PLAY STREETS..... 62.02
See also Playing in Streets 135.04

PLUMBING CODE..... 161

POLICE DEPARTMENT 30

	CHAPTER OR SECTION NUMBER
POLLUTION	
Air Pollution.....	50.02(8)
Environmental Violations	3.02
Hazardous Substance Spills	36
Incinerators Required.....	105.11
Open Burning Restricted.....	105.05
Prohibited Discharges to Public Sewer	97.03
Restricted Discharges to Sewer System.....	97.04
Toxic and Hazardous Wastes	105.09
Water Pollution	50.02(4)
POWERS AND DUTIES	
City Administrator	21.03
City Clerk.....	18.02
City Council	17.02 and 17.03
City Officers Generally	2.03
Fire Chief	35.11
Mayor	15.02
Mayor Pro Tem	16.02
Municipal Officers	5.03
Police Chief.....	30.07
Treasurer	19.03
PRIVATE PROPERTY	42
PRIVATE WATER SYSTEMS (SEWER CHARGES)	99.03
PROPERTY MAINTENANCE AND HOUSING CODE	154
PUBLIC AND PRIVATE PROPERTY	
Criminal Mischief	42.02
Damage to Sewer System.....	95.04(1)
Defacing Proclamations or Notices.....	42.03
Fraud	42.05
Green Space Dedication	169
Injury to Library Books or Property.....	22.10
Landscape Plan Review	168
Littering Prohibited	105.07
Open Dumping	105.08
Park Regulations	47
Public and Private Property.....	42
Sidewalk Regulations.....	136
Site Plan Review	167
Street Excavations	135
Theft	42.06
Trees and Shrubs on Public Property	151
Trespassing.....	42.01
Unauthorized Entry	42.04

	CHAPTER OR SECTION NUMBER
PUBLIC HEALTH AND SAFETY	41
PUBLIC IMPROVEMENTS	158
PUBLIC NOTICES	18.05(1)
PUBLIC OFFENSES	
Drug Paraphernalia	43
Littering Prohibited.....	105.07
Open Dumping.....	105.08
Public and Private Property	42
Public Health and Safety.....	41
Public Peace.....	40
<i>See also</i> SIDEWALK REGULATIONS	136
<i>See also</i> STREET EXCAVATIONS	135
PUBLICATION REQUIREMENTS	18.05
RABIES VACCINATION	55.10
RECORDS	
Accounting.....	7.06
Maintenance by Clerk	18.08
Minutes of Council Meetings.....	5.06(3)
Public Records, Access to.....	5.04
Transfer to Successors	5.05
REMOVAL OF APPOINTED OFFICERS AND EMPLOYEES	5.09
REPRESENTATION OF CITY EMPLOYEES	20.09
RESIGNATION OF ELECTED OFFICERS	5.08
RIGHT TO ENTER	
Sewer Service Inspection and Sampling	95.07
Solid Waste Collection	106.06
Use of Easements.....	95.08
Warrants.....	1.12
Water Meter Service	92.09
RIGHTS-OF-WAY	156
SANITARY SEWER SYSTEM	
Building Sewers and Connection Requirements.....	96
General Provisions	95
On-Site Wastewater Systems	98
Sewer Service Charges	99
Use of Public Sewers	97

	CHAPTER OR SECTION NUMBER
SEWER RATES	99
SIDEWALKS	
Barricades and Warning Lights.....	136.09
Bicycles on Sidewalks.....	76.08
Construction Standards	136.08
Debris on	136.16
Defacing	136.15
Encroaching Steps.....	136.12
Fires and Fuel on.....	136.14
Interference with Improvements	136.11
Maintenance	136
Openings and Enclosures	136.13
Parking Prohibited on Sidewalks	69.06(4)
Sales Stands and Merchandise Displays	136.17 and 136.18
Snow Removal	136.03
Use by Pedestrians	67.04
Vehicles Crossing Sidewalks	65.05
Vehicles on Sidewalks	62.03
SITE PLAN REVIEW	167
<i>See also</i> LANDSCAPE PLAN REVIEW	168
SKATES, COASTERS AND TOY VEHICLES	
Clinging to Vehicle	62.04
SMALL WIND ENERGY CONVERSION SYSTEMS	165.46
SNOW REMOVAL	
From Sidewalks.....	136.03
From Streets	135.12
Parking	69.10
SNOWMOBILES AND ALL-TERRAIN VEHICLES	75
SOLAR ENERGY SYSTEMS	165.47
SOLICITORS, PEDDLERS AND TRANSIENT MERCHANTS	123
SOLID WASTE CONTROL	
Collection	106
General Provisions	105
<i>See also</i> Restricted Discharges to Sewer System.....	97.04
SPEED REGULATIONS	63
STATE CODE TRAFFIC REGULATIONS	62.01
STOP OR YIELD REQUIRED	65

	CHAPTER OR SECTION NUMBER
STORM WATER	
Discharge to Sanitary Sewer Prohibited	95.04(2) and 97.01
Surface Water Exception	97.02
STREET NAME MAP	139.04 and 139.05
STREETS AND ALLEYS	
Billboards and Signs Obstructing View.....	50.02(6)
Blocking Public and Private Ways	50.02(5)
Excavations and Maintenance.....	135
Grades	138
Naming.....	139
Obstructing Use of Streets	40.03(7)
Vacation and Disposal	137
<i>See also</i> TRAFFIC CODE	
SUBDIVISION REGULATIONS.....	170
SWIMMING POOL AND SPA CODE.....	160
TELEPHONE FRANCHISE	113
TERMS OF OFFICE	
Clerk.....	18.01
Council.....	2.04 and 17.01
Mayor.....	2.05 and 15.01
Treasurer	19.01
THEFT	
Library Property.....	22.11
Public and Private Property	42.06
TOBACCO PERMITS	121
TOXIC AND HAZARDOUS WASTE.....	105.09
TRAFFIC CODE	
Administration of.....	60
Enforcement Procedures	70
General Regulations.....	62
Load and Weight Restrictions.....	66
One-Way Traffic.....	68
Parking Regulations.....	69
Pedestrians	67
Speed Regulations.....	63
Stop or Yield Required	65
Traffic Control Devices	61
Turning Regulations.....	64
TRAFFIC CONTROL DEVICES	
Installation; Standards; Compliance	61
Traveling on Barricaded Street or Alley	135.05

	CHAPTER OR SECTION NUMBER
TRAFFIC REGULATIONS	62.01
TRANSIENT MERCHANTS, PEDDLERS, AND SOLICITORS	123
TREASURER	19
TREE BOARD	25
TREES	
Above Ground Utilities.....	151.04
Care of Street Trees.....	151.03
Diseased, Dead, or Dangerous Trees or Bushes.....	151.08
Dutch Elm Disease.....	50.02(10)
Maintenance of Parking.....	135.10
Obstructing View at Intersections.....	62.06
Planting Restrictions.....	151.05 and 151.06
Property Owner Responsibility.....	151.07
Tree Ownership.....	151.02
Yard Waste.....	105.06
<i>See also</i> LANDSCAPE PLAN REVIEW	168
TRESPASSING	42.01
TRUCK PARKING LIMITED	69.09
TURNING REGULATIONS	64
UNAUTHORIZED ENTRY	42.04
UNLAWFUL ASSEMBLY	40.04
URBAN RENEWAL	9
URBAN REVITALIZATION AREA	8
URINATING AND DEFECATING IN PUBLIC	41.13
U-TURNS	64.02
VACANCIES IN OFFICE	5.10
VACATING STREETS OR ALLEYS	137
VETO	
Council May Override.....	17.03
Mayor's Authority.....	15.02(4)
VICIOUS DOGS	55.09

CHAPTER OR SECTION
NUMBER

VIOLATIONS

Cigarette and Tobacco Violations (Sale to Minors)..... 121.07
 Environmental..... 3.02
 Municipal Infractions..... 3
 Parking..... 70
 Special Penalties for Violation of Sanitary Sewer Regulations 95.09
 Standard Penalty for Violation of Code of Ordinances 1.14
 Traffic 62.01
 Zoning..... 165.45

WARRANTS 1.12

WASTE STORAGE CONTAINERS 105.10

WASTEWATER SYSTEMS, ON-SITE 98

WATER POLLUTION 50.02(4)

WATER SERVICE SYSTEM

Connections; General Regulations..... 90
 Cross Connections and Backflow Prevention..... 91
 Meters 92
 Rates..... 93

WEAPONS

Discharging Weapons in City Limits..... 41.11
 Taking Weapons During Arrest 30.10
 Throwing and Shooting..... 41.12
 Use of Firearms Prohibited 47.21

WEEDS AND BRUSH..... 50.02(9)

WIND ENERGY 165.46

WINE

See ALCOHOL

YARD REQUIREMENTS

See ZONING..... 165

YARD WASTE..... 105.06

YIELD REQUIRED 65

ZONING REGULATIONS..... 165

APPENDIX TO CODE OF ORDINANCES

USE AND MAINTENANCE OF THE CODE OF ORDINANCES

The following information is provided to assist in the use and proper maintenance of this Code of Ordinances.

DISTRIBUTION OF COPIES

1. OFFICIAL COPY. The “OFFICIAL COPY” of the Code of Ordinances must be kept by the City Clerk and should be identified as the “OFFICIAL COPY.”

2. DISTRIBUTION. Other copies of the Code of Ordinances should be made available to all persons having a relatively frequent and continuing need to have access to ordinances which are in effect in the City as well as reference centers such as the City Library, County Law Library, and perhaps the schools.

3. SALE. The sale or distribution of copies in a general fashion is not recommended as experience indicates that indiscriminate distribution tends to result in outdated codes being used or misused.

4. RECORD OF DISTRIBUTION. The City Clerk should be responsible for maintaining an accurate and current record of persons having a copy of the Code of Ordinances. Each official, elected or appointed, should return to the City, upon leaving office, all documents, records and other materials pertaining to the office, including this Code of Ordinances.

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

NUMBERING OF ORDINANCES AMENDING THE CODE OF ORDINANCES

It is recommended that a simple numerical sequence be used in assigning ordinance numbers to ordinances as they are passed. For example, if the ordinance adopting the Code of Ordinances is No. 163, we would suggest that the first ordinance passed changing, adding to, or deleting from the Code be assigned the number 164, the next ordinance be assigned the number 165, and so on. We advise against using the Code of Ordinances numbering system for the numbering of ordinances.

RETENTION OF AMENDING ORDINANCES

Please note that two books should be maintained: (1) the Code of Ordinances; and (2) an ordinance book. We will assist in the maintenance of the Code of Ordinances book, per the Supplement Agreement, by revising and returning appropriate pages for the Code of Ordinances book as required to accommodate ordinances amending the Code. The City Clerk is responsible for maintaining the ordinance book and must be sure that an original copy of each ordinance adopted, bearing the signatures of the Mayor and Clerk, is inserted in the ordinance book and preserved in a safe place.

SUPPLEMENT RECORD

A record of all supplements prepared for the Code of Ordinances is provided in the front of the Code. This record will indicate the number and date of the ordinances adopting the original Code and of each subsequently adopted ordinance which has been incorporated in the Code. For each supplemented ordinance, the Supplement Record will list the ordinance number, date, topic, and chapter or section number of the Code affected by the amending ordinance. A periodic review of the Supplement Record and ordinances passed will assure that all ordinances amending the Code have been incorporated therein.

DISTRIBUTION OF SUPPLEMENTS

Supplements containing revised pages for insertion in each Code will be sent to the Clerk. It is the responsibility of the Clerk to see that each person having a Code of Ordinances receives each supplement so that each Code may be properly updated to reflect action of the Council in amending the Code.

AMENDING THE CODE OF ORDINANCES

The Code of Ordinances contains most of the laws of the City as of the date of its adoption and is continually subject to amendment to reflect changing policies of the Council, mandates of the State, or decisions of the Courts. Amendments to the Code of Ordinances can only be accomplished by the adoption of an ordinance.

(Code of Iowa, Sec. 380.2)

The following forms of ordinances are recommended for making amendments to the Code of Ordinances:

ADDITION OF NEW PROVISIONS

New material may require the addition of a new SUBSECTION, SECTION or CHAPTER, as follows:

ORDINANCE NO. ____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HUXLEY, IOWA, BY ADDING A NEW SECTION LIMITING PARKING TO THIRTY MINUTES ON A PORTION OF SOUTH BOONE STREET

BE IT ENACTED by the City Council of the City of Huxley, Iowa:

SECTION 1. NEW SECTION. The Code of Ordinances of the City of Huxley, Iowa, is amended by adding a new Section 69.16, entitled PARKING LIMITED TO THIRTY MINUTES, which is hereby adopted to read as follows:

69.16 PARKING LIMITED TO THIRTY MINUTES. It is unlawful to park any vehicle for a continuous period of more than thirty (30) minutes between the hours of 8:00 a.m. and 8:00 p.m. on each day upon the following designated streets:

- 1. South Boone Street, on the west side, from Forest Avenue to Mason Drive.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the Council the ____ day of _____, 20____, and approved this ____ day of _____, 20____.

Mayor

ATTEST:

City Clerk

First Reading: _____

Second Reading: _____

Third Reading: _____

I certify that the foregoing was published as Ordinance No. ____ on the ____ day of _____, 20____.

City Clerk

DELETION OF EXISTING PROVISIONS

Provisions may be removed from the Code of Ordinances by deleting SUBSECTIONS, SECTIONS or CHAPTERS as follows:

ORDINANCE NO. ____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HUXLEY, IOWA, BY REPEALING SECTION 65.02, SUBSECTION 5, PERTAINING TO THE SPECIAL STOP REQUIRED ON LAKE BOULEVARD

BE IT ENACTED by the City Council of the City of Huxley, Iowa:

SECTION 1. SUBSECTION REPEALED. The Code of Ordinances of the City of Huxley, Iowa, is hereby amended by repealing Section 65.02, Subsection 5, which required vehicles traveling south on Lake Boulevard to stop at Second Place North.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the Council the ____ day of _____, 20____, and approved this ____ day of _____, 20____.

Mayor

ATTEST:

City Clerk

First Reading: _____

Second Reading: _____

Third Reading: _____

I certify that the foregoing was published as Ordinance No.____ on the ____ day of _____, 20____.

City Clerk

MODIFICATION OR CHANGE OF EXISTING PROVISION

Existing provisions may be added to, partially deleted, or changed as follows:

ORDINANCE NO. ____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HUXLEY, IOWA, BY AMENDING PROVISIONS PERTAINING TO SEWER SERVICE CHARGES

BE IT ENACTED by the City Council of the City of Huxley, Iowa:

SECTION 1. SECTION MODIFIED. Section 99.02 of the Code of Ordinances of the City of Huxley, Iowa, is repealed and the following adopted in lieu thereof:

99.02 RATE. Each customer shall pay sewer service charges in the amount of 100 percent (100%) of the bill for water and water service attributable to the customer for the property served, but in no event less than ten dollars (\$10.00) per month.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the Council the ____ day of _____, 20____, and approved this ____ day of _____, 20____.

Mayor

ATTEST:

City Clerk

First Reading: _____

Second Reading: _____

Third Reading: _____

I certify that the foregoing was published as Ordinance No. ____ on the ____ day of _____, 20____.

City Clerk

**ORDINANCES NOT CONTAINED IN THE
CODE OF ORDINANCES**

There are certain types of ordinances which the City will be adopting which do not have to be incorporated in the Code of Ordinances. These include ordinances: (1) establishing grades of streets or sidewalks; (2) vacating streets or alleys; (3) authorizing the issuance of bonds; and (4) amending the zoning map.

(Code of Iowa, Sec. 380.8)

ORDINANCE NO. ____

**AN ORDINANCE VACATING THE ALLEY LYING IN BLOCK TWO
(2) RAILROAD ADDITION TO HUXLEY, IOWA**

Be It Enacted by the City Council of the City of Huxley, Iowa:

SECTION 1. The alley lying in Block Two (2), Railroad Addition to Huxley, Iowa, is hereby vacated and closed from public use.

SECTION 2. The Council may by resolution convey the alley described above to abutting property owners in a manner directed by the City Council.

SECTION 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 5. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the Council the ____ day of _____, 20____, and approved this ____ day of _____, 20____.

Mayor

ATTEST:

City Clerk

First Reading: _____

Second Reading: _____

Third Reading: _____

I certify that the foregoing was published as Ordinance No. ____ on the ____ day of _____, 20____.

City Clerk

These ordinances should be numbered in the same numerical sequence as any other amending ordinance and placed in their proper sequence in the ordinance book.

SUGGESTED FORMS

FIRST NOTICE – DANGEROUS BUILDING

TO: (Name and address of owner, agent, or occupant of the property on which nuisance is located or the person causing or maintaining the nuisance).

You are hereby notified to abate the nuisance existing at (name location of nuisance) within ____ days from service of this notice or file written request for a Council hearing with the undersigned officer within said time limit.

The nuisance consists of (describe the nuisance and cite the law or ordinance) and shall be abated by (state action necessary to abate the particular nuisance).

In the event you fail to abate or cause to be abated the above nuisance, as directed, or file written request for hearing within the time prescribed herein, the City will take such steps as are necessary to abate or cause to be abated the nuisance and the cost will be assessed against you as provided by law.

Date of Notice: _____

City of Huxley, Iowa

By: _____
(enforcement officer)

NOTICE OF HEARING ON DANGEROUS BUILDING

TO: (Name and address of the owner, agent, or occupant of the property on which nuisance is located or the person causing or maintaining the nuisance).

You are hereby notified that the City Council of Huxley, Iowa, will meet on the ___ day of _____, 20___, at _____ p.m., in the Council Chambers of the City Hall, at (address of City Hall) for the purpose of considering whether or not the alleged nuisance consisting of (describe the nuisance) on your property, locally known as _____, constitutes a nuisance pursuant to Chapter _____ of the Code of Ordinances of Huxley, 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 Huxley, Iowa

By: _____
(enforcement officer)

**RESOLUTION AND ORDER
REGARDING DANGEROUS BUILDING**

BE IT RESOLVED, by the City Council of the City of Huxley, Iowa:

WHEREAS, notice has heretofore been served on the ___ day of _____, 20___, on (property owner’s name), through (agent’s name or “none”), agent, to abate the nuisance existing at (legal description and address) within ___ days from service of said notice upon the said (name of owner or agent); and

(EITHER)

WHEREAS, a hearing was requested by the said (name of property owner or agent) and the same was held at this meeting and evidence produced and considered by the City Council;

(OR, ALTERNATE TO PRECEDING PARAGRAPH)

WHEREAS, the said owner (agent) named above has failed to abate or cause to be abated the above nuisance as directed within the time set, and after evidence was duly produced and considered at this meeting, and said owner has failed to file a written request for hearing, as provided, after being properly served by a notice to abate;

NOW THEREFORE, BE IT RESOLVED that the owner of said property, or said owner’s agent (name of owner or agent) is hereby directed and ordered to abate the nuisance consisting of (describe the nuisance) by (state action necessary to abate) within ___ days after the service of this Order upon said owner or agent; and

BE IT FURTHER RESOLVED that the enforcement officer be and is hereby directed to serve a copy of this Order upon the said property owner or agent named above; and

BE IT FURTHER RESOLVED that in the event the owner, or agent (name the owner or agent) fails to abate the said nuisance within the time prescribed above, then and in that event the City will abate the said nuisance and the cost will be assessed against the property and/or owner (owner’s name) at (address), as the law shall provide.

Moved by _____ to adopt.

Adopted this ___ day of _____, 20___.

Mayor

ATTEST:

City Clerk

Note: It is suggested by the blank space in the resolution that additional time be allowed the owner to abate the nuisance after the passage of the resolution before any action is taken on the part of the City to abate the same. In some instances, for the sake of public safety, the time element could be stricken from the resolution and immediate action be taken to abate the nuisance after the order is given.

NOTICE TO ABATE NUISANCE

TO: (Name and address of owner, agent, or occupant of the property on which the nuisance is located or the person causing or maintaining the nuisance).

You are hereby notified to abate the nuisance existing at (name location of nuisance) or file written request for a hearing with the undersigned officer within (hours or days) from service of this notice.

The nuisance consists of: (describe the nuisance) and shall be abated by: (state action necessary to abate the particular nuisance).

In the event you fail to abate or cause to be abated the above nuisance as directed, the City will take such steps as are necessary to abate or cause to be abated the nuisance and the costs will be assessed against you as provided by law.

Date of Notice: _____

City of Huxley, 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 Huxley, Iowa

By: _____, _____
(Name) (Title)

RESOLUTION AND ORDER

REQUIRED SEWER CONNECTION

BE IT RESOLVED, by the City Council of the City of Huxley, Iowa:

WHEREAS, notice has heretofore been served on the ____ day of _____, 20____, on

(Name of Property Owner)

through _____, Agent,

(Agent’s Name or “None”)

to make connection of the property described as

to the public sanitary sewer located _____

within _____ (_____) days from service of notice upon said owner or agent; and

(EITHER)

WHEREAS, a hearing was requested by the said owner or agent and the same was held at this meeting and evidence produced and considered by the City Council;

(OR AS ALTERNATE TO THE PRECEDING PARAGRAPH)

WHEREAS, the said owner or agent named above has failed to make such required connection within the time set, and after evidence was duly produced and considered at this meeting, and said owner or agent has failed to file a written request for hearing after being properly served by a notice to make such connection or request a hearing thereon;

NOW, THEREFORE, BE IT RESOLVED that the owner of said property, or said owner’s agent, _____

(Name of Owner or Agent)

is hereby directed and ordered to make such required connection within _____ days after the service of this ORDER upon said owner or agent; and

BE IT FURTHER RESOLVED that the City Clerk be and the same is hereby directed to serve a copy of this ORDER upon said property owner or agent named above; and

BE IT FURTHER RESOLVED, that in the event the owner, or agent,

_____,
(Name of Owner or Agent)

fails to make such connection within the time prescribed above, then and in that event the City will make such connection and the cost thereof will be assessed against the property and/or owner

(Owner's Name)

_____, as provided by law.

(Address)

Moved by _____ to adopt.

Seconded by _____.

AYES: _____, _____, _____,

_____, _____, _____.

NAYS: _____, _____, _____,

_____, _____, _____.

Resolution approved this ___ day of _____, 20__.

Mayor

ATTEST:

City Clerk

