

CITY OF MADRID CODE OF ORDINANCES

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**CODIFIED BY: REGION XII COUNCIL OF GOVERNMENTS
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TITLE I GENERAL PROVISIONS

CHAPTER 1 GENERAL PROVISIONS

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1-1-1 DEFINITIONS. The following words and phrases whenever used in the Ordinances of the City, shall be construed as defined in this section unless, from the context, a different meaning is intended or unless different meaning is specifically defined and more particularly directed to the use of such words or phrases:

1. "Building" means any man-made structure permanently affixed to the ground.
2. "City" means the City of Madrid, Iowa, or the area within the territorial limits of the City, and such territory outside of the City over which the City has jurisdiction or control by virtue of any constitutional or statutory provision;
3. "Clerk" means Clerk.
4. "Computation of time" means the time within which an act is to be done. It shall be computed by excluding the first day and including the last day; and if the last day is Sunday or a legal holiday, that day shall be excluded;
5. "Council" means the City Council of the City. All its members or all Council persons mean the total number of Council persons provided by the City charter under the general laws of the state;
6. "County" means the County of Boone, Iowa;
7. "Delegation of Authority" means whenever a provision appears requiring an officer of the City to do some act or make certain inspections, it is to be construed to authorize the officer to designate, delegate and authorize subordinates to perform the required act or make the required inspection unless the terms of the provision or section designate otherwise.
(Amended in 2010)
8. "Fiscal Year" means July 1 to June 30.

9. "Law" denotes applicable federal law, the Constitution and statutes of the State of Iowa, the Ordinances of the City; and when appropriate, any and all rules and regulations which may be promulgated thereunder;

10. "May" confers a power;

11. "Month" means a calendar month;

12. "Must" states a requirement;

13. "Oath" shall be construed to include an affirmative or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "affirm" and "affirmed" shall be equivalent to the words "swear" and "sworn";

14. "Or" may be read "and" and "and" may be read "or" if the sense requires it;

15. "Ordinance" means a law of the City; however, an administrative action, order or directive, may be in the form of a resolution;

16. "Owner" applied to a building or land includes any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or part of such building or land;

17. "Person" means natural person, any other legal entity, or the manager, lessee, agent, servant, officer, or employee of any of them;

18. "Personal property" includes money, goods, chattels, things in action and evidences of debt;

19. "Preceding" and "following" mean next before and next after, respectively;

20. "Property" includes real and personal property;

21. "Real property" includes any interest in land;

22. "Shall" imposes a duty;

23. "Sidewalk" means that portion of a street between the curb line and the adjacent property line intended for the use of pedestrians;

24. "State" means the State of Iowa;

25. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this City which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state;

26. "Tenant" and "occupant" applied to a building or land, includes any person who occupies whole or a part of such building or land, whether alone or with others;

27. "Title of Office". Use of the title of any officer, employee, board or commission means that officer, employee, department, board or commission of the City;

28. "Writing" and "Written" include printed, typewritten, or electronically transmitted such as facsimile or electronic mail;

29. "Year" means a calendar year;

30. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such other as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning;

31. When an act is required by an Ordinance the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed as to include all such acts performed by an authorized agent.

1-1-2 GRAMMATICAL INTERPRETATION. The following grammatical rules shall apply in the Ordinances of the City;

1. Gender. Any gender includes the other gender;

2. Singular and Plural. The singular number includes the plural and the plural includes the singular;

3. Tenses. Words used in the present tense include the past and the future tenses and vice versa;

4. Use of Words and Phrases. Words and phrases not specifically defined shall be construed according to the content and approved usage of the language.

1-1-3 PROHIBITED ACTS INCLUDE CAUSING, PERMITTING. Whenever in this Code any act or omission is made unlawful, it includes causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission. A principal is responsible for the unauthorized acts or omissions committed by an agent or employee which have been authorized by the principal.

1-1-4 CONSTRUCTION. The provisions of this Code are to be construed with a view to affect its objects and to promote justice.

1-1-5 AMENDMENT. All Ordinances of the City Council passed thereafter shall be in the form of an addition or amendment to the Madrid Municipal Code of 2018 constituting this Municipal Code, and shall include proper references to chapter and section to maintain the orderly codification of the Ordinances.

(Code of Iowa, Sec. 380.2)

1-1-6 SEVERABILITY. If any section, provision or part of the City Code or any subsequent ordinance is adjudged invalid or unconstitutional, such adjudication will not affect the validity of the City Code as a whole or any section provision, or part thereof not adjudged invalid or unconstitutional.

1-1-7 CATCHLINES, TITLES, HEADINGS AND NOTES. The catchlines of the several sections of this City Code printed in boldface type as well as the titles, headings, chapter heads, section and subsection heads or titles, editor's notes, cross-references and State law references, unless set out in the body of the section itself, contained in this City Code, do not constitute any part of the law, and are intended merely to indicate, explain, supplement or clarify the contents of a section.

(Amended in 2010)

1-1-8 AMENDMENTS TO CITY CODE, EFFECT OF NEW ORDINANCES, AMENDATORY LANGUAGE.

1. All ordinances passed subsequent to this Code which amend, repeal or in any way affect this City Code may be numbered in accordance with the numbering system of this City Code and printed for inclusion herein. When subsequent ordinances repeal any chapter, section, or subsection or any portion thereof, such repealed portions may be excluded from this City Code by omission from reprinted pages. The subsequent ordinances as numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time as this City Code and subsequent ordinances numbered or omitted are readopted as a new Code of Ordinances.

2. Amendments to any of the provisions of this City Code may be made by amending such provisions by specific reference to the section or subsection number of this City Code in substantially the following language: "That section _____ of the Code of Ordinances, City of Madrid, Iowa is hereby amended to read as follows:..." The new provisions shall then be set out in full as desired.

3. In the event a new section not heretofore existing in this City Code is to be added, the following language may be used: "That the Code of ordinances, City of Madrid, Iowa, is hereby amended by adding a section, to be numbered _____, which said section reads as follows: ..." The new section shall then be set out in full as desired.

(Amended in 2010)

TITLE I GENERAL PROVISIONS

CHAPTER 2 RIGHT OF ENTRY

1-2-1 Right of Entry

1-2-1 RIGHT OF ENTRY. Whenever necessary to make an inspection to enforce any Ordinance, or whenever there is reasonable cause to believe that there exists an Ordinance violation in any building or upon any premises within the jurisdiction of the City, any authorized official of the City, may, upon presentation of proper credentials, enter such building or premises at all reasonable times to inspect the same and to perform any duty imposed upon such official by Ordinance; provided that, except in emergency situations, such official shall first give the owner and/or occupant, if they can be located after reasonable effort, twenty-four hour written notice of the authorized official's intention to inspect. In the event the owner and/or occupant refuses entry, the official is empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

TITLE I GENERAL PROVISIONS

CHAPTER 3 PENALTY

- | | | | |
|-------|--|-------|-----------------------|
| 1-3-1 | General Penalty | 1-3-4 | Alternative Relief |
| 1-3-2 | Civil Penalty -Municipal Infraction | 1-3-5 | Alternative Penalties |
| 1-3-3 | Scheduled Fines | | |

1-3-1 GENERAL PENALTY. The doing of any act prohibited or declared to be unlawful, an offense, or a misdemeanor by the City Code or any Ordinance or Code herein adopted by reference, or the omission or failure to perform any act or duty required by this City Code or any Ordinance or Code or any Ordinance or Code herein adopted by reference is, unless another penalty is specified, punishable in accordance with Iowa Code Section 903.1(1)(a).

Code of Iowa, Sec. 903.1(1)(a)
(Amended in 2008)
(Amended in 2009)
(Amended in 2010)

1-3-2 CIVIL PENALTY - MUNICIPAL INFRACTION.
(Code of Iowa, Sec. 364.22)

1. Definitions.

a. Municipal Infraction. Except 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 Iowa Code, the doing of any act prohibited or declared to be unlawful, an offense or a misdemeanor by the Code of Ordinances City of Madrid, or any Ordinance or Code herein adopted by reference, or omission or failure to perform any act or duty required by the Code of Ordinances City of Madrid, or any Ordinance or Code herein adopted by reference, is a "municipal infraction" and is punishable by civil penalty as provided herein.

b. Officer. The term "officer" shall mean any employee or official authorized to enforce the Code of Ordinances of the City of Madrid.

c. Repeat offense. The term "repeat offense" shall mean a recurring violation of the same section of the Code of Ordinances.

2. Violations, Penalties, and Alternative Relief.

a. A municipal infraction is punishable by a civil penalty as provided in the following schedule, unless a specific schedule of civil penalties is provided for specific offenses elsewhere in this Code.

Schedule of Civil Penalties

First offense: Not more than seven hundred fifty dollars (\$750.00).

Repeat Offense: Not more than one thousand dollars (\$1,000.00)
(Amended during 2010)

b. Each day that a violation occurs or is permitted to exist by the violator constitutes a separate offense.

c. 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.

3. Civil Citations

a. Any officer authorized by the City to enforce the Code of Ordinances may issue a civil citation to a person who commits a municipal infraction.

b. The citation may be served by personal service, substituted service, or by certified mail, return receipt requested, or by publication as provided in the Iowa Rules of Civil Procedure.

c. The original of the citation shall be sent to the Clerk of the district court. If the infraction involves real property a copy of the citation shall be filed with the County Treasurer.

d. The citation shall serve as notification that a civil offense has been committed and shall contain the following information:

- (1) The name and address of the defendant.
- (2) The name or description of the infraction attested to by the officer issuing the citation.
- (3) The location and time of the infraction.
- (4) The amount of civil penalty to be assessed or the alternative relief sought, or both.
- (5) The manner, location, and time in which the penalty may be paid.
- (6) The time and place of court appearance.

(7) The penalty for failure to appear in court.

(8) The legal description of the affected property, if applicable.

1-3-3 SCHEDULED FINES. The scheduled fine for a violation of any provision of the City Code shall be in accordance with State Code Chapter 805 unless another scheduled amount is provided in the City Code or Iowa Code.

1-3-4 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])

1-3-5 ALTERNATIVE PENALTIES. This section does not preclude a peace officer of a city from issuing a criminal citation for a violation of a city code or regulation if criminal penalties are also provided for the violation. Each day that a violation occurs or is permitted to exist by the defendant, constitutes a separate offense.

(Code of Iowa, Sec. 364.22[12])

TITLE I GENERAL PROVISIONS

CHAPTER 4 PROCEDURE FOR HEARINGS BY THE CITY COUNCIL

| | | | |
|-------|---------------------------|-------|-----------------------------|
| 1-4-1 | Purpose and Intent | 1-4-4 | Subpoenas |
| 1-4-2 | General | 1-4-5 | Conduct of Hearing |
| 1-4-3 | Form of Notice of Hearing | 1-4-6 | Method and Form of Decision |

1-4-1 PURPOSE AND INTENT.

1. It is the purpose of this article to establish an orderly, efficient, and expeditious process for evidentiary hearings before the City Council.

2. The provisions of this article shall apply to a proceeding required by constitution, statute or Ordinance to be determined by the City Council after an opportunity for an evidentiary hearing.

1-4-2 GENERAL.

1. Record. A record of the entire proceedings shall be made by tape recording or by any other means of permanent recording determined to be appropriate by the City Council.

2. Reporting. The proceedings at the hearing may also be reported by a court reporter at the expense of any party.

3. Continuances. The City Council may grant continuances for good cause shown.

4. Oaths, Certification. The City Council or any member thereof has the power to administer oaths and affirmations.

5. Reasonable dispatch. The City Council and its representatives shall proceed with reasonable dispatch to conclude any matter before it. Due regard shall be shown for the convenience and necessity of any parties or their representatives.

1-4-3 FORM OF NOTICE OF HEARING.

The notice to parties shall be substantially in the following form, but may include other information:

"You are hereby notified that an evidentiary hearing will be held before the Madrid City Council at _____ on the _____ day of _____, 20____, at the hour _____, upon the notice and order served upon you. You may be present at the hearing. You may be, but need

not be, represented by counsel. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You may request the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by filing an affidavit therefor with the City Clerk."

1-4-4 SUBPOENAS. Filing of affidavit. The City Council may issue a subpoena for the attendance of witnesses or the production of other evidence at a hearing upon the request of a member of the City Council or upon the written demand of any party. The issuance and service of such subpoena shall be obtained upon the filing of an affidavit therefor which states the name and address of the proposed witness; specifies the exact things sought to be produced and the materiality thereof in detail to the issues involved; and states that the witness has the desired things in the witness's possession or under the witness's control. A subpoena need not be issued when the affidavit is defective in any particular.

1-4-5 CONDUCT OF HEARING.

1. Rules. Hearings need not be conducted according to the technical rules relating to evidence and witnesses.

2. Oral evidence. Oral evidence shall be taken only on oath or affirmation.

3. Hearsay evidence. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in this state.

4. Admissibility of evidence. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely upon in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in courts of competent jurisdiction in this state.

5. Exclusion of evidence. Irrelevant and unduly repetitious evidence shall be excluded.

6. Rights of parties. Each party shall have these rights, among others:

- a. To call and examine witnesses on any matter relevant to the issues of the hearing;
- b. To introduce documentary and physical evidence;
- c. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
- d. To impeach any witness regardless of which party first called the witness to testify;

- e. To rebut the evidence against the party; and
- f. To self-representation or to be represented by anyone of the party's choice who is lawfully permitted to do so.

7. Official notice.

a. What may be noticed. In reaching a decision, official notice may be taken, either before or after submission of the case for decision, of any fact which may be judicially noticed by the courts of this state or of official records of the City or its departments and Ordinances of the City.

b. Parties to be notified. Parties present at the hearing shall be informed of the matters to be noticed, and these matters shall be noted in the record, referred to therein, or appended thereto.

c. Opportunity to refute. Parties present at the hearing shall be given a reasonable opportunity, on request, to refute the officially noticed matters by evidence or by written or oral presentation of authority, the manner of such refutation to be determined by the City Council.

8. Inspection of the premises. The City Council may inspect any building or premises involved in the appeal during the course of the hearing, provided that:

a. Notice of such inspection shall be given to the parties before the inspection is made;

b. The parties are given an opportunity to be present during the inspection; and

c. The City Council shall state for the record, upon completion of the inspection, the material facts observed and the conclusions drawn therefrom. Each party then shall have a right to rebut or explain the matters so stated by the City Council.

1-4-6 METHOD AND FORM OF DECISION.

1. Hearings before the City Council where a contested case is heard before the City Council, no member thereof who did not hear the evidence or alternatively has not read or listened to the entire record of the proceedings shall vote on or take part in the decision. The City Council may designate a member or members to preside over the receipt of evidence. Such member or members shall prepare findings of fact for the City Council.

2. Form of decision. The decision shall be in writing and shall contain findings of fact, a determination of the issues presented, and the requirements to be complied with. A copy of the decision shall be delivered to the parties personally or sent to them by certified mail, postage prepaid, return receipt requested.

3. Effective date of decision. The effective date of the decision shall be stated therein.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 1 CITY CHARTER

| | | | |
|-------|--------------------|-------|---------------------------------|
| 2-1-1 | Charter | 2-1-4 | Number and Term of City Council |
| 2-1-2 | Form of Government | 2-1-5 | Term of Mayor |
| 2-1-3 | Powers and Duties | 2-1-6 | Copies on File |

2-1-1 CHARTER. This chapter may be cited as the Charter of the City of Madrid, Iowa.

2-1-2 FORM OF GOVERNMENT. The form of government of the City of Madrid, Iowa, is the Mayor-Council form of government.

(Code of Iowa, Sec. 372.4)

2-1-3 POWERS AND DUTIES. The City Council and Mayor and other City officers shall be empowered to perform such duties as are authorized or required by state law and by the Ordinances, resolutions, rules and regulations of the City of Madrid, Iowa.

2-1-4 NUMBER AND TERM OF CITY COUNCIL. The City Council consists of two (2) Council members elected At Large and one (1) Council member from each of three (3) Wards as established by this Code of Ordinances, elected for overlapping terms of four (4) years.

(Code of Iowa, Sec. 372.4)

(Code of Iowa, Sec. 376.2)

2-1-5 TERM OF MAYOR. The Mayor is elected for a term of four years.

(Code of Iowa, Sec. 372.4)

(Code of Iowa, Sec. 376.2)

2-1-6 COPIES ON FILE. The City Clerk shall keep an official copy of the charter on file with the official records of the City Clerk, shall immediately file a copy with the Secretary of State of Iowa, and shall keep copies of the charter available at the City Clerk's office for public inspection.

(Code of Iowa, Sec. 372.1)

TITLE II POLICY AND ADMINISTRATION

CHAPTER 2 APPOINTMENT AND QUALIFICATIONS OF MUNICIPAL OFFICERS

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| 2-2-1 | Creation of Appointive Officers | 2-2-6 | Surety |
| 2-2-2 | Appointment of Officers | 2-2-7 | Blanket Position Bond |
| 2-2-3 | Terms of Appointive Officers | 2-2-8 | Bonds Filed |
| 2-2-4 | Vacancies in Offices | 2-2-9 | Boards and Commissions |
| 2-2-5 | Bonds Required | | |

2-2-1 CREATION OF APPOINTIVE OFFICERS. There are hereby created the following appointive officers: Clerk, Public Safety Director, Attorney, Public Works Director, and Fire Chief (Director).

2-2-2 APPOINTMENT OF OFFICERS. The Mayor shall appoint a Mayor Pro Tempore and shall appoint and may dismiss the Public Safety Director with the consent of a majority of the City Council.

The City Council shall appoint the first Fire Chief of the volunteer fire department for a term of two (2) years. Future Fire Chiefs shall be elected for terms of two (2) years by the members of the volunteer Fire Department, with the approval of the City Council.

All other officers shall be appointed or selected by the City Council unless otherwise provided by law or Ordinance.

(Code of Iowa, Sec. 372.4(2))

2-2-3 TERMS OF APPOINTIVE OFFICERS. The terms of all appointive officers that are not otherwise fixed by law or Ordinance shall be two (2) years.

2-2-4 VACANCIES IN OFFICES. Vacancies in appointive office shall be filled in accordance with State law.

2-2-5 BONDS REQUIRED. Each municipal officer required by law or Ordinance to be bonded shall, before entering upon the duties of the office, execute to the City a good and sufficient bond, to be approved by the City Council, conditioned on the faithful performance of the duties and the proper handling and accounting for the money and property of the City in the official's charge unless the City Council shall have provided for a blanket position surety bond.

(Code of Iowa, Sec. 64.13)

2-2-6 SURETY. Any association or corporation which makes a business of insuring the fidelity of others and which has authority to do such business within Iowa shall be accepted as surety on any of the bonds.

2-2-7 BLANKET POSITION BOND. The City Council shall provide for a blanket position bond to cover all officers and employees of the City, but the City Council may provide by resolution for a surety bond for any other officer or employee that the City Council deems necessary. The City shall pay the premium on any official bond.

(Code of Iowa, Sec. 64.13)

2-2-8 BONDS FILED. All bonds when duly executed shall be filed with the Clerk, except that the Clerk's bond shall be filed with the Mayor.

(Code of Iowa, Sec. 64.23)

2-2-9 BOARDS AND COMMISSIONS.

1. Membership and Sections: Membership and selections of members of boards and commissions shall be as specified in this Chapter or the Code of Iowa. Any committee, board, or commission so established shall cease to exist upon the accomplishment of the special purpose for which it was created, or when abolished by a majority vote of the City Council or as specified in the Code of Iowa.

2. Residency Requirement: No person shall be appointed or reappointed to a committee, board, or commission or ad hoc committee created by such committee, board, or commission unless such person is, at the time of such appointment or reappointment, a resident of the City, and any person so appointed or reappointed shall maintain such residency during the term of the appointment or reappointment. Any member of a committee, board, or commission or ad hoc committee created by such committee, board, or commission who fails to maintain such residency shall be deemed removed as of the date of such change of residency, any provision in this Code to the contrary notwithstanding. If the board or commission cannot be filled by Madrid Residents, the council may vote to consider residents living in the county.

3. Removal of Members of Boards and Commissions: Except as otherwise provided by state or city law, all person appointed to city office may be removed by the City Council. Every such removal shall be by written order. The order shall give the reasons, be filed in the office of the city clerk, and a copy shall be sent by certified mail to the person removed who, upon request filed with the city clerk within thirty 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 thirty days of the date the request is filed, unless the person removed requests a later date.

(Code of Iowa, Sec. 372.15)

4. Gender Balance: Boards and commissions shall be gender balanced in accordance with Section 69.16A (Iowa Code).

TITLE II POLICY AND ADMINISTRATION

CHAPTER 3 POWERS AND DUTIES OF MUNICIPAL OFFICERS

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| 2-3-2 | Books and Records | | |
| 2-3-3 | Transfer of Records and Property To Successor | 2-3-9 | Powers and Duties of the Public Works Director |
| 2-3-4 | Powers and Duties of the Mayor | 2-3-10 | Powers and Duties of the Fire Chief |
| 2-3-5 | Powers and Duties of the Clerk | | |
| 2-3-6 | Powers and Duties of the City Treasurer | | |
| 2-3-7 | Powers and Duties of the Public Safety Director | | |

2-3-1 GENERAL DUTIES. Each municipal officer shall exercise the powers and perform the duties prescribed by law and Ordinance, or as otherwise directed by the City Council unless contrary to State law or City charter.

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

2-3-2 BOOKS AND RECORDS. All books and records required to be kept by law or Ordinance shall be open to inspection by the public upon request, except records required to be confidential by state or federal law.

(Code of Iowa, Sec. 22.1, 22.2, and 22.7)

2-3-3 TRANSFER OF RECORDS AND PROPERTY TO SUCCESSOR. Each officer shall transfer to the official's successor in office all books, papers, records, documents and property, together with an invoice of the same, in the official's custody and appertaining to the official's office.

2-3-4 POWERS AND DUTIES OF THE MAYOR. The duties of the Mayor shall be as follows:

1. The Mayor shall supervise all departments of the City and give direction to department heads concerning the functions of the departments. The Mayor shall 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, Section 372.14(1))

2. The Mayor shall act as presiding officer at all regular and special City Council meetings. The Mayor pro tem shall serve in this capacity in the Mayor's absence.

(Code of Iowa, Sec. 372.14(1) and (3))

3. 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 City Council at the time of the veto. Within thirty days after the Mayor's veto, the City Council may pass the measure again by a vote to not less than two-thirds of all of the members of the City Council. If the Mayor vetoes an ordinance, amendment, or resolution and the City 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.

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

(Code of Iowa. Sec. 380.6)

(Amended during 2008)

4. The Mayor shall represent the City in all negotiations properly entered into in accordance with law or Ordinance. The Mayor shall not represent the City where this duty is specifically delegated to another officer by law or Ordinance.

5. The Mayor shall represent the City whenever authorized to sign all contracts on behalf of the City, but shall not when this duty is specifically delegated to another officer by law, ordinance, or City Council direction.

6. The Mayor shall call special meetings of the City Council when the Mayor deems such meetings necessary to the interests of the City.

7. The Mayor shall make such oral or written reports to the City Council at the first meeting of every month as referred. These reports shall concern municipal affairs generally, the municipal departments, and recommendations suitable for City Council action.

8. Immediately after taking office the Mayor shall designate one member of the City Council as Mayor pro tempore. The Mayor pro tempore shall be vice-president of the City Council. Except for the limitations otherwise provided herein, the Mayor pro tempore shall perform the duties of the Mayor in cases of absence or inability of the Mayor to perform the duties of the office. In the exercise of the duties of the office the Mayor pro tempore shall not have power to appoint, employ or discharge from employment officers or employees without the approval of the City Council. The Mayor pro tempore shall have the right to vote as a member of the City Council.

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

9. The Mayor shall, upon order of the City Council, secure for the City such specialized and professional services not already available to the City. In executing the order of the City Council the Mayor shall conduct said duties in accordance with the City Ordinance and the laws of the State of Iowa.

10. The Mayor shall sign all licenses and permits which have been granted by the City Council, except those designated by law or Ordinance to be issued by another municipal officer.

11. Upon authorization of the City Council, the Mayor shall revoke permits or licenses granted by the City Council when their terms, the Ordinances of the City, or the laws of the State of Iowa are violated by holders of said permits or licenses.

12. The Mayor shall order to be removed, at public expense, any nuisance for which no person can be found responsible and liable. This order shall be in writing. The order to remove said nuisances shall be carried out by the Public Safety Director.

13. The Mayor may 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))

14. The Mayor shall, upon confirmation of the City Council, create volunteer committees for specific purpose of planning and executing activities for special events. Such committees shall have all the powers and duties granted to other established committees, boards, and commissions, including (but not limited to) the expenditure of all funds appropriated to it by the City Council, either by budget, gift, or trust bequest. Each committee created shall be named and have a term of longevity assigned to it by a resolution approved by the City Council.

15. The Mayor shall, when required, attend meetings of various county and philanthropic organizations as required by their bylaws.

2-3-5 POWERS AND DUTIES OF THE CLERK. The City Council may appoint by majority vote a Deputy City Clerk. The duties of the Deputy City Clerk shall be designated by the City Clerk. The duties of the Clerk shall be as follows:

1. The Clerk shall attend all regular and special City Council meetings and prepare and publish a condensed statement of the proceedings thereof, to include the total expenditure from each City fund, within fifteen (15) days of the City Council meeting. The statement shall further include a list of all claims allowed, a summary of all receipts and the gross amount of the claims.

(Code of Iowa, Sec. 372.13(4) and (6))

2. The Clerk shall record each measure taken by the City Council, stating where applicable whether the Mayor signed, vetoed, or took no action on the measure and what action the City Council made upon the Mayor's veto.

(Code of Iowa, Sec. 380.7(1))

3. The Clerk shall cause to be published either the entire text or a summary of all Ordinances and amendments enacted by the City. "Summary" shall mean a narrative description of the terms and conditions of an Ordinance setting forth the main points of the Ordinance in a manner calculated to inform the public in a clear and understandable manner the meaning of the Ordinance and which shall provide the public with sufficient notice to conform to the desired conduct required by the Ordinance. The description shall include the title of the Ordinance, an accurate and intelligible abstract or synopsis of the essential elements of the Ordinance, a statement that the description is a summary, the location and the normal business hours of the office where the Ordinance may be inspected, when the Ordinance becomes effective, and the full text of any provisions imposing fines, penalties, forfeitures, fees, or taxes. Legal descriptions of property set forth in Ordinances shall be described in full, provided that maps or charts may be substituted for legal descriptions when they contain sufficient detail to clearly define the area with which the Ordinance is concerned. The narrative description shall be written in a clear and coherent manner and shall, to the extent possible, avoid the use of technical or legal terms not generally familiar to the public. When necessary to use technical or legal terms not generally familiar to the public, the narrative description shall include definitions of those terms.

The Clerk shall authenticate all such measures except motions with said Clerk's signature, certifying the time and place of publication when required.

(Code of Iowa, Sec. 380.7(1) and (2))

4. The Clerk shall maintain copies of all effective City Ordinances and codes for public review.

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

5. The Clerk shall publish notice of public hearings, elections and other official actions as required by State and City law.

(Code of Iowa, Sec. 362.3)

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

(Code of Iowa, Sec. 380.11)

7. The Clerk shall be the chief accounting officer of the City.

8. The Clerk shall keep separate accounts for every appropriation, department, public improvement or undertaking, and for every public utility owned or operated by the City. Each account shall be kept in the manner required by law.

(Code of Iowa, Sec. 384.20)

9. Following City Council adoption for the budget, the Clerk shall certify the necessary tax levy for the following year to the County Auditor and the County Board of Supervisors.

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

10. The Clerk shall report to the City Council at the first meeting of each month the status of each municipal account as of the end of the previous month.

11. The Clerk shall balance all funds with the bank statement at the end of each month.

12. The Clerk shall prepare the annual public report, publish it, and send a certified copy to the State Auditor and other State officers as required by law.

(Code of Iowa, Sec. 384.22)

13. The Clerk shall maintain all City records as required by law.

(Code of Iowa, Sec. 372.13(3) and (5))

14. The Clerk shall have custody and be responsible for the safekeeping of all writings or documents in which the municipality is a party in interest unless otherwise specifically directed by law or Ordinance.

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

15. The Clerk shall file and preserve all receipts, vouchers, and other documents kept, or that may be required to be kept, necessary to prove the validity of every transaction and the identity of every person having any beneficial relation thereto.

16. The Clerk shall 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 the Clerk's duty. The Clerk shall furnish a copy to any citizen when requested upon payment of the fee set by City Council resolution. The Clerk shall, under the direction of the Mayor or other authorized officer, affix the seal of the corporation to those public documents or instruments which by Ordinance are required to be attested by the affixing of the seal.

(Code of Iowa, Sec. 380.7(4), Sec. 22.2 and 22.7)

17. The Clerk shall keep and file all communications and petitions directed to the City Council or to the City generally. The Clerk shall endorse thereon the action of the City Council taken upon matters considered in such communications and petitions.

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

18. The Clerk shall issue all licenses and permits approved by the City Council, and keep a record of licenses and permits issued which shall show a 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))

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

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

20. The Clerk shall preserve a complete record of every City election, regular or special and perform duties required by law or Ordinance of the City Clerk in regard to elections.

(Code of Iowa, Sec. 376.4)

21. The Clerk shall draw all warrants/checks for the City upon the vote of the City Council.

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

22. The Clerk shall show on every warrant/check the fund on which it is drawn and the claim to be paid.

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

23. The Clerk shall keep a warrant/check record in a form approved by the City Council, showing the number, date, amount, payee's name, upon what fund drawn, and for what claim each warrant/check is issued.

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

24. The Clerk shall bill and collect all charges, rents or fees due the City for utility and other services, and give a receipt therefor.

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

25. Annually, the Clerk shall prepare and submit to the City Council an itemized budget of revenues and expenditures.

(Code of Iowa, Sec. 384.16)

26. The Clerk shall keep the record of each fund separate.

(Code of Iowa, Sec. 372.13(4) and 384.85)

27. The Clerk shall keep an accurate record for all money or securities received by the Clerk on behalf of the municipality and specify date, from whom, and for what purposes received.

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

28. The Clerk shall prepare a receipt in duplicate for all funds received. The Clerk shall give the original to the party delivering the funds, and retain the duplicate.

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

29. The Clerk shall keep a separate account of all money received by the Clerk for special assessments.

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

30. The Clerk shall, immediately upon receipt of monies to be held in the Clerk's custody and belonging to the City, deposit the same in banks selected by the City Council in amounts not exceeding monetary limits authorized by the City Council.

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

31. The City seal is in the custody of the City Clerk and shall be attached by the City 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 "CITY OF MADRID" and around the margin of which are the words "INCORPORATED" and "IOWA."

2-3-6 POWERS AND DUTIES OF THE CITY TREASURER. The duties of the City Treasurer shall be as follows:

1. The City Treasurer shall reconcile the City Clerk's books and records and certify monthly to the City Council the balance of cash and investments of each fund and amounts received and disbursed.

2. The City Treasurer shall perform such other duties as specified by the City Council by resolution or ordinance.

2-3-7 POWERS AND DUTIES OF THE PUBLIC SAFETY DIRECTOR. The duties of the Public Safety Director shall be as follows:

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

1. The Public Safety Director shall wear upon the Public Safety Director's outer garment and in plain view a badge engraved with "Police", and such uniform as may be specified by the City Council.

(Public Safety Director is not required to wear a uniform or wear a badge that is in plain view.)

2. The Public Safety Director shall assist prosecutors in prosecuting any persons for the violation of an Ordinance by gathering all the facts and circumstances surrounding the case.

3. The Public Safety Director shall be sergeant-at-arms of the Council chamber when requested by the City Council.

4. The Public Safety Director shall report to the City Council upon activities as Public Safety Director when requested.

5. The Public Safety Director shall protect the rights of persons and property, preserve order at all public gatherings, prevent and abate nuisances, and protect persons against every manner of unlawful disorder and offense.

6. The Public Safety Director shall have charge of the City jail when such is provided and of all persons held therein. The Public Safety Director shall execute all orders of the court referring to the jail. The Public Safety Director shall feed and shelter persons jailed in the usual manner and as required by law. When no City jail is provided, the Public Safety Director shall make arrangements to convey any persons requiring detention to the County jail as provided by law and agreements with the County.

7. The Public Safety Director shall, whenever any person is bound over to the district court, convey the prisoner to the County jail.

8. The Public Safety Director shall execute all lawful orders of any board or commission established by the City Council.

9. The Public Safety Director shall be in command of all officers appointed for police work and be responsible for the care, maintenance and use of all vehicles and equipment for the department.

10. The Public Safety Director may appoint one or more assistant Public Safety Directors, with approval of the City Council, who may perform the Public Safety Director's duties and who shall be members of the police force.

11. The Public Safety Director shall make such rules, not in conflict with the provisions of this Ordinance, as needed for the detailed operation of the police department, subject to the approval of the City Council. Such rules shall cover off-duty and on-duty conduct and activity of members, the wearing and care of the uniform, the use and practice with side arms and other police weapons, the use of police radio and other communications, attendance at training meetings and such other matters as the Public Safety Director determines to be necessary for the operation of the police department. The Public Safety Director shall see that the discipline and conduct of the department conforms to rules of the department. In the event of an emergency the Public Safety Director may make temporary rules for the protection of the health, safety, and welfare of the City and its citizens until due consideration by the City Council may be had.

12. The Public Safety Director shall, when requested, aid other municipal officers in the execution of their official duties.

13. The Public Safety Director shall report all motor vehicle accidents the police department investigates in the regular course of duty to the Iowa Department of Public Safety as provided by law.

14. The Public Safety Director shall keep a record of all arrests made in the City by police officers. The Public Safety Director shall record whether said arrest was made under provisions of the laws of the State of Iowa or Ordinances of the City. The record shall show the offense for which arrest was made, who made the arrest, and the disposition made of the charge.

At least every year the Public Safety Director shall review and determine the current status of all Iowa arrests reported, which are at least one year old with no disposition data. Any Iowa arrest recorded within a computer data storage system which has no disposition data after four years shall be removed unless there is an outstanding arrest warrant or detainer on such charge.

15. The Public Safety Director is responsible for overseeing and insuring the training and certification of all officers in regards to professionalization, current trends, and best practices.

2-3-8 POWERS AND DUTIES OF THE CITY ATTORNEY. The duties of the City Attorney shall be as follows:

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

1. Upon request, the City Attorney shall attend regular meetings of the City Council and attend those special meetings of the City Council at which the City Attorney is required to be present.

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

3. The City Attorney shall keep in proper files a record of all official opinions and a docket or register of all actions prosecuted and defined by the City Attorney accompanied by all proceedings relating to said actions.

4. The City Attorney shall, upon request, give an opinion in writing upon all questions of law relating to municipal matters submitted by the City Council, the Mayor, members of the City Council individually, municipal boards or the head of any municipal department.

5. The City Attorney shall prepare those Ordinances when the City Council may desire and direct to be prepared and report to the City Council upon all Ordinances before their final passage by the City Council and publication.

6. 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 City Council.

7. The City Attorney shall, however, if directed by the City Council, appear to defend any municipal 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.

8. 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.

9. The City Attorney shall make a written report to the City Council and interested department heads of the defects in all contracts, documents, authorized power of any City officer, and Ordinances submitted to said City Attorney or coming under said City Attorney's notice.

10. The City Attorney shall, upon request, after due examination, offer a written opinion on and recommend alterations pertaining to contracts involving the City before they become binding upon the City or are published.

2-3-9 POWERS AND DUTIES OF THE PUBLIC WORKS DIRECTOR. The duties of the Public Works Director shall be as follows:

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

1. The Director shall supervise the installation of all storm sewers in the City in accordance with the regulations of the department of public works pertaining to the installation of storm sewers.

2. The Director shall supervise maintenance and repair of sidewalks, alleys, bridges, and streets and keep them in a reasonably safe condition for travelers. The Director shall immediately investigate all complaints of the existence of dangerous or impassable conditions of any sidewalk, street, alley, bridge, underpass or overpass, or other city property, and is charged with the duty of correcting unsafe defects.

3. The Director shall, whenever snow or ice imperil travel upon streets and alleys, be in charge of removing said snow and ice from the streets and alleys in the City and shall do whatever else is necessary and reasonable to make travel upon streets and alleys of the City safe.

4. The Director shall compile and maintain written records of the purchases, accomplishments, disposition of equipment and manpower, an up-to-date inventory, and activities contemplated by the street department. The Director shall make monthly oral and written reports of the activities of the department to the Mayor on or before the first day of each month.

5. The Director shall perform all other duties of a public works nature which are not specifically assigned to other municipal officials or employees.

6. The Director shall be responsible for the management, operation, and maintenance of all municipal utilities.

7. The Director shall keep records of accounts payable, revenues, accounts receivable, expenditures made, depreciation of plant and equipment, and a continuous up-to-date inventory of all goods and supplies. The Director shall keep all other records ordered to be kept by the Mayor in addition to those provided for by law or Ordinance

8. The Director shall make a report every month in writing to the Mayor and City Council on the present state of the public utilities. In this report shall be specifically stated the financial condition, production and the general condition of the entire utilities enterprise. The Director shall, at the close of every year, compile (or cause to be compiled) a written annual report of the activities and general condition of the public utilities of the City. This report shall contain a statement of the general progress and accomplishments of the plants and systems for the year covered in the report; a statement of financial operations for the year showing revenues, expenditures, and profits or losses; a summary of the history of the financial operations of the plant for the past five (5) years showing total revenue, cost of operations, depreciation, interest on bonds and net profits; a statement of free services rendered to the municipality during the year and their estimated cash value; a statement of the rate schedules that are presently in effect; and a balance sheet with a statement of all assets, liabilities and reserves.

2-3-10 POWERS AND DUTIES OF THE FIRE CHIEF. The duties of the Fire Chief shall be as follows:

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

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

2. The Fire Chief shall enforce all rules and regulations established by the City Council for the conduct of the affairs of the fire department.

3. The Fire Chief shall exercise and have full control over the disposition of all fire apparatus, tools, equipment and other property used by or belonging to the fire department.

4. The Fire Chief shall cause to be kept records of the fire department personnel, operating cost and efficiency of each element of firefighting equipment, depreciation of all equipment and apparatus, the number of responses to alarms, their cause and location, and an analysis of losses by value, type and location of buildings.

5. The Fire Chief shall make monthly written reports on or before the fifth day of each month to the Mayor and City Council concerning the general status and efficiency of the fire department, the number of alarms answered during the month previous, and additional information that may be requested by the Mayor or the City Council. The Fire Chief shall compile an annual report based upon the records maintained by the fire department and summarizing the activities of the fire department for the year. This report shall be filed with the Mayor. The annual report shall also contain recommendations for the improvement of the department.

6. The Fire Chief shall enforce all Ordinances and, where enabled, state laws regulating the following:

a. Fire prevention.

- b. Maintenance and use of fire escapes.
 - c. The investigation of the cause, origin and circumstances of fires.
 - d. The means and adequacy of exits in case of fire from halls, theatres, churches, hospitals, asylums, lodging houses, schools, factories and all other buildings in which the public congregates for any purpose.
 - e. The installation and maintenance of private fire alarm systems and fire extinguishing equipment.
7. The Fire Chief shall have the right of entry into any building or premises within the Fire Chief's jurisdiction at a reasonable time and after reasonable notice to the occupant or owner. The Fire Chief shall there conduct such investigation or inspection that the Fire Chief considers necessary in light of state law, regulations or Ordinance.
8. The Fire Chief shall make such recommendations to owners, occupants, caretakers or managers of buildings necessary to eliminate fire hazards.
9. The Fire Chief shall, at the request of the State Fire Marshal, and as provided by law, aid said Marshal in the performance of the Marshal's duties by investigating, preventing and reporting data pertaining to fires.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 4 SALARIES OF MUNICIPAL OFFICERS

- | | | | |
|-------|----------------|-------|----------------|
| 2-4-1 | Council Member | 2-4-3 | Mayor Pro Tem |
| 2-4-2 | Mayor | 2-4-4 | Other Officers |

2-4-1 COUNCIL MEMBER. The salaries of each City Council member shall be \$25.00 for each meeting attended of the City Council, plus \$5.00 for each committee meeting attended. For any “special meetings” the City Council holds, the attending City Council members shall receive \$30.00.
(Code of Iowa, Sec. 372.13(8))

2-4-2 MAYOR. The salary of the Mayor is \$125.00 per month contingent upon attendance of the monthly City Council meetings, required public functions, and other meeting requirements.
(Code of Iowa, Sec. 372.13(8))

2-4-3 MAYOR PRO TEM. If the Mayor Pro Tem performs the duties of the Mayor during the Mayor's absence or disability for a continuous period of fifteen days or more, the Mayor Pro Tem may be paid for that period the compensation determined by the City 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))

2-4-4 OTHER OFFICERS. The compensation of all other officers and employees shall be set by resolution of City Council.
(Code of Iowa, Sec. 372.13(4))

TITLE II POLICY AND ADMINISTRATION

CHAPTER 5 CITY FINANCE

| | | | |
|-------|--------------------------|--------|--------------------------|
| 2-5-1 | Budget Adoption | 2-5-8 | Budget Officer |
| 2-5-2 | Budget Amendment | 2-5-9 | Expenditures |
| 2-5-3 | Budget Protest | 2-5-10 | Authorizations to Expend |
| 2-5-4 | Accounts and Programs | 2-5-11 | Accounting |
| 2-5-5 | Reports | 2-5-12 | Budget Accounts |
| 2-5-6 | Council Transfers | 2-5-13 | Contingency Accounts |
| 2-5-7 | Administrative Transfers | | |

2-5-1 BUDGET ADOPTION. Annually, the City shall prepare and adopt a budget, and shall certify taxes as follows:

(Code of Iowa, Sec. 384.16)

1. A budget shall be prepared for at least the following fiscal year. When required by rules of the State City finance committee, a tentative budget shall be prepared for one or two ensuing years. The proposed budget shall show estimates of the following:

- a. Expenditures for each program.
- b. Income from sources other than property taxation.
- c. Amount to be raised by property taxation, and the property tax rate expressed in dollars per one thousand dollars valuation.

The budget shall show comparisons between the estimated expenditures in each program in the following year and the actual expenditures in each program during the two preceding years. Wherever practicable, as provided in rules of the State City finance committee, a budget shall show comparisons between the levels of service provided by each program as estimated for the following year, and actual levels of service provided by each program during the two preceding years.

2. Not less than twenty days before the date that the budget must be certified to the County Auditor and not less than ten days before the date set for hearing, the Clerk shall provide a sufficient number of copies of the budget to meet reasonable demands of taxpayers, and have them available for distribution at the offices of the Mayor and Clerk and at the City library, if any, or at three places designated by Ordinance for posting notices.

(Amended in 2012) [Code of Iowa, Sec. 384.16(2)]

3. The City Council shall set a time and place for a public hearing on the budget before the final certification date and shall publish notice before the hearing as provided in Iowa law. Proof of publication shall be filed with the County Auditor.

4. At the hearing, any resident or taxpayer of the City may present to the City Council objections to any part of the budget for the following fiscal year or arguments in favor of any part of the budget.

5. After the hearing, the City Council shall adopt a budget for at least the following fiscal year, and the Clerk shall certify the necessary tax levy for the following 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, unless an additional tax levy is approved at a City election. Two copies of the complete budget as adopted shall be transmitted to the County Auditor.

2-5-2 BUDGET AMENDMENT. The City budget as finally adopted for the following fiscal year becomes effective July first and constitutes the City appropriation for each program and purpose specified therein until amended. The City budget for the current fiscal year may be amended for any of the following purposes:

(Code of Iowa, Sec. 384.18)

1. To permit the appropriation and expenditures of unexpended, unencumbered cash balances on hand at the end of the preceding fiscal year which had not been anticipated in the budget.

2. To permit the appropriation and expenditure of amounts anticipated to be available from sources other than property taxation, and which had not been anticipated in the budget.

3. To permit transfers from the debt service fund, the capital improvements reserve fund, the emergency fund, or other funds established by State law, to any other City fund, unless specifically prohibited by State law.

4. To permit transfers between programs within the general fund.

The budget amendment shall be prepared and adopted in the same manner as the original budget, and is subject to protest as provided in Section 2-5-3 of this chapter, except that the City Finance Committee may by rule provide that amendments of certain types or up to certain amounts may be made without public hearing and without being subject to protest.

2-5-3 BUDGET PROTEST. Within a period of ten days after the final date that the budget or amended budget may be certified to the County Auditor, persons affected by the budget may file a written protest with the County Auditor, specifying their objection to the budget or any part of it. A protest must be signed by qualified voters equal in number to one-fourth of one percent of the votes cast for governor in the last preceding general election in the City, but not less than ten persons, and the number need not be more than one hundred persons.

(Code of Iowa, Sec. 384.19)

2-5-4 ACCOUNTS AND PROGRAMS. The City shall keep separate accounts corresponding to the programs and items in its adopted or amended budget, as recommended by the State City Finance Committee.

The City shall keep accounts which show an accurate and detailed statement of all public funds collected, received, or expended for any City purpose, by any City officer, employee, or other person, and which show the receipt, use, and disposition of all City property. Public monies may not be expended or encumbered except under an annual or continuing appropriation.

(Code of Iowa, Sec. 384.20)

2-5-5 REPORTS. The city clerk shall prepare or oversee the preparation of and file the following financial reports:

1. Monthly Reports. There shall be submitted to the City Council each month a report showing the activity and status of each fund, program, sub-program and activity for the preceding month. Each month, there shall also be a reconciliation report between that of the City Clerk and the City Treasurer as to the financial status of the City.

2. Annual Report. Not later than December first of each year the City shall publish 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 this report shall be furnished to the Auditor of State.

(Code of Iowa, Sec. 384.22)

2-5-6 COUNCIL TRANSFERS. When the City Clerk determines that one or more appropriation accounts need added authorizations to meet required expenditures therein the City Clerk shall inform the City Council or if the City Council upon its own investigation so determines, and another account within the same programs has an appropriation in excess of foreseeable needs, or, in the case of a clear emergency or unforeseeable need, the contingency account has an unexpended appropriation which alone or with the other accounts can provide the needed appropriations, the City Council shall set forth by resolution the reductions and increases in the appropriations and the reason for such transfers. Upon the passage of the resolution and approval by the Mayor, as provided by law for resolutions, the City Clerk shall cause the transfers to be set out in full in the minutes and be included in the published proceedings of the City Council. Thereupon the Clerk, and where applicable, the City Treasurer, shall cause the appropriation to be revised upon the appropriation expenditure ledgers of the City, but in no case shall the total of the appropriation of a program be increased except for transfers from the contingency account nor shall the total appropriation for all purposes be increased except by a budget amendment made after notice and hearing as required by law for such amendments.

(IAC, Sec. 545.2.4(384,388))

2-5-7 ADMINISTRATIVE TRANSFERS. The City Clerk shall have power to make transfers within a single activity between objects of expenditures within activities without prior City Council approval.

The City Clerk shall have the power to make transfers between activities, or between sub-programs without prior City Council approval to meet expenditures which exceed estimates or are unforeseen but necessary to carry out City Council directives or to maintain a necessary service and provide the required appropriation balance. When a given transfer, considering all previous transfers to or from any activity to exceed by ten percent greater or ten percent less than the original appropriation, it shall be presented to the City Council as a resolution including all such administrative transfers to date in the fiscal year for consideration and passage as presented, or as amended by the City Council.

(IAC, Sec. 545.2.4(384,388))

2-5-8 BUDGET OFFICER. The City Clerk shall be the City budget officer and is responsible for preparing the budget data in cooperation with the City Council or Mayor. The City Clerk shall be responsible for carrying out the authorizations and plans in the budget as set forth in the budget, subject to City Council control and the limitations set out in this Ordinance.

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

2-5-9 EXPENDITURES. No expenditure shall be authorized by any City officer or employee except as herein provided. Purchases not exceeding one thousand dollars (\$1,000) of a non-budgeted expense may be made by those officials authorized by the City Council. Purchases from petty cash shall be excepted.

2-5-10 AUTHORIZATIONS TO EXPEND. All purchase orders other than those excepted herein shall be authorized by the City budget officer after determining whether the purchase, if a major item, has been authorized by the budget or other City Council approval. The Clerk shall then determine whether a purchase order may be issued by checking the availability of an appropriation. If no adequate appropriation is available for the expenditure contemplated a budget amendment to transfer of appropriation shall be made in accordance with power delegated by City Council and within the limits set by law and the City Council. The Clerk shall draw a warrant/check only upon an invoice received, or progress billing for a public improvement, supported by a purchase order and a signed receipt or other certification indicating the material has been delivered of the quality and in the quantities indicated or the services have been performed satisfactorily to the extent invoiced.

2-5-11 ACCOUNTING. The Clerk shall set up and maintain books of original entry to provide a chronological record of cash received and disbursed through all receipts given and warrants written, which receipts and warrants shall be prenumbered, in accordance with modern, accepted methods, and the requirement of the state. The Clerk shall keep a general ledger controlling all cash transactions, budgetary accounts and recording unappropriated surpluses. Warrants/checks shall be signed by two of the following: Mayor, City Clerk, Deputy City Clerk or others as appointed by the City Council.

(Code of Iowa, Sec. 384.20)

2-5-12 BUDGET ACCOUNTS. The Clerk shall set up such individual accounts to record receipts by source and expenditures by program and purpose as will provide adequate information and control for budgetary purposes as planned and approved by the City Council. Each individual account shall be maintained within its proper fund as required by City Council order or State law and shall be so kept that receipts can be immediately and directly compared with specific estimates and expenditures can be related to the appropriation which authorized it. No expenditure shall be posted except to the appropriation for the function and purpose for which the expense was incurred.

(Code of Iowa, Sec. 384.20)

2-5-13 CONTINGENCY ACCOUNTS. Whenever the City Council shall have budgeted for a contingency account the Clerk shall set up in the accounting records but the Clerk shall not charge any claim to a contingency account. Said contingency accounts may be drawn upon only by City Council resolution directing a transfer to a specific purpose account within its fund and then only upon compelling evidence of an unexpected and unforeseeable need or emergency.

All administrative transfers shall be reported in writing at the next regular meeting of the City Council after being made and the facts set out in the minutes for the information of the Mayor and City Council.

TITLE II POLICY AND ADMINISTRATION

CHAPTER 6 POLICE DEPARTMENT

| | | | |
|-------|------------------------------|--------|--------------------------------|
| 2-6-1 | Department Established | 2-6-7 | Public Safety Director; Duties |
| 2-6-2 | Organization | 2-6-8 | Departmental Rules |
| 2-6-3 | Peace Officer Qualifications | 2-6-9 | Summoning Aid |
| 2-6-4 | Required Training | 2-6-10 | Taking Weapons |
| 2-6-5 | Compensation | 2-6-11 | Contract Law Enforcement |
| 2-6-6 | Peace Officers Appointed | | |

2-6-1 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.

2-6-2 ORGANIZATION. The department consists of the Public Safety Director and such other law enforcement officers and personnel, whether full or part-time, as may be authorized by the City Council.

2-6-3 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)

2-6-4 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))

2-6-5 COMPENSATION. Members of the department are designated by rank and receive such compensation as shall be determined by resolution of the City Council.

2-6-6 PEACE OFFICERS APPOINTED. The Mayor with the consent of a majority of the City Council shall appoint the Public Safety Director. The Public Safety Director shall appoint, subject to the approval of the Mayor, the other members of the department.
(Code of Iowa, Sec. 372.4(2))

2-6-7 PUBLIC SAFETY DIRECTOR; DUTIES. The Public Safety Director has the following powers and duties subject to the approval of the City Council.
(Code of Iowa, Sec. 372.13(4))

1. General. Perform all duties required of the Public Safety Director 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 Public Safety Director.

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 City Council an annual report as well as such other reports as may be requested by the Mayor or City 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.

11. Expenditures. Have the spending authority of expenditures up to \$1,000.00 without seeking City Council authorizations.

2-6-8 DEPARTMENTAL RULES. The Public Safety Director shall establish such rules, not in conflict with the Code of Ordinances, and subject to the approval of the City Council, as may be necessary for the operation of the department.

2-6-9 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)

2-6-10 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)

2-6-11 CONTRACT LAW ENFORCEMENT. In lieu of the appointment of a Public Safety Director by the Mayor, the City Council may contract with the County Sheriff or any other qualified lawful entity to provide law enforcement services within the City and in such event the Sheriff or such other entity shall have and exercise the powers and duties of the Public Safety Director as provided herein.

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

TITLE II POLICY AND ADMINISTRATION

CHAPTER 7 CITY COUNCIL

2-7-1 Powers and Duties
2-7-2 Exercise of Power

2-7-3 Meetings

2-7-1 POWER AND DUTIES. The powers and duties of the City Council include, but are not limited to the following:

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

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

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

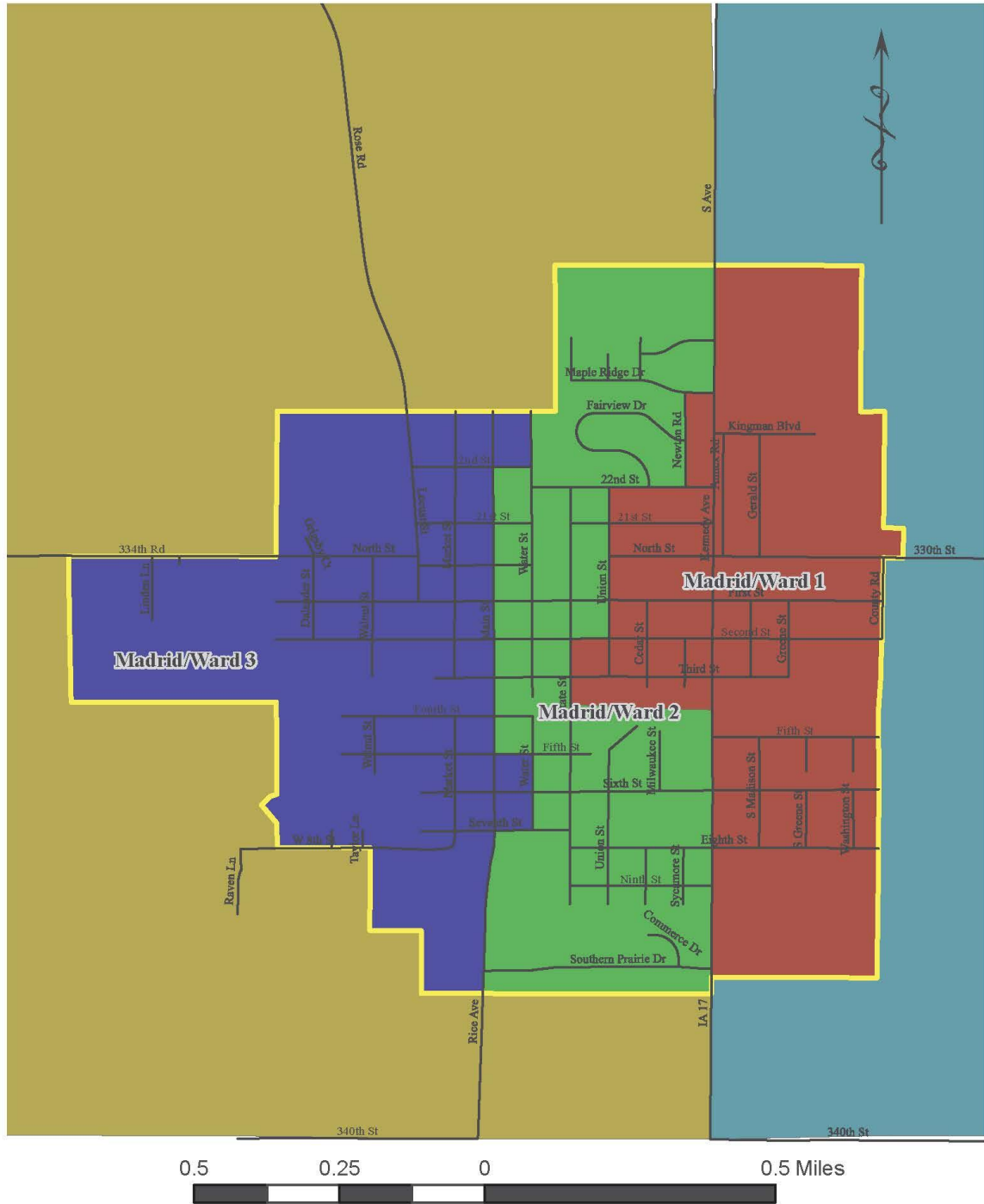
(Code of Iowa, Sec. 372.13(7))

a. The First Ward includes all of the property within the First Ward area identified in the City's boundary map, which is incorporated herein by this reference.

b. The Second Ward includes all of the property within the Second Ward area identified in the City's boundary map, which is incorporated herein by this reference.

c. The Third Ward includes all of the property situated within the Third Ward area identified in the City's boundary map, which is incorporated herein by this reference.

Madrid Voting Districts



3. Fiscal Authority. The City 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 City Council shall make all orders for the doing of work, or the making or construction of any public improvements, such as streets, bridges or buildings.

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

5. Contracts. The City Council shall make or authorize the making of all contracts, and no contract shall bind or be obligatory upon the City unless either made by ordinance or resolution adopted by the City Council, or reduced to writing and approved by the City Council, or expressly authorized by ordinance or resolution adopted by the City Council.

(Code of Iowa, Sec. 364.2(1) & 384.95 through 384.102)

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

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

7. Setting Compensation for Elected Officers. By ordinance, the City Council shall prescribe the compensation of the Mayor, City 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 City 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 City Council members becomes effective for all City Council members at the beginning of the term of the City Council members elected at the election next following the change in compensation.

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

2-7-2 EXERCISE OF POWER. The City 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. Approved Action by the City Council. Passage of an ordinance, amendment, or resolution requires an affirmative vote of not less than a majority of the City Council members. A resolution to spend public funds in excess of one hundred thousand dollars (\$100,000.00) on any one project, or a motion to accept public improvements and facilities upon their completion also requires an affirmative vote of not less than a majority of the City Council members. Each Council member's vote on an ordinance, amendment or resolution must be recorded.

(Code of Iowa, Sec. 380.4)

(Amended in 2008)

2. Overriding Mayor's Veto. Within thirty (30) days after the Mayor's veto, the City Council may repass the ordinance or resolution by a vote of not less than two-thirds of the City Council members, and the ordinance or resolution becomes effective upon repassage and publication.

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

3. Measures Become Effective. Measures passed by the City Council, other than motions, become effective in one of the following ways:

a. If the Mayor signs the measure, a resolution becomes effective immediately upon signing and an ordinance or amendment becomes a law when published, unless a subsequent effective date is provided within the measure.

(Code of Iowa, Sec. 380.6(1))

b. If the Mayor vetoes a measure and the City 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 published unless a subsequent effective date is provided with the measure.

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

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

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

2-7-3 MEETINGS. Procedures for giving notice of meetings of the City Council and other provisions regarding the conduct of City Council meetings are contained in the Iowa Code. Additional particulars relating to City Council meetings are the following:

1. Regular Meetings. The regular meetings of the City Council are on the first and third Mondays of each month at 5:30 p.m. in the City Council Chambers at City Hall. If such day falls on a legal holiday or Christmas Eve, the meeting is held on such different day or time as determined by the City Council.

2. Special Meetings. Special meetings shall be held upon call of the Mayor or upon the written request of a majority of the members of the City Council submitted to the City 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 City Council. A record of the service of notice shall be maintained by the City Clerk.

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

3. Quorum. A majority of all City Council members is a quorum.

(Code of Iowa, Sec. 372.13(1))

4. Rules of Procedure. The City Council shall determine its own rules and maintain records of its proceedings.

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

5. Compelling Attendance. Any three (3) members of the City 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.

3. The City of Madrid does not allow the unauthorized use, installation, copying, or distribution of copyrighted, trademarked, or patented material on the Internet. Each Employee is responsible for making sure that anyone who sends material to an Employee over the Internet has the appropriate distribution rights.

4. Before downloading or copying a file from the Internet, the file must be checked for viruses. All compressed files must be checked for viruses both before and after decompression.

5. Employees may not write, send, read, or receive data through the Internet that contains content that could be considered discriminatory, offensive, obscene, threatening, harassing, intimidating, disruptive to any employee or other person, or interferes with an Employee's work.

2-8-3 PROHIBITED USES. Prohibited uses include, but are not limited to:

1. Sending or posting discriminatory, harassing, or threatening messages or images
2. Using the City's time and resources for personal gain
3. Stealing, using, or disclosing someone else's code or password without authorization
4. Copying, pirating, or downloading software and electronic files without permission
5. Sending or posting confidential material, trade secrets, or proprietary information
6. Violating copyright law
7. Failing to observe licensing agreements
8. Engaging in unauthorized transactions that may incur a cost to the City or initiate unwanted Internet services and transmissions
9. Sending or posting messages or material that could damage the City's image or reputation
10. Participating in the viewing or exchange of pornography or obscene materials
11. Sending or posting messages that defame or slander other individuals, including (but not limited to) sexual comments or images, racial slurs, gender-specific comments, or other comments or images that could reasonably offend someone on the basis of race, age, sex, religious or political beliefs, national origin, disability, sexual orientation, or any other characteristic protected by law

12. Attempting to break into the computer system of another organization or person
13. Refusing to cooperate with a security investigation
14. Sending or posting chain letters, solicitations, or advertisements not related to business purposes or activities
15. Using the Internet for political causes or activities, religious activities, or any sort of gambling
16. Jeopardizing the security of the City's electronic communications systems
17. Sending or posting messages that disparage another organization's products or services
18. Passing off personal views as representing those of the City
19. Sending anonymous email messages
20. Engaging in any other illegal activities

TITLE III COMMUNITY PROTECTION

CHAPTER 1 OFFENSES

| | | | |
|-------|-----------------------|-------|--------------------------|
| 3-1-1 | Violations of Chapter | 3-1-4 | Streets |
| 3-1-2 | Public Peace | 3-1-5 | Public Safety and Health |
| 3-1-3 | Public Morals | 3-1-6 | Public Property |

3-1-1 VIOLATIONS OF CHAPTER. Commission of any of the acts named in the following sections by any person shall constitute a violation of this chapter.

3-1-2 PUBLIC PEACE. It shall be unlawful for any person to do any of the following:

1. Engage in fighting or violent behavior or invite or defy another person to fight, 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. Make unusually loud or excessive noise which results in the disturbance of the peace and the public quiet of a neighborhood.

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

3. Willfully permit upon any premises owned, occupied, possessed or controlled by such person any unusually loud or excessive noise in such a manner calculated to provoke a breach of the peace of others, or the public quiet of the neighborhood.

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

4. Direct abusive language 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))

5. Without lawful authority or order 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))

6. Without authority, obstruct any street, sidewalk, highway or other public way.

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

7. Without authority, solicit contributions, distribute literature, or otherwise peddle or sell goods and services within the traveled portion of any roadway.

(Code of Iowa, Sec. 364.12(2)(a))

3-1-3 PUBLIC MORALS. Indecent exposure. It shall be unlawful for any person to expose such person's genitals, pubes, female nipples, or buttocks to another or to urinate or defecate in public or in view of the public.

3-1-4 STREETS.

1. Removal of safeguards or danger signals. No person shall willfully remove, tear down, destroy, deface, or carry away from any highway, street, alley, avenue or bridge any lamp, obstruction, guard or other article or things, or extinguish any lamp or other light, erected or placed thereupon for the purpose of guarding or enclosing unsafe or dangerous places in said highway, street, alley, avenue or bridge without the consent of the person in control thereof.

(Code of Iowa, Sec. 716.5)

2. Obstructing or defacing streets. No person shall obstruct, deface, or injure any public road in any manner by breaking up, plowing or digging within the boundary lines thereof, without permission from the Mayor.

(Code of Iowa, Sec. 716.1)

3. Allowing water, snow, ice and accumulations on sidewalk. No abutting property owner shall allow water from an improperly located eave or drain, or from any roof, to fall onto a public sidewalk, or fail to remove snow, ice and accumulations from the sidewalks promptly. Upon failure by the abutting property owner to perform the action required under this subsection within a reasonable time, the City may perform the required action and assess the costs against the abutting property.

(Code of Iowa, Sec. 364.12(2)(b and e))

4. Removal of hydrant caps, sewer caps or manhole covers. No person shall remove or carry away hydrant caps, sewer caps or manhole covers without the consent of the person in control thereof.

3-1-5 PUBLIC SAFETY AND HEALTH.

1. Expectorating. No person shall expectorate on the ground or in any structure within the City limits.

(Code of Iowa, Sec. 364.1)

2. Putting debris on streets and sidewalks. No person shall throw or deposit on any street or sidewalk any glass bottle, glass, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or any other substance, which the person knows or has reason to know may injure any person, animal or vehicle.

(Code of Iowa, Sec. 321.369)

3. Carrying a concealed weapon. It shall be unlawful for any person to carry under such person's clothes or concealed about their person or to be found in possession of any slingshot, knuckles of metal or other material, air gun or any other weapon other than a knife, unless licensed by the Iowa Department of Public Safety or having in possession a valid permit from the County Sheriff.

4. False alarms. No person shall give or cause to be given any false alarm of a fire, nor set fire to any combustible material, or cry or sound an alarm or by any other means without cause.

5. Stench bombs. No person shall throw, drop, pour, explode, deposit, release, discharge or expose any stench bomb or tear bomb, or any liquid, gaseous or solid substance or matter of any kind that is injurious to persons or property, or that is nauseous, sickening, irritating or offensive to any of the senses in, on or about a theater, restaurant, car, structure, place of business, or amusement, or any place of public assemblage, or attempt to do any of these acts, or prepare or possess such devices or materials with intent to do any of these acts. This provision shall not apply to duly constituted police, military authorities, or peace officers in the discharge of their duties, or to licensed physicians, nurses, pharmacists and other similar persons licensed under the laws of this State; nor to any established place of business or home having tear gas installed as a protection against burglary, robbery or holdup, nor to any bank or other messenger carrying funds or other valuables.

6. Abandoned refrigerators. No person shall place, or allow to be placed, any discarded, abandoned, unattended or unused refrigerator, ice box or similar container equipped with an air-tight door or lid, snap lock, or other locking device which cannot be released from the inside, in a location accessible to children, outside any building, dwelling, or within an unoccupied or abandoned building or dwelling, or other structure, under such person's control without first removing the door, lid, snap lock, or other locking device from said icebox, refrigerator or similar container. This provision applies equally to the owner of any such refrigerator, icebox or similar container, and to the owner or occupant of the premises where the hazard is permitted to remain.

(Code of Iowa, Sec. 727.3)

7. Impersonating an officer. No person shall falsely represent themselves or falsely assume to be any law enforcement officer, judge or magistrate. It shall be unlawful to wear or adopt the uniform or insignia of any law enforcement officer on any street or public place.

(Code of Iowa, Sec. 718.2)

8. Harassment of City Employees.

a. It shall be unlawful for any person to willfully prevent, resist or obstruct or attempt to prevent, resist or obstruct any City employee from the performance of any official duty.

b. It shall be unlawful for any person to communicate by any means, any threat of bodily or property harm to any City employee or to any member of the employee's family during the course of, or as a result of, the performance of any official duty by said City employee.

9. Antenna and radio wires. No person shall allow, locate or maintain any antenna wires, antenna supports, radio wires or television wires to exist over any street, alley, highway, sidewalk or public property.

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

10. Barbed wire. No person shall install, allow to be installed or use barbed wire without the consent of the City Council.

(Code of Iowa, Sec. 364.1)

11. Electric Fences. No person shall install, allow to be installed or use electric fences without the consent of the City Council.

12. Playing in streets. No person shall coast, sled or play games on streets or highways except in areas blocked off by the Public Safety Director for such purposes.

(Code of Iowa, Sec. 364.12)

13. Use of Bow and Arrows on Private Property. No person shall shoot a bow and arrow in such fashion that it travels beyond the boundaries of the private or school property on which the person is shooting. Any person shooting a bow and arrow on private or school property shall direct the arrow toward a backdrop composed of a substance which will not allow the arrow to pass through, and such backdrop must extend at least five (5) feet beyond the target on the top and both sides must extend from the bottom of the target to the ground. The target shall be constructed and installed so that the target face cannot move more than two (2) inches in any direction.

3-1-6 PUBLIC PROPERTY.

1. Defacing public grounds. No person shall cut, break or deface any tree or shrub in a public park or on any avenue thereto by willfully defacing, cutting, breaking or injuring, except by the authority of the Mayor.

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

2. Injuring new pavement. No person shall injure new pavement in any street, alley or sidewalk by willfully driving, walking or making marks on such pavement.

(Code of Iowa, 364.12(2))

3. Destroying park equipment. No person shall destroy or injure any property or equipment in public swimming pools, playgrounds or parks by willfully defacing, breaking, damaging, mutilating or cutting.

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

4. Injury to public library books or property. No person shall willfully or recklessly tear, deface, mutilate, injure or destroy, in whole or in part, any newspaper, periodical, book, map, pamphlet, chart, picture or other property belonging to any public library or reading room.

5. Defacing or destroying proclamations or notices. No person shall intentionally deface, obliterate, tear down or destroy in whole or in part any transcript or extract from or of any law of the United States or of this State, or any proclamation, advertisement or notification, set up at any place within the City by authority of 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)

6. Injury to gravestones or property in cemetery. No person shall willfully or recklessly destroy, mutilate, deface, injure or remove any tomb, vault, monument, gravestone or other structure placed in any public or private cemetery, or any fences, railing or other work for the protection, ornamentation of said cemetery, or of any tomb, vault, monument or gravestone, or other structure aforesaid, on any cemetery lot within such cemetery, or willfully and maliciously destroy, cut, break or injure any tree, shrub, plant or lawn within the limits of said cemetery, or drive outside of said avenues and roads, and over the grass or graves of said cemetery.

(Code of Iowa, Sec. 716.1)

7. Injury to fire apparatus. No person shall willfully destroy or injure any engines, hose carriage, hose, hook and ladder carriage, or other things used and kept for extinguishment of fires.

(Code of Iowa, Sec. 716.1)

8. Injury to city ambulance or paramedic apparatus. No person shall willfully destroy or injure any ambulance or paramedic unit, equipment or other things used to administer medical care.

(Code of Iowa, Sec. 716.1)

9. Obstructing or defacing roads. No person shall obstruct, deface or injure any public road by breaking up, plowing or digging within the boundary lines thereof, except by written authorization of the Mayor.

(Code of Iowa, Sec. 716.1)

10. Injury to roads, railways, and other utilities. No person shall injure, remove or destroy any electric railway or apparatus belonging thereto, or any bridge, rail or plank road; or place or cause to be placed, any obstruction on any electric railway, or on any such bridge, rail or plank road; or willfully obstruct or injure any public road or highway; or cut, burn, or in any way break down, injure or destroy any post or pole used in connection with any system of electric lighting, electric railway, or telephone or telegraph system; or break down and destroy or injure and deface any electric light, telegraph or telephone instrument; or in any way cut, break or injure the wires of any apparatus belonging thereto; or willfully without proper authorization tap, cut, injure, break, disconnect, connect, make any connection with, or destroy any of the wires, mains, pipes, conduits, meters or other apparatus belonging to, or attached to, the power plant or distributing system of any electric light plant, electric motor, gas plant or water plant; or aid or abet any other person in so doing.

(Code of Iowa, Sec. 716.1)

11. Tapping into Utility Transmission Cables. No person shall connect to any transmission cable without first obtaining permission from the owner of the cable.

(Code of Iowa, Sec. 727.8)

12. Obstructing ditches and breaking levees. No person shall divert, obstruct, impede, or fill up, without legal authority, any ditch, drain, or watercourse, or break down any levee established, constructed, or maintained under any provision of law.

(Code of Iowa, Sec. 716.1)

TITLE III COMMUNITY PROTECTION

CHAPTER 2 NUISANCES

| | | | |
|-------|---------------------------------------|--------|--|
| 3-2-1 | Definitions | 3-2-7 | Request for Hearing and Appeal |
| 3-2-2 | Nuisances Prohibited | 3-2-8 | Abatement in Emergency |
| 3-2-3 | Other Conditions Regulated | 3-2-9 | Abatement by Municipality |
| 3-2-4 | Notice to Abate Nuisance or Condition | 3-2-10 | Collection of Cost of Abatement |
| 3-2-5 | Contents of Notice to Abate | 3-2-11 | Installment Payment of Cost of Abatement |
| 3-2-6 | Method of Service | 3-2-12 | Condemnation of Nuisance |

3-2-1 DEFINITIONS. For use in this Ordinance, the following terms are defined:

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

(Code of Iowa, Sec. 657.1)

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

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

b. The causing or suffering any offal, filth, or noisome substance to accumulate or to remain in any place to the prejudice of others.

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

c. The obstructing or impeding without legal authority the passage of any navigable river, harbor, or collection of water.

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

d. The polluting or rendering unwholesome or impure the water of any river, stream, or pond, or unlawfully diverting the same from its natural course or state, to the injury or prejudice of others.

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

e. The obstructing or encumbering by fences, buildings, or otherwise the public roads, private ways, streets, alleys, commons, landing places, or burying grounds.

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

(This is not an exclusive or exhaustive list of possible nuisances.)

f. Houses of ill fame, kept for the purpose of prostitution and lewdness, gambling houses, or houses resorted to for the use of controlled substances or houses where drunkenness, quarreling, fighting or breaches of the peace are carried on or permitted to the disturbance of others.

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

g. Billboards, signboards, and advertising signs, whether erected and constructed on public or private property, which so obstruct and impair the view of any portion or part of a public street, avenue, highway, boulevard or alley or of a railroad or street railway track as to render dangerous the use thereof, especially near intersecting streets.

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

h. Cotton-bearing cottonwood trees and all other cotton-bearing poplar trees in the City.

i. Any object or structure hereafter erected within 1,000 feet of the limits of any municipal or regularly established airport or landing place, which may endanger or obstruct aerial navigation, including take-off and landing.

(Code of Iowa, Sec. 657.2(8))

j. The depositing or storing of inflammable junk, such as old rags, rope, cordage, rubber, bones, and paper, by any person, including a dealer in such articles, unless it be in a building of fire resistant construction.

(Code of Iowa, Sec. 657.2(9))

k. The emission of dense smoke, noxious fumes, or fly ash.

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

l. Dense growth of all weeds, grasses, vines, brush, or other vegetation in the City so as to constitute a health, safety, or fire hazard including any City owned property between the abutting property line and the street right-of-way.

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

m. Trees infected with disease.

(Code of Iowa, Sec. 657.2(12))

n. Effluent from septic tank or drain field running or ponding on the ground in the open.

o. Any article or substance placed upon a street, alley, sidewalk, public ground, or in any ditch, waterway, or gutter so as to obstruct the drainage.

(Code of Iowa, Sec. 716.1)

p. Accumulations of rubbish or trash tending to harbor vermin, rodents, and rank growth of weeds or other vegetation and plants, which is conducive to hazard.

(Code of Iowa, Sec. 657.2)

2. The term "property owner" means the contract purchaser if there is one of record, otherwise the record holder of legal title.

(Code of Iowa, Sec. 364.1)

3-2-2 NUISANCES PROHIBITED. The creation or maintenance of a nuisance is prohibited, and a nuisance, public or private, may be abated in the manner provided in this chapter.

(Code of Iowa, Sec. 657.3)

3-2-3 OTHER CONDITIONS REGULATED. The following actions are required and may also be abated in the manner provided in this Ordinance:

1. The removal of diseased trees or dead wood, but not diseased trees and dead wood outside the lot and property lines and inside the curb lines upon the public street.

(Code of Iowa, Sec. 364.12(3)(b))

2. The removal, repair, or dismantling of dangerous buildings or structures.

(Code of Iowa, Sec. 364.12(3)(c))

3. The numbering of buildings.

(Code of Iowa, Sec. 364.12(3)(d))

4. The connection to public drainage systems from abutting property when necessary for public health or safety.

(Code of Iowa, Sec. 364.12(3)(e))

5. The connection to public sewer systems from abutting property, and the installation of sanitary toilet facilities and removal of other toilet facilities on such property.

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

6. The cutting or destruction of weeds or other growth which constitutes a health, safety, or fire hazard.

(Code of Iowa, Sec. 364.12(3)(g))

7. The maintenance, by the property owner, of all property outside the lot and property lines and inside the curb lines upon public streets, including maintaining a fifteen (15) foot clearance above the street from trees extending over the streets, except as provided in Section 3-2-3(1).

3-2-4 NOTICE TO ABATE NUISANCE OR CONDITION. Whenever the abatement officer (public safety officer) finds that a nuisance or other condition exists which is listed in Section 3,

the officer shall notify the property owner as shown by the records of the County Auditor to abate the nuisance within a reasonable time after notice.

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

3-2-5 CONTENTS OF NOTICE TO ABATE. The notice to abate shall contain:

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

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

3-2-6 METHOD OF SERVICE. The notice may be sent by regular mail to the property owner as shown by the records of the County Auditor.

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

3-2-7 REQUEST FOR HEARING AND APPEAL. Any person ordered to abate a nuisance or condition may have a hearing with the officer ordering the abatement as to whether a nuisance or prohibited condition exists. A request for a hearing must be made in writing and delivered to the officer ordering the abatement within the time stated in the notice, or it will be conclusively presumed that a nuisance or prohibited condition exists and it must be abated as ordered.

At the conclusion of the hearing, the hearing officer shall render a written decision as to whether a nuisance or prohibited condition exists. If the officer finds that a nuisance or prohibited condition exists, the officer must order it abated within an additional time which must be reasonable under the circumstances. An appeal from this decision may be had by immediately filing a written notice with the hearing officer. This appeal shall be heard before the City Council at a time and place fixed by the Council. The findings of the Council shall be conclusive and, if a nuisance or prohibited condition is found to exist, it shall be ordered abated within a time reasonable under the circumstances.

3-2-8 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, and assess the costs as provided herein, after notice to the property owner under the applicable provision of Sections 3-2-4 and 3-2-5 and hearing as provided in Section 3-2-7.

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

3-2-9 ABATEMENT BY MUNICIPALITY. 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 City Clerk, who shall pay such expenses on behalf of the municipality.

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

3-2-10 COLLECTION OF COST OF ABATEMENT. The Clerk shall mail a statement of the total expense incurred 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 City Clerk shall certify the costs to the County Treasurer and they shall then be collected with, and in the same manner, as general property taxes.

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

3-2-11 INSTALLMENT PAYMENT OF COST OF ABATEMENT. If the amount expended to abate the nuisance or condition exceeds \$100, the City may permit the assessment to be paid in up to ten annual installments, to be paid in the same manner and at the same rate of interest charged delinquent real estate taxes by the County Treasurer.

(Code of Iowa, Sec. 364.13)

3-2-12 CONDEMNATION OF NUISANCE. The City may condemn a residential building found to be abandoned and a public nuisance and take title to the property for the public purpose of disposing of the property under Iowa Code Chapter 657A by conveying the property to a private individual for rehabilitation or for demolition and construction of housing.

(Code of Iowa, Sec. 364.12A)

TITLE III COMMUNITY PROTECTION

CHAPTER 3 TRAFFIC CODE

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3-3-1 SHORT TITLE. This chapter may be known and cited as the "Traffic Code".

3-3-2 DEFINITIONS. Where words and phrases used in this chapter are defined in Chapter 321 of the Code of Iowa, such definitions shall apply to this Ordinance.

1. "Park and parking" means the stopping or standing of a vehicle, except for the purpose of, and while actually engaged in, loading or unloading merchandise or passengers.

2. "Stand or standing" means the halting of a vehicle, whether occupied or not, except for the purpose of and while actually engaged in receiving or discharging passengers.

3. "Stop", when required means complete cessation of movement.

4. "Stop or stopping", when prohibited, means 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 police officer or traffic-control sign or signal.

5. "Business districts" means: the territory contiguous to and including a highway when fifty percent or more of the frontage thereon for a distance of three hundred feet or more is occupied by buildings in use for business.

6. "Residential districts" means all areas of the City not included in business districts.
(Code of Iowa, Sec. 321.1)

3-3-3 TRAFFIC ACCIDENT REPORTS. The driver of a vehicle involved in an accident within the limits of this City shall file a report as and when required by the Iowa Department of Transportation. A copy of this report shall be filed with the Public Safety Director. All such reports shall be for the confidential use of the police department and shall be subject to the provisions of Section 321.271 of the Code of Iowa.

The City shall maintain a suitable system of filing traffic accident reports.
(Code of Iowa, Sec. 321.266)

3-3-4 POLICE DEPARTMENT TO SUBMIT ANNUAL REPORTS. The Public Safety Director shall prepare annually a traffic report which shall be filed with the Mayor. Such report shall contain information on traffic matters in this City concerning the number of traffic accidents, the number of persons killed or injured, the number and nature of violations, and other pertinent traffic data including the plans and recommendations for future traffic safety activities.

ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS

3-3-5 AUTHORITY OF POLICE AND FIRE DEPARTMENT OFFICIALS. Provisions of this chapter and the Iowa law relating to motor vehicles and law of the road shall be enforced by the officers of the police department. The officers of the police department are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws. In the event of a fire or other emergency, officers of the police department may direct traffic as conditions require notwithstanding the provisions of the traffic laws. Officers of the fire department may direct or assist the police in directing traffic threat or in the immediate vicinity.

(Code of Iowa, Sec. 321.229)

3-3-6 REQUIRED OBEDIENCE TO PROVISIONS OF THIS CHAPTER AND STATE LAW. Any person who shall willfully fail or refuse to comply with any lawful order of a police officer or direction of a fire department officer during a fire, or who fails to abide by the provisions of this chapter and the applicable provisions of the following Iowa statutes relating to motor vehicles and the law of the road is in violation of this chapter. These sections of the Code are adopted by reference:

- 321.98 Operation without registration.
- 321.180 Violations of instruction permit limitations.
- 321.193 Violation of conditions of restricted license.
- 321.194 Violation of conditions of minor's school license.
- 321.216 Unlawful use of license.
- 321.218 Driving without a valid license (as to simple misdemeanor offenses only).
- 321.219 Permitting unauthorized minor to drive.
- 321.220 Permitting unauthorized person to drive.
- 321.229 Failure to comply with lawful order of peace officer.
- 321.231 Failure of driver of emergency vehicle to exercise caution while on emergency run (stop signs and signals).
- 321.232 Radar jamming devices.
- 321.234 Failure to observe seating requirements.
- 321.236 (Parking) Violation of local ordinance (not a state offense).
- 321.256 Failure to obey traffic control device.
- 321.257 Failure to obey or yield to pedestrian or to official traffic control signal.
- 321.260 Unlawful possession of, or interference with traffic control device.
- 321.264 Striking unattended vehicle.
- 321.265 Striking fixtures upon a highway.
- 321.275 Motorcycle and motorized bicycles violations.
- 321.277 Reckless driving.
- 321.278 Drag racing prohibited.
- 321.285 Speed restrictions.
- 321.286 Truck speed limits (highway).
- 321.287 Bus speed limits (highway).
- 321.288 Failure to maintain control.
- 321.294 Failure to maintain minimum speed when directed by officer.

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| 321.295 | Excessive speed on bridge. |
| 321.297 | Driving on wrong side of two-way highway. |
| 321.298 | Failure to yield half of roadway upon meeting vehicle. |
| 321.299 | Passing on wrong side. |
| 321.303 | Unsafe passing. |
| 321.304 | Unlawful passing. |
| 321.305 | Violating one-way traffic designation. |
| 321.306 | Improper use of lanes. |
| 321.307 | Following too closely. |
| 321.308 | Following too closely (trucks and towing vehicles). |
| 321.309 | Failure to use approved drawbar. |
| 321.310 | Unlawful towing of four-wheeled trailer. |
| 321.311 | Turning from improper lane. |
| 321.312 | Making U-turn on curve or hill. |
| 321.313 | Unsafe starting of a stopped vehicle. |
| 321.314 | Unsafe turn or failure to give signal. |
| 321.315 | Failure to give continuous turn signal. |
| 321.316 | Failure to signal stop or rapid deceleration. |
| 321.317 | Signal light requirements; see equipment violation. |
| 321.318 | Incorrect hand signal. |
| 321.319 | Failure to yield to vehicle on right. |
| 321.320 | Failure to yield upon left turn. |
| 321.321 | Failure to yield upon entering through highway. |
| 321.322 | Failure to obey stop or yield sign. |
| 321.323 | Unsafe backing on highway. |
| 321.324 | Failure to yield to emergency vehicle. |
| 321.325 | Pedestrian disobeying traffic control signal. |
| 321.326 | Pedestrian walking on wrong side of highway. |
| 321.327 | Pedestrian right-of-way. |
| 321.328 | Pedestrian failing to use crosswalk. |
| 321.329 | Vehicle failing to yield to pedestrian. |
| 321.331 | Soliciting ride from within roadway. |
| 321.332 | Unlawful use of white cane. |
| 321.333 | Failure to yield to blind person. |
| 321.340 | Driving in or through safety zone. |
| 321.341 | Failure to properly stop at railroad crossing. |
| 321.342 | Failure to obey stop sign at railroad crossing. |
| 321.343 | Failure to stop certain cargo or passenger vehicle at railroad crossing. |
| 321.344 | Unlawful movement of construction equipment across railroad track. |
| 321.353 | Unsafe entry into sidewalk or roadway. |
| 321.354 | Stopping on traveled part of highway. |
| 321.358 | Stopping, standing, or parking where prohibited. |
| 321.360 | Prohibited parking in front of certain buildings. |
| 321.361 | Parking too far from curb/angular parking. |

- 321.362 Parking without stopping engine and setting brake.
- 321.363 Driving with obstructed view or control.
- 321.365 Coasting upon downgrade.
- 321.366 Improper use of median, curb, or controlled access facility.
- 321.367 Failure to maintain distance fire-fighting vehicle.
- 321.368 Crossing unprotected fire hose.
- 321.369 Putting debris on highway/roadway.
- 321.370 Removing injurious material.
- 321.371 Clearing up wrecks.
- 321.372 School bus provisions.
- 321.377 Excessive speed of school bus.
- 321.381 Driving or towing unsafe vehicle.
- 321.382 Operating underpowered vehicle.
- 321.383 Failure to display reflective device on slow-moving vehicles.
- 321.384 Failure to use headlamps when required.
- 321.385 Insufficient number of headlamps.
- 321.386 Insufficient number of headlamps-motorcycles and motorized bicycles.
- 321.387 Improper rear lamp.
- 321.388 Improper registration plate lamp.
- 321.389 Improper rear reflector.
- 321.390 Reflector requirements.
- 321.391 Improper type of reflector.
- 321.392 Improper clearance lighting on truck or trailer.
- 321.393 Lighting device color and mounting.
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- 321.402 Improper use of spotlight.
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- 321.420 Excessive number of driving lights.
- 321.422 Lights of improper color-front or rear.
- 321.423 Special light/signal provision.
- 321.430 Defective braking equipment.
- 321.431 Brake performance ability.
- 321.432 Defective audible warning device.
- 321.433 Unauthorized use of emergency audible warning devices on motor vehicle.
- 321.434 Use of siren or whistle on bicycle.
- 321.436 Defective or unauthorized muffler system.

- 321.437 Mirrors.
- 321.438 Windshields.
- 321.439 Defective windshield wiper.
- 321.440 Defective tires.
- 321.441 Unauthorized use of metal tire or track.
- 321.442 Unauthorized use of metal projection on wheels.
- 321.444 Failure to use safety glass.
- 321.445 Failure to maintain or use safety belts.
- 321.446 Failure to secure child.
- 321.449 Special regulations.
- 321.450 Hazardous materials.
- 321.454 Width and length violations.
- 321.455 Excessive side projection of load – passenger vehicle.
- 321.456 Excessive height.
- 321.457 Excessive length.
- 321.458 Excessive projection from front of vehicle.
- 321.459 Excessive weight – dual axels (each over 2000 lb. over).
- 321.460 Spilling loads on highways.
- 321.461 Excessive tow-bar length.
- 321.462 Failure to use required towing equipment.
- 321.463 Maximum gross weight.
- 321.466 Gross weight in excess of registered gross weight (for each 2000 lb. over).

TRAFFIC CONTROL DEVICES

3-3-7 **AUTHORITY TO INSTALL TRAFFIC-CONTROL DEVICES.** The Public Safety Director shall cause to be placed and maintained traffic-control devices when and as required under this chapter or other Ordinances of this City to make effective their provisions, and may so cause to be placed and maintained such additional, emergency, or temporary traffic-control devices for the duration of an emergency or temporary condition as traffic conditions may require, to regulate traffic under the traffic Ordinances of this City or under State law or to guide or warn traffic.

The Public Safety Director shall keep a record of all traffic-control devices maintained by the department.

All traffic-control devices shall comply with current standards established by the Manual of Uniform Traffic Control Devices for Streets and Highways at the time the control device is placed or erected.

(Code of Iowa, Sec. 321.255 and 321.256)

3-3-8 **PUBLIC SAFETY DIRECTOR TO DESIGNATE CROSSWALKS, ESTABLISH, AND MARK TRAFFIC LANES.** The Public Safety Director is hereby authorized:

1. To designate and maintain by appropriate devices, marks or lines upon the surface of the roadway, crosswalks 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.

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

3-3-9 PLAY STREETS. The Public Safety Director has the authority to declare any street or part thereof a play street and to place 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 the street or any portion thereof except drivers of vehicles having business or whose residences are within the closed area, and then the driver shall exercise the greatest care in driving upon the street or portion thereof.

SPEED REGULATIONS

3-3-10 CHANGING STATE SPEED LIMITS IN CERTAIN ZONES. It is hereby determined upon the basis of an engineering and traffic investigation that the speed permitted by State law upon the following streets or portions thereof is greater or less than is necessary for the safe operation of vehicles thereon, and it is declared that the maximum speed limit upon these streets or portions thereof described shall be as follows:

(Code of Iowa, Sec. 321.290)

1. Increased speed limit:
2. Lower speed limit:
3. 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. Kennedy Avenue from south City limits to north City limits;
 - b. North Street from Walnut Street to west City limits (westbound traffic);
 - c. North Street from west City limits to first south alley (eastbound traffic).

3-3-11 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. Residential or School District: twenty-five (25) miles per hour
3. Suburban District: forty-five (45) miles per hour

TURNING MOVEMENTS

3-3-12 TURNING MARKERS, BUTTONS AND SIGNS. The Public Safety Director may cause markers, buttons, or signs to be placed within or adjacent to intersections, and thereby require and direct, as traffic conditions require, that a different course from that specified by the State law be traveled by vehicles turning at intersections, and when markers, buttons, or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by the markers, buttons, or signs, including right-hand turns at intersections with automatic traffic signals.

(Code of Iowa, Sec. 321.311)

3-3-13 AUTHORITY TO PLACE RESTRICTED TURN SIGNS. The Public Safety Director is authorized to determine those intersections, as traffic conditions require, at which the drivers of vehicles shall not make a right or left turn. The making of turns may be prohibited between certain hours of any day, in which event the same shall be plainly indicated on signs.

3-3-14 OBEDIENCE TO NO-TURN SIGNS. Whenever authorized signs are erected indicating that no right or left turn is permitted, no driver of a vehicle shall disobey the directions of any such signs.

ONE-WAY STREETS AND ALLEYS

3-3-15 AUTHORITY TO DESIGNATE ONE-WAY STREETS AND ALLEYS. Whenever any traffic Code of this City designates any one-way street or alley the Public Safety Director shall cause to be placed and maintained signs giving notice thereof and the regulation shall not be effective unless the signs are in place. Signs indicating the direction of traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited. It shall be unlawful for any person to operate any vehicle in violation of markings, signs, barriers or other devices placed in accordance with this section.

3-3-16 ONE-WAY STREETS AND ALLEYS. Upon the following streets and alleys vehicular traffic shall move only in the indicated direction: None.

3-3-17 AUTHORITY TO RESTRICT DIRECTION OF MOVEMENT ON STREETS DURING CERTAIN PERIODS. The Public Safety Director is authorized to determine and recommend to the Council certain streets, or specified lanes thereon, upon which vehicular traffic shall proceed in one direction during one period and the opposite direction during another period of the day and shall, upon authority given by Ordinance, place and maintain appropriate markings, signs, barriers, or other devices to give notice thereof. The Public Safety Director may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the roadway.

It shall be unlawful for any person to operate any vehicle in violation of markings, signs, barriers, or other devices placed in accordance with this section.

The following streets may have variable laning or direction of traffic at different times of day as marked by authorized signs under the provisions of this section:

SPECIAL STOPS REQUIRED

3-3-18 THROUGH HIGHWAYS. Streets or portions of streets described below are declared to be through highways: State Highway 210 and State Highway 17.
(Code of Iowa, Sec. 321.345 and 321.350)

3-3-19 AUTHORITY TO ERECT STOP SIGNS. Whenever any Ordinance of this City designates and describes a through highway it shall be the duty of the Public Safety Director to cause to be placed and maintained a stop sign on each and every street intersecting through highway except as modified in the case of intersecting through highways.

3-3-20 STOPS AT INTERSECTING THROUGH HIGHWAYS AND OTHER INTERSECTIONS. At the intersections of through highways and at intersections upon streets other than through highways, where, because of heavy cross-traffic or other traffic conditions, particular hazard exists, the Public Safety Director is hereby authorized to determine whether vehicles shall stop or yield at one or more entrances to the intersection and shall present recommendations to the Council, and, upon approval of the Council, shall erect an appropriate sign at every place where a stop or yield is required.

3-3-21 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.

3-3-22 SCHOOL STOPS. When a vehicle approaches an authorized school stop, the driver shall bring the vehicle to a full stop at a point ten feet from the approach side of the crosswalk marked by an authorized school stop sign, and thereafter proceed in a careful and prudent manner until the driver shall have passed such school site.

PEDESTRIANS' RIGHTS AND DUTIES

3-3-23 PROHIBITED CROSSING. Pedestrians crossing a street in the business district shall cross in the crosswalks only.

(Code of Iowa, Sec. 321.327)

3-3-24 PEDESTRIANS ON LEFT. Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway. Where sidewalks are not provided pedestrians at all times when walking on or along a roadway, shall walk on the left side of the roadway.

(Code of Iowa, Sec. 321.326)

METHOD OF PARKING

3-3-25 STANDING OR PARKING CLOSE 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 inches of the curb or edge of the roadway except as 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)

3-3-26 STANDING OR PARKING ON THE LEFT-HAND SIDE OF 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 inches of the curb or edge of the roadway except as provided in the case of angle parking.

(Code of Iowa, Sec. 321.361)

3-3-27 SIGNS OR MARKINGS INDICATING ANGLE PARKING. The Public Safety Director, as traffic conditions require, shall determine upon what streets angle parking shall be permitted and shall mark or sign the streets or portions thereof indicating the method of angle parking. The determination shall be subject to approval by Council resolution.

(Code of Iowa, Sec. 321.361)

3-3-28 OBEDIENCE TO ANGLE PARKING SIGNS OR MARKINGS. Upon those streets or portions of streets that have been signed or marked for angle parking, no person shall park or stand a vehicle other than at an angle to the curb or edge of the roadway or in the center of the roadway as indicated by the signs and markings.

STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED PLACES

3-3-29 STOPPING, STANDING, OR PARKING PROHIBITED IN SPECIFIED PLACES. No person shall stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control device, in any of the following places:

(Code of Iowa, Sec. 321.358)

1. On a sidewalk.
2. In front of a public or private driveway.
3. Within an intersection.
4. Within five (5) feet of either side of the point on the curb nearest to a fire hydrant.
5. On a crosswalk.
6. Within ten (10) feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of the roadway.
7. 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.
8. 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 signposted.
9. Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic.
10. On the roadway side of any vehicle stopped or parked at the edge or curb of street.
11. Opposite the entrance to a garage or driveway in such a manner or under such conditions as to leave available less than twenty (20) feet of the width of the roadway for the free movement of vehicular traffic.
12. Upon any street or in any alley in any part of the City in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the roadway of such street or alley for the free movement of vehicular traffic, except when necessary in obedience to traffic regulations or traffic signs, or signals of a police officer.
13. At any place where official signs or curb markings prohibit stopping, standing or parking.
14. Within ten (10) feet of the crosswalk at all intersections within the City.

15. In an alley under any fire escape at any time.

3-3-30 AUTHORITY TO PAINT CURBS AND ERECT SIGNS PROHIBITING STANDING OR PARKING. When, because of restricted visibility or when standing or parked vehicles constitute a hazard to moving traffic, or when other traffic conditions require, the Public Safety Director may cause curbs to be painted with a yellow or orange color and erect "no parking" or "standing" signs. It shall be unlawful for the operator of any vehicle to stand or park a vehicle in an area so painted or sign-posted. It shall be unlawful for any person, other than after having first secured the permission of the Public Safety Director, to paint any curbing, sidewalk or street with yellow or orange colored paint or to erect "no parking" signs.

(Code of Iowa, Sec. 321.358(10))

3-3-31 AUTHORITY TO IMPOUND VEHICLES. Members of the police department are authorized to remove, or cause to be removed, a vehicle from a street, public alley, or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the police department, or otherwise maintained by the City, under the following circumstances:

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

2. When any vehicle is left unattended upon a street and constitutes a definite hazard or obstruction to the normal movement of traffic.

3. When any vehicle is left parked upon a street for a continuous period of forty-eight hours or more. A diligent effort shall first be made to locate the owner. If the owner is found, the owner shall be given the opportunity to remove the vehicle.

4. When any vehicle is left parked in violation of a ban on parking during a snow emergency as proclaimed by the Mayor.

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

STOPPING, STANDING OR PARKING

3-3-32 PARKING SIGNS REQUIRED. Whenever by this or any other chapter of this City Code any parking time limit is imposed or parking is prohibited on designated streets or portions of streets it shall be the duty of the Public Safety Director to erect appropriate signs giving notice thereof and the regulations shall not be effective unless signs are erected and in place at the time of any alleged offense. When signs are erected giving notice thereof, no person shall disobey the restrictions stated on such signs.

(Code of Iowa, Sec. 321.236)

3-3-33 PARKING DURING SNOW REMOVAL.

1. No person shall park, abandon, or leave unattended any vehicle on any public street, alley, or City-owned off-street parking area from the time there has been an accumulation of one-half inch of snow until the snow has ceased to fall and has been removed or plowed from said street, alley or parking area.

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

3-3-34 TRUCK PARKING LIMITED. No person shall park a motor truck, semi-trailer, or other motor vehicle with trailer attached in violation of the following regulations. The provisions of this section shall not apply to pick up, light delivery or panel delivery trucks:

1. Business District: Excepting only when such vehicles are actually engaged in the delivery or receiving of merchandise or cargo within the business district, no person shall park or leave unattended such vehicle, on any of the streets of the business district. When actually receiving or delivering merchandise or cargo such vehicle shall be stopped or parked in a manner which will not interfere with other traffic.

2. All Night. No such vehicle shall be left unattended or parked upon any street or alley for a period of time longer than one (1) hour within any 24-hour period except for the purposes as set out in subsection 1 above.

3. Noise. No such vehicle shall be left standing or parked upon any street, alley, public or private parking lot, or drive of any service station with the engine, auxiliary engine, air compressor, refrigerating equipment or other device in operation giving off audible sounds excepting only the drive of a service station when actually being serviced, and then in no event for more than thirty (30) minutes.

4. Livestock. No such vehicle containing livestock shall be parked on any street, alley or highway for a period of time of more than thirty (30) minutes.

3-3-35 NO PARKING ZONES. No one shall stop, stand or park a vehicle in any of the following specifically designated no parking zones except when necessary to avoid conflict with other traffic or in compliance with the direction of a peace officer or traffic control signal.

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

1. Third Street, on both sides, west of Highway 17 (Kennedy Avenue) to Cedar Street;
2. Cedar Street, on the west side, from Third Street to No Parking sign- fifty (50) feet;

3. Second Street, on the south side, from Cedar Street to Kennedy Avenue;
4. Second Street, on both sides, from Kennedy Avenue to No Parking sign- fifty (50) feet;
5. First Street, on both sides, from Kennedy Avenue to No Parking sign- fifty (50) feet;
6. North Street, on both sides, from Kennedy Avenue to No Parking sign- fifty (50) feet;
7. Twenty-First Street, on both sides, from Kennedy Avenue to No Parking sign- forty (40) feet;
8. Twenty-Second Street, on the north side, from Kennedy Avenue to No Parking sign- fifty (50) feet;
9. Ninth Street, on both sides, from Kennedy Avenue to No Parking sign - thirty-one (31) feet to west;
10. Eighth Street, on both sides, from Kennedy Avenue to No Parking sign- one hundred (100) feet to west;
11. East Eighth Street, on the south side, from Kennedy Avenue to No Parking sign- thirty-five (35) feet to east;
12. East Sixth Street, on both sides, from Kennedy Avenue to No Parking sign- thirty-one (31) feet east;
13. Third Street, on the south side, from State Street to No Parking sign- ten (10) feet east;
14. Third Street, on the north side, from first east alley from State Street to No Parking sign- forty-eight (48) feet west;
15. Union Street, on both sides, from First Street to No Parking sign- thirty-five (35) feet south;
16. Cedar Street, on both sides, from First Street to No Parking sign- thirty-five (35) feet south;
17. State Street, on both sides, from First Street to No Parking sign- thirty-five (35) feet south;
18. State Street, on both sides, from First Street to No Parking sign - thirty-five (35) feet north;

19. Water Street, on both sides, from First Street to No Parking sign- thirty-five (35) feet south;
20. Water Street, on the east side, from 35 feet north of First Street to Little Street between the hours of 8:00 a.m. to 4:00 p.m., Monday through Friday;
21. Main Street, on both sides, from First Street to No Parking sign- thirty-five (35) feet north;
22. Main Street, on both sides, from First Street to No Parking sign- south thirty-five (35) feet;
23. Main Street, on the east side, from Second Street to first south alley;
24. Second Street, on the south side, from Main Street to first alley;
25. Market Street, on both sides, from First Street to south No Parking sign- thirty-five (35) feet;
26. Market Street, on both sides, from First Street to north No Parking sign- thirty-five (35) feet;
27. First Street, on both sides, from Locust Street to No Parking sign -west thirty-five (35) feet;
28. Little Street, on both sides, from Locust Street to east No Parking sign-thirty-five (35) feet;
29. Locust Street, on both sides, from North Street to north No Parking sign- forty (40) feet;
30. Walnut Street, on both sides, from North Street to south No Parking signs;
31. Delander Street, on both sides, from North Street to south No Parking signs- thirty-five (35) feet;
32. Highway 210, on both sides, from Kennedy Avenue to Delander Street;
33. Milwaukee Street, on the east side, from Sixth Street to east No Parking sign- forty-five (45) feet;
34. Third Street, on both sides, between Water Street and the west end of City Hall (approximately 100 feet);

35. Third Street, on both sides, running 148.5 feet east from Highway 17, locally known as Kennedy Avenue;

36. East Third Street, on the south side, from a point 28 feet east of South State Street east to the north/south alley entrance;

37. East Sixth Street, on the south side, from South Madison Street to Washington Street;

38. East Sixth Street, on both sides, from Kennedy Avenue to Milwaukee Street;

39. East Sixth Street, on the north side, from Milwaukee Street to South State Street;

40. Washington Street, on the east side, from East Sixth Street to East Eighth Street.

STOP OR YIELD REQUIRED

3-3-36 THROUGH STREETS – STOP. Every driver of a vehicle shall stop, unless a yield is permitted by this chapter, before entering an intersection with the following designated through streets.

1. Kennedy Avenue from Ninth Street to Kingman Boulevard;

2. North Street from east City Limits to Kennedy Avenue;

3. First Street from Kennedy Avenue to Locust Street;

4. North Street from Locust Street to west City Limits;

5. Locust Street from First Street to North Street.

3-3-37 STOP REQUIRED. Every driver of a vehicle shall stop in accordance with the following:

1. Twenty-second Street. Vehicles traveling north on State Street shall stop at Twenty-second Street;

2. Locust Street. Vehicles traveling west on Twenty-second Street shall stop at Locust Street;

3. Locust Street. Vehicles traveling west on Twenty-first Street shall stop at Locust Street;

4. Locust Street. Vehicles traveling west on Little Street shall stop at Locust Street;

5. Market Street. Vehicles traveling on Little Street shall stop at Market Street;

6. Ninth Street. Vehicles traveling north on State Street shall stop at Ninth Street;
7. Twenty-Second Street. Vehicles traveling south on Newton Street shall stop at Twenty-Second Street;
8. Twenty-Second Street. Vehicles traveling north on Union Street shall stop at Twenty-Second Street;
9. Second Street. Vehicles traveling on Green Street shall stop at Second Street;
10. Second Street. Vehicles traveling on Cedar Street shall stop at Second Street;
11. Third Street. Vehicles traveling south on Cedar Street shall stop at Third Street;
12. Second Street. Vehicles traveling on Union Street shall stop at Second Street;
13. Main Street. Vehicles traveling east on Little Street shall stop at Main Street;
14. Walnut Street. Vehicles traveling on First Street shall stop at Walnut Street;
15. Dalander Street. Vehicles traveling west on First Street shall stop at Dalander Street;
16. Main Street. Vehicles traveling on Third Street shall stop at Main Street;
17. Water Street. Vehicles traveling on Third Street shall stop at Water Street;
18. State Street. Vehicles traveling on Third Street shall stop at State Street;
19. Third Street. Vehicles traveling south on Union Street shall stop at Third Street;
20. Main Street. Vehicles traveling on Fourth Street shall stop at Main Street;
21. Main Street. Vehicles traveling on Sixth Street shall stop at Main Street;
22. State Street. Vehicles traveling east on Fifth Street shall stop at State Street;
23. State Street. Vehicles traveling east on Seventh Street shall stop at State Street;
24. Edgewood Park Entrance. Vehicles leaving Edgewood Park shall stop at the entrance thereto;
25. Eighth Street. Vehicles traveling south on Madison Street shall stop at Eighth Street;

26. Sixth Street. Vehicles traveling north on Green Street shall stop at Sixth Street;
27. State Street. Vehicles traveling on Sixth Street shall stop at State Street;
28. Sixth Street. Vehicles traveling south on Milwaukee Street shall stop at Sixth Street;
29. Seventh Street. Vehicles traveling south on Water Street shall stop at Seventh Street;
30. Water Street. Vehicles traveling east on Twenty-first Street shall stop at Water Street;
31. Kingman Boulevard. Vehicles traveling north on Annex Road shall stop at Kingman Boulevard;
32. Twenty-Second Street. Vehicles traveling south on Fairview Street or Fairview Drive shall stop at Twenty-Second Street;
33. Iowa Highway 17. Vehicles traveling west on Annex Road shall stop at Iowa Highway 17.

3-3-38 FOUR-WAY STOP INTERSECTIONS. Every driver of a vehicle shall stop before entering the following designated four-way stop intersections:

1. Intersection of State Street and Second Street;
2. Intersection of Main Street and Second Street;
3. Intersection of Market Street and Second Street;
4. Intersection of Main Street and Seventh Street;
5. Intersection of Second Street and Water Street;
6. Intersection of Main Street and Fifth Street;
7. Intersection of Main Street and Twenty-First Street.

3-3-39 YIELD REQUIRED. Every driver of a vehicle shall yield in accordance with the following:

1. Sixth Street. Vehicles traveling on Water Street shall yield at Sixth Street;
2. Dalander Street. Vehicles traveling east on Second Street shall yield at Dalander Street;
3. Fifth Street. Vehicles traveling on Market Street shall yield at Fifth Street;

4. Second Street. Vehicles traveling south on Walnut Street shall yield at Second Street;
5. Fifth Street. Vehicles traveling on Water Street shall yield at Fifth Street;
6. Water Street. Vehicles traveling west on Twenty-Second Street shall yield at Water Street;
7. State Street. Vehicles traveling west on Eighth Street shall yield at State Street;
8. Union Street. Vehicles traveling on Twenty-First Street shall yield at Union Street.

3-3-40 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.

1. Intersection of First Street and Water Street;
2. Intersection of First Street and Main Street;
3. Intersection of West North Street and Walnut Street.

3-3-41 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.

3-3-42 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.

3-3-43 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.

3-3-44 OFFICIAL TRAFFIC CONTROLS. Every driver shall observe and comply with the directions provided by official traffic control signals at the following intersections:

1. Intersection of Kennedy Avenue and First Street.

MISCELLANEOUS DRIVING RULES

3-3-45 VEHICLES NOT TO BE DRIVEN ON SIDEWALKS. The driver of a vehicle shall not drive upon or within any sidewalk area.

3-3-46 CLINGING TO VEHICLES. No person shall drive a motor vehicle on the streets of this City unless all passengers of the vehicle are inside the vehicle in the place intended for their accommodation. No person shall ride on the running board of a motor vehicle or in any other place not customarily used for carrying passengers. No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself or herself to any vehicle upon a roadway.

3-3-47 PARKING FOR CERTAIN PURPOSES PROHIBITED. No person shall park a vehicle upon the roadway for the principal purpose of:

1. Displaying such vehicle for sale.
2. Displaying advertising.
3. Selling merchandise from the vehicle except in a duly established market place or when so authorized or licensed under the Ordinances of this City.
4. Storage or as junk or dead storage for more than forty-eight hours.

3-3-48 DRIVING THROUGH FUNERAL OR OTHER PROCESSION. No driver of any vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when the vehicles are conspicuously designated as required in this chapter. This provision shall not apply at intersections where traffic is controlled by traffic-control signals or police officers.

3-3-49 DRIVERS IN A PROCESSION. Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practical and shall follow the vehicle ahead as closely as is practical and safe.

3-3-50 FUNERAL PROCESSIONS TO BE IDENTIFIED. A funeral procession composed of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia or by such other method as may be determined and designated by the police department.

3-3-51 LOAD RESTRICTIONS UPON VEHICLES USING CERTAIN STREETS. When signs are erected giving notice thereof, no person shall operate any vehicle licensed in excess of the amounts specified on the signs at any time upon any of the following streets within the City and none other:

3-3-52 TRUCK ROUTES.

1. Truck Routes Designated. Every motor vehicle weighing two and one-half (2½) tons or more, when loaded or empty, and having a box for the purpose of transporting goods, merchandise and/or services of a size of seven (7) feet by fourteen (14) feet or larger having no fixed terminal within the City or making no scheduled or definite stops within the City for the purposes of loading or unloading shall travel over or upon the following streets within the City and none other:

a. North Street (Iowa Highway 210) from Kennedy Avenue (Iowa Highway 17) to County Line Road.

b. Kennedy Avenue (Iowa Highway 17) from Peterson Parkway to Southern Prairie Drive

c. First Street (Iowa Highway 210) from Kennedy Avenue (Iowa Highway 17) west to Locust Street

d. Locust Street From First Street (Iowa Highway 210) to North Street

e. North Street from Locust Street to Dalander Street

f. Main Street from First Street (Iowa Highway 210) south to Southern Prairie Drive

g. Southern Prairie Drive from Main Street to Kennedy Avenue (Iowa Highway 17)

2. Deliveries off Truck Route. Any motor vehicle weighing two and one-half (2½) tons or more, when loaded or empty, and having a box for the purpose of transporting goods, merchandise and/or services of a size of seven (7) feet by fourteen (14) or larger having a fixed terminal, making a scheduled or definite stop within the City for the purpose of loading or unloading shall proceed over or upon the designated routes set out in this section to the nearest point of its scheduled or definite stop and shall proceed thereto, load or unload and return, by the most direct route possible to the point of departure from said designated route.

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

4. Second Street. No truck or other commercial vehicle shall be operated upon Second Street from Union Street to Main Street. Trucks or other commercial vehicles may have access to buildings located on Second Street by the north/south streets intersecting with Second Street and may drive across Second Street, but shall in no manner be operated in a general east and west direction upon such portion of Second Street.

3-3-53 VEHICULAR NOISE.

1. It shall be unlawful for any person to make, continue or cause any disturbing, excessive or offensive noise which results in discomfort or annoyance to any reasonable person of normal sensitivity by means of radio, compact disk player, stereo, speakers, cassette tape player or similar sound device in a motor vehicle.

2. The operation of any radio, compact disk player, stereo, speakers, cassette tape player or similar sound device in such a manner so as to be audible at a distance of two hundred (200') from the motor vehicle shall constitute evidence of a prima facie violation of this section.

3-3-54 ENGINE AND COMPRESSION BRAKES.

1. It shall be unlawful for the driver of any vehicle to use or operate or cause to be used or operated within the City, any engine brake, compression brake or mechanical exhaust device designed to aid in the braking or deceleration of any vehicle that results in excessive, loud, unusual or explosive noise from such vehicle.

2. The usage of an engine brake, compression brake or mechanical exhaust device designed to aid in braking or deceleration in such a manner so as to be audible at a distance of three hundred feet (300') from the motor vehicle shall constitute evidence of a prima facie violation of this section.

BICYCLE REGULATIONS

3-3-55 DEFINITIONS. For the purpose of this Chapter the following terms are defined:

1. "Bicycles" shall mean either of the following:

a. A device having two wheels and having at least one saddle or seat for the use of a rider which is propelled by human power.

b. A device having two or more wheels with fully operable peddles and an electric motor less than seven hundred fifty watts (one horsepower), whose maximum speed on a paved level surface, when powered solely by such a motor while ridden, is less than twenty miles per hour.

(Code of Iowa, Sec. 321.1)
(Amended in 2008)

3-3-56 TRAFFIC CODE APPLIES TO PERSONS RIDING BICYCLES. 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 drivers of vehicles by the laws of this State regarding rules of the road applicable to vehicles or by the traffic Ordinances of this City applicable to drivers of vehicles, except as to those provisions which by their nature can have no application. Whenever a person dismounts from a bicycle such person shall be subject to all regulations applicable to pedestrians.

3-3-57 RIDING ON BICYCLES. A person propelling a bicycle shall not ride other than astride a permanent and regular seat.

No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

3-3-58 RIDING ON ROADWAYS AND BICYCLE PATHS. Every person operating a bicycle upon a roadway shall ride as near to the right-hand side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

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.

Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

3-3-59 SPEED. No person shall operate a bicycle at a speed greater than is reasonable and prudent under existing conditions.

3-3-60 EMERGING FROM ALLEY OR DRIVEWAY. The operators 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 the sidewalk or sidewalk area, and upon entering the roadway shall yield the right of way to all vehicles approaching on said roadway.

3-3-61 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.

3-3-62 PARKING. Bicycles shall be parked upon the roadway of a street against the curb, or upon the sidewalk in a rack to support bicycles, or against a building, or at the curb, in such a manner as to afford the least obstruction to pedestrian traffic.

3-3-63 RIDING ON SIDEWALKS. No person shall ride a bicycle on a sidewalk within a business district.

When signs are erected on a sidewalk or roadway prohibiting the riding of bicycles on the sidewalk or roadway, no person shall disobey such signs.

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

3-3-64 LAMPS AND OTHER EQUIPMENT ON BICYCLES. Every bicycle when in use at nighttime shall be equipped with a lamp on the front that emits a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type that is visible from all

distances from 50 feet to 300 feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

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

SNOWMOBILES

3-3-65 SNOWMOBILE DEFINITIONS.

1. "Snowmobile" means a self-propelled vehicle designed for travel on snow or ice in a natural terrain steered by wheels, skis or runners.
2. "Operate" means to control the operation of a snowmobile.
3. "Operator" means a person who operates or is in actual control of a snowmobile.

3-3-66 PERMITTED AREAS OF OPERATION.

1. From the south city limit along the east side of IDOT ROW north along Highway 17 to East Eighth Street.
2. East along city ROW on the south side of East Eighth Street to the north/south alley in the Block with Lots 74 through 99 in Canady's First Addition.
3. Proceed west along the north side city ROW of East Sixth Street to Highway 17.
4. Proceed north along the east side IDOT ROW of Highway 17 to East Third Street.
5. Proceed east along the south side city ROW of East Third to the north/south alley in Block 17 of Stover's Second Addition and proceed north.
6. Continue north across East Second Street to the north/south alley in Block 14 of Stover's Second Addition to East First street.
7. Proceed west along the north side City ROW of East First Street to the IDOT ROW on the east side of Highway 17 to Highway 210 East.
8. At Highway 210 East the trail will also come into the city from the very most east city limit along the north side IDOT ROW along Highway 210 East.
9. At the intersection of Highway 210 East and Highway 17 the trail will proceed north along the east side IDOT ROW of Highway 17 to the furthest north city limit line.

3-3-67 REGULATIONS. It shall be unlawful for any person to operate a snowmobile under the following circumstances:

1. On private property of another without the express permission to do so by the owner or occupant of said property.
2. On public school grounds, park property, playgrounds, recreational areas and golf courses without express permission to do so by the proper public authority.
3. In a manner so as to create loud, unnecessary or unusual noise so as to disturb or interfere with the peace and quiet of other persons.
4. In a careless, reckless or negligent manner so as to endanger the safety of any person or property of any other person.
5. Without having such snowmobile registered as provided for by Iowa Statute except that this provision shall not apply to the operation of a snowmobile on the private property of the owner by the owner or a member of his immediate family.
6. Within the right-of-way of any public street or alley within the City unless the operator shall have a valid driver's license; or an instruction permit and accompanied by a qualified licensed driver.

3-3-68 EQUIPMENT REQUIRED. All snowmobiles operated within the City shall have the following equipment:

1. Mufflers which are properly attached and which reduce the noise of operation of the vehicle to the minimum noise necessary for operating the vehicle and no person shall use a muffler cut-out, by-pass or similar device on said vehicle.
2. Adequate brakes in good operating condition and at least one headlight and one taillight in good operating condition.
3. A safety or so-called "dead-man" throttle in operating condition; a safety or "dead-man" throttle is defined as a device which when pressure is removed from the accelerator or throttle causes the motor to be disengaged from the driving track.

3-3-69 UNATTENDED VEHICLES. It is unlawful for the owner or operator to leave or allow a snowmobile to be or remain unattended on public property while the motor is running or the key left in the ignition.

3-3-70 RESTRICTION OF OPERATION. The City Council may, by resolution, prohibit the operation of snowmobiles within the right-of-way of the public roads, streets or alley or other City property within the City when the public safety and welfare so requires.

3-3-71 TRAFFIC REGULATION. Each person operating a snowmobile shall strictly observe all traffic signs and signals and all other traffic rules and regulations applicable thereto, and shall obey the orders and directions of any police officer of the City authorized to direct or regulate traffic.

OFF-ROAD VEHICLES

3-3-72 DEFINITIONS. For use in this Chapter the following terms are defined:

1. "All-terrain vehicle" (ATV) means a motor vehicle designed to travel on three or more wheels and designed primarily for off-road recreational use. "All-terrain vehicle" includes off-road utility vehicles as defined in Section 321I.1, but does not include farm tractors or equipment, construction equipment, forestry vehicles, or lawn and grounds maintenance vehicles.

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, but which contains design features that enable operation over natural terrain.

3. "Off-road utility vehicle" means a motorized flotation-tire vehicle with not less than four and not more than six low-pressure tires that is limited in engine displacement to less than one thousand five hundred cubic centimeters and in total dry weight to not more than one thousand eight hundred pounds and that has a steering wheel for control.

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

3-3-73 OPERATION OF OFF-ROAD VEHICLES. The operation of ATV or off-road motorcycles shall comply with the following restrictions:

1. Streets. ATVs and Snowmobiles shall be operated only upon streets which have not been plowed during the snow season and on such other streets as may be designated by resolution of the Council.

(Code of Iowa 321.234A)

(Code of Iowa 321I)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3-3-74 RESERVED

3-3-75 RESERVED

3-3-67 RESERVED

GOLF CARTS

3-3-77 DEFINITIONS. For use in this ordinance “golf cart” is defined as a motorized 4-wheeled vehicle designed to transport person(s) on a golf course.

3-3-78 OPERATION OF GOLF CARTS. Golf carts may be operated on City streets by persons possessing a valid driver’s license provided that a special permit is obtained from the City Council. The application for a permit shall set forth that the applicant meets the requirements of this section, the proposed routes of the applicant, and a compelling need for issuance of the permit. The City Council may impose restrictions and conditions in addition to those set forth in this section and may deny an application when a compelling need for the permit is not demonstrated. A golf cart shall not be operated upon a City street which is a primary road extension, i.e., State or Federal highway, but shall be allowed to cross a City street which is a primary road extension through the City. The golf cart shall be equipped with adequate brakes, a slow-moving vehicle sign, and a bicycle safety flag. The golf cart shall be operated only on the streets from sunrise to sunset. Golf carts operated on City streets need not be registered under Chapter 321 of the Code of Iowa

PENALTIES AND PROCEDURE

3-3-79 NOTICE OF FINE PLACED ON ILLEGALLY PARKED VEHICLE. Whenever any motor vehicle without a driver is found parked or stopped in violation of any of the restrictions imposed by any Ordinance of this City or State law, the officer finding such vehicle shall prepare a notice of parking fine giving the registration number, and other identifying information to such vehicle in a conspicuous place and directing the driver of the vehicle to appear within thirty days, or to pay the local scheduled fine.

3-3-80 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING. In any prosecution charging a violation of any parking Ordinance or State law governing the standing, stopping, or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such Ordinance or law, together with proof that the defendant named in the complaint was at the time of such parking violation the registered owner of such vehicle, shall constitute prima facie evidence that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which such violation occurred.

3-3-81 LOCAL PARKING FINES. Scheduled fines as follows are established, payable by mail or in person at the City Clerk's office within thirty days of the violation, for the following parking violations:

| | | Penalty After <u>30 Days</u> |
|-----------------------|---------|---------------------------------|
| 1. Overtime parking | \$25.00 | \$50.00 |
| 2. Prohibited parking | \$25.00 | \$50.00 |
| 3. No parking zone | \$25.00 | \$50.00 |
| 4. Blocking alley | \$25.00 | \$50.00 |
| 5. Illegal parking | \$25.00 | \$50.00 |
| 6. Street cleaning | \$25.00 | \$50.00 |

| | | |
|--------------------------------------|-----------|----------|
| 7. Snow removal ban | \$25.00 | \$50.00 |
| 8. Persons with disabilities parking | \$ 200.00 | \$500.00 |

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

3-3-82 FAILURE TO PAY PARKING CITATIONS. If a violator of the restrictions on stopping, standing, or parking under the parking Ordinances of this City or of State law fails to make payment of the scheduled fine as specified on a parking citation affixed to such motor vehicle within the thirty (30) days, the City shall send the owner of the motor vehicle to which the parking citation was affixed a letter informing the owner of the violation and warning that in the event the penalty is not paid within five days from date of mailing, a court citation will be issued requiring a court appearance and subjecting the violator to court costs.

3-3-83 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.

3-3-84 TAMPERING WITH VEHICLES. It is unlawful for any person, either individually or in association with one or more other persons, to willfully injure or tamper with any vehicle or break or remove any part or parts of or from a vehicle without the consent of the owner.

3-3-85 RECREATIONAL VEHICLES. It is unlawful for any person to park or place any recreational type vehicle on the streets, alleys, highways or any public or private land within the City for more than forty-eight (48) hours, unless said person has been granted a permit by the City. Said permit, which may be renewed, authorized the otherwise illegal parking of a recreational type vehicle for a period of time not to exceed seven (7) days.

SKATEBOARDS, ROLLER SKATES, IN-LINE SKATES, AND NON-MOTORIZED SCOOTERS

3-3-86 USE RESTRICTED. The following shall apply to riding or operating a skateboard, roller skates, in-line skates or non-motorized scooters on streets and sidewalks:

1. Business District. No person shall ride or operate a skateboard, roller skates, in-line skates or non-motorized scooter upon the streets within the Business District of the City. The Business District is defined for purposes of this section as an area bounded on the north by First Street, on the west by Market Street, on the south by Third Street and on the east by Union Street.

2. Highways. No person shall ride or operate a skateboard, roller skates, in-line skates or non-motorized scooter upon Highway 17 and Highway 210 within the City limits.

3. Other Locations. When signs are erected on a sidewalk or roadway prohibiting the riding of a skateboard, roller skates, in-line skates or non-motorized scooter thereon by any person, no person shall disobey the signs.

3-3-87 YIELD RIGHT-OF-WAY. Whenever any person is riding a skateboard, roller skates, in-line skates or non-motorized scooter upon a City sidewalk or street, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing.

3-3-88 SPEED AND TOWING. No person shall operate a skateboard, roller skates, in-line skates or non-motorized scooter at a speed greater than is reasonable and prudent under the conditions then existing. It is unlawful for any person riding a skateboard, roller skates, in-line skates or non-motorized scooter to be towed or to tow any other vehicle upon the streets of the City.

3-3-89 IMPROPER RIDING. No person shall ride a skateboard, roller skates, in-line skates or non-motorized scooter in an irregular or reckless manner such as zigzagging, stunting, speeding or otherwise so as to disregard the safety of the operator or others.

3-3-90 IMPEDING TRAFFIC. No person shall ride a skateboard, roller skates, in-line skates or non-motorized scooter in a manner which will impede the normal flow of traffic on the City streets.

3-3-91 SPECIAL PENALTY. Any person violating the provisions of this chapter may, in lieu of the standard penalty provided for violations of this Code of Ordinances, allow the person's skateboard, roller skates, in-line skates or non-motorized scooter to be impounded by the City for not less than fifteen (15) days for the first offense, thirty (30) days for a second offense and sixty (60) days for a third offense. No violations of this chapter which occurred more than one year prior to the date of the violation charged shall be considered in determining that the violation charged is a second or third offense.

MOTOR VEHICLE NOISE RESTRICTIONS

3-3-92 DEFINITIONS. The following words and phrases are defined for use in this chapter:

1. "DBA" means the composite abbreviation for A-weighted sound level, and the unit of sound level, the decibel.

2. "Gross combined weight rating" or "GCWR" means the value specified by the manufacturer as the loaded weight of a combination vehicle.

3. "Gross vehicle weight" means the value specified by the manufacturer as the loaded weight of a single vehicle.

4. "Sound level" means the A-weighted sound pressure level measured using an instrument complying with the specifications for sound level meters of the American National Standards Institute, Inc., or its successor publications, except that only A-weighting and fast dynamic response need be provided.

5. "Sound level meter" means an instrument or apparatus including a microphone, an amplifier, an output meter and weighting networks for the measurement of sound pressure. The

output meter reads sound pressure level when properly calibrated, and the instrument is of Type II or better as specified in the American National Standards Institute Publications S1.4-1971, or successor publications.

6. "Sound pressure level" means 20 times the logarithm to the base 10 of the ratio of the RMS sound pressure to the reference pressure of 20 micropascals ($20 \times 10^{-6} \text{N/M}$). The sound pressure level is denoted LP or SPL and is expressed in decibels.

All technical terminology used in this chapter, unless the context otherwise requires, shall be defined in accordance with American National Standards Institute (ANSI) Publication S1.1-1960, revised 1971, or successor publications of ANSI, or its successor bodies.

3-3-93 NOISE LIMITATIONS. It is unlawful for any person to operate or for the owner to cause or knowingly permit to be operated within the City any motor vehicle which emits a noise sound pressure level in excess of the DBA established in this section. No person shall operate a motorcycle which exceeds 95 DBA, measured at least twenty (20) inches from the exhaust outlet. The measured exhaust system sound level of a stationary motor vehicle shall be the highest reading obtained during the test, disregarding unrelated peaks due to extraneous ambient noise. When there is more than one exhaust outlet, the reported sound level shall be for the loudest outlet. When there is more than one outlet extending from a single muffler separated by less than 12 inches, measurement shall not be made on the outlet furthest from the side of the vehicle.

MAXIMUM ALLOWABLE NOISE SOUND PRESSURE LEVELS FOR MOTOR VEHICLES

| Type of Vehicle | Maximum Allowable Sound Pressure Level | Minimum Measurement Distance from Motor Vehicle |
|---|--|---|
| Motor vehicles weighing 10,000 pounds or less Manufacturer's Gross Vehicle Weight (except motorcycles) | 80 DBA | 25 feet |
| Motor vehicles weighing more than 10,000 pounds Manufacturer's Gross Vehicle Weight | 88 DBA | 25 feet |
| Motorcycles | 95 DBA | 20 inches |
| This section applies to the total noise from a motor vehicle and shall not be construed as limiting or precluding the enforcement of any other provisions of this section relating to motor vehicle mufflers. | | |

3-3-94 NOISE ABATEMENT EQUIPMENT MODIFICATIONS. No person shall modify the exhaust system of a motor vehicle or any other noise abatement device of a motor vehicle operated upon the streets and highways of the City in a manner that the noise emitted by the motor vehicle is above the sound pressure levels stated in Section 3-3-83 of this chapter. Muffler cut-outs, bypasses or other devices which increase sound emitted over prescribed levels shall be considered a violation of this chapter. No person shall operate a motor vehicle upon the streets and highways of the City with an exhaust system or noise abatement device so modified.

3-3-95 NOISE SOUND PRESSURE LEVEL MEASUREMENT. For the purpose of determining noise sound pressure levels as set forth in this chapter, the following test procedures and measurements are applicable:

1. Instrumentation. The instrumentation for determining noise sound pressure levels shall be with a sound level meter of standard design as defined in this chapter. The sound pressure level measurement shall be made with the "A" weighting network.

2. Measuring Location. Sound pressure levels shall be measured at a linear distance of at least twenty-five (25) feet from the near side of the nearest traffic lane being monitored and at an elevation of at least four (4) feet above the immediate surrounding surface, for all vehicles except motorcycles.

3. Motorcycles. Sound pressure levels for motorcycles shall be measured at a distance of twenty (20) inches from exhaust outlet as described in Section 3-3-83.

4. Locations Other Than Public Right-of-way. Noise from a motor vehicle which is located other than within the public right-of-way shall be measured at a distance of at least twenty-five (25) feet from said motor vehicle and at a height of at least four (4) feet above the immediate surrounding surface.

5. Vehicle Evaluation. Whenever a peace officer arrests an operator of a motor vehicle in violation of this chapter, said officer may order the operator thereof to transport such vehicle to an appropriate testing location for evaluation.

3-3-96 EXEMPTIONS. The following are exempt from the operation of this chapter:

1. Emergency Work. Noise caused in the performance of emergency work for the immediate safety, health or welfare of the community or individuals of the community or to restore property to a safe condition following a public calamity.

2. Equipment. Construction equipment, street maintenance equipment and public health and safety equipment, while on a job site.

TITLE III COMMUNITY PROTECTION

CHAPTER 4 FIRE PROTECTION

| | | | |
|-------|---|--------|---|
| 3-4-1 | Establishment and Purpose | 3-4-9 | Obedience to Fire Chief |
| 3-4-2 | Volunteer Fire Fighters | 3-4-10 | Constitution |
| 3-4-3 | Fire Fighter's Duties | 3-4-11 | Worker's Compensation and Hospitalization Insurance |
| 3-4-4 | Worker's Compensation and Hospitalization Insurance | 3-4-12 | Liability Insurance |
| 3-4-5 | Liability Insurance | 3-4-13 | Fires Outside City Limits |
| 3-4-6 | Fires Outside City Limits | 3-4-14 | Mutual Aid |
| 3-4-7 | Election of Officers | 3-4-15 | Authority to Cite Violations |
| 3-4-8 | Attendance at City Council Meetings | 3-4-16 | Emergency Rescue Service |

3-4-1 ESTABLISHMENT AND PURPOSE. A volunteer fire department is hereby established to prevent and extinguish fires and to protect lives and property against fires, to promote fire prevention and fire safety, and to answer all emergency calls for which there is no other established agency.

(Code of Iowa, Sec. 364.16)

3-4-2 VOLUNTEER FIRE FIGHTERS. Prior to appointment as a volunteer fire fighter and every four years thereafter a volunteer fire fighter must pass a medical physical examination.

(Code of Iowa, Sec. 362.10)

3-4-3 ORGANIZATION. The department consists of the Fire Chief and such other officers and personnel as may be authorized by the City Council.

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

3-4-4 APPROVED BY THE CITY COUNCIL. No person having otherwise qualified shall be appointed to the department until such appointment is submitted to and approved by a majority of the City Council members.

3-4-5 FIRE FIGHTER'S DUTIES. When called by the Fire Chief, all fire fighters shall report for duty immediately in the manner directed by the Fire Chief. All fire fighters shall be subject to call at any time. Fire Fighters shall obey strictly the commands of any other fire fighter who has been appointed by the Fire Chief to be in command temporarily. Fire fighters shall report for training as ordered by the Fire Chief.

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

3-4-6 COMPENSATION. Members of the department shall be designated by rank and receive such compensation as shall be determined by resolution of the City Council.

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

3-4-7 ELECTION OF OFFICERS. The department shall elect a Fire Chief and such other officers as its constitution and bylaws may provide, but the election of the Fire Chief shall be subject to the approval of the City Council. In case of absence of the Fire Chief, the officer next in rank shall be in charge and have and exercise all the powers of Fire Chief.

3-4-8 ATTENDANCE AT CITY COUNCIL MEETINGS. The Fire Chief or other person designated by the department shall attend at least one City Council meeting per month.

3-4-9 OBEDIENCE TO FIRE CHIEF. No person shall willfully fail or refuse to comply with any lawful order or direction of the Fire Chief.

3-4-10 CONSTITUTION. The department shall adopt a constitution and bylaws as they deem calculated to accomplish the object contemplated, and such constitution and bylaws and any change or amendment to such constitution and bylaws before being effective, must be approved by the City Council.

3-4-11 WORKER'S COMPENSATION AND HOSPITALIZATION INSURANCE. The City Council shall contract to insure the City against liability for worker's compensation and against statutory liability for the costs of hospitalization, nursing, and medical attention for volunteer fire fighters. All volunteer fire fighters shall be covered by the contract.

3-4-12 LIABILITY INSURANCE. The City Council shall contract to insure against liability of the City or members of the department for injuries, death or property damage arising out of and resulting from the performance of departmental duties.

3-4-13 FIRES OUTSIDE CITY LIMITS. The department shall answer calls to fires and other emergencies outside the City limits if the Fire Chief determines that such emergency exists and that such action will not endanger persons and property within the City limits or pursuant to an agreement with the County or Township.

(Code of Iowa, Sec. 364.16)

3-4-14 MUTUAL AID. Subject to approval by resolution of the City Council, the department may enter into mutual aid agreements with other legally constituted fire departments. Copies of any such agreements shall be filed with the City Clerk.

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

3-4-15 AUTHORITY TO CITE VIOLATIONS. Fire officials acting under the authority of Chapter 100 of the *Code of Iowa* may issue citations in accordance to Chapter 805 of the *Code of Iowa*, for violations of state and/or local fire safety regulations.

(Code of Iowa, Sec. 100.41)

3-4-16 EMERGENCY RESCUE SERVICE. The department is authorized to provide emergency rescue services and the accidental injury and liability insurance provided for herein shall include such operation.

TITLE III COMMUNITY PROTECTION

CHAPTER 5 CURFEW FOR MINORS

| | | | |
|-------|----------------------|-------|-------------|
| 3-5-1 | Preamble | 3-5-4 | Offenses |
| 3-5-2 | Findings and Purpose | 3-5-5 | Defenses |
| 3-5-3 | Definitions | 3-5-6 | Enforcement |
| | | 3-5-7 | Penalties |

3-5-1 PREAMBLE. The City of Madrid recognizes that all citizens including minors have certain inalienable rights and that among them are the rights of liberty and the pursuit of happiness. Further, all citizens including minors have the right to freedom of religion, freedom of speech, freedom of assembly, and of association. This section should be interpreted to avoid any construction that would result in the appearance of interference with the free exercise of religious worship and political association and this Ordinance shall not be construed to mean that the City intends to interfere with a minor's freedom of association for political, economic, religious, or cultural matters or association for purposes such as marches, demonstrations, picketing, or prayer vigils which are otherwise lawful and peaceful assemblies.

(Code of Iowa, Sec. 364.1)

3-5-2 FINDINGS AND PURPOSE. The City Council has determined that there has been an increase in juvenile violence and crime by persons under the age of 17 in the City of Madrid; and

Persons under the age of 17 are particularly susceptible by their lack of maturity and experience to participate in unlawful and gang-related activities and to be victims of older perpetrators of crime; and

The City of Madrid has an obligation to provide for the protection of minors from each other and from other persons, for the enforcement of parental control over and responsibility for children, for the protection of the general public, and for the reduction of the incidence of juvenile criminal activities.

3-5-3 DEFINITIONS. In this chapter:

1. Curfew hours mean: 10:30 p.m. on Sunday, Monday, Tuesday, Wednesday, and Thursday to 5:00 a.m. the following morning and 12:00 midnight on Friday and Saturday evenings to 5:00 a.m. of the following morning.

2. Emergency means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

3. Establishment means any privately-owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

4. Guardian means:

a. A person who, under court order, is the guardian of the person of a minor; or

b. A public or private agency with whom a minor has been placed by a court.

5. Minor means any person under age 17 years of age.

6. Operator means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

7. Parent means a person who is:

a. A biological parent, adoptive parent, or step-parent of another person; or

b. At least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

8. Public place means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

9. Remain means to:

a. Linger or stay; or

b. Fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

10. Serious Bodily Injury means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss of impairment of the function of any bodily member or organ.

3-5-4 OFFENSES.

1. A minor commits an offense if the minor remains in any public place or on the premises of any establishment within the City during curfew hours.

2. A parent or guardian of a minor commits an offense if they knowingly permit, or by insufficient control allow, the minor to remain in any public place or on the premises of any establishment within the City during curfew hours.

3. The owner, operator, or any employee of an establishment commits an offense if they knowingly allow a minor to remain upon the premises of the establishment during curfew hours.

3-5-5 DEFENSES.

1. It is a defense to prosecution under this chapter that the minor was:
 - a. Accompanied by the minor's parent or guardian;
 - b. On an errand at the direction of the minor's parent or guardian, without any detour or stop;
 - c. In a motor vehicle involved in interstate travel;
 - d. Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
 - e. Involved in an emergency;
 - f. On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;
 - g. Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Madrid, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Madrid, a civic organization, or another similar entity that takes responsibility for the minor;
 - h. Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or
 - i. Married or had been married.

2. It is a defense to prosecution under Subsection 3-5-4(3) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

3-5-6 ENFORCEMENT.

1. Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in Section 3-5-5 is present.

2. A minor who is in violation of this Ordinance shall be reunited with the minor's parent or guardian or custodian or other adult taking the place of the parent or shall be taken home by the police officers of the City of Madrid.

3-5-7 PENALTIES.

1. Penalties for minors. A first time violation of this chapter by a minor shall result in a fine of \$25.00; a second violation shall result in a fine of \$50.00; and a third or subsequent violation shall result in a fine of \$75.00.

2. Penalties for Responsible Adult. A responsible adult, as defined by this chapter, whose minor has violated this chapter is also vicariously responsible for said minor's violation. Accordingly, each responsible adult who has custody or control of a minor who has violated this chapter shall likewise be fined in an amount of \$25.00 for a minor's first violation, \$50.00 for a minor's second violation, and \$75.00 for a minor's third or subsequent violation.

"Editor's Note: The courts have carefully scrutinized curfew Ordinances and before enacting such an Ordinance, you should consult with your City Attorney. See Maquoketa v. Russell, 484 NW2d, 179 (Iowa 1992) and Quit v. Strauss, 8 F2d 260 (1993)."

TITLE III COMMUNITY PROTECTION

**CHAPTER 6 REGULATING PEDDLERS, SOLICITORS
AND TRANSIENT MERCHANTS**

| | | | |
|-------|-------------------------|--------|---|
| 3-6-1 | Definitions | 3-6-7 | Bond Required |
| 3-6-2 | Exemptions | 3-6-8 | Obstruction of Pedestrian or Vehicular Traffic |
| 3-6-3 | Permits | 3-6-9 | Display of Permit |
| 3-6-4 | Requirements | 3-6-10 | Permit Not Transferable |
| 3-6-5 | Hours of Solicitation | 3-6-11 | Revocation of Permit |
| 3-6-6 | Consumer Protection Law | | |

3-6-1 DEFINITIONS. For use in this chapter, the following terms are defined as follows:

1. A "peddler" is any person carrying or transporting 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. A "solicitor" is any person who solicits or attempts to solicit from house-to-house or upon public streets orders for commercial goods, wares, subscriptions, publications, periodicals, merchandise, or services to be delivered or fulfilled at a future date.

For the purposes of this chapter, "solicitor" does not include a person who contacts another person at such person's residence without prior invitation to enlist support for or against, or solicit funds for patriotic, philanthropic, charitable, political, or religious purposes, whether or not there is an incidental purpose involving the sale of some goods or service.

3. A "transient merchant" includes every merchant, whether an individual person, a firm, corporation, partnership, or association, who brings or causes to be brought within the municipality any goods, wares, or merchandise of any kind, nature, or description, with the intention of temporarily or intermittently selling or offering to sell at retail such goods, wares, or merchandise. Temporary association with a local merchant, dealer, trader, or auctioneer, for conducting such transient business in connection with, as part of, or in the name of any local merchant, dealer, trader, or auctioneer, does not exempt any such person, firm, or corporation from being considered a transient merchant.

The provisions of this chapter shall not be construed to apply to persons selling at wholesale to merchants, nor to persons running a huckster wagon, or selling or distributing livestock feeds, fresh meats, fish, fruit, or vegetables, nor to persons selling their own work or production either by themselves or their employees.

3-6-2 EXEMPTIONS. The provisions of this chapter shall not apply to nonprofit civic, charitable, religious, or educational groups engaged in retail sale for the purposes of fund raising.

3-7-3 PERMITS.

1. Permits Required. No person shall engage in peddling, soliciting or in the business of a transient merchant in the City without first obtaining a permit from the City as herein provided.

2. Application for Permit. An application in writing shall be filed with the City Clerk for a permit under this chapter. Such application shall set forth the applicant's name, permanent and local address and business address, if any. The application shall also set forth the applicant's employer, if any, and the employer's address, the nature of the business and the last three places of such business and the length of time such business will be carried on in the City. In order to process the application, a ten dollar (\$10.00) fee must be paid before a permit will be issued.

3. Permit fees. The following fees shall be paid to the City Clerk prior to the issuance of any permit:

- a. For one day only - \$50.00
- b. For one week - \$100.00
- c. For up to six months - \$250.00
- d. For six months to one year - \$500.00

3-6-4 REQUIREMENTS. Any applicant engaged in any activity described in 3-6-1 of this chapter must file with the City Clerk an application in writing that gives the following information:

1. Name and social security number.
2. Permanent and local addresses and, in case of transient merchants, the local address from which proposed sales will be made.
3. A brief description of the nature of the sales method.
4. Name and address of the firm for or on whose behalf the orders are solicited, or the supplier of the goods offered for sale.
5. Length of time for which the permit is desired.
6. A statement as to whether or not the applicant has been convicted of any crime, and if so, the date, the nature of the offense, and the name of the court imposing the penalty.

7. Motor vehicle make, model, year, color, and registration number, if a vehicle is to be used in the proposed solicitation.

3-6-5 HOURS OF SOLICITATION. No person may conduct those activities described in Section 3-6-1 except between the hours of 9:00 a.m. and 6:00 p.m. on each day, and no solicitation shall be done on Sundays or legal holidays.

3-6-6 CONSUMER PROTECTION LAW. All solicitors and peddlers shall be informed of, agree to comply with, and comply with the State law, Section 555A.3, Code of Iowa, requiring a notice of cancellation to be given in duplicate, properly filled out, to each buyer to whom such person sells a product or service and, comply with the other requirements of the law.

3-6-7 BOND REQUIRED. Before a permit under this chapter is issued, each person subject to this Ordinance shall post with the Clerk, a bond, by a surety company authorized to insure the fidelity of others in Iowa, in the amount of \$1,000 to the effect that the registrant and the surety consent to the forfeiture of the principal sum of the bond or such part thereof as may be necessary: (1) to indemnify the City for any penalties or costs occasioned by the enforcement of this chapter, and (2) to make payment of any judgment rendered against the registrant as a result of a claim or litigation arising out of or in connection with the registrant's peddling or solicitation. The bond shall not be retired until one year from the expiration of the permit.

3-6-8 OBSTRUCTION OF PEDESTRIAN OR VEHICULAR TRAFFIC. No person, while engaged in any of the practices described in Section 3-6-1, shall block or obstruct the path of any pedestrian or vehicular traffic, or block or obstruct any way of ingress or egress to roads, buildings, or other enclosures or conveyances, including, but not limited to, vehicles, elevators, and escalators.

3-6-9 DISPLAY OF PERMIT. Each solicitor or peddler shall at all times while doing business in this City keep in his or her possession the permit provided for in Section 3-6-3 of this Chapter, and shall, upon the request of prospective customers, exhibit the permit as evidence that he or she has complied with all requirements of this Chapter. Each transient merchant shall display publicly the permit in his or her place of business.

3-6-10 PERMIT NOT TRANSFERABLE. Permits issued under the provisions of this Chapter are not transferable in any situation and are to be applicable only to the person filing the application.

3-6-11 REVOCATION OF PERMIT. The City Council after notice and hearing, may revoke any permit issued under this Ordinance where the permittee in the application for the permit or in the course of conducting his or her business has made fraudulent or incorrect statements or has violated this Ordinance or has otherwise conducted business in an unlawful manner.

TITLE III COMMUNITY PROTECTION

CHAPTER 7 ALCOHOLIC BEVERAGES

| | | | |
|-------|--|-------|-------------------|
| 3-7-1 | Purpose | 3-7-3 | Action by Council |
| 3-7-2 | Required Obedience to Provisions of this Chapter and State Law | 3-7-4 | Transfers |

3-7-1 PURPOSE. The purpose of this chapter is to provide for administration of licenses and permits and for local regulations and procedures for the conduct of the sale and consumption of beer, wine, and liquor, for the protection of the safety, health, and general welfare of this community.

(Code of Iowa, Sec. 364.1)

3-7-2 REQUIRED OBEDIENCE TO PROVISIONS OF THIS CHAPTER AND STATE LAW. The following sections of the Iowa Code are hereby adopted by reference:

1. 123.2 and 123.3 General Prohibition and Definitions
2. 123.18 Favors From Licensee or Permittee
3. 123.22 State Monopoly
4. 123.28 Open Alcoholic Beverage Containers
5. 123.30 Liquor Control Licenses - Classes
6. 123.31 Application Contents
7. 123.33 Records
8. 123.34 Expiration - License or Permit
9. 123.35 Simplified Renewal Procedure
10. 123.36 Liquor Fees - Sunday Sales
11. 123.38 Nature of Permit or License - Surrender - Transfer
12. 123.39 Suspension or Revocation of License or Permit - Civil Penalty
13. 123.40 Effect of Revocation
14. 123.44 Gifts of Liquors Prohibited
15. 123.46 Consumption in Public Places - Intoxication - Right to Chemical Test - Notifications - Exoneration
16. 123.47 Persons Under Legal Age - Penalty
17. 123.49 Miscellaneous Prohibitions
18. 123.50 Criminal and Civil Penalties
19. 123.51 Advertisements for Alcoholic Liquor, Wine or Beer
20. 123.52 Prohibited Sale
21. 123.90 Penalties Generally
22. 123.95 Premises Must Be Licensed - Exception as to Conventions and Social Gatherings
23. 123.122 through 123.145 Beer Provisions (Division II)

24. 123.150 Sunday Sales Before New Year's Day
25. 123.171 through 123.182 Wine Provisions (Division V)
26. 321.284 Open Containers in Motor Vehicles - Drivers
27. 321.284A Open Containers in Motor Vehicles - Passengers

3-7-3 ACTION BY COUNCIL. The City Council shall approve or disapprove the application. Action taken by the City Council shall be endorsed on the application. The application, fee, penal bond, and certificate of dram shop liability insurance (if applicable) shall be forwarded to the Iowa Alcoholic Beverages Division for further action as provided by law.

(Code of Iowa, Sec. 123.32(2))

3-7-4 TRANSFERS. The City Council may, in its discretion, authorize a licensee or permittee to transfer the license or permit from one location to another within the City, provided that the premises to which the transfer is to be made would have been eligible for a license or permit in the first instance and the transfer will not result in the violation of any law or Ordinance. An applicant for a transfer shall file with the application for transfer proof of dram shop liability insurance and penal bond covering the premises to which the license is to be transferred.

(Code of Iowa, Sec. 123.38)

TITLE III COMMUNITY PROTECTION

CHAPTER 8 JUNK AND ABANDONED VEHICLES

| | | | |
|-------|---|--------|-----------------------------------|
| 3-8-1 | Purpose | 3-8-8 | Junk Vehicles Declared a Nuisance |
| 3-8-2 | Definitions | 3-8-9 | Notice to Abate |
| 3-8-3 | Removal of Abandoned Vehicles | 3-8-10 | Abatement by Municipality |
| 3-8-4 | Notification of Owners and Lienholders | 3-8-11 | Collection of Cost of Abatement |
| 3-8-5 | Impoundment Fees and Bonds | 3-8-12 | Exceptions |
| 3-8-6 | Hearing Procedures | 3-8-13 | Interference with Enforcement |
| 3-8-7 | Auction or Disposal of Abandoned Vehicles | | |

3-8-1 PURPOSE. The purpose of this chapter is to protect the health, safety, and welfare of the citizens and safety of property of this City by providing for removal of abandoned motor vehicles and the elimination of the open storage of abandoned and junk motor vehicles and machinery except in authorized places.

(Code of Iowa, Sec. 3641.1)

3-8-2 DEFINITIONS. For the purpose of this chapter, the following terms are defined as follows:

1. "Abandoned vehicle" means any of the following:

a. A vehicle that has been left unattended on public property for more than twenty-four hours and lacks current registration plates or two or more wheels or other parts which render the vehicle inoperable; or unsafe or

b. A vehicle that has remained illegally on public property for more than twenty-four hours; or

c. A vehicle that has been unlawfully parked on private property or has been placed on private property without the consent of the owner or person in control of the property for more than twenty-four hours; or

d. A vehicle that has been legally impounded by order of the Public Safety Director or Mayor if the Public Safety Director is unavailable and has not been reclaimed for a period of ten days; or

e. Any vehicle parked on the street determined by the Public Safety Director or Mayor if the Public Safety Director is unavailable to create a hazard to other vehicular traffic.

(Code of Iowa, Sec. 321.89(1)(b))

2. "Private property" means any real property within the City which is not public property as defined in this section.

3. "Public property" means any public right-of-way open for the purposes of vehicular travel.

4. A "junk vehicle" means any vehicle without current license plates or which has any one of the following characteristics:

a. Any vehicle with a broken or cracked windshield, or window or headlight or any other cracked or broken glass.

b. Any vehicle with a broken or loose fender, door or bumper or hood or door handle or window handle or steering wheel, trunk top or trunk handle or tail pipe.

c. Any vehicle which has become the habitat of rats, mice, or snakes, or any other vermin or insects.

d. Any motor vehicle if it lacks an engine or two or more wheels or other structural parts which render said motor vehicle totally inoperable.

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

(Cedar Falls v. Flett 330 N.W. 2nd 251, 253, Iowa 1983)

5. "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 shall include without limitation a motor vehicle, automobile, truck, trailer, motorcycle, tractor, buggy, wagon, farm machinery, or any combination thereof.

Discretion is given to the Public Safety Director or Mayor as to the condition or intentions of restoration of a vehicle.

3-8-3 REMOVAL OF ABANDONED VEHICLES.

1. The Public Safety Director or Mayor if the Public Safety Director is unavailable may, without prior notice or hearing, remove and impound any abandoned vehicle as defined in section 3-8-2 (1). The Public Safety Director or Mayor if the Public Safety Director is unavailable may hire other personnel, equipment, and facilities for the purpose of removing, preserving, storing, or disposing of abandoned vehicles.

2. The impoundment and storage of all vehicles pursuant to this chapter shall be in such areas or places designated by the City Council.

3. When a vehicle is taken into custody and impounded under the provisions of this chapter, the Public Safety Director or Mayor if the Public Safety Director is unavailable, shall maintain a record of the vehicle, listing the color, year of manufacture, manufacturer's trade name, body style, vehicle identification number, and license plate and year displayed on the vehicle. The records shall include the date and hour of tow, location towed from, location towed to, person or firm doing the towing, reason for towing, and the name of the officer authorizing the tow.

(Code of Iowa, Sec. 321.89(2))

4. Nothing in this chapter shall govern the procedures of any police officer in taking into custody and impounding any vehicle to be used or proposed to be used as evidence in a criminal case involving crimes other than violations of this chapter.

3-8-4 NOTIFICATION OF OWNERS AND LIENHOLDERS.

1. When a vehicle is taken into custody under the provisions of this chapter or under any provisions of State law, the Public Safety Director or Mayor if the Public Safety Director is unavailable, shall notify, within three days, by certified mail with five-days return receipt, the last known registered owner of the vehicle, all lienholders of record, and any other known claimant to the vehicle or to personal property found in the vehicle, addressed to their last known addresses of record, that the abandoned vehicle has been taken into custody. Notice shall be deemed given when mailed. The notice shall:

- a. Describe the year, make, model, and serial number of the vehicle.
- b. Describe the personal property found in the vehicle.
- c. Describe the location of the facility where the vehicle is being held.
- d. Inform the persons receiving notice:

(1) of their right to reclaim the vehicle and personal property within ten days after the effective date of the notice;

(2) that the right can be exercised upon payment of all towing, preservation, notice, and storage charges resulting from placing the vehicle in custody;

(3) that failure of the owner or lienholders to exercise their right to reclaim the vehicle within the reclaiming period shall be deemed a waiver by the owner and all lienholders of all right, title, claim, and interest in the vehicle;

(4) that failure to reclaim the vehicle is deemed consent to the sale of the vehicle at a public auction or disposal of the vehicle to a demolisher.

e. State that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or personal property by the Public Safety Director or the assessment of fees and charges provided by this chapter may request a hearing to contest these matters in accordance with the provisions of Section 3-8-6.

f. State that a request for a hearing must be in writing and received by the department prior to the expiration of the ten day reclaiming period.

g. State that in the event a hearing is requested immediate release of the vehicle may be obtained by posting a cash bond as required by Section 3-8-5.

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

2. The owner, lienholders or any person receiving notice may, by written request received by the Public Safety Director or Mayor if the Public Safety Director is unavailable prior to the expiration of the ten day reclaiming period, obtain an additional fourteen days within which the vehicle may be reclaimed.

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

3. Notice by one publication in one newspaper of general circulation in the area where the vehicle was abandoned shall be sufficient to meet the requirements of this chapter. The published notice may contain multiple listings of abandoned vehicles but shall be published within the same time requirements and shall contain the same information as prescribed for mailed notice in this section. Published notice shall be used if:

a. the identity of the last registered owner cannot be determined, or

b. the registration contains no address for the owner, or

c. it is impossible to determine with reasonable certainty the identity and address of all lienholders.

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

4. If the persons receiving notice do not request a hearing or exercise their right to reclaim the vehicle or personal property within the reclaiming period, the owner of the vehicle or owners of the personal property shall no longer have any right, title, claim, or interest in or to the vehicle.

5. No court in any case in law or equity shall recognize any right, title, claim, or interest of the owner and lienholders after the ten day reclaiming period.

(Code of Iowa, Sec. 321.89(3))

3-8-5 IMPOUNDMENT FEES AND BOND.

1. Before the owner or other person lawfully entitled to possession of any vehicle that has been impounded under the provisions of this chapter or any other provision of law may recover

such vehicle, such person shall present to the Public Safety Director or Mayor if the Public Safety Director is unavailable, evidence of such person's identity and right to possession of the vehicle, shall sign a receipt for its return, and shall pay the costs of:

- a. an impoundment fee
- b. towing charges
- c. preservation charges
- d. storage charges
- e. notice charges

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

2. The amount of the charges specified in a-e shall be set by the City Council. The notice charges shall be limited to the actual cost.

3. If a hearing is requested under Section 3-8-4 (1)(e), the owner or person lawfully entitled to possession of the vehicle shall be permitted to secure the immediate release of the vehicle upon posting a cash bond in an amount equal to the sum of:

- a. the fees required by Section 3-8-5(1)
- b. the amount of the fine or penalty for each violation for which there is an outstanding or otherwise unsettled traffic violation notice or warrant.

3-8-6 HEARING PROCEDURES.

1. The registered owner, any lienholder of record, or duly authorized agents thereof, may object to the legality of the impoundment or the assessment of fees and request a hearing thereon. No person shall be entitled to more than one hearing on each impoundment. Upon receipt of a timely objection to the impoundment, the objector shall be informed of the reason for the impoundment and a hearing shall be held, without unnecessary delay, before the City Council pursuant to 1-4-1 at seq.

(Code of Iowa, Sec. 321.89(3))

3-8-7 AUCTION OR DISPOSAL OF ABANDONED VEHICLES. The Public Safety Director shall follow the procedures in State law for the auction or disposal of abandoned vehicles.

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

3-8-8 JUNK VEHICLES DECLARED A NUISANCE. Except as hereinafter provided, it is hereby declared that the parking, leaving, or storage of a junk vehicle upon either public or private property within the corporate limits of the City of Madrid, Iowa, 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 vehicle is stored upon private property or public property in violation thereof, the owner of the property shall be liable for said violation.

3-8-9 NOTICE TO ABATE.

1. Whenever the Public Safety Director or Mayor if the Public Safety Director is unavailable, shall find a junk vehicle placed or stored on private property within the City in violation of Section 3-8-8, the Public Safety Director shall notify, by certified mail with five days' return receipt, the following persons:

- a. the owner of the property.
- b. the occupant of the property.

2. The notice to abate shall:

- a. describe, to the extent possible, the year, make, model, and color of the vehicle.
- b. describe the location of the vehicle.
- c. state that the vehicle constitutes a nuisance under the provisions of this chapter.
- d. state that the owner of the property shall remove or repair the said junk vehicle within ten days.

3-8-10 ABATEMENT BY MUNICIPALITY. 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 City Clerk who shall pay such expenses on behalf of the municipality.

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

3-8-11 COLLECTION OF COST OF ABATEMENT. The Clerk shall mail a statement of the total expense incurred 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 the costs shall then be collected with, and in the same manner, as general property taxes.

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

3-8-12 EXCEPTIONS. This chapter shall not apply to the following:

1. A vehicle in an enclosed building.

2. A vehicle on the premises of a business enterprise operated in a district properly zoned therefor, as authorized under the Zoning Ordinance or restricted residence district of this City, when necessary to the operation of said business enterprise.

3. A vehicle in an appropriate storage space or depository maintained in a lawful place and lawful manner by this City.

3-8-13 INTERFERENCE WITH ENFORCEMENT. No person shall interfere in any way with the enforcement provision of this chapter.

TITLE III COMMUNITY PROTECTION

CHAPTER 9 PARKS AND RECREATIONAL TRAIL REGULATIONS

| | | | |
|-------|------------------------------|--------|---|
| 3-9-1 | Purpose | 3-9-10 | Removing Plants, Flowers, Fruits, Etc. |
| 3-9-2 | Definition | 3-9-11 | Prohibited Areas |
| 3-9-3 | Scope of Use | 3-9-12 | Park Closing Time |
| 3-9-4 | Safety | 3-9-13 | Soliciting and Peddling |
| 3-9-5 | Motor Vehicle Regulations | 3-9-14 | No Smoking Area |
| 3-9-6 | Fires | 3-9-15 | Law Enforcement |
| 3-9-7 | Littering | 3-9-16 | Emergency Powers |
| 3-9-8 | Camping and Picnicking Areas | 3-9-17 | High Trestle Trail Ambassador Program |
| 3-9-9 | Domestic Animals | | |

3-9-1 PURPOSE. The purpose of this chapter is to facilitate the enjoyment of recreational facilities within the City of Madrid by establishing rules and regulations which govern the use of city parks and facilities and the High Trestle Trail and its facilities.

3-9-2 DEFINITION. The generally accepted definition of what is deemed to be a “bicycle” shall be the definition provided in the *Code of Iowa* and any amendments thereto: “Bicycle” means either of the following:

1. A device having two wheels and having at least one saddle or seat for the use of a rider and which is propelled by human power.

2. A device having two or three wheels with fully operable pedals and an electric motor of less than 750 watts (one horse power), whose maximum speed on a paved level surface, when powered solely by such a motor while ridden, is less than 20 miles per hour.

3-9-3 SCOPE OF USE. It is intended that the park and trail be used by people, equines (the designated natural surface portion adjacent to the paved trail), and domesticated (non-wild) pets. People may use the trail for bicycle, roller skate, roller blade, running, jogging or walking purposes. The equine trail may be used by equestrians and people walking domestic animals.

3-9-4 SAFETY. All persons using any portion of the city parks, city parks facilities, High Trestle Trail, or associated trailhead parks must do so in a safe manner with regard for the safety of themselves and others. All informational signage, trail use courtesy signs, and traffic control devices need to be adhered to as well.

3-9-5 MOTOR VEHICLE REGULATIONS.

1. All driving and parking shall be confined to roadways, drives or parking areas. No vehicle shall be permitted to stand upon any roadway or drive, or any part thereof, in such manner as to congest traffic or obstruct the roadway or drive, except in case of emergency. All vehicles shall be parked in designated parking areas. Excessively loaded vehicles shall not operate over park roadways or drives. The determination as to whether the load is excessive will be made by the Parks and Recreation Board, its custodian, or a designated representative, and will depend upon the load and road conditions.

2. No motorized vehicles shall be operated on the trail, trail right-of-way, or in the trailhead parks within the City limits of Madrid except within the circumstances below:

a. The vehicle is being operated in said forbidden areas for the purposes of construction, inspection, maintenance, or cleanup by an operator duly authorized by the City of Madrid, its custodian, or a designated representative.

b. The device is manually operated or power driven wheelchair as defined by ADA Part 35 (Title II) USC, which would make such a device allowable on the trail.

c. The vehicle is an “other power driven mobility device” that is being used by an individual with a mobility disability and that meets the following criteria:

(1) The vehicle is 50 inches wide or less.

(2) The vehicle is not capable of operating at a speed of greater than 20 miles per hour.

(3) The vehicle weighs less than 700 pounds, including the fuel and other fluids.

(4) An “other power driven mobility device” may not carry passengers who do not require the use of a mobility device.

3-9-6 FIRES. No fires shall be allowed within the boundaries of the park other than those built in the fireplace of the Log Cabin and those necessary to start a barbecue grill in the grills provided within the park.

3-9-7 LITTERING. No person shall place, deposit, or throw any waste, refuse, litter or foreign substance in any area or receptacle except those provided for that purpose.

3-9-8 CAMPING AND PICKNICKING AREAS. The Parks and Recreation Board may establish fees for camping, shelter use and other special privileges which shall be in accordance with the cost of providing such privileges and the reasonable value of such privileges. No person shall camp or picnic in any portion of a City park except in portions prescribed or designated for that purpose by the Parks and Recreation Board, its custodian or a designated representative.

Custodians are given authority to refuse camping or shelter use privileges and to rescind any and all permits for just cause.

3-9-9 DOMESTIC ANIMALS. No person shall allow any domestic or privately owned animal to run at large in any City park or on the trail or within its respective trailhead parks. Every such animal shall be deemed as running at large unless such animal is carried, under the control of a leash or chain not exceeding six (6) feet in length, or kept confined in or attached to a vehicle, bicycle, or wagon. No person shall ride or drive any horse in any portion of a City park or trail except upon the established rives or roadways therein or such other places as may be officially designated by the Parks and Recreation Board, its custodian or a designated representative. No horse or other animal shall be hitched or tied to any tree or shrub, or any other object in such manner as to result in any injury to any property whatsoever. Owners of animals shall collect and properly dispose of any feces of their animals (including horse manure).

3-9-10 REMOVING PLANTS, FLOWERS, FRUIT, ETC. No person shall in any manner remove, destroy, injure or deface any tree, shrub, plant or flower, or disturb or injure any structure or natural attraction.

3-9-11 PROHIBITED AREAS. No person shall use or enter upon portions of any City park or trail in disregard of official signs, gates or barriers forbidding same, except by permission of the Parks and Recreation Board, City Council, its custodian, or a designated representative.

3-9-12 PARK CLOSING TIME. Except by prior arrangement or permission granted by the Parks and Recreation Board or a designated representative:

1. All persons shall vacate the City parks between the hours of 10:00 p.m. and 7:00 a.m. the following day, except if posted otherwise. The provisions of this section do not apply to authorized camping areas provided for that purpose. From November 1st through April 1st the following year annually, the parks are not maintained and are used at the user's own risk during that time.

2. All persons shall vacate the recreational bicycle/pedestrian trail between the hours of 10:00 p.m. and 5:00 a.m. the following day except as posted otherwise.

The recreational trail is not maintained from November 1st through April 1st the following year annually. However the trail can be used at the user's own risk during that time. During that timeframe, the trail is unmaintained and trail restrooms are closed completely from November 1st through April 1st the following year.

3. All persons shall observe quiet hours between 10:00 p.m. and 7:00 a.m. the following day.

3-9-13 SOLICITING AND PEDDLING. Peddling, hawking, soliciting, begging or commercialism of any kind is prohibited without official permission from the Parks and Recreation Board.

3-9-14 NO SMOKING AREA. A person shall not smoke within 50 feet of any City recreation area while in use for youth sport activities in designated non-smoking areas clearly marked by signs. Prohibited areas include (but are not limited to) bleachers, event seating, concession stands, and bathrooms. For the purposes of this section, “smoking” means to carry or exercise control over a lighted cigar, cigarette, pipe, or other smoking equipment.

3-9-15 LAW ENFORCEMENT. The Madrid Police Department, the Boone County Sheriff’s Department, and Boone County Conservation (in strictly authorized collaboration with the Madrid Police Department) may issue citations and fines for violation of the regulations stipulated within this chapter, or if in violation of any other City, County or State regulation or law. Said law enforcement officers also reserve the right to require suspected violators to leave any City or trail property.

3-9-16 EMERGENCY POWERS. The City of Madrid shall reserve the right to enact, at its discretion, whatever emergency rules and/or regulations necessary to ensure the safe and efficient utilization of the City parks, and trail in times of emergency or natural disaster.

3-9-17 HIGH TRESTLE TRAIL AMBASSADOR PROGRAM. The purpose of this section is to facilitate the overall maintenance of the High Trestle Trail by utilizing the volunteer assistance of the general public in attaining a higher level of daily care and safety oversight of the trail and its facilities.

1. Scope of Operation. It is the intention of this section that the operation of the High Trestle Trail Ambassador Program be focused in the following basic areas:

a. Ambassadors will be allowed to perform minor maintenance work such as weed removal, grass and tree trimming, sign installation, and general cleanup duties. They may also be asked to assist City employees in performing more in-depth maintenance projects as the need arises. Each ambassador volunteer will be evaluated as to his or her abilities and trained in the proper use of applicable equipment.

b. Ambassadors will help monitor trail conditions in the normal course of use and report any problems, issues, or concerns to the Madrid Chapter of the Boone County Friends of the Trail organization.

c. Ambassadors will serve as community liaisons by assisting trail user with directions and provide other pertinent information to those who request it.

d. Ambassadors will help to promote the trail at public events and stress the importance of trail safety and goodwill.

2. Duties Defined. Duties of a HTT Ambassador include, but are not limited to:

a. Light Duty Maintenance :

(1) Clearing of limbs and debris on the trail

(2) Pruning trail ways

(3) Cleaning graffiti

(4) Signage installation

b. Medium Duty Maintenance:

(1) Trimming or removal of large trees along the trail

(2) Installing erosion control features

(3) Assisting in constructing new trail, spurs, or structures

c. Various Duties:

(1) Organize patrols or support groups

(2) Serve as Event Coordinators

(3) Promote education events or programs regarding trail issues

3. Health and Safety. HTT Ambassadors shall not act in the capacity of law enforcement when dealing with trail users or abusers and shall not attempt to provide first aid assistance beyond minor wound cleaning and bandage placement. There are certified people within the community who will handle all of the health and safety aspects of the trail. It is not the intent or expectation of this program that any Ambassador provide that level of health and safety service. It is also encouraged that those persons having medical issues or a history of medical issues that could in any way inhibit the performance of the duties specified within this chapter seek medical advice and approval prior to engaging in such activity. All persons serving in the capacity of HTT Ambassador will be expected to sign a medical waiver of liability which would fully indemnify the City of Madrid in this regard.

4. Emergency Powers. The City of Madrid shall reserve the right to enact, at its discretion, whatever emergency rules and/or regulations necessary to ensure the safe and efficient utilization of the High Trestle Trail Ambassador Program in times of emergency or natural disaster.

5. Program Summary. The goals of the High Trestle Trail Ambassador Program are to utilize the energy, labor, and experience of individuals found within the community to maintain and improve the existing features of the trail and to enhance the overall use and enjoyment of the High Trestle Trail through the promotion of trail safety and etiquette and encouragement of a more healthy life style of our citizens and visitors.

TITLE III COMMUNITY PROTECTION

CHAPTER 10 DRUG PARAPHERNALIA

3-10-1 Definitions

3-10-3 Prohibition

3-10-2 Exemption

3-10-1 **DEFINITIONS.** As used in this Section, "drug paraphernalia" means all equipment, products, or materials of any kind used or attempted to be used in combination with a controlled substance, except those items used in combination with the lawful use of a controlled substance, to knowingly or intentionally and primarily do any of the following:

1. Manufacture a controlled substance.
2. Inject, ingest, inhale, or otherwise introduce into the human body a controlled substance.
3. Test the strength, effectiveness, or purity of a controlled substance.
4. Enhance the effect of a controlled substance.

(Code of Iowa, Sec. 124.414)

3-10-2 **EXEMPTION.** "Drug paraphernalia" does not include hypodermic needles or syringes if manufactured, delivered, sold, or possessed for a lawful purpose.

(Code of Iowa. Sec. 124.414)

3-10-3 **PROHIBITION.** It is unlawful for any person to knowingly or intentionally manufacture, deliver, sell, or possess drug paraphernalia.

(Code of Iowa, Sec. 124.414)

TITLE III COMMUNITY PROTECTION

CHAPTER 11 DANGEROUS BUILDINGS

| | | | |
|--------|---|--------|---------------------------------|
| 3-11-1 | Definitions | 3-11-5 | Posting of Signs |
| 3-11-2 | Unsafe Buildings Declared a Nuisance | 3-11-6 | Abatement by Municipality |
| 3-11-3 | Notice to Owner | 3-11-7 | Collection of Cost of Abatement |
| 3-11-4 | Conduct of Hearing | 3-11-8 | Interference with Enforcement |

3-11-1 DEFINITIONS. For the purpose of this chapter, the following terms are defined as follows:

1. "Unsafe building" shall mean a building that is a menace to the public health, welfare, or safety, or that is structurally unsafe, unsanitary, or not provided with adequate safe egress, or that constitutes a fire hazard, or is otherwise dangerous to human life, or that in relation to the existing use constitutes a hazard to the public health, welfare, or safety by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.

(Code of Iowa, Sec. 657A.7)

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

An unsafe building means any structure, building, or portion thereof meeting any or all of the following criteria:

a. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

b. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of twenty (20) pounds per square foot.

c. Whenever any portion thereof has cracked, warped, buckled, or settled to such an extent that walls or other structural portions have materially less resistance to winds and earthquakes than is required in the case of similar new construction.

d. 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 or 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.

e. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

f. Whenever, the exterior walls or other vertical structure members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third (1/3) of the base.

g. Whenever the building or structure, exclusive of the foundation, shows thirty-three (33) percent or more damage or deterioration of its supporting member or members, or fifty (50) percent damage or deterioration of any one of its secondary finishes such as its non-supporting members, outside walls, roof or other enclosure materials.

h. Whenever the building or structure has been so damaged by fire, wind, earthquake, or flood, or has become so dilapidated or deteriorated as to become (a) an attractive nuisance to children; (b) a harbor for vagrants, criminals, or immoral persons; or as to (c) enable persons to resort thereto for the purpose or committing unlawful or immoral acts.

i. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, including but not limited to boarded up windows, lack of electricity, or running utilities off a generator, inadequate air or sanitation facilities including but not limited to faulty sewer, or otherwise, including but not limited to no heat source or utilities, is determined by any health officer to be unsanitary, unfit for human habitation or in such condition that is likely to cause sickness or disease.

j. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the Fire Marshal or Fire Chief to be a fire hazard.

k. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

l. 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.

2. "Enforcement officer" means the individual or agency responsible for the enforcement of this chapter. The Mayor and Public Safety Director are designated as the enforcement officer unless the Mayor and/or Public Safety Director appoints an alternate individual.

3. "The City" shall mean the City of Madrid, Iowa.

3-11-2 UNSAFE BUILDINGS DECLARED A NUISANCE. Except as hereinafter provided, it

is hereby declared that unsafe buildings located within the corporate limits of the City of Madrid, Iowa, as defined within this chapter constitute a threat to the health and safety of the citizens and are a nuisance within the meaning of Section 657.1 of the Code of Iowa. If any unsafe building is in violation thereof, the owner of or the person occupying the property upon which the unsafe building is located shall be liable for said violation.

3-11-3 NOTICE TO OWNER. If the enforcement officer examines a building, structure or portion thereof reported to be unsafe and finds it to be unsafe according to the definition given in this chapter, the enforcement officer shall give to the owner of such building or structure written notice stating the findings thereof. Such notice shall be served by personal service or by certified mail to the owner of record if the owner is found within the City limits, according to Section 364.12(3h) of the Code of Iowa. 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 on the date on which the owner receives such notice. The written notice shall include the following:

1. The address of the unsafe building;
2. The date and time in which the property owner or person in charge of the building or structure is required to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof. The required actions shall commence within forty-eight (48) hours of the notice being received or such reasonable time as the circumstances require.
3. The date on which all such work is to be completed. This shall be within ninety (90) days from the date of notice, unless otherwise stipulated by the enforcement officer; and
4. If necessary, order 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.
5. Notification to 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.
(Code of Iowa, Sec. 364.12(3)(h))

If the owner of a building cannot be found, the city attorney shall be consulted.

3-11-4 CONDUCT OF HEARING. If requested, the Council shall conduct a hearing in accordance with the following:

1. The owner shall be served with written notice specifying the date, time and place of hearing.

2. At the hearing, the owner or occupant of the property may appeal and show cause why the alleged nuisance shall not be abated.

3. The Council shall make and record findings of fact and may issue such order as it deems appropriate.

3-11-5 POSTING OF SIGNS. If a building, structure or portion thereof is deemed unsafe for entrance, 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 MADRID, IOWA." 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.

3-11-6 ABATEMENT BY MUNICIPALITY. If the person notified to abate a nuisance or condition neglects or fails to perform an action required under this subsection as directed, the Council may order the owner of the building prosecuted as a violator of the provisions of this chapter and may perform the required action to repair, rehabilitate, or to demolish and remove the building or structure or portion thereof, keeping an accurate account of the expense incurred. The itemized expense account shall be filed with the City Clerk who shall pay such expenses on behalf of the municipality. In the event of an emergency, the City may perform any action which may be required under this section without prior notice, and assess the costs as provided in this subsection, after notice to the property owner and hearing.

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

3-11-7 COLLECTION OF COST OF ABATEMENT. The Clerk shall mail a statement of the total expense incurred 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 the costs shall then be collected with, and in the same manner, as general property taxes.

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

3-11-8 INTERFERENCE WITH ENFORCEMENT. No person shall interfere in any way with the enforcement provision of this chapter. Interference with the enforcement of this chapter is punishable as a municipal infraction, with a fine of \$500.00 for the first offense and \$750.00 for each subsequent violation.

TITLE III COMMUNITY PROTECTION

CHAPTER 12 FIREWORKS

| | | | |
|--------|--|--------|------------|
| 3-12-1 | Definitions | 3-12-4 | Violations |
| 3-12-2 | Sales | 3-12-5 | Exceptions |
| 3-12-3 | Fireworks-Discharging General Requirements | | |

3-12-1 DEFINITIONS. For purposes of this section, definitions are enumerated in the Iowa Code Section 727.2, which definitions are incorporated herein by reference.

3-12-2 SALES. All Consumer Fireworks Sellers must abide by the licensing requirements and rules for sales as set by the State of Iowa and by the City of Madrid. Consumer class DOT1.4 fireworks sales cannot be sold to any person under age of 18 or any person who is intoxicated.

3-12-3 FIREWORKS-DISCHARGING GENERAL REQUIREMENTS.

1. No person under the age of 18 shall discharge a consumer fireworks device.
2. All Fireworks shall be Second Class Consumer Fireworks which include: Cone Fountains, Cylindrical Fountains, Flitter sparklers, Ground and hand held sparkling devices, including tube ground and hand held sparkling devices that are manufactured with APA 87-1, section 3.5, ground spinners, illuminating torches, toy smoke devices, wheels, wire or dipped sparklers. No bottle rockets allowed.
3. A person shall only discharge a consumer fireworks device on real property they own or on property where consent has been given by the property owner. Neither the fireworks nor debris may leave said property.
4. A person shall not discharge a consumer fireworks device within 500 yards of a hospital or senior care facility.
5. Consumer fireworks shall not be discharged by a person over the legal alcohol limit or under the influence of a drug or narcotic.
6. Any person discharging a consumer fireworks device assumes all responsibility for its operation and the consequences thereof. No person shall discharge a consumer fireworks device in a reckless manner or manner likely to cause death, injury, fire, or property damage.
7. No person shall discharge a consumer fireworks device outside the following dates and hours: July 3rd and July 4th, 2 P.M. to 10 P.M. and December 31st, 2 P.M. to 10 P.M.

8. It shall be unlawful to alter, remove, or discharge components of a consumer fireworks device from its intended method of discharging.

9. The City may, upon application in writing, grant a permit for the display of display fireworks by a City agency, fair association, amusement park, and other organization or groups of individuals approved by the City Council when such fireworks display will be handled by a competent operator. No permit shall be granted hereunder unless the operator or sponsoring organization has filed with the City evidence of insurance in the following amounts:

a. General Liability: \$1,000,000

b. Aggregate Coverage: \$2,000,000

3-12-4 VIOLATIONS. All violations of any provisions of this Chapter are hereby declared simple misdemeanors. The penalty for the violation of any of the requirements of this chapter will be a fine of \$500.00. Violations of this section shall be reported to the State Fire Marshall.

3-12-5 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 the 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.

TITLE IV MENTAL AND PHYSICAL HEALTH

CHAPTER 1 ANIMAL CONTROL

| | | | |
|--------|--------------------------|--------|--|
| 4-1-1 | Definitions | 4-1-13 | Livestock Neglect |
| 4-1-2 | License | 4-1-14 | Livestock |
| 4-1-3 | License Records | 4-1-15 | Damage or Interference |
| 4-1-4 | Duplicate Tags | 4-1-16 | Annoyance or Disturbance |
| 4-1-5 | Transfers | 4-1-17 | Rabies Vaccination |
| 4-1-6 | Immunization | 4-1-18 | Owner's Duty |
| 4-1-7 | At Large Prohibited | 4-1-19 | Confinement |
| 4-1-8 | Animal Nuisances | 4-1-20 | Disposition of Impounded Animals |
| 4-1-9 | Impounding | 4-1-21 | Impounding Costs |
| 4-1-10 | Dangerous Animals | 4-1-22 | Seizure, Impoundment, and Disposition of Dangerous and Vicious Animals |
| 4-1-11 | Keeping a Vicious Animal | | |
| 4-1-12 | Animal Neglect | | |

4-1-1 DEFINITIONS. For use in this chapter the following terms are defined as follows:

1. The term "dogs" shall mean animals of the canine species whether altered or not.

2. The term "at large" shall mean any licensed or unlicensed animal found off the premises of the owner and not under the control of a competent person, restrained within a motor vehicle, housed in a veterinary hospital or kennel, on a leash or "at heel" beside a competent person and obedient to that person's command.

3. The term "livestock" shall mean an animal belonging to the bovine, caprine, equine, ovine, or porcine species; farm deer, as defined in Section 481.1A.1 of the Code of Iowa; ostriches, rheas, emus, or poultry.

(Code of Iowa, Sec. 717.1)

4. The term "owner" shall mean any person owning, keeping, sheltering or harboring an animal.

4-1-2 LICENSE.

1. Every owner of a dog over the age of four (4) months shall procure a dog license from the City Clerk-Treasurer on or before the first day of January of each year. License fees shall become delinquent on the first day of July of the year in which they are due and a delinquent penalty of five dollars (\$5.00) shall be added to each unpaid license on and after said date.

2. Such license may be procured after January 1 and at any time for a dog or cat which has come into the possession or ownership of the applicant which has reached the age of three (3) months after said date.

3. The owner of a dog or cat for which a license is required shall apply to the Clerk on forms provided by the Clerk.

4. The form of the application shall state the breed, sex, age, color, markings, and name, if any, of the dog or cat, 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.

5. All licenses shall expire on January 1 of the year following the date of issuance.

The annual license fee shall be established by resolution of the Council.

Upon issuance of the license, the City Clerk shall deliver to the owner a metal tag stamped with the number of the license and the year for which it is issued. The license tag shall be securely fastened to a collar or harness which shall be worn by the dog for which the license is issued.

Any dog found running at large without the license tag attached to its collar or harness shall be deemed unlicensed.

4-1-3 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.

4-1-4 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 five dollars (\$5.00) and the Clerk shall enter in the license record the new number assigned.

4-1-5 TRANSFERS. 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.

4-1-6 IMMUNIZATION. All dogs six (6) months or older shall be vaccinated against rabies. Before issuance of the license the owner shall furnish a veterinarian's certificate showing that the dog for which the license is sought has been vaccinated, and that the vaccination does not expire within six (6) months from the effective date of the dog license. It shall be a violation of this Ordinance for any dog to not be vaccinated against rabies. A tag showing evidence of proper vaccination shall be worn by every dog when not confined.

(Code of Iowa, Sec. 351.33)

4-1-7 AT LARGE PROHIBITED. No owner or person having custody of an animal shall permit such animal to run at large.

(Code of Iowa, Sec. 351.41)

4-1-8 ANIMAL NUISANCES. It shall be unlawful for any person to permit an animal under such person's control or within such person's custody to commit a nuisance. An animal shall be considered a nuisance if it:

1. Damages, soils, defiles or defecates on private property other than the owner's or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner.

2. Causes unsanitary, dangerous or offensive conditions.

3. Causes a disturbance by excessive barking or other noisemaking or chases vehicles, or molests, attacks or interferes with persons or other domestic animals.

(Code of Iowa, Sec. 657.1)

4-1-9 IMPOUNDING.

1. Any unlicensed or unvaccinated dog found at large or any licensed dog found at large in violation of Sections 4-1-3 and 4-1-4 of this chapter shall be seized and impounded, or, at the discretion of the Mayor, the owner may be served a summons to appear before a proper court to answer charges made thereunder.

2. Owners of licensed dogs shall be notified within two (2) days that upon payment of impounding fees, the dog will be returned. If the impounded licensed dogs are not recovered by their owners within seven (7) days after notice, the dogs shall be disposed of as provided in Section 717B.4 Code of Iowa.

3. Impounded unlicensed dogs may be recovered by the owner, upon proper identification, by payment of the license fee, impounding fee and boarding costs, and the costs of vaccination if

vaccination is required by Section 4-1-3. If such dogs are not claimed within seven (7) days after notice, they shall be disposed of in a humane manner as directed by the City Council.

(Code of Iowa, Sec. 351.37)

4. Any animal found to have bitten a person or other animal shall be confined as directed by the Mayor."

(Code of Iowa, Sec. 351.39)

5. This section shall not apply to a law enforcement dog or horse used by the law enforcement agency, that is acting in the performance of its duties, which has bitten a person.

(Code of Iowa, Sec 351.39)

4-1-10 DANGEROUS ANIMALS.

1. Dangerous Animals Prohibited. No person shall keep, shelter, or harbor for any purpose within the City limits, a dangerous animal.

2. Definitions. A dangerous animal is:

a. Any animal which is not naturally tame or gentle, and which is of a wild nature or disposition, and which is capable of killing, inflicting serious injury upon, or causing disease among human beings or domestic animals, and having known tendencies as a species to do so.

b. The following are animals which shall be deemed to be dangerous animals per se:

(1) Lions, tigers, jaguars, leopards, cougars, lynx, and bobcats;

(2) Wolves, coyotes, and foxes;

(3) Badgers, wolverines, weasels, skunks and mink;

(4) Raccoons;

(5) Bears;

(6) Monkeys, chimpanzees, and apes;

(7) Alligators and crocodiles;

(8) Scorpions; Gila monsters;

(9) Snakes that are venomous or constrictors;

c. Any animals declared to be dangerous by the City Council.

3. Dangerous Animals Exceptions. The keeping of dangerous animals shall not be prohibited in the following circumstances:

a. The keeping of dangerous animals in a public zoo, bona fide educational or medical institution, humane society, or museum where they are kept as live specimens for the public to view, or for the purpose of instruction, research or study, and has obtained the written approval of the City Council.

4-1-11 KEEPING A VICIOUS ANIMAL.

1. It shall be unlawful for any person or persons to harbor or keep a vicious animal within the City. A vicious animal is deemed so when it shall have attacked or bitten any person without provocation, or when the propensity to attack or bite persons or other animals shall exist and such propensity is known or ought reasonably be known to the owner thereof.

2. Vicious Animal Exceptions: The keeping of vicious animals shall not be prohibited in the following circumstances:

a. Animals under the control of a law enforcement or military agency

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

4-1-12 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)

4-1-13 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)

4-1-14 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.

4-1-15 DAMAGE OR INTERFERENCE. It is unlawful for the owner of an animal to allow or permit such animal to pass upon the premises of another thereby causing damage to, or interference with, the premises.

4-1-16 ANNOYANCE OR DISTURBANCE. It is unlawful for the owner of a dog to allow or permit such dog to cause serious annoyance or disturbance to any person or persons by frequent or habitual howling, yelping, barking, or otherwise; or, by running after or chasing persons, bicycles, automobiles or other vehicles.

4-1-17 RABIES VACCINATION. Every owner of a dog shall obtain a rabies vaccination for such animal. It is unlawful for any person to own or have a dog in said person's possession, six months of age or over, which has not been vaccinated against rabies. Dogs kept in kennels and not allowed to run at large are not subject to these vaccination requirements.

(Code of Iowa, Sec. 351.33)

4-1-18 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)

4-1-19 CONFINEMENT. When a local board of health receives information that any person has been bitten by an animal or that a dog or animal is suspected of having rabies, it shall order the owner to confine such animal in the manner it directs. If the owner fails to confine such animal in the manner directed, the animal shall be apprehended and impounded by such board, and after two weeks the board may humanely destroy the animal. If such animal is returned to its owner, the owner shall pay the cost of impoundment.

(Code of Iowa, Sec 351.39)

4-1-20 DISPOSITION OF IMPOUNDED ANIMALS. Animals that are captured by the City of Madrid are turned over to the Boone Area Humane Society within 24 hours of capture whether the animal is licensed or not.

4-1-21 IMPOUNDING COSTS. Impounding costs shall be set by the Boone Area Humane Society.

4-1-22 SEIZURE, IMPOUNDMENT, AND DISPOSITION OF DANGEROUS AND VICIOUS ANIMALS.

1. In the event that a dangerous animal or vicious animal is found at large and unattended upon public property, park property, public right-of-way or the property of someone other than its owner, thereby creating a hazard to persons or property, such animal may, in the discretion of

the Mayor or peace officer, be destroyed if it cannot be confined or captured. The City shall be under no duty to attempt the confinement or capture of a dangerous animal or vicious animal found at large, nor shall it have a duty to notify the owner of such animal prior to its destruction.

2. Upon the complaint of any individual that a person is keeping, sheltering or harboring a dangerous animal or vicious animal on premises in the City, the Mayor shall cause the matter to be investigated and if after investigation, the facts indicate that the person named in the complaint is keeping, sheltering or harboring a dangerous or vicious animal in the City, the Mayor shall order the person named in the complaint to safely remove such animal from the City, permanently place the animal with an organization or group allowed to possess dangerous or vicious animals, or destroy the animal within three (3) days of the receipt of such an order. Such order shall be contained in a notice to remove dangerous or vicious animal, which notice shall be given in writing to the person keeping, sheltering or harboring the dangerous animal or vicious animal, and shall be served personally or by certified mail. Such order and notice to remove the dangerous animal or vicious animal shall not be required where such animal has previously caused serious physical harm or death to any person, in which case the Mayor shall cause the animal to be immediately seized and impounded or killed if seizure and impoundment are not possible without risk of serious physical harm or death to any person.

3. The order to remove a dangerous animal or vicious animal issued by the Mayor may be appealed to the Council. In order to appeal such order, written notice of appeal must be filed with the Clerk within three (3) days after receipt of the order contained in the notice to remove dangerous or vicious animal. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order of the Mayor.

4. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the Clerk. The hearing of such appeal shall be scheduled within fifteen (15) days of the receipt of notice of appeal. The hearing may be continued for good cause. After such hearing, the Council may affirm or reverse the order of the Mayor. Such determination shall be contained in a written decision and shall be filed with the Clerk within three (3) days after the hearing or any continued session thereof.

5. If the Council affirms the action of the Mayor, the Council shall order in its written decision that the person owning, sheltering, harboring or keeping such dangerous or vicious animal remove such animal from the City, permanently place such animal with an organization or group allowed to possess dangerous or vicious animals or destroy it. The decision and order shall immediately be served upon the person against whom rendered in the same manner as the notice of removal. If the original order of the Mayor is not appealed and is not complied with within three (3) days or the order of the Council after appeal is not complied with within three (3) days of its issuance, the Mayor is authorized to seize, impound or destroy such dangerous or vicious animal. Failure to comply with an order of the Mayor issued pursuant to this chapter and not appealed, or of the Council after appeal, constitutes a violation of this Code of Ordinances.

6. Any animal which is impounded pursuant to the provisions of this chapter shall not be

released to the owner, but shall continue to be held at the expense of the owner pending the outcome of the hearing. All costs of such impoundment shall be paid by the owner.

TITLE V HUMAN DEVELOPMENT - EDUCATION AND CULTURE

CHAPTER 1 LIBRARY SERVICES

| | | | |
|-------|----------------------------|-------|--|
| 5-1-1 | Public Library | 5-1-6 | Power to Contract with Others for the Use of the Library |
| 5-1-2 | Library Trustees | 5-1-7 | Non-Resident Use of the Library |
| 5-1-3 | Qualifications of Trustees | 5-1-8 | Library Accounts |
| 5-1-4 | Organization of the Board | 5-1-9 | Annual Report |
| 5-1-5 | Powers and Duties | | |

5-1-1 PUBLIC LIBRARY. There is hereby established a free public library for the City, to be known as the Madrid Public Library.

5-1-2 LIBRARY TRUSTEES. The board of trustees of the Madrid Public Library, hereinafter referred to as the board, consists of four (4) members and one nonresident member. All board members shall be appointed by Mayor with approval of the County Board of Supervisors.
(Code of Iowa, Sec. 392.5)

5-1-3 QUALIFICATIONS OF TRUSTEES. All of the members of the board shall be bona fide citizens and residents of the City and all shall be over the age of eighteen (18). The nonresident member of the Board shall be a bona fide citizen and resident of the unincorporated County and shall be over the age of eighteen (18).

5-1-4 ORGANIZATION OF THE BOARD.

1. Terms of office. All appointments to the board shall be for six (6) years, except to fill vacancies. Each term shall commence on July first. Appointments shall be made every two (2) years of one-third the total number as near as possible, to stagger the terms.
(Code of Iowa Sec. 336.5)

2. Vacancies. The position of any resident trustee shall be declared vacant if said trustee moves permanently from the City. The position of a nonresident Trustee shall be vacated if such member moves permanently from the County or into the City. The position of any Trustee shall be deemed vacated if such member is absent from six (6) consecutive regular meetings of the board, except in the case of sickness or temporary absence from the City. Vacancies in the board shall be filled by the City Council, and the new trustee shall fill out the unexpired term for which the appointment is made.
(Code of Iowa Sec. 336.6)

3. Compensation. Trustees shall receive no compensation for their services.
(Code of Iowa Sec. 336.7)

5-1-5 POWERS AND DUTIES. The board shall have and exercise the following powers and duties:

1. To meet and elect from its members a president, a secretary, and such other officers as it deems necessary.

(Code of Iowa Sec. 336.8(1))

2. To have charge, control and supervision of the public library, its appurtenances, fixtures and rooms containing the same.

(Code of Iowa Sec. 336.8(2))

3. To direct and control all the affairs of the library.

4. To employ a librarian, and authorize the librarian 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 shall have been fixed and approved by a majority of the members of the board voting in favor thereof.

(Code of Iowa Sec. 336.8(3))

5. To remove by a two-thirds vote of the board the librarian and provide procedures for the removal of assistants or employees for misdemeanor, incompetency or inattention to duty, subject, however, to the provisions of Chapter 35C, Code of Iowa.

(Code of Iowa Sec. 336.8(4))

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

(Code of Iowa Sec. 336.8(5))

7. To authorize the use of the library by non-residents of the City and to fix charges therefor.

(Code of Iowa Sec. 336.8(6))

8. To make and adopt, amend, modify or repeal rules and regulations, not inconsistent with Ordinances and the law, for the care, use, government and management of the library and the business of the board, fixing and enforcing penalties for violations.

(Code of Iowa Sec. 336.8(7))

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

(Code of Iowa Sec. 336.8(8))

10. 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.

(Code of Iowa, Sec. 336.8(9))

11. To keep a record of its proceedings.

12. To enforce the performance of conditions of gifts, donations, devises and bequests accepted by the City.

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

(Code of Iowa Sec. 336.17)

5-1-6 POWER TO CONTRACT WITH OTHERS FOR THE USE OF THE LIBRARY.

1. Contracting. The board may contract with any other boards of trustees of free public libraries, any other City, school corporation, private or semi-private 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. 336.18(1))

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 (5) percent in number of electors who voted for governor in the territory of the 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 who is seeking to terminate the contract.

(Code of Iowa, Sec. 336.18(2)(a and b))

5-1-7 NON-RESIDENT USE OF THE LIBRARY. The board may authorize the use of the library by non-residents in any one or more of the following ways:

1. By lending the books or other materials of the library to non-residents on the same terms and conditions as to residents of the City, or upon payment of a special non-resident library fee.

2. By establishing depositories of library books or other materials to be loaned to non-residents.

3. By establishing bookmobiles or a traveling library so that books or other library materials may be loaned to non-residents.

4. By establishing branch libraries for lending books or other library materials to non-residents.

5. By entering into agreements with other libraries to allow lending of books or other library materials to non-residents.

5-1-8 LIBRARY ACCOUNTS. All money appropriated by the City Council from the general fund 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. The warrant writing officer is the City Clerk.

5-1-9 ANNUAL REPORT. The board shall make a report to the City Council immediately after the close of the municipal fiscal year. This report shall contain statements of the condition of the library, the number of books added thereto, the number circulated, the amount of funds collected, and the amount of money expended in the maintenance of the library during the year, together with such further information required by the City Council.

Editor's Note: The Council may retain the power to hire, discharge, set salaries, expend funds unless the library board was in existence prior to July 1, 1974. (See Sections 5-1-5(4), 5-1-5(5), 5-1-5(9) and 5-1-8.

Any proposal to alter the composition, manner of selection, or charge of a library board, or to replace it with an alternate form of administrative agency, is subject to the approval of the voters of the City. See Code of Iowa, Sec. 392.5

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 1 MOBILE HOME REGULATION

| | | | |
|-------|---------------------------------|-------|-------------------------|
| 6-1-1 | Definitions | 6-1-4 | Traffic Code Applicable |
| 6-1-2 | Location of Mobile Homes | 6-1-5 | Building Requirements |
| 6-1-3 | Emergency and Temporary Parking | 6-1-6 | Mobile Home Hookups |

6-1-1 DEFINITIONS. For use in this chapter the following terms are defined as follows:

1. “Factory-built structure” means any structure 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. “Factory-built structure” includes the terms “mobile home,” “manufactured home”, and “modular home.”

(Code of Iowa, Sec. 103A.3(8))

2. “Manufactured home” means a factory-built structure built under authority of 42 U.S.C. Section 5403, that is required by federal law to display a seal from the United States Department of Housing and Urban Development, and was constructed on or after June 15, 1976.

(Code of Iowa, Sec. 435.1(3))

3. “Mobile home” means any vehicle without motive power used or so manufactured or constructed as to permit it’s being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa. Mobile homes were constructed before June 15, 1976.

(Code of Iowa, Sec. 435.1(5))

4. “Mobile home park” means a site, lot, field, or tract of land upon which three or more mobile homes or manufactured homes, or a combination of any of these homes, are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available.

(Code of Iowa, Sec. 435.1(6))

5. “Modular home” means a factory-built structure 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.

(Code of Iowa, Sec. 435.1(7))

6-1-2 LOCATION OF MOBILE HOMES. All mobile homes shall be placed or parked in a mobile home park unless permitted otherwise by State law. This section shall not apply to mobile

homes parked or placed upon private property as part of a dealer's or a manufacturer's stock not used as a place for human habitation.

6-1-3 EMERGENCY AND TEMPORARY PARKING. Emergency or temporary parking of mobile homes upon the streets, alleys, or highways, or any other public or private place for a period not in excess of seven days shall not constitute a violation of 6-1-2, but such parking shall be subject to any prohibitions or regulations contained in other Ordinances of this City.

6-1-4 TRAFFIC CODE APPLICABLE. The owner of a mobile home park may elect to have City traffic provisions of the City Code apply to real property in the mobile home park and any person located on the real property. The owner of a mobile home park may waive this right by filing a waiver with the County Recorder.

6-1-5 BUILDING REQUIREMENTS. All mobile homes, modular homes and factory built homes as defined in the Iowa Code located outside a mobile home park shall comply with all Ordinances relating to residences or homes in the community and shall be affixed to a permanent perimeter foundation unless it is incompatible with the structural design of the home. Any home located outside a mobile home park on the date this ordinance takes effect shall be exempt from the permanent foundation requirement.

(Code of Iowa, Sec. 435.26)

6-1-6 MOBILE HOME HOOKUPS. A mobile home dealer or an employee of a mobile home dealer may perform water, gas, electrical, and other utility service connections in a mobile home space, or within ten feet of such space, located in a mobile home park, and the dealer or an employee of the dealer may install a tie-down system on a mobile home located in a mobile home park.

(Code of Iowa, Sec. 322B.3)

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 2 UTILITIES - SANITARY SYSTEM

| | | | |
|-------|---------------------------------|-------|------------------------------------|
| 6-2-1 | Definitions | 6-2-5 | Use of the Public Sewers |
| 6-2-2 | Use of Public Sewers Required | 6-2-6 | Protection from Damage |
| 6-2-3 | Private Sewage Disposal | 6-2-7 | Powers and Authority to Inspectors |
| 6-2-4 | Building Sewers and Connections | 6-2-8 | Penalties |

6-2-1 DEFINITIONS. Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

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

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

(IAC 567-69.3(1))

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

(IAC 567-69.3(1))

4. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.

5. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sales of produce.

6. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

7. "Natural Outlet" shall mean any outlet into watercourse, pond, ditch, or other body of surface or groundwater.

8. "Person" shall mean any individual, firm, company, association, society, corporation, or group.

9. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

10. "Properly Shredded Garbage" shall mean the waste from the preparation, cooking, dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

11. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

12. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

13. "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.

14. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

15. "Sewage Works" shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

16. "Sewer" shall mean a pipe or conduit for carrying sewage.

17. "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation.

18. "Storm Drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes other than unpolluted cooling water.

19. " Director " shall mean the Public Works Director of the City of Madrid or the Director's authorized deputy, agent, or representative.

20. "Suspended Solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

21. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

6-2-2 USE OF PUBLIC SEWERS REQUIRED.

1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City or in any area under the jurisdiction of said City, any human or animal excrement, garbage, or other objectionable waste.

2. It shall be unlawful to discharge to any natural outlet within the City, or in any area under the jurisdiction of said City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.

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

3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

4. The owner of any house, building, or property 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 of the City, is hereby required at such owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance, provided that said public sewer is within one hundred fifty (150) feet of the property line. Billing for sanitary sewer service shall begin the date of official notice to connect to the public sewer.

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

(IAC 567-69.3(3))

6-2-3 PRIVATE SEWAGE DISPOSAL.

1. Where a public sanitary or combined sewer is not available under the provision of Section 6-2-2(4), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.

2. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Director. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Director. A permit and inspection fee of \$75.00 shall be paid to the City at the time the application is filed.

3. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Director. The Director shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Director when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 72 hours of the receipt of notice by the Director.

4. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Natural Resources of the State of Iowa and the County Health Department. No permit shall be issued for any private sewage disposal

system employing subsurface soil absorption facilities where the area of the lot is less than 15,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

5. At such times as a public sewer becomes available to a property served by a private sewage disposal system, as provided in 6-2-2(4), a direct connection shall be made to the public sewer in compliance with this Ordinance, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

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

6. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.

7. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the County Health Officer.

8. When a public sewer becomes available, the building sewer shall be connected at the building owner's expense, to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

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

6-2-4 BUILDING SEWERS AND CONNECTIONS.

1. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Director.

2. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or the owner's agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Director. A permit and inspection fee of \$75.00 for a residential or commercial building sewer permit and \$75.00 for an industrial building sewer permit shall be paid to the City at the time the application is filed.

Before a permit may be issued for excavating for plumbing in any public street, way or alley, the person applying for such permit shall have executed unto the City of Madrid and deposited with the City Clerk a corporate surety in the sum of five thousand dollars (\$5,000.00) conditioned that the applicant will perform faithfully all work with due care and skill, and in accordance with the laws, rules and regulations established under the authority of any Ordinances of the City of Madrid pertaining to plumbing. This bond shall state that the person will indemnify and save harmless the City of Madrid and the owner of the premises against all damages, costs, expenses, outlay and claims of every nature and kind arising out of unskillfulness or negligence on the applicant's part in connection with plumbing or excavating for plumbing as prescribed in this Ordinance. Such bond shall remain in force and must be executed for a period of two (2) years except that on such

expiration it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration

3. All cost and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

4. A separate and independent building sewer shall be provided for every 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, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

5. Old building sewers may be used in connection with new building sewers only when they are found, upon examination and testing by the Director, to meet all requirements of this Ordinance. The Director may require that the old sewer be excavated for the purpose of facilitating inspection. No old cesspool or septic tank shall be connected to any portion of a building sewer that is also connected to the public sewer. Cesspools and septic tanks shall be located, and drained in a manner approved by the Director and removed or filled with sand, crushed rock or any other solid material approved by the Director, except as exempted by the Director.

6. The building sewer shall be constructed in accordance with applicable portions of the last published State Plumbing Code of Iowa, applicable specifications of the American Society for Testing and Materials (ASTM) and applicable portions of the Water Pollution Control Federation (WPCF) Manual of Practice No. 9."

a. Each connection to the public sewer shall be made to the fittings designated for that property. If a fitting in the public sewer is not available for the designated property, the connection shall then be made under the direct supervision of the Director. Connections to the public sewer not made to an existing wye or tee shall be made by a hole cutter or careful chisel cutting. The connection shall be rendered water and gas tight, by use of rubber gaskets. The building sewer shall not protrude into the public sewer.

b. All building sewers shall be constructed of the following materials conforming to the indicated standards:

Vitrified Clay Pipe VCP

(1) Pipe and Fittings - ASTM C-700 "Standard Specification or Vitrified Clay Pipe, Extra Strength, Standard Strength and Perforated."

(2) Coupling and Joints - ASTM C-425 "Standard Specification for Compression Joints for Vitrified Clay Pipe and Fittings".

Extra Heavy Cast Iron Soil Pipe

(1) Pipe and Fittings - ASTM A-74 "Standard Specification for Cast Iron Soil Pipe and Fittings."

(2) Joints - ASTM C-564 "Standard Specification for Rubber Gaskets for Cast Iron Soil Pipe and Fittings."

Polyvinyl Chloride (PVC)

Polyvinyl Chloride (PVC) and joints shall be installed according to the manufacturers' recommendations and shall conform to:

(1) Pipe - A.S.T.M. D-3034, "Type P.S.M. Poly (PVC) and Fittings."

Minimum wall thickness:

4" - 0.125"

6" - 0.180"

8" - 0.240"

10" - 0.300"

(2) Joints - A.S.T.M. D-1869, A.S.T.M. D-1312, "Flexible Elastomeric Seals."

c. No building sewer for residential or commercial buildings shall be less than four inches in diameter. No building sewer for industries or multiple dwellings shall be less than six inches in diameter.

d. Unless otherwise authorized, all building sewers shall have a grade of not less than one - eighth (1/8) inch per foot. A grade of one-fourth (1/4) inch per foot shall be used wherever practical.

e. All excavation shall be open trench work unless authorized by the Director. The foundation in the trench shall be formed to prevent any subsequent settlement of the pipes. If the foundation is good firm earth, the earth shall be pared or molded to give a full support to the lower quadrant of each pipe. Bell holes shall be dug. Where the floor of the trench is of hard or rocky material, the trench shall be excavated to four inches below the pipe and brought back to the proper grade with gravel, coarse sand or similar material so as to provide a firm foundation and uniform support for the building sewer line. Backfilling shall be placed in layers and solidly tamped or packed up to two feet above the pipe. Back-filling shall not be done until final inspection is made by the Director. Building sewers shall be laid straight at uniform grade between connections or fittings.

f. Cleanouts shall be provided for each change in direction or grade if the change exceeds 45 degrees and at least every 100 feet.

7. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. The depth shall be sufficient to afford protection from frost. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the said Director. Pipe laying and backfill shall be performed in accordance with A.S.T.M. Specification (Designation C12). No backfill shall be placed until the work has been inspected by the Director or the Director's representative. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

8. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

9. The connection of the building sewer into the public sewer shall conform to the requirements of the Plumbing Code or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Director before installation.

10. Each and every part of the building sewer shall be inspected and approved by the Director before being concealed or back-filled. The applicant for the building sewer permit shall notify the Director when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Director or the Director's representative.

11. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

12. The City shall, in no event, be held responsible for claims made against it by reason of the breaking of any mains or service pipes, or by reason of any other interruption of the service caused by the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption.

13. The premises receiving sanitary sewer service, shall at all reasonable hours, be subject to inspection by duly authorized personnel of the City.

14. The Owner of the property served by a building sewer shall be responsible for the operation, maintenance, repair, blockage, surface replacement, and any damage resulting from operation, maintenance repair and blockage of said building sewer, from the point of connection with the building drain to the Public Sewer.

6-2-5 USE OF THE PUBLIC SEWERS.

1. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Applications may be cancelled and/or sewer service discontinued by the City for any violation of any rule, regulation or condition of service, and especially for any of the following reasons:

- a. Misrepresented in the application as to the property or fixtures to be serviced by the sanitary sewer system.
- b. Non-payment of bills.
- c. Improper or imperfect service pipes and fixtures, or failure to keep same in suitable state of repair.

2. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Director. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Director, to a storm sewer, combined sewer, or natural outlet.

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

- a. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

- b. 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) mg/l as CN in the wastes as discharged to the public sewer.

- c. 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.

- d. Solid or viscous substances in quantities of such size capable of causing obstruction to the flow of 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.

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

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

a. Any liquid or vapor having a temperature higher than one hundred fifty (150) F (65 C).

b. Any water or wastes containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150 F) (0 and 65 C).

c. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Director.

d. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.

e. 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 Director for such materials.

f. Any waters or wastes containing phenols or other taste-or-odor-producing substances, -in such concentrations exceeding limits which may be established by the Director as

necessary after treatment of the composite sewage, to meet with requirements of the State, Federal, or other public agencies with jurisdiction for such discharge to the receiving waters.

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

h. Any waters or wastes having a pH in excess of 9.5.

i. Materials which exert or cause:

(1) 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).

(2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(3) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

(4) Unusual volume of flow or concentration of waters constituting "slugs" as defined herein.

j. 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.

5. 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 6-2-5(4), and which in the judgment of the Director, 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 Director may:

a. Reject the wastes,

b. Require pretreatment to an acceptable condition for discharge to the public sewers.

c. Require control over the quantities and rates of discharge, and/or

d. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provision of 6-2-5(10) of this article.

If the Director 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 Director, and subject to the requirements of all applicable codes, Ordinances, and laws.

6. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Director, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Director, and shall be located as to be readily and easily accessible for cleaning and inspection.

7. 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.

8. When required by the Director, 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 Director. 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.

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

10. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment, therefore, by the industrial concern.

6-2-6 PROTECTION FROM DAMAGE.

1. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

(Code of Iowa, Sec. 716.1)

6-2-7 POWERS AND AUTHORITY TO INSPECTORS.

1. The Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Ordinance. The Director or the Director's 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.

2. While performing the necessary work on private properties referred to in 6-2-7(1), the Director or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the City employees and the City shall indemnify the company against loss or damage to its property by the City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 6-2-5(8).

3. The Director 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.

6-2-8 PENALTIES.

1. Any person found to be violating any provision of this Ordinance except Section 6-2-6 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. Any person violating any of the provisions of this Ordinance is liable to the City for any expense, loss, or damage occasioned the City by reason of such violations.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 3 UTILITIES - WATER SYSTEM

| | | | |
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| 6-3-1 | Enforcement | 6-3-9 | Excavations |
| 6-3-2 | Adoption of State Plumbing Code | 6-3-10 | Inspection and Approval |
| 6-3-3 | License Required | 6-3-11 | Completion by the City |
| 6-3-4 | Mandatory Connections | 6-3-12 | Meter Accuracy and Test |
| 6-3-5 | Permit | 6-3-13 | Meter Costs |
| 6-3-6 | Fee for Permit | 6-3-14 | New Service |
| 6-3-7 | Water Supply Control | 6-3-15 | Tapping Mains |
| 6-3-8 | Making the Connection | | |

6-3-1 ENFORCEMENT. The Public Works Director shall supervise the installation of water service pipes and their connections to the water main and enforce all regulations pertaining to water services in this City in accordance with this chapter. This chapter shall apply to all replacements of existing service pipes as well as to new ones. The City Council shall make such rules, not in conflict with the provisions of this chapter, as needed for the detailed operation of the waterworks. In the event of an emergency the Director may make temporary rules for the protection of the system until due consideration by the City Council may be had.

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

6-3-2 ADOPTION OF STATE PLUMBING CODE. The installation of any water-service pipe and any connection with the municipal water system shall comply with all pertinent and applicable provisions, whether regulatory, procedural or enforcement provisions, of the State Plumbing Code as amended and as published by the Iowa Department of Public Health, which is hereby adopted. An official copy of the State Plumbing Code as adopted and a certified copy of this Ordinance are on file in the office of the City Clerk for public inspection.

6-3-3 LICENSE REQUIRED. All installation of water service pipes and connections to the municipal water system shall be made by a plumber licensed by this City. The Director shall have the power to suspend the license of any plumber for violation of any of the provisions of this Ordinance. A suspension, unless revoked, shall continue until the next regular meeting of the City Council. The Director shall notify the plumber immediately by personal written notice of the suspension, the reasons for the suspension, and the time and place of the City Council meeting at which the plumber will be granted a hearing. At this City Council meeting the Director shall make a written report to the City Council stating the Director's reasons for the suspension, and the City Council, after fair hearing, shall revoke the suspension or take any further action that is necessary and proper.

6-3-4 MANDATORY CONNECTIONS. All residences and business establishments within the City limits intended or used for human habitation, occupancy or use shall be connected to the

public water supply if it is reasonably available and if the building is not furnished with pure and wholesome water from some other source.

6-3-5 PERMIT. Before any person, firm, corporation or other association shall make a connection with the public water system, a written permit must be obtained from the Director. The application for the permit shall be filed with the Director on blanks furnished by the Director. 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 general uses of the water. No different or additional uses shall be allowed except by written permission of the Director. The Director shall issue the permit, bearing the Director 's signature and stating the time of issuance, if the proposed work meets all the requirements of this Ordinance and if all fees required under this Ordinance have been paid. Work under any permit must be begun within six (6) months after it is issued. The Director may at any time revoke the permit for any violation of this Ordinance and require that the work be stopped. The owner or plumber may appeal such action in the manner provided in Section 6-3-3 of this Ordinance.

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

6-3-6 FEE FOR PERMIT. Before any permit is issued the person who makes the application shall pay a fee to the City Clerk to cover the cost of issuing the permit and supervising, regulating and inspecting the work. The fee shall be established by Resolution. (See footnote at end of chapter)

6-3-7 WATER SUPPLY CONTROL. The plumber who makes the connection to the municipal water system shall install a main shut-off valve of the inverted key type on the water-service pipe near the curb with a suitable lock of a pattern approved by the Director. The shut-off valve shall be covered with a heavy metal cover having the letter "W" marked thereon, visible and even with the pavement or ground.

The plumber also shall install a shut-off valve and waste cock on every service pipe inside the building near the entrance of the water-service pipe into the building; this must be located so that the water can be shut off conveniently and the pipes drained. Where one service pipe is installed to supply more than one customer, there shall be separate shut-off valves inside the building for each customer so that service to one customer can be shut off without interfering with service to the others.

6-3-8 MAKING THE CONNECTION. Any connection with the municipal water system must be made under the direct supervision of the Director or the Director 's authorized assistant. All taps in the water main must be at least (12) inches apart and on the side and near the top and not in any case within 18 inches of the hub.

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

6-3-9 EXCAVATIONS. Excavations to do work under this Ordinance 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 to prevent settlement, and this work, and any street, sidewalk, pavement or other public property that is affected, must be restored to as good a condition as it was previous to the excavation. The plumber must maintain the affected area in good repair to the satisfaction of the City Council for three months after refilling. All water service pipes must be laid so as to prevent rupture by settlement or freezing. No excavation shall be made within six (6) feet of any laid water or sewer pipe while the ground is frozen, and no water or sewer pipe shall be exposed to frost, except by special written permission of the Director.

6-3-10 INSPECTION AND APPROVAL. All water-service pipes and their connections to the municipal water system must be inspected and approved in writing by the Director before they are covered, and the Director shall keep a record of such approvals. If the Director refuses to approve the work, the plumber or owner must proceed immediately to correct the work so that it will meet with the Director's approval. Every person who uses or intends to use the municipal water system shall permit the Director or the Director's authorized assistants to enter the premises to inspect and make necessary alterations or repairs at all reasonable hours and on proof of authority.

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

6-3-11 COMPLETION BY THE CITY. Should any excavation be left open or partly refilled for twenty-four (24) hours after the water-service pipe is installed and connected with the municipal water system, or should the work be improperly done, the Director shall have the right to finish or correct the work, and the City Council shall assess the costs to the property owner or the plumber. If the plumber is assessed, the plumber must pay the costs before the plumber can receive another permit, and the plumber's bond required by the Plumbing Ordinance shall be security for the assessment. If the property owner is assessed, such assessment shall be collected with and in the same manner as general property taxes.

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

6-3-12 METER ACCURACY AND TEST. All water shall be supplied through meters that accurately measure the amount of water supplied to any building. The Director or the Director's assistant 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 3 percent or more, the cost of the tests shall be paid by the City and a refund shall be made to the customer for overcharges collected since the last known date of accuracy but not for longer than 6 months. If the meter is found to be accurate or slow less than 3 percent fast, the patron shall pay the reasonable costs of the tests.

6-3-13 METER COSTS. The full cost of any initial meter and accompanying fittings shall be paid for by, or billed to, the contractor or property owner at the time of being obtained from the City.

6-3-14 NEW SERVICE. All construction which requires new meters to be installed shall have such meters installed within three (3) months or sooner if the Public Works Director, or designated agent so orders it due to excess usage estimated to be more than 3,000 gallons. If the meter is not installed within twenty-four (24) hours of receiving a notice from the Public Works Director or

designated agent, water service will be immediately terminated until the order is complied with. During the three months, the property owner shall be billed for 3,000 gallons of usage, unless a meter is installed within the three months, and then the actual usage will be billed plus a pro rata share for the unmeasured portion of the month based on a rate of 1,000 gallons per month.

6-3-15 TAPPING MAINS. All taps into water mains shall be made by or under direct supervisions of the Public Works Director and in accordance with the following:
(Code of Iowa, Sec. 372.13 [4])

1. Independent Services. No more than one house, building or premises shall be supplied from one tap unless special written permission is obtained from the Public Works Director and unless provision is made so that each house, building or premises may be shut off independently of the other.

2. Sizes and Location of Taps. All mains six (6) inches or less in diameter shall receive no larger than a three-fourths (3/4) inch tap. All mains over six (6) inches in diameter shall receive no larger than a one inch tap. Where a larger connection than a one inch tap is desired, two (2) or more small taps or saddles shall be used, as the Public Works Director shall order. All taps in the mains shall be made at or near the top of the pipe, at least eighteen (18) inches apart. No main shall be tapped nearer than two (2) feet of the joint of the main.

3. Corporation Stop. A brass corporation stop, of the pattern and weight approved by the Public Works Director, shall be inserted in every tap in the main. The corporation stop in the main shall be of the same size as the service pipe.

4. Location Record. An accurate and dimensional sketch showing the exact location of the tap shall be filed with the Public Works Director in such form as the Director shall require.

5. Tapping Permit and Fee. A tapping permit and one thousand dollar (\$1,000.00) fee shall be assigned and required for any residence in an undeveloped area where water service has not been established within five-hundred (500) feet of said residential property line.

Footnote: See 384.38(3) concerning establishing districts and connection fees (H.F. 2343, 1994 legislative session).

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 4 UTILITIES - REFUSE COLLECTION

| | | | |
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| 6-4-1 | Definitions | 6-4-6 | Necessity of Permits |
| 6-4-2 | Duty to Provide Cans | 6-4-7 | Burning of Refuse |
| 6-4-3 | Administration | 6-4-8 | Refuse Other Than Garbage |
| 6-4-4 | Storage | 6-4-9 | Sanitary Landfill |
| 6-4-5 | Collections | | |

6-4-1 DEFINITIONS. For use in this chapter, the following terms are defined as follows:

1. "Refuse". Includes all garbage, rubbish, ashes, or other substances offensive to sight or smell, dangerous to the public health or detrimental to the best interests of the community except dead animals not killed for food.

2. "Garbage". Includes all animal, fruit, vegetable, and other refuse resulting from the preparation of food and drink.

3. "Rubbish". Includes all other refuse not falling within the term "garbage" except those objects too large to be placed in cans.

4. "Can". Means a container for the storage of garbage or rubbish, which is:

- a. Provided with a handle and tight fitting cover.
- b. Made of non-corrosive material.
- c. Water-tight.
- d. With a capacity of no more than thirty-five (35) gallons.

6-4-2 DUTY TO PROVIDE CANS. The City of Madrid shall provide cans or containers for the storage of garbage and rubbish. Such cans or containers shall be kept covered and reasonably clean at all times. The cans or containers shall be in a position readily accessible to the collector.

It shall be the duty of the owner of each household residing in a building arranged for more than one family unit to provide proper cans for garbage and rubbish.

Additional cans can be collected for \$5.00 per month per can.

6-4-3 ADMINISTRATION. Administration of this chapter shall be by the Director of refuse, or such employee designated by the Director.

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

6-4-4 STORAGE. All garbage must be drained. All rubbish shall be placed in a can except as otherwise provided.

6-4-5 COLLECTIONS. All garbage and rubbish shall be taken from dwellings at least once each week and from public establishments as frequently as the City Council may require.

All cans for garbage and rubbish shall be kept as provided in the rules and regulations for collection of refuse.

Containers for the storage of solid waste awaiting collection shall be placed at the curb or alley line by the owner or occupant of the premises served before 5:00 a.m. of the collection day and shall be promptly removed following collection. Solid waste placed in containers that are not in compliance with the provisions of this section will not be collected.

6-4-6 NECESSITY OF PERMIT. No person shall collect garbage or rubbish except such person's unless otherwise by contract or permit approved by the Director of refuse and issued by the Clerk.

In the event any business, firm, or corporation may elect to dispose of refuse or waste matter as may accumulate on any premises, property, or location, the same may be done provided that such disposal and transporting of any refuse or waste matter complies with the provisions of this chapter, is approved by the City and a permit issued by the Clerk.

6-4-7 BURNING OF REFUSE.

1. It shall be unlawful for any person to burn or incinerate any garbage, rubbish, or refuse within the City except by permission of the City Council.

2. This section shall not apply to any incinerator operated under a license granted by the City or any burning conducted under the direction of the fire department for training purposes.

3. This section shall not apply to outdoor cooking appliances used for residential recreational purposes using commonly acceptable fuels.

6-4-8 REFUSE OTHER THAN GARBAGE. Each person shall dispose of all refuse other than garbage and rubbish accumulation on the premises such person owns or occupies before it becomes a nuisance. If it does become a nuisance, it shall be subject to provisions of Title III, Chapter 2 of this Code.

6-4-9 SANITARY LANDFILL. The City Council by resolution may designate a sanitary landfill and establish reasonable rules and regulations necessary to control its use by the public and make charge for the use thereof.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 5 UTILITIES - BILLING CHARGES

| | | | |
|-------|---------------------------------|--------|--|
| 6-5-1 | Utility Defined | 6-5-8 | Water Rates |
| 6-5-2 | Districts | 6-5-9 | Refuse Collection Rates |
| 6-5-3 | Disposition of Fees and Charges | 6-5-10 | Rate of Sewer Rent and Manner of Payment |
| 6-5-4 | Billing, Penalty | 6-5-11 | Determination and Payment of Sewer Rent From Premises With Private Water Systems |
| 6-5-5 | Discontinuing Services, Fees | 6-5-12 | Mosquito Spraying Rate |
| 6-5-6 | Residential Rental Property | | |
| 6-5-7 | Customer Guarantee Deposits | | |

6-5-1 UTILITY DEFINED. For use in this chapter, utility is the sewer, water, and refuse collection systems operated by the City.

6-5-2 DISTRICTS. There shall be one sewer and water district which encompasses all of the City of Madrid, Iowa.

6-5-3 DISPOSITION OF FEES AND CHARGES. All money received under this chapter shall be deposited in the City treasury not later than the last day of the month in which it was received and a written report of the amount and source of the fees and charges shall be on file with the City Clerk.

6-5-4 BILLING, PENALTY.

1. Billing for Water Service. Water service shall be billed as part of a combined service account, payable in accordance with the following:

a. Meters Read. Water meters shall be read during the last week of each month.

b. Bills Issued. The Utility Billing Clerk shall prepare and issue bills for combined service accounts on or before the first day of each month. Bill shall be prepared monthly.

c. Bills Payable. Bills for combined service accounts shall be due and payable to the City Clerk by the 20th day of each month.

d. Late Payment Penalty. Bills not paid when due shall be considered late. A late payment penalty of ten percent (10%) of the amount due shall be added to each late bill.

6-5-5 DISCONTINUING SERVICE, FEES.

1. If any account is not paid within thirty days from the end of any given period, the service to such owner or person so supplied with the utility shall be discontinued after the following procedures have been complied with:

a. The City Clerk shall send a disconnect or discontinuance notice by ordinary mail providing the following notice to customers: "Payment on your Water Service Account is due by the 20th of every month. If payment is not received, or a payment arrangement made by close of business on the disconnect date on this notice, your water service will be shut off the next business day. If shutoff occurs, the delinquent balance plus a reconnection fee of \$75.00 must be paid before water service will be restored. Fees must be paid by 3:00 PM for same day reconnection."

b. When a hearing is requested by a customer, the Mayor or the Mayor's designee shall conduct a hearing within two (2) days following the request. The customer shall have the right to present evidence or propose a payment plan. The decision of the Mayor is final.

2. If service is discontinued for nonpayment of fees and charges, or for the violation of any Ordinance, a fee of \$75.00 shall be paid to the City Clerk in addition to the rates or charges then due before such service is restored. If any such service charge is not paid within sixty (60) days from the date it is due, the same shall constitute a lien upon the premises served by said municipal system, which said lien shall be collected in the same manner as taxes.

(Code of Iowa, Sec. 384.84(2))

3. A lien shall not be certified to the County Treasurer for collection unless thirty (30) days prior written notice by ordinary mail of the intent to certify a lien is given to the account holder of the delinquent account. If the account holder is a tenant, and if the owner or property lessor of the property has made a written request for notice, the notice shall also be given to the owner.

(Code of Iowa, Sec. 384.84 (3))

4. If the property in which there are delinquent utilities owing is sold before the City certifies the lien to the County Treasurer, the City may certify the delinquent utilities against another property located in this state owned by the delinquent user.

(Code of Iowa, Sec. 384.84(3)(a)(3))

6-5-6 RESIDENTIAL RENTAL PROPERTY. Residential rental property where a charge for any of the services of water, sewer systems, drainage systems, sewage treatment, solid waste collection, and solid waste disposal is paid directly to the City by the tenant is exempt from a lien for delinquent rates or charges associated with such services if the landlord gives written notice to the City utility that the property is residential rental property and that the tenant is liable for the rates or charges. A City utility may require a deposit not exceeding the usual cost of ninety (90) days of the services of water, sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal to be paid to the utility. Upon receipt, the utility or enterprise shall acknowledge the notice and deposit. A written notice shall contain the name of the tenant responsible for the charges, the address of the residential rental property that the tenant is to occupy, and the date that the occupancy begins. A change in tenant shall require a new written

notice to be given to the City utility within thirty (30) business days of the change in tenant. When the tenant moves from the rental property, the City utility shall return the deposit, within ten days, if the charges for the services of water, sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal are paid in full.

A change in the ownership of the residential rental property shall require written notice of such change to be given to the City utility within thirty (30) business days of the completion of the change of ownership. The lien exemption for rental property does not apply to charges for repairs related to a service of water, sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal if the repair charges become delinquent.

(Code of Iowa, Sec. 384.84(3)(d))
(Code of Iowa, Sec. 384.84(3)(e))
(Amended in 2012)

6-5-7 CUSTOMER GUARANTEE DEPOSITS. Customer deposits shall be required of all customers who are tenants, or others having no established credit record, and of those who have an unacceptable credit record or who have a prior record of failure to pay water bills rendered. Such deposit shall be equal to the estimated typical bill for the type of use contracted for, and be set to the nearest five (\$5.00) dollars. Deposits of customers having established acceptable credit records for three (3) years shall have their deposits returned. An occurrence or recurrence of a bad payment record may be the occasion for the City Clerk to require a new or larger deposit for the continuation of service.

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

6-5-8 WATER RATES. Water shall be furnished at the following monthly rates per property serviced within the City limits:

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

1. The monthly minimum bill shall be \$12.50 for the first 1,000 gallons furnished. Rate for water furnished over 1,000 gallons shall be the minimum monthly bill plus \$5.06 per 1,000 gallons of water furnished. Billing will be based on 1,000 gallon increments.

2. Bulk Water Rate. Water shall be furnished at the following rate for bulk water sales: \$0.25 per 30 gallons.

3. The above monthly rates shall increase annually at a percentage not to exceed 10.0%, effective every August 1st, or another amount as otherwise determined by the City Council as a result of an annual review of the cost of providing service. Such rate adjustments shall be approved by Resolution of the City Council.

6-5-9 WATER RATES OUTSIDE CITY LIMITS. Water service shall be provided to customers outside the corporate limits of the City; if the City Council determines that:

1. The customer's property is within a "reasonable distance" from the City-owned main.

2. The customer has signed a service contract agreeing to be bound by the ordinances, rules and regulations applying to water service established by the City Council.

3. The customer agrees to pay for such services, at rates 125 percent of the rates within the city, as provided in Section 6-5-8, which as of adoption of this code is \$15.63 for the first 1,000 gallons and \$6.33 for every 1,000 gallons thereafter.

4. The customer agrees to pay the total cost of installation from the City-owned main.

5. The customer has paid a tapping fee of \$1,000.00 unless such tapping fee is waived by the City Council, upon application by the customer, for good cause shown. Good cause includes, but is not limited to, the customer's being a new business or improving an existing business.

6-5-9 REFUSE COLLECTION RATES. There shall be collected by the City for its services in collecting garbage and rubbish, the following mandatory fees:

1. Residence Rate. For each resident with alley or curb pickup, \$13.81 per month for one garbage or rubbish collection each week, in addition, there shall be a \$0.85 charge for landfill monthly. In the event that alley or curb pickup for any residence is not feasible, the City Clerk is hereby empowered to enter into an agreement with such resident for any additional charge to be paid by such resident for any other location of pickup that may be agreed upon.

2. Commercial Rate. Rates for commercial establishments shall be established by the City Council.

3. Adjustment of Fee. The collection fee may be adjusted by the City Council on a case-by-case basis upon the written and oral request by the owner. Factors to be considered by the City Council in fee adjustment cases include age, financial resources, physical disabilities and volume of usage by each owner.

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

6-5-10 RATE OF SEWER RENT AND MANNER OF PAYMENT. Sewer rent will be charged at \$12.20 for the first 1,000 gallons of water, \$4.20 for every 1,000 gallons thereafter. The rent shall be paid with the water bill at the same time as payment of the water bill is due and under the same condition as to penalty for late payment, at the office of the City Clerk, beginning with the next payment after the enactment of this Ordinance, or, if connection has not been made, after the connection to the sewer system is made.

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

6-5-11 DETERMINATION AND PAYMENT OF SEWER RENT FROM PREMISES WITH PRIVATE WATER SYSTEMS. Users whose premises have a private water system shall pay a sewer rent in proportion to the water used and determined by the City Council either by an estimate agreed to by the user or by metering the water system. The rates shall be the same as provided in

Section 6-5-10 applied as if a City water bill were to be paid. Rent shall be paid at the same time and place as provided in Section 6-5-10.

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

6-5-12 MOSQUITO SPRAYING RATES. For households within the Corporate City Limits, there shall be a mosquito spraying fee of \$1.75.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 6 STREET CUTS AND EXCAVATIONS

| | | | |
|-------|----------------------------|-------|-----------------------------|
| 6-6-1 | Excavation Permit Required | 6-6-4 | Safety Measures |
| 6-6-2 | Application for Permit | 6-6-5 | Backfilling and Restoration |
| 6-6-3 | Permit Fees | 6-6-6 | Rules and Regulations |

6-6-1 EXCAVATION PERMIT REQUIRED. Excavating within the right-of-way of public streets and alleys, and of public grounds, and the cutting of surfacing or pavings of the traveled way therein, shall not be done by any person, firm, association, or corporation without obtaining a permit from the City Clerk.

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

6-6-2 APPLICATION FOR PERMIT. No person shall commence excavation in any public street or public ground until that person has applied to the City Clerk for an excavation permit. Such application shall indicate the location of the excavation, the name and address of the applicant who is to do the work, whether public liability insurance is in force, and that the applicant has checked the underground map of all utilities, and other owners of underground facilities, and that the applicant has notified those persons or companies of the time that excavation will commence. The making of an application shall be deemed notice to the City of the plan to cut the street surfacing or pavements, and to obstruct the public way. Such permits shall not be valid until six hours after receipt unless the Clerk waives this requirement.

In an emergency, authorized persons or companies may commence excavations provided that they shall have made a reasonable effort to inform the City and the utilities whose underground utilities might be involved in any way, and those involved in the excavation shall make written application at the earliest practicable moment. The Clerk may provide on the form for the certification that the applicant has notified all utilities and other parties required by this Ordinance.

6-6-3 PERMIT FEES. The permit fee shall be \$100.00 for the cost of each inspection. A single excavation shall be deemed to constitute all the digging necessary for a single connection, or a cut for installing a main not exceeding 100 feet in length. An additional fee of \$100.00 shall be required for every additional 100 feet, or major fraction thereof, of main excavation. All fees are doubled if excavation commences before a permit is obtained.

6-6-4 SAFETY MEASURES. Any person, firm, or corporation cutting a pavement or surfacing or excavating in the streets shall erect suitable barricades, maintain warning lights from sunset to sunrise each night, and take such other precautions as necessary for the safety of the public, whether vehicles or pedestrians. Vehicles, equipment, materials, excavated material, and similar items shall likewise be protected by lights and warning devices, such as traffic cones, flags, etc.

Where traffic conditions warrant, the party excavating may be required to provide flagmen, if in the judgment of the Public Safety Director the public safety requires it. Compliance with City Ordinances and regulations shall not be deemed to waive the requirements that the party excavating shall comply with all the requirements of the labor safety laws and the rules of the Iowa Department of Labor, nor shall any failure be deemed a responsibility of the City.

6-6-5 BACKFILLING AND RESTORATION. Any person excavating in the streets shall be responsible for the backfilling of the excavation in accordance with City specifications and the restoration of the pavement or surfacing to as good a condition as that existing prior to the excavation. If any excavator fails to backfill or restore the pavement or surfacing properly within forty-eight hours of the completion of the underground work, the City reserves the right to backfill and resurface or install new paving and charge the cost thereof to the party excavating. If any backfilling or pavement or surfacing restoration is not in accordance with the City specifications, the Public Works Director is authorized to remove such material as is necessary and to backfill and restore the pavement or surfacing properly.

6-6-6 RULES AND REGULATIONS. The City Council may by resolution establish such rules and regulations for the manner of making cuts and related matters involving excavations.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 7 SIDEWALK REGULATIONS

| | | | |
|--------|---|--------|--|
| 6-7-1 | Purpose | 6-7-11 | Failure to Obtain Permit; Remedies |
| 6-7-2 | Definitions | 6-7-12 | Inspection and Approval |
| 6-7-3 | Cleaning Snow, Ice, and Accumulations | 6-7-13 | Barricades and Warning Lights |
| 6-7-4 | Maintenance Responsibility | 6-7-14 | Interference with Sidewalk Improvements |
| 6-7-5 | Liability of Abutting Owner | 6-7-15 | Special Assessments for Construction and Repair |
| 6-7-6 | Ordering Sidewalk Improvements | 6-7-16 | Notice of Assessment for Repair or Cleaning Costs |
| 6-7-7 | Repairing Defective Sidewalks | 6-7-17 | Hearing and Assessment |
| 6-7-8 | Notice of Inability to Repair or Barricade | 6-7-18 | Billing and Certifying to County |
| 6-7-9 | Standard Sidewalk Specifications | 6-7-19 | ADAAG Compliance |
| 6-7-10 | Permits for Construction or Removal | | |

6-7-1 PURPOSE. The purpose of this chapter is to improve and maintain sidewalks in a safe condition, to require owners of abutting property to maintain, repair, replace, construct or reconstruct sidewalks.

6-7-2 DEFINITIONS. As used in this chapter, the following terms have these meanings:

1. Defective Sidewalk. Any public sidewalk exhibiting one or more of the following characteristics:

- a. vertical separations equal to three-fourths (3/4) inch or more.
- b. horizontal separations equal to one inch or more.
- c. holes or depressions equal to three-fourths (3/4) inch or more and at least four (4) inches in diameter.
- d. spalling over fifty (50) percent of the surface of a single square of the sidewalk with one or more depressions equal to one-half (1/2) inch or more.
- e. spalling over less than fifty (50) percent of a single square of the sidewalk with one or more depressions equal to three-fourths (3/4) inch or more.
- f. a single square of sidewalk cracked in such a manner that no part thereof has a piece greater than one square foot.

g. a sidewalk with any part thereof missing to the full depth.

h. a change from design or construction grade equal to or greater than three-fourths (3/4) inch per foot.

2. Sidewalk Improvements. The construction, reconstruction, repair, replacement, or removal of a public sidewalk or the excavating, filling, or depositing of material in the public right-of-way in connection therewith.

3. Owner. The person owning the fee title or the contract purchaser for purposes of notification required herein. For all other purposes, "owner" shall include the lessee, or person in possession.

6-7-3 CLEANING SNOW, ICE, AND ACCUMULATIONS. It shall be the duty of the owner to keep sidewalks abutting the owner's property clear of the natural accumulations of snow or ice. If the owner fails to do so within twenty four (24) hours after deposit of accumulation, the Mayor may have the natural accumulations of snow or ice removed without notice to the property owner. The Mayor shall give the Council an itemized and verified statement of the removal costs and a legal description of the property at the next regular Council meeting. The costs shall be reviewed by the Council, and if found correct, shall be assessed against the property as taxes. The City Clerk shall be directed to certify the costs to the County Treasurer for collection as provided in Section 364.12 of the Code of Iowa.

(Code of Iowa, Sec. 364.12(2b) and (2e))

6-7-4 MAINTENANCE RESPONSIBILITY. The abutting property owner or owners shall be responsible for the repair, replacement or reconstruction of all broken or defective sidewalks to a safe condition and to maintain in a safe condition all sidewalks in the abutting street right-of-way.

(Code of Iowa, Sec. 364.12(2c))

6-7-5 LIABILITY OF ABUTTING OWNER. As provided in Section 364.14, Code of Iowa, in the event the owner of property abutting any public sidewalk fails or refuses to perform any act required of them by this Ordinance and in the event an action is brought against the City for personal injuries alleged to have been caused by a defect in or the condition of said sidewalk, the City may notify in writing the said abutting owner that it claims the injury was caused by their negligence and/or their failure to repair the defect or eliminate the condition complained of. 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 condition 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)

6-7-6 ORDERING SIDEWALK IMPROVEMENTS. The City Council may order the construction, reconstruction, repair, or replacement of permanent sidewalks upon any street or court. Notice of this order shall be sent to the owner by certified mail. The notice shall include the fact that the owner may request a hearing by the Council within fifteen (15) days or receipt of the notice.

6-7-7 REPAIRING DEFECTIVE SIDEWALKS. It shall be the duty of the abutting property owner at any time, or upon receipt of thirty (30) days' notice from the City, to repair, replace, or reconstruct all broken or defective sidewalks in the abutting street right-of-way. If, after the expiration of the thirty (30) days as provided in the notice, the required work has not been done or is not in the process of completion, the Mayor shall order the work to proceed to repair, replace, or reconstruct the sidewalk. Upon completion of the work, the Mayor shall submit to the Council an itemized and verified statement of expenditures for material and labor, and the legal description of the property abutting the sidewalk on which work has been performed. These costs shall be assessed to the property as taxes. The City Clerk shall be directed to certify the costs to the County Treasurer for collection as provided in Section 364.12 of the Code of Iowa.

(Code of Iowa, Sec. 364.12(e))

6-7-8 NOTICE OF INABILITY TO REPAIR OR BARRICADE. It shall be the duty of the owner of the property abutting the sidewalk, or of the contractor or agent of the owner, to notify the City immediately in the event the owner is unable to make necessary sidewalk improvements or to install or erect warnings and barricades as required by this chapter.

6-7-9 STANDARD SIDEWALK SPECIFICATIONS. Sidewalks constructed, repaired, or replaced under the provisions of this chapter shall be of the following construction and meet the following standards:

1. Portland cement concrete shall be the only material used in the construction and repair of sidewalks unless otherwise authorized by the City Council.
2. Sidewalks shall be on one-course construction.
3. Concrete may be placed directly on compact and well-drained soil. Where soil is not well drained, a four (4) inch sub-base of compact, clean, coarse gravel, sand, or cinders shall be laid. The adequacy of the soil drainage is to be determined by the Public Works Director.
4. The sidewalk bed shall be graded to the established grade.
5. Residential sidewalks shall be at least four (4) feet wide, or match existing sidewalks, and four (4) inches thick, and each section shall be no more than four (4) feet in length. In the

central business district, sidewalks shall extend from the property line to the curb unless the Council shall establish a different distance due to the circumstances. Each section shall be four (4) inches thick and no more than six (6) feet in length and width. All driveway areas shall not be less than six (6) inches in thickness.

6. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) on the property line, unless the Council shall establish a different distance due to the circumstances.

7. All elevations of sidewalks are to be established by the City Council with assistance from the Public Works Director on a case-by-case basis.

8. All sidewalks shall slope at least one-quarter (1/4) inch per foot toward the curb, but in no event more than one-half (1/2) inch per foot toward the curb.

9. All sidewalks shall have a steel trowel finish followed by a "broom" or a "wood float" finish.

10. Ramps for the disabled. There shall not be less than two (2) curb cuts or ramps per lineal block which shall be located on or near the cross-walks at intersections. Each curb cut or ramp shall be at least thirty (30) inches wide, shall be sloped at not greater than one inch of rise per twelve (12) inches lineal distance, except that a slope no greater than one inch of rise per eight (8) inches lineal distance may be used where necessary, shall have a nonskid surface, and shall otherwise be so constructed as to allow reasonable access to the crosswalk for physically disabled persons using the sidewalk.

(Code of Iowa, Sec. 216C.9)

11. All sidewalk improvements on public property, whether performed by the owner of the abutting property or by the City, shall be performed under the supervision and inspection of the City Public Works Director, and in accordance with the standard sidewalk specifications set forth in this chapter.

6-7-10 PERMITS FOR CONSTRUCTION OR REMOVAL. No person shall make any sidewalk improvements unless such person shall obtain a permit from the City Clerk. The permit shall state that the person will comply with the Ordinances of the City and with the specifications for sidewalks adopted by the City. The permit also shall state that the work will be done under the direction and approval of the City's Public Works Director. All such permits shall be issued without charge and a copy thereof, with the application, shall be filed and preserved in the office of the City Clerk. The permit shall state when the work is to be commenced and when the work is to be completed. The time of completion for the sidewalk improvements may be extended by the City Council. All permits for sidewalk improvements not ordered by resolution of the City Council shall be issued in compliance with this chapter. The City Council may withhold the issuance of any permit for any sidewalk improvements for a sufficient period to determine the necessity for

the proposed improvements or when weather conditions will adversely affect the sidewalk improvements.

6-7-11 FAILURE TO OBTAIN PERMIT; REMEDIES. Whenever any sidewalk improvements are made that do not conform to the provisions of this chapter and with the specifications, or when any sidewalk improvements are made without a permit, the Mayor shall serve notice to obtain a permit upon the property owner and upon the contractor doing the work. If the sidewalk is in the course of construction, the notice shall order the work to stop until a permit is obtained and the work is corrected to comply with the specifications. If the sidewalk work has been completed, the owner shall obtain a permit immediately and perform any needed corrections within five (5) days from receipt of the permit. If the owner fails to comply with this notice, the Mayor shall have the work completed and the costs assessed to the property owner as provided in this chapter.

6-7-12 INSPECTION AND APPROVAL. Upon final completion, the Public Works Director shall inspect the work and may order corrections if the work does not meet specifications. When the work does meet all requirements of this chapter, the specifications, and the permit, the Public Works Director shall indicate this on both copies of the permit.

6-7-13 BARRICADES AND WARNING LIGHTS. Proper warning lights and barricades shall be placed to protect persons from materials, equipment, and dangerous conditions. Placement and maintenance of adequate warnings is the responsibility of the constructor, the owner, and the lessee of the property.

6-7-14 INTERFERENCE WITH SIDEWALK IMPROVEMENTS. No person shall knowingly or willfully drive any vehicle upon any portion of any sidewalk or approach thereto while it is 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 or warning device provided by this chapter.

6-7-15 SPECIAL ASSESSMENTS FOR CONSTRUCTION AND REPAIR. The City Council may assess the cost of initial construction, improvements, and/or repair of sidewalks in the City according to the special assessment procedures established in Chapter 384, division IV, Code of Iowa.

(Code of Iowa, Sec. 384.38)

6-7-16 NOTICE OF ASSESSMENT FOR REPAIR OR CLEANING COSTS. When the Mayor submits a bill for sidewalk improvements or for removal of accumulations as provided in this chapter, the City Clerk shall send a notice of such facts to the owner of the abutting property. The notice may be given either by personal service or by certified mail to the last known address of the owner. The notice shall contain a statement of the work performed, the cost of the work that is being assessed, a description of the property affected, and the fact that the person may pay the amount assessed within thirty (30) days without interest or penalty. The notice also shall indicate that the person may object to such assessment and given the place and time at which Council will

hear such objections. The time set for hearing shall be at least fifteen (15) days after the service or mailing of the notice.

(Code of Iowa, Sec. 384.50)

6-7-17 HEARING AND ASSESSMENT. At the time and place designed in the Notice, the Council shall consider all objections to the assessment, correct all errors or omissions, and adopt a corrected list as the amounts to be assessed against the property.

(Code of Iowa, Sec. 384.51)

6-7-18 BILLING AND CERTIFYING TO COUNTY. Thirty (30) days after the Council's decision, the City Clerk shall certify any unpaid amounts to the County Treasurer. The unpaid assessments shall constitute a lien against the property and shall be collected by the County Treasurer in the same manner as other taxes. Any assessment that exceeds \$100 may be paid in installments as set by Council, not exceeding ten, in the same manner and at the same interest rates as for special assessments under Chapter 384, division IV, Code of Iowa. No interest shall be charged for assessments, or parts thereof, paid within thirty (30) days of the time the Council determined the final amounts.

(Code of Iowa, Sec. 384.60)

6-7-19 ADAAG COMPLIANCE. All construction, repair, and maintenance of sidewalks shall comply with Americans with Disabilities Guidelines (ADAAG).

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 8 NUMBERING OF BUILDINGS

| | | | |
|-------|--------------------|-------|------------------------|
| 6-8-1 | Definitions | 6-8-3 | Building Numbering Map |
| 6-8-2 | Owner Requirements | | |

6-8-1 **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.

6-8-2 **OWNER REQUIREMENTS.** Every owner shall comply with the following numbering requirements:

1. **Obtain Building Number.** The owner shall obtain the assigned number to the principal building from the City Clerk.

(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 (2 ½) 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[3d])

6-8-3 **BUILDING NUMBERING MAP.** The Boone County GIS Mapper shall be responsible for preparing and maintaining a building numbering map.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 9 BUILDING PERMITS

| | | | |
|-------|-------------------------|--------|-------------------------------------|
| 6-9-1 | Purpose | 6-9-10 | Rear Yard Requirements |
| 6-9-2 | Structure Defined | 6-9-11 | Special Requirements for Residences |
| 6-9-3 | Permit Required | | |
| 6-9-4 | Application | 6-9-12 | Variances |
| 6-9-5 | Fees | 6-9-13 | Fences |
| 6-9-6 | Plans Required | 6-9-14 | Curb Cuts |
| 6-9-7 | Location of Structure | 6-9-15 | Authority of City Council |
| 6-9-8 | Front Yard Requirements | 6-9-16 | Permit Issued |
| 6-9-9 | Side Yard Requirements | 6-9-17 | Limitations on Permit |

6-9-1 PURPOSE. The purpose of this Chapter is to provide the City Council notice of the type of structure, the kind of construction, the location of any structure to be erected or added within the corporation, the location of any structure on any specific lot within the corporation and to provide reasonable rules for the erection, reconstruction, altering and repair of all kinds of structures.

6-9-2 STRUCTURE DEFINED. Anything constructed or erected with a fixed location on the ground that protrudes above the ground or surface level of a parcel of property. Structures include, but are not limited to, buildings, walls, fences, billboards, aboveground storage tanks, and similar uses.

6-9-3 PERMIT REQUIRED. No structure shall be erected, reconstructed, altered or added to without first securing a permit from the City Council.

6-9-4 APPLICATION. All requests for a building permit shall be submitted to the City Clerk on forms supplied by the City and accompanied with the appropriate fee for such permit.

6-9-5 FEES. Fees are determined by SAFE Building. Trade fees are set at \$75.00 each.

6-9-6 PLANS REQUIRED. Plans and specifications of any proposed structure shall be filed with the application for the permit.

6-9-7 LOCATION OF STRUCTURE. A complete showing and description of the real estate involved and the location of the structure on the real estate shall be filed with the application. The perimeter of the structure shall be staked prior to submitting an application.

6-9-8 FRONT YARD REQUIREMENTS. There shall be a front yard of not less than twenty (20) feet, except as follows:

1. Where a structure is to be erected on a parcel of land that is within one hundred (100) feet of existing structures on both sides, the minimum front yard shall be a line drawn between the closest front corners of the adjacent structures on the two sides, or

2. Where a structure is to be erected on a parcel of land that is one hundred (100) feet of an existing structure on one side only within the same block, such structure may be erected as close to the street as a line drawn from the closest front corner of that structure to a point twenty (20) feet back from the front lot line measured at the center of the lot on which the proposed structure is to be erected.

3. Where lots have a double frontage, the front yard as required herein shall be provided on both streets.

6-9-9 SIDE YARD REQUIREMENTS. No building shall be erected closer than five (5) feet to either side lot line, except in the business district where no side yard is required.

6-9-10 REAR YARD REQUIREMENTS. There shall be a rear yard provided for each structure of not less than thirty (30) feet or twenty percent (20%) of the depth of the lot, whichever amount is smaller, except in the business district where no rear yard is required.

6-9-11 SPECIAL REQUIREMENTS FOR RESIDENCES. Any structure which is to be a residence for living shall meet the following special requirements.

1. A residence shall have a minimum of 1,000 square feet of livable space on the main floor.

2. All residences shall have a permanent perimeter foundation constructed of cement, concrete blocks with mortar or other permanent material approved by the City Council. All foundations shall have footings that extend below the frost line.

6-9-12 VARIANCES. The city council may grant a variance to sections 6-9-8, 6-9-9, and 6-9-10 where the setback requirements would cause a hardship on the property owner.

6-9-13 FENCES. No setback requirements shall be applicable to the construction of a fence.

6-9-14 CURB CUTS. No curb cut shall be constructed or permitted without first obtaining a building permit.

6-9-15 AUTHORITY OF CITY COUNCIL. The City Council shall have full authority to accept or reject any plans and specifications submitted.

6-9-16 PERMIT ISSUED. Permits shall be issued by the City Clerk in duplicate, one copy for the applicant and one copy to be retained in the City records.

6-9-17 LIMITATIONS ON PERMIT. In the event that construction covered by a permit is not initiated and underway within one year from the date of issuance of a permit, such permit shall be deemed void and of no effect. All permits shall expire and be void twelve (12) months after issuance by the City Clerk. If construction is not completed a new application and fee must be submitted.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 10 BUILDING CODE

| BUILDING CODE | |
|---------------|---|
| 6-10-1 | Adoption of Building Code. |
| 6-10-2 | Amendments, Modifications, Additions and Deletions. |
| 6-10-3 | Referenced Codes- Conflicts. |
| 6-10-4 | Sections 101.1 And R101.1 Amended- Title. |
| 6-10-5 | Section 101.4 Amended- Referenced Codes. |
| 6-10-6 | Section 101.4 Added- Referenced Codes. |
| 6-10-7 | Section 101.4.6 Amended and R101.3.1 Addition- Energy. |
| 6-10-8 | Sections 103.1 And R103.1 Amended- Creation of Enforcement Agency. |
| 6-10-9 | Sections 105.2 And R105.2 Amended- Work Exempt from Permit. |
| 6-10-10 | Sections 105.6.1 And R105.6.1 Addition- Revocation of Permit. |
| 6-10-11 | Sections 109.4 And R108.6 Addition- Work Commencing Before Permit Issuance. |
| 6-10-12 | Section R110.1 Amended- Use and Occupancy. 6-10-13 Section 112 And R111 Addition- Underground Utility Installation. |
| 6-10-14 | Section R202 Amended- Definitions. |
| 6-10-15 | Table R301.2(4)a Amended- Climatic And Geographic Design Criteria. |
| 6-10-16 | Section R303.3 Amended- Bathrooms. |
| 6-10-17 | Section R305.1.1 Amended- Basements. |
| 6-10-18 | Section R310.2.2 Addition- Window Sill Height. |
| 6-10-19 | Section R310.2.4 Amended- Emergency Escape Windows Under Decks and Porches. |
| 6-10-20 | Section R311.7.5.1 Amended - Risers. Section R311.7.5.1, |
| 6-10-21 | Section R311.7.8.2 Addition- Continuity. |
| 6-10-22 | Section R313.1 Amended- Townhouse Automatic Fire Sprinkler Systems. |
| 6-10-23 | Section R313.2 Amended- One and Two-Family Dwellings Automatic Fire Systems. |
| 6-10-24 | Section R403.1.4.1- Amended- Frost Protection. |
| 6-10-25 | Sections 1807.1.5.1 And R404.1.3.2.3 Addition- Foundation Walls for Conventional Light Frame Wood Construction. |
| 6-10-26 | Section R405 Addition- Foundation Drainage. |
| 6-10-27 | Section 423.4 Amended- Storm Shelter – Group E Occupancy. |
| 6-10-28 | Section 501.2 Amended- Address Identification. |
| 6-10-29 | Section 903.4.2 Amended- Alarms. |
| 6-10-30 | Section 907.1.4 Addition- Facp (Fire Alarm Control Panels). |
| 6-10-31 | Section G2414.5.3 (403.5.4) Amended- Corrugated Stainless Steel Tubing. |
| 6-10-32 | Section G2415.2 (404.2) Amended- Csst. |
| 6-10-33 | Section P2603.5 Amended- Freezing. |
| 6-10-34 | Section P2603.5.1 Amended- Sewer Depth. |

- 6-10-35 Section 1009.2 Addition- Continuity and Components.
- 6-10-36 Section 1010.1.6 Addition- Landings at Doors.
- 6-10-37 Section 1014.4 Addition- (Handrail) Continuity.
- 6-10-38 Section 1028.5 Addition- Access to a Public Way.
- 6-10-39 Section 1030.5- Window Wells.
- 6-10-40 Chapter 13 Energy Efficiency and Chapter 11 [Re] Amended- Energy Efficiency.
- 6-10-41 Section 1608.2 Addition- Ground Snow Loads.
- 6-10-42 Section 1612 Amended- Flood Loads.
- 6-10-43 Section 1612.3 Amended- Establishment of Flood Hazard Areas.
- 6-10-44 Section 1809.5 Addition- Frost Protection.
- 6-10-45 Section 2902.6 Amended- Small Occupancies.

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- 6-10-46 Adoption of Mechanical Code.
- 6-10-47 Amendments, Modifications, Additions and Deletions
- 6-10-48 Deletions.
- 6-10-49 Referenced Codes- Conflicts.
- 6-10-50 Section 101.1 Amended- Title.
- 6-10-51 Section 106.1.1 Addition- Permit Acquisition.
- 6-10-52 Section 106.2 Addition- Permits Not Required.
- 6-10-53 Section 106.4.3 Amended- Expiration.
- 6-10-54 Section 106.4.6 Amended- Retention of Construction Documents.
- 6-10-55 Section 106.5.3 Amended- Fee Refund.

- 6-10-56 Section 108.4 Amended- Violation Penalties.
- 6-10-57 Section 108.5 Amended- Stop Work Order.
- 6-10-58 Section 306.1 Addition- Access.
- 6-10-59 Section 306.5 Addition- Equipment and Appliances On Roofs or Elevated Structures.

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- 6-10-60 Adoption of Property Maintenance Code.
- 6-10-61 Amendments, Modifications, Additions and Deletions.
- 6-10-62 Deletions.
- 6-10-63 Referenced Codes- Conflicts.
- 6-10-64 Section 101.1 Amended- Title.
- 6-10-65 Section 102.3 Amended- Application of Other Codes.
- 6-10-66 Section 103.1 Addition- General.
- 6-10-67 Section 302.4 Amended- Weeds.
- 6-10-68 Section 304.14 Amended- Insect Screens.
- 6-10-69 Section 602.3 Amended- Heat Supply.
- 6-10-70 Section 602.4 Amended- Occupiable Work Spaces.
- 6-10-71 Section 702.4 Addition- Emergency Escape Openings.

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- 6-10-72 Adoption of Plumbing Code.
- 6-10-73. Amendments, Modifications, Additions and Deletions.
- 6-10-74. Deletions.
- 6-10-75 Referenced Codes- Conflicts.
- 6-10-76 Section 101.1 Amended- Title.
- 6-10-77 Section 105.2 Addition- Alternate Materials, Methods and Equipment.
- 6-10-78 Section 106.1.1 Addition- Permit Acquisition.

- 6-10-79 Section 106.5.3 Amended- Expiration.
- 6-10-80 Section 106.5.6 Amended- Retention of Construction Documents.
- 6-10-81 Section 106.6.3 Amended- Fee Refunds.
- 6-10-82 Section 108.4 Amended- Violation Penalties.
- 6-10-83 Section 108.5 Amended- Stop Work Order.
- 6-10-84 Section 305.4 Amended- Freezing.
- 6-10-85 Section 305.4.1 Amended- Sewer Depth.
- 6-10-86 Section 312.3 Amended- Drainage and Vent Final Test.
- 6-10-87 Section 410.2 Amended- Small Occupancies.
- 6-10-88 Section 703 Addition- Building Sewer.
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- 6-10-90 Adoption of Electrical Code.
- 6-10-91 Amendments, Modifications, Additions.
- 6-10-92 Referenced Codes- Conflicts.
- 6-10-93 Deletions.
- 6-10-94 Addition- Title.
- 6-10-95 Article 90.2 Amended- Scope (A) Covered. (Permits Required).
- 6-10-96 Article 90.2.1 Addition- Permit Acquisition.
- 6-10-97 Addition- Permit Expiration.
- 6-10-98 Addition- Schedule of Permit Fees.
- 6-10-99 Addition- Fee Refunds.
- 6-10-100 Addition- Stop Work Order.
- 6-10-101 Article 220.12 Amended- Lighting Loads for Specified Occupancies.

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- 6-10-102 Adoption of Fire Code.
- 6-10-103 Amendments, Modifications, Additions and Deletions.
- 6-10-104 Referenced Codes- Conflicts.
- 6-10-105 Section 101.1 Amended- Title.
- 6-10-106 Section 105.1.2 Addition- Types of Permits.
- 6-10-107 Section 109.4 Amended-Violation Penalties.
- 6-10-108 Section 111.4 Amended- Failure to Comply.
- 6-10-109 Section 113.3 Addition- Work Commencing Before Permit Issuance.
- 6-10-110 Section 308.1.4 Amended- Open Flame Cooking Devices.
- 6-10-111 Section 505.1 Amended- Address Identification.
- 6-10-112 Section 507.5 Amended- Where Required (Fire Hydrant Spacing).
- 6-10-113 Section 507.5.1.1 Amended- Hydrant for Fire Department Connections.
- 6-10-114 Section 507.5.7 Addition- Fire Hydrant Markers and Identification Color.
- 6-10-115 Section 507.5.8 Addition- Fire Hydrant Installation.
- 6-10-116 Section 903.4.2 Amended- Alarms.
- 6-10-117 Section 907.1.4 Addition- FACP (Fire Alarm Control Panel).
- 6-10-118 Section 912 Addition- Fire Department Connections.
- 6-10-119 Section 1009.2 Addition- Continuity and Components.
- 6-10-120 Section 1010.1.6 Addition- Landings at Doors.
- 6-10-121 Section 1014.4 Addition- (Handrail) Continuity.
- 6-10-122 Section 1028.5 Addition- Access to A Public Way.
- 6-10-123 Section 1030.5 Addition- Window Wells.

6-10-124 Section 3301.2 Amended- Purpose.

FUEL GAS CODE

- 6-10-125 Adoption of Fuel Gas Code.
- 6-10-126 Amendments, Modifications, Additions and Deletions.
- 6-10-127 Deletions.
- 6-10-128 Referenced Codes- Conflicts.
- 6-10-129 Section 101.1 Amended- Title.
- 6-10-130 Section 105.2 Addition- Alternate Materials, Methods and Equipment.
- 6-10-131 Section 106.1 Addition- Permit Acquisition.
- 6-10-132 Section 106.5.3 Amended- Expiration.
- 6-10-133 Section 106.5.6 Amended- Retention of Construction Documents.
- 6-10-134 Section 106.6.3 Amended- Fee Refund.
- 6-10-135 Section 108.4 Amended- Violation Penalties.
- 6-10-136 Section 108.5 Amended- Stop Work Order.
- 6-10-137 Section 403.5.4 Amended- Corrugated Stainless Steel Tubing (CSST).
- 6-10-138 Section 403.10 Addition- Metallic Piping Joints and Fittings.

BUILDING CODE

6-10-1 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.

6-10-2 AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETIONS. *The International Building Code, 2015 Edition* (hereinafter known as the IBC), and the *International*

EXISTING BUILDING CODE

- 6-10-139 Adoption of Existing Building Code.
- 6-10-140 Amendments, Modifications, Additions and Deletions.
- 6-10-141 Deletions.
- 6-10-142 Referenced Codes- Conflicts.
- 6-10-143 Section 101.1 Amended- Title.
- 6-10-144 Section 105.5 Amended- Expiration.
- 6-10-145 Section 1401.2 Amended- Applicability.

SWIMMING POOL AND SPA CODE

- 6-10-146 Adoption of Swimming Pool and Spa Code.
- 6-10-147 Amendments, Modifications, Additions and Deletions.
- 6-10-148 Deletions.
- 6-10-149 Referenced Codes- Conflicts.
- 6-10-150 Section 101.1 Amended- Title.
- 6-10-151 Section 105.5.3 Amended- Expiration.
- 6-10-152 Section 105.6.3 Amended- Fee Refunds.
- 6-10-153 Section 107.4 Amended- Violation Penalties.
- 6-10-154 Section 107.5 Amended- Stop Work Order.

Residential Code, 2015 Edition (hereinafter known as the IRC), are amended as hereinafter set out in Sections 6-10-3 through 6-10-45.

6-10-3 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 Madrid NFIP adoption dated 19-September-1975.

6-10-4 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 Madrid Building Code, hereinafter known as “this code.”

2. Section R 101.1 Title. These provisions shall be known as the Madrid Residential Code for One- and Two – Family Dwellings, and shall be cited as such and will be referred to herein as “this code.”

6-10-5 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 Madrid.

2. Section 101.4.2 Mechanical. Strike ~~International~~ and insert in lieu thereof Madrid.

3. Section 101.4.3 Plumbing. Strike ~~International~~ and insert in lieu thereof Madrid.

4. Section 101.4.4 Property Maintenance. Strike ~~International Property Maintenance~~ and insert in lieu thereof Madrid Property Maintenance and Housing.

5. Section 101.4.5 Fire Prevention. Strike ~~International~~ and insert in lieu thereof Madrid.

6. Section 101.4.6 Energy. Strike ~~International~~ and insert in lieu thereof Madrid.

7. Section 101.4.7 Existing Buildings. Strike ~~International~~ and insert in lieu thereof Madrid.

6-10-6 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 Madrid Electrical Code.

6-10-7 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 Madrid 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.

6-10-8 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.

6-10-9 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:

Sections 105.2 and R105.2 Work Exempt From Permit.

- | | | |
|------------------------------------|---|--------|
| 1. Section 105.2 Building- Item #1 | Detached structures not exceeding 120 sq. ft. | Delete |
| 2. Section 105.2 Building- Item #2 | Fences not over 7 feet high | Delete |
| 3. Section 105.2 Building- Item #6 | Sidewalks and driveways | Delete |
| 4. Section 105.2 Building- Item #9 | Prefabricated swimming pools | Delete |

- | | | |
|--------------------------------------|---|--------|
| 5. Section 105.2 Building- Item #10 | Shade cloth structures | Delete |
| 6. Section R105.2 Building- Item #1 | Detached structures not exceeding 200 sq. ft. | Delete |
| 7. Section R105.2 Building- Item # 2 | Fences not over 7 feet high | Delete |
| 8. Section R105.2 Building- Item #5 | Sidewalks and driveways | Delete |
| 9. Section R105.2 Building- Item #10 | Decks not exceeding 200 sq. ft. | Delete |

Exemption from permit requirements of this chapter shall not preclude requirements for permitting of plumbing, electrical and mechanical installations and systems or compliance with Madrid Code of Ordinances.

6-10-10 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.

6-10-11 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.

6-10-12 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.

6-10-13 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:

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.

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.

6-10-14 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.

6-10-15 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 | 19-September-1975 | 1833 | 48.6 |

*n – see 175.63 – minimum flat roof snow load 24 PSF

6-10-16 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

6-10-17 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.

6-10-18 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.

6-10-19 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.

6-10-20 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.

6-10-21 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.

6-10-22 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.

6-10-23 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.

6-10-24 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.

6-10-25 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 | See Chapter 18 IBC | Same as above |
| 10 | 9' 8" | 8" | See Chapter 18 IBC | o.c. (5/8" bars 2' o.c. horizontally & 30" vertically o.c.) | 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.

6-10-26 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 Madrid Public Works Department or City Engineer.

6-10-27 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.

6-10-28 SECTION 501.2 AMENDED- ADDRESS IDENTIFICATION. Section 501.2, Address Identification, of the IBC, is hereby amended by amending said section and inserting in lieu thereof the following section and table:

1. 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.

2. Table 501.2 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.

6-10-29 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.*

6-10-30 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 one (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.

6-10-31 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.

6-10-32 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.

6-10-33 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.

6-10-34 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.

6-10-35 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.

6-10-36 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.

6-10-37 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.

6-10-38 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.

6-10-39 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.

6-10-40 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 Madrid Energy Code.

6-10-41 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.

6-10-42 SECTION 1612 AMENDED- FLOOD LOADS. Section 1612, Flood Loads, of the IBC, is hereby amended by adding the following sections:

1. Section 1612.1.1 General Floodplain Construction Standards The following standards are established for construction occurring within the one-hundred-year flood elevation:

a. All structures shall:

(1) Be adequately anchored to prevent flotation, collapse or lateral movement of the structure;

(2) Be constructed with materials and utility equipment resistant to flood damage;
and

(3) Be constructed by methods and practices that minimize flood damage.

b. 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.

c. 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.

d. 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.

e. 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:

(1) 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;

(2) 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;

(3) All components of the anchoring system be capable of carrying a force of four thousand eight hundred pounds; and

(4) Any additions to the mobile home be similarly anchored.

f. 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.

g. 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:

(1) 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;

(2) Ground anchors for mobile homes.

h. 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:

(1) Not be subject to major flood damage and be anchored to prevent movement due to flood waters; or

(2) Be readily removable from the area within the time available after flood warning.

2. 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.

6-10-43 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 Madrid

Insert Date: 3-May-2011

6-10-44 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.

6-10-45 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)

MECHANICAL CODE

6-10-46 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.

6-10-47 AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETIONS. The *International Mechanical Code, 2015 Edition* (hereinafter known as the IMC), is amended as hereinafter set out in Sections 6-10-48 through 6-10-59.

6-10-48 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

6-10-49 REFERENCED CODES- CONFLICTS. In the event requirements of this code conflict with applicable State and/or Federal requirements, the more stringent shall apply.

6-10-50 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 Madrid Mechanical Code, hereinafter known as “this code.”

6-10-51 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.

6-10-52 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.

6-10-53 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.

6-10-54 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.

6-10-55 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.

6-10-56 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.

6-10-57 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.

6-10-58 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)

6-10-59 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.

PROPERTY MAINTENANCE AND HOUSING CODE

6-10-60 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.

6-10-61 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 6-10-62 through 6-10-71.

6-10-62 DELETIONS. The following are deleted from the IPMC and are of no force or effect in this chapter:

Section - 111 Means Of Appeal

6-10-63 REFERENCED CODES- CONFLICTS. In the event requirements of this code conflict with applicable State and Federal requirements, the more stringent shall apply.

6-10-64 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 Madrid Property Maintenance and Housing Code, hereinafter known as “this code.”

6-10-65 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 Madrid Building Code, Madrid Residential Code, Madrid Mechanical Code, Madrid Fuel Gas Code, Madrid Plumbing Code, Madrid Fire Code, and the Madrid Electrical Code.

6-10-66 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.

6-10-67 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

6-10-68 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 date) April 1 (to date) October 31
2. Delete: and every screen door used for insect control shall have a self-closing device in good working condition

6-10-69 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 date) September 15 (to date) May 15

6-10-70 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 date) September 15 (to date) May 15

6-10-71 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 Madrid Building Code.

PLUMBING CODE

6-10-72 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.

6-10-73. AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETIONS. The International Plumbing Code, 2015 Edition (hereinafter known as the IPC), is amended as hereinafter set out in Sections 6-10-74 through 6-10-88.

6-10-74. 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.

6-10-75 REFERENCED CODES- CONFLICTS. In the event requirements of this code conflict with applicable State and Federal requirements, the more stringent shall apply.

6-10-76 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 Madrid Plumbing Code, hereinafter known as “this code.”

6-10-77 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.

6-10-78 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 Madrid Plumbing Homeowner’s exam.

6-10-79 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.

6-10-80 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.

6-10-81 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.

6-10-82 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.

6-10-83 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.

6-10-84 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.

6-10-85 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.

6-10-86 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.

6-10-87 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

6-10-88 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.

6-10-89 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 Madrid Public Works Department or City Engineer.

ELECTRICAL CODE

6-10-90 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.

6-10-91 AMENDMENTS, MODIFICATIONS, ADDITIONS. The *National Electric Code, 2017 Edition* (hereinafter known as the NEC), is amended as hereinafter set out in Sections 6-10-91 through 6-10-100.

6-10-92 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.

6-10-93 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

6-10-94 ADDITION- TITLE. Title, of the NEC is hereby established by adding the following:

Title. These regulations shall be known as the Madrid Electrical Code hereinafter known as “this code.”

6-10-95 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:

1. Permits Required. Permits shall be required for work contained within the scope of this article.
2. Exceptions:
 - a. Replacement of lighting fixtures, receptacles, switches, overcurrent protection devices of the same volt and amperage.
 - b. The repair or replacement of flexible cords of same volt and amperage.
 - c. The process of manufacturing, testing, servicing, or repairing of electrical equipment or apparatus.
 - d. No permit or inspections are required for electrical wiring of 50 volts or less

6-10-96 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 Madrid Electrical Homeowner’s exam.

6-10-97 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.

6-10-98 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 Madrid. 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.

6-10-99 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.

6-10-100 ADDITION- STOP WORK ORDER. Stop work order of the NEC is hereby established by adding the following sections:

1. Stop Work Order.

2. 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.

3. 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

6-10-101 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.

FIRE CODE

6-10-102 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.

6-10-103 AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETIONS. The *International Fire Code, 2015 Edition* (hereinafter known as the IFC), is amended as hereinafter set out in Sections 6-10-103 through 6-10-123.

6-10-104 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.

6-10-105 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 Madrid Fire Code, hereinafter known as “this code.”

6-10-106 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.

6-10-107 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:

1. 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.

6-10-108 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.

6-10-109 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.

6-10-110 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:

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.

Exceptions:

1. One- and two-family *dwelling*s, constructed in accordance with the *International Residential Code*.
2. LP-gas cooking devices having LP-gas container with a water capacity not greater than 20 pounds.

6-10-111 SECTION 505.1 AMENDED- ADDRESS IDENTIFICATION. Section 505.1, Address Identification, of the IFC, is hereby amended by deleting said section and inserting in lieu thereof the following section and table:

1. 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.

2. 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.

6-10-112 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:

Section 507.5.1– Where required (fire hydrant spacing). Locate at street intersections or as approved by City subject to the following spacing:

1. Residential: 400 foot; maximum coverage: 86,000 SF.
2. Commercial: 400 foot; maximum coverage: 86,000 SF.
3. No part of a proposed single family dwelling or duplex shall be more than 250 feet from a hydrant unless said building is sprinklered.
4. 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.

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.

6-10-113 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

6-10-114 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 Madrid Water Utility specifications.

6-10-115 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.

6-10-116 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.*

6-10-117 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 be 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.

6-10-118 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 Madrid 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.

6-10-119 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.

6-10-120 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.

6-10-121 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.

6-10-122 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.

6-10-123 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.

6-10-124 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:

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.

FUEL GAS CODE

6-10-125 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.

6-10-126 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 6-10-126 through 6-10-137.

6-10-127 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.

6-10-128 REFERENCED CODES- CONFLICTS. In the event requirements of this code conflict with applicable State and/or Federal requirements, the more stringent shall apply.

6-10-129 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 Madrid Fuel Gas Code, hereinafter known as “this code.”

6-10-130 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.

6-10-131 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.

6-10-132 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.

6-10-133 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.

6-10-134 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.

6-10-135 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.

6-10-136 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.

6-10-137 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.

6-10-138 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.

EXISTING BUILDING CODE

6-10-139 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.

6-10-140 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 16-10-140 through 6-10-144.

6-10-141 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

6-10-142 REFERENCED CODES- CONFLICTS. In the event requirements of this code conflict with applicable State and Federal requirements, the more stringent shall apply.

6-10-143 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 Madrid Existing Building Code, hereinafter known as “this code.”

6-10-144 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.

6-10-145 SECTION 1401.2 AMENDED- APPLICABILITY. Section 1401.2, Applicability, of the IEBC, is hereby amended by inserting the following date:

Section 1401.2 Applicability. Effective May 21, 2018

SWIMMING POOL AND SPA CODE

6-10-146 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.

6-10-147 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 6-10-147 through 6-10-153.

6-10-148 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

6-10-149 REFERENCED CODES- CONFLICTS. In the event requirements of this code conflict with applicable State and Federal requirements, the more stringent shall apply.

6-10-150 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 Madrid Swimming Pool and Spa Code, hereinafter known as “this code.”

6-10-151 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.

6-10-152 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.

6-10-153 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.

6-10-154 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.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 11 WATER CONSERVATION

| | | | |
|--------|-----------------------------|--------|---|
| 6-11-1 | Water Shortages | 6-11-4 | Premium Rate |
| 6-11-2 | Water Conservation Measures | 6-11-5 | Discontinuance of Water Service to Any Customer |
| 6-11-3 | Appeal and Adjustment | 6-11-6 | Exceptions of Water Conservation |

6-11-1 WATER SHORTAGES. During and following drought conditions which may occur from time to time, the supply of water available to the City may become significantly and seriously depleted so that there will not then be a sufficient supply of water to meet the customary and usual demand indefinitely. Under those conditions, the City Council may find and declare, by resolution or other form of public declaration, a public emergency water shortage, during which time it may require any or all of the water conservation methods set forth in Section 6-11-2 of this chapter for the purpose of producing an orderly and equitable curtailment of water consumption until, by resolution, the City Council finds and declares the water shortage emergency to be ended. The City Council may specifically authorize by resolution or other form of public declaration of the water conservation measures set forth in Section 6-11-2 and in addition, or in the alternative, it may authorize the Mayor to designate by proclamation which water conservation measures or additional water conservation measures shall apply.

6-11-2 WATER CONSERVATION MEASURES. The City, by Council resolution, Mayoral proclamation, or other form of public declaration, if authorized, may select from among the water conservation measures listed below. Such water usage restrictions of these activities may be mandated by the City Council (or by the Mayor in an emergency), either voluntarily or involuntarily by complete prohibition, dependent upon circumstances of the water shortage.

1. Watering of established residential lawns, gardens, plants, trees or shrubs, including but not limited to a total ban on such watering, alternate day watering or watering limited to, but not more than, a certain amount of watering within a certain specified period of time, or within a particular time frame. In this connection, if circumstances so permit, restrictions may also be varied as between established lawns, garden, plants, trees and shrubs and restrictions may be varied as between established lawns and plantings, as compared to new seeding or sod, or new plantings. The newly planted lawns, gardens, seedlings, sod and plantings may be exempt for a period of five (5) weeks.

2. Residential swimming pool filling.
3. Residential vehicle washing.
4. All inside residential water usage which is not absolutely necessary.

5. All commercial water usage which is not absolutely necessary.
6. Requested timing adjustments (hours of the day and/or alternative days) for all of the items listed above.
7. Water served at restaurants.
8. Washing the streets, parking lots, driveways, and sidewalks.
9. Ornamental fountains.
10. Hydrant flushing.
11. Washing the outside of buildings.
12. Nonessential construction water usage.
13. Public entity (City, County, School) nonessential water usage.
14. Established residential lawns, gardens, plants, shrubs, and trees.
15. Newly planted (less than 5 weeks) residential lawns, gardens, plants, shrubs and trees.
16. Residential swimming pool filling, private swimming pools, children's wading pools or any other indoor or outdoor pool of any kind or description.
17. Commercial vehicle washing establishments.
18. Construction water usage.
19. Tank-load water sales by City.
20. Temporary water rate surcharge to curb use.
21. Availability of the bulk water station (water salesman).

The City may require customers to provide them with periodic meter readings during the water conservation period in order to monitor water consumption. Each customer may be required to achieve a particular percentage reduction in water usage as compared to a prior period usage and be subject to the payment of a premium rate over and above the normal rate in the event such percentage reduction is not achieved. The amount of percentage reduction and the base period for comparison purposes shall be established by resolution or proclamation as previously set forth. The premium rate shall be as set forth in Section 6-10-3 of this chapter. The City Council, by resolution or other official edict, may set a base allocation for every customer of the City's water

system, and if the consumption of a particular customer exceeds the base allocation, that customer shall pay, in addition to the regular rate for water consumption, the premium rate set forth in Section 6-11-4 for unrestrained consumption.

6-11-3 APPEAL AND ADJUSTMENT.

1. Base Allocation. In the event that the City Council establishes a base allocation by resolution, any customer of the City's water system may file an appeal with the City Council to adjust the base allocation amount. The City Council may grant an adjustment to the appellant based on the following criteria:

a. For single-family residential use, the base allocation may be increased to 1,500 gallons per person per billing period for all individuals residing at the appellant's residence for a period of more than 30 days.

b. For commercial, industrial, institutional or other residential use, the base allocation may be increased based upon facts appropriate to the individual customer as, for example, the average of the water bill during the previous winter (November through April), production, service, or occupancy data provided by the customer.

2. Premium Rate Charges. Any customer may file for adjustment of the premium rate charges for unrestrained water consumption with the City Council. The City Council may grant an adjustment of the premium rate charges in accordance with the following criteria:

a. The cause of the high consumption must be mechanical in nature (such as broken or leaky pipes or fixtures) rather than human carelessness or apparent disregard of this chapter.

b. The customer shall furnish proof that the mechanical failure was repaired promptly. This should be in the form of a licensed plumber's invoice or statement or a materials receipt.

c. The adjustment may be granted only for the billing period immediately prior to the correction of the failure.

d. For those accounts granted an adjustment of the premium rate charges, the minimum adjusted premium rate shall be a surcharge of ten percent (10%) of the normal rate in addition to the normal rate charged to the customer.

6-11-4 PREMIUM RATE. At such times as there may be restrictions on consumption which if violated give rise to a premium rate, the premium rate shall be a ten percent (10%) surcharge of the normal customer consumption rate in addition to the normal rate charged to the customer.

6-11-5 DISCONTINUANCE OF WATER SERVICE TO ANY CUSTOMER. The City Council is authorized, after giving notice and opportunity for hearing, to reduce the flow of water

to any customer determined to be using water in any manner not in accordance with this chapter or a resolution or a proclamation issued pursuant to Section 6-11-2.

6-11-6 EXCEPTIONS TO WATER CONSERVATION. Water reclaimed or recycled after some primary use, such as water that has been used for washing or cooling, may be used without restriction. Additionally, water derived from sources other than from the City, such as water condensed from the atmosphere by air conditioners or collected from rain or snow, may be used without restriction.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 12 ELECTRIC FRANCHISE

AN ORDINANCE REPEALING ORDINANCE NO. 354 AND GRANTING TO INTERSTATE POWER AND LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS, A NON-EXCLUSIVE TWENTY-FIVE YEAR FRANCHISE TO ACQUIRE, CONSTRUCT, ERECT, MAINTAIN AND OPERATE AN ELECTRIC SYSTEM IN THE CITY OF MADRID, IOWA AND TO FURNISH AND SELL ELECTRIC ENERGY TO THE CITY AND ITS INHABITANTS, AND REQUIRING SAID COMPANY TO PAY A FRANCHISE FEE TO THE CITY.

BE IT ORDAINED BY THE City Council of the City of Madrid, Boone County, Iowa, Hereinafter referred to as the "City":

Section 1. There is hereby granted to Interstate Power and Light Company, hereinafter referred to as the "Company," its successors and assigns, the right and non-exclusive franchise to acquire, construct, reconstruct, erect, maintain and operate in the City, works and plants for the manufacture and generation of electricity and a distribution system for electric light, heat and power and the right to erect and maintain the necessary poles, lines, wires, conduits and other appliances for the distribution of electric current along, under and upon the streets, alleys and public places in the said City to supply individuals, corporations, communities, and municipalities both inside and outside of said City with electric light, heat and power 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.

Section 2. The poles, lines, wires, circuits, and other appliances shall be placed and maintained so as not to unnecessarily interfere with the travel on said streets, alleys, and public places in said City nor unnecessarily interfere with the proper use of the same, including ordinary drainage, or with the sewers, underground pipe and other property of the City. The said Company, its successors and assigns shall hold the City free and harmless from all damages to the extent arising from the negligent acts or omissions of the Company in the erection or maintenance of said system.

Section 3. In making any excavations in any street, alley, or public place, Company, its successors and assigns, shall protect the site while work is in progress by guards, barriers or signals, shall not unnecessarily obstruct the use of the streets, and shall back fill all openings in such manner as to prevent settling or depressions in surface, pavement or sidewalk of such excavations with same materials, restoring the condition as nearly as practical. The Company shall not be required to restore or modify public right of way, sidewalks or other areas in or adjacent to the Company project to a condition superior to its immediate previously existing condition.

Section 4. The Company shall, at its cost, locate and relocate its existing facilities or equipment in, on, over or under any public street or alley in the City in such a manner as the City may at any time reasonably require for the purposes of facilitating the construction, reconstruction, maintenance or repair of the street or alley or any public improvement thereof, in or about any such street or alley or reasonably promoting the efficient operation of any such improvement. If

the City requires the Company to relocate facilities in the public right of way that have been relocated at Company expense at the direction of the City during the previous ten years, the reasonable costs of such relocation will be paid by the City.

If the City orders existing facilities specified above, or commercial, private or requests the Company to relocate its or equipment for any reason other than as the result of the initial request for a or other non-public development, the Company shall receive payment for the cost of such relocation as a precondition to relocating its existing facilities or equipment.

The City shall consider reasonable alternatives in designing its public works projects so as not arbitrarily to cause the Company unreasonable additional expense in exercising its authority under this section. The City shall also provide a reasonable alternative location for the Company's facilities as part of its relocation request.

Section 5. Prior to the City abandoning or vacating any street, avenue, alley or public ground where the Company has electric facilities, the City shall grant the Company a utility easement for said facilities. If the City does not grant the Company a utility easement for said facilities prior to abandoning or vacating a street, avenue, alley or public place, the City shall at its cost and expense obtain easements for existing Company facilities.

Section 6. The Company is authorized and empowered to prune or remove at Company expense any tree extending into any street, alley or public grounds to maintain electric reliability, safety, to restore utility service and to prevent limbs, branches or trunks from interfering with the wires and facilities of the Company. The pruning and removal of trees shall performed in accordance with Company's then current line clearance vegetation plan as filed and approved by the Iowa Utilities Board, as well as all applicable codes and standards referenced therein.

Section 7. During the term of this franchise, the Company shall furnish electric energy in accordance with the applicable regulations of the Iowa Utilities Board and the Company's tariffs. The Company will maintain compliance with Iowa Utilities Board regulatory standards for reliability.

Section 8. Service to be rendered by the Company under this 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.

Section 9. There is hereby imposed a franchise fee of one percent (1%) 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.

The amount of the franchise fee shall be shown separately on the utility bill to each customer. The Company shall remit franchise more frequently than on or before month following each calendar

year quarter.

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.

Section 10. The term of the franchise granted by this Ordinance and the rights granted thereunder shall continue for the period of twenty-five (25) years from and after written acceptance by the Company. The acceptance shall be filed with the City Clerk within ninety (90) days from passage of this Ordinance.

Section 11. If any section or provision of this ordinance is held invalid by a court of competent jurisdiction, such holding shall not affect the validity of any other provisions of this ordinance which can be given effect without the invalid portion or portions and to this end each section and provision of this ordinance is severable.

Section 12. The expense of the publication of this Ordinance shall be paid by the Company.

Section 13. This Ordinance sets forth and constitutes the entire agreement between the Company and the City with respect to the rights contained herein, and may not be supplemented, superseded, modified or otherwise amended without the written approval and acceptance of the Company. Notwithstanding the foregoing, in no event shall the City enact or maintain 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 Ordinance, that create additional burdens upon the Company, or which delay utility operations.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 13 CABLE TELEVISION FRANCHISE AND REGULATIONS

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6-13-1 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. “Basic Cable” is the lowest priced tier of cable services that includes the retransmission of local broadcast television signals.
2. “Cable Act” means Title VI of the Communications Act of 1934, as amended.
3. “Cable Services” means: (i) the one-way transmission to subscribers of video programming or other programming service; and (ii) subscriber interaction, if any, which is required for the selection of such video programming and which is required for the selection of such video programming or any other programming service.
4. “Cable System” means the Grantee’s facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designated to provide cable service, which includes video programming and which is provided to multiple subscribers within the service area.
5. “FCC” means the Federal Communications Commission or successor governmental entity thereto.

6. “Grantee” means MCC IOWA LLC or the lawful successor, transferee, or assignee thereof.

7. “Gross Revenues” means any revenue received by Grantee from subscribers from the operation of the cable system to provide basic cable services in the service area; provided, however, such phrase does not include franchise fees, the FCC user fee, or any tax, fee, or assessment of general applicability collected by the Grantee from subscribers for pass-through to a government agency.

8. “Person” means an individual, partnership, association, joint stock company, trust corporation or governmental entity.

9. “Public Way” means the surface of, and the space above and below any public street, highway, freeway, bridge, land path, alley, court, boulevard, sidewalk, parkway, way, lane, public way, drive, circle or other public right-of-way, including, but not limited to, public utility easements, dedicated utility strips or rights-of-way dedicated for compatible uses and any temporary or permanent fixtures or improvements located thereon now or hereafter held by the City in the service area, which shall entitle the Grantee to use thereof for the purpose of installing, operating, repairing, and maintaining the cable system.

10. “Service Area” means the present municipal boundaries of the City and includes any additions thereto by annexation or other legal means, subject to the exceptions in Section 6-13-11 of this chapter.

11. “Standard Installation” means 125 feet from the nearest tap to the subscriber’s terminal.

12. “Subscriber” means a person who lawfully receives services of the cable system with the Grantee’s express permission.

6-13-2 **FRANCHISE GRANTED.** The City hereby grants to the Grantee a nonexclusive franchise that authorizes the Grantee to construct and operate a cable system in, among, upon, across, above, over, under, or in any manner connected with public ways within the service area, and for that purpose to erect, install, construct, repair, replace, reconstruct, maintain, or retain in, on, over, under, upon, across, or along any public way such facilities and equipment as many be necessary or appurtenant to the cable system for the transmission and distribution of cable services, data services, information and other communications services or for any other lawful purposes.

6-13-3 **COMPLIANCE WITH CODE OF ORDINANCES.** The Grantee agrees to comply with the terms of any lawfully adopted generally applicable local ordinance, to the extent that the provisions of the ordinance do not have the effect of limiting the benefits or expanding the obligations of the Grantee that are granted by the franchise. Neither party may unilaterally alter the material rights and obligations set forth in the franchise. In the event of a conflict between any ordinance and the franchise, the franchise shall control.

6-13-4 OTHER AUTHORIZATIONS. The City shall not permit any person to provide services similar to those provided by the Grantee in the service area without first having secured a nonexclusive franchise from the City. The City agrees that any grant of additional franchises or other authorizations including OVS authorizations by the City to provide services similar to those provided by the Grantee pursuant to this chapter to any other entity shall cover the entire service area and shall not be on terms and conditions more favorable or less burdensome to the grantee of any such additional franchise or other authorization than those which are set forth herein. In any renewal of the franchise, the City, should it seek to impose increased obligations upon the Grantee, must take into account any additional franchises or authorizations previously granted and find that the proposed increased obligations in the renewal are not more burdensome and/or less favorable than those contained in any such additional franchises or authorizations.

6-13-5 TERM. The franchise granted hereunder shall be in for an initial term of 15 years, commencing on the effective date of the franchise, unless otherwise lawfully terminated in accordance with the terms of the franchise.

6-13-6 CONDITIONS OF OCCUPANCY. The cable system installed by the Grantee pursuant to the terms hereof shall be located so as to cause a minimum of interference with the proper use of public ways and with the rights and reasonable convenience of property owners who own property that adjoins any of such public ways.

6-13-7 RESTORATION OF PUBLIC WAYS. If, during the course of the Grantee's construction, operation, or maintenance of the cable system, there occurs a disturbance of any public way by the Grantee, Grantee shall replace and restore such public way to a condition reasonably comparable to the condition of the public way existing immediately prior to such disturbance.

6-13-8 RELOCATION FOR THE CITY. Upon its receipt of reasonable advance written notice, to be not less than ten (10) business days, the Grantee shall protect, support, raise, lower, temporarily disconnect, relocate in or remove from the public way, any property of the Grantee when lawfully required by the City by reason of traffic conditions, public safety, street abandonment, freeway and street construction, change or establishment of street grade, installation of sewers, drains, gas or water pipes, or any other type of public structures or improvements which are not used to compete with the Grantee's services. The Grantee shall in all cases have the right abandonment of its property.

6-12-9 RELOCATION FOR A THIRD PARTY. The Grantee shall, on the request of any person holding a lawful permit issued by the City, protect, support, raise, lower, temporarily disconnect, relocate in or remove from the public way as necessary any property of the Grantee, provided: (i)

EDITOR'S NOTE: The effective date of the franchise is November 23, 2004, and the franchise shall expire on November 23, 2019, unless extended by the mutual agreement of the parties.

the expense of such is paid by said person benefiting from the relocation, including, if required by the Grantee, making such payment in advance; and (ii) the Grantee is given reasonable advance written notice to prepare for such changes. For purposes of this subsection, “reasonable advance written notice” shall be no less than 30 business days in the event of a temporary relocation, and no less than 120 days for a permanent relocation.

6-13-10 TRIMMING OF TREES AND SHRUBBERY. The Grantee shall have the authority to trim trees or other natural growth in order to access and maintain the cable system.

6-13-11 SAFETY REQUIREMENTS. Construction, operation, and maintenance of the cable system shall be performed in an orderly and workmanlike manner. All such work shall be performed in substantial accordance with generally applicable federal, State, and local regulations and the *National Electric Safety Code*.

6-13-12 UNDERGROUND CONSTRUCTION. In those areas of the service area where all of the transmission or distribution facilities of the respective public utilities providing telephone communications and electric services are underground, the Grantee likewise shall construct, operate, and maintain its cable system underground. Nothing contained in this section shall require the Grantee to construct, operate, and maintain underground and ground-mounted appurtenances.

6-13-13 ACCESS TO OPEN TRENCHES. The City agrees to include the Grantee in the platting process for any new subdivision. At a minimum, the City agrees to require as a condition of issuing a permit for open trenching to any utility or developer that: (i) the utility or developer give the Grantee at least 10 days’ advance written notice of the availability of the open trench; and (ii) the utility or developer provide the Grantee with reasonable access to the open trench. Notwithstanding the foregoing, the Grantee shall not be required to utilize any open trench.

6-13-14 REQUIRED EXTENSIONS OF THE CABLE SYSTEM. Grantee agrees to provide cable service to all residences in the service area subject to the density requirements specified in this subsection. Whenever the Grantee receives a request for cable service from a potential subscriber in an unserved area contiguous to Grantee’s existing distribution facilities where there are at least 10 residences within 1,320 cable-bearing strand feet one-quarter mile from the portion of the Grantee’s trunk or distribution cable which is to be extended, it shall extend its cable system to such subscribers at no cost to said subscribers from the cable system extension, other than the published standard/non-standard installation fees charged to all subscribers. Notwithstanding the foregoing, the Grantee shall have the right, but not the obligation, to extend the cable system into any portion of the service area where another operator is providing cable service into any annexed area which is not contiguous to the present service area of the Grantee, or into any area which is financially or technically infeasible due to extraordinary circumstances, such as a runway or freeway crossing.

6-13-15 SUBSCRIBER CHARGES FOR EXTENSIONS OF CABLE SYSTEM. No subscriber shall be refused service arbitrarily. However, if an area does not meet the density requirements of

Section 6-13-14 above, the Grantee shall only be required to extend the cable system to subscribers in that area if the subscribers are willing to share the capital costs of extending the cable system. Specifically, the Grantee shall contribute a capital amount equal to the construction cost per mile, multiplied by a fraction whose numerator equals the actual number of residences per 1,320 cable-bearing strand feet from the Grantee's trunk or distribution cable, and whose denominator equals 10. Subscribers who request service hereunder shall bear the remaining cost to extend the cable on a pro rata basis. The Grantee may require that payment of the capital contribution in aid of construction borne by such potential subscribers be paid in advance. Subscribers shall also be responsible for any standard/non-standard installation charges to extend the cable system from the tap to the residence.

6-13-16 CABLE SERVICE TO PUBLIC BUILDINGS. The Grantee, upon request, shall provide without charge, a standard installation and one outlet of basic cable to those administrative buildings owned and occupied by the City, fire stations, police stations, and K- 12 public schools that are passed by its cable system. The cable service provided shall not be distributed beyond the originally installed outlet without authorization from the Grantee. The cable service provided shall not be used for commercial purposes, and such outlets shall not be located in areas open to the public. The City shall take reasonable precautions to prevent any inappropriate use of the Grantee's cable system or any loss or damage to Grantee's cable system. The City shall hold the Grantee harmless from any and all liability or claims arising out of the provision and use of cable service required by this subsection. The Grantee shall not be required to provide an outlet to such buildings where a non-standard installation is required, unless the City or building owner/occupant agrees to pay the incremental cost of any necessary cable system extension and/or non-standard installation. If additional outlets of basic cable are provided to such buildings, the building owner/occupant shall pay the usual installation and service fees associated therewith.

6-13-17 EMERGENCY USE. If the Grantee provides an Emergency Alert System (BAS), such BAS shall be operated in accordance with FCC regulations. The City shall permit only appropriately trained and authorized persons to operate the BAS equipment and shall take reasonable precautions to prevent any use of the Grantee's cable system in any manner that results in inappropriate use thereof, or any loss or damage to the cable system. Except to the extent expressly prohibited by law, the City shall hold the Grantee, its employees, officers, and assigns harmless from any claims arising out of use of the BAS, including (but not limited to) reasonable attorneys' fees and costs.

6-13-18 REIMBURSEMENT OF COSTS. If funds are available to any person using the public way for the purpose of defraying the cost of any of the foregoing, the City shall reimburse the Grantee in the same manner in which other persons affected by the requirement are reimbursed. If the funds are controlled by another governmental entity, the City shall make application for such funds on behalf of the Grantee.

6-13-19 FRANCHISE FEE. The Grantee shall pay to the City a franchise fee of three percent (3%) of annual gross revenues (as defined in Section 6-13-1 of this chapter). In accordance with

the Cable Act, the 12-month period applicable under the franchise for the computation of the franchise fee shall be a calendar year. The franchise fee payment shall be due annually and payable within 90 days after the close of the preceding calendar year. Each payment shall be accompanied by a brief report prepared by a representative of the Grantee showing the basis for the computation. The period of limitation for by the City of any franchise fee payable hereunder shall be three years from the date on which payment by the Grantee is due to the City.

6-13-20 RATES AND CHARGES. The City may regulate rates for the provision of basic cable and equipment as expressly permitted by federal or State law.

6-13-21 RENEWAL OF FRANCHISE.

1. The City and the Grantee agree that any proceedings undertaken by the City that relate to the renewal of the Grantee's franchise shall be governed by and comply with the renewal provisions of federal law.

2. In addition to the procedures set forth in the Cable Act, the City agrees to notify the Grantee of all of its assessments regarding the identity of future cable- related community needs and interests, as well as the past performance of the Grantee under the then current franchise term. The City further agrees that such assessments shall be provided to the Grantee promptly so that the Grantee has adequate time to submit a proposal pursuant to the Cable Act and complete renewal of the franchise prior to expiration of its term.

3. Notwithstanding anything to the contrary set forth in this section, the Grantee and the City agree that at any time during the term of the then current franchise, while affording the public appropriate notice and opportunity to comment in accordance with the provisions of federal law the City and the Grantee may agree to undertake and finalize informal negotiations regarding renewal of the then current franchise and the City may grant a renewal thereof. ,

4. The Grantee and the City consider the terms set forth in this section to be consistent with the express renewal provisions of the Cable Act.

6-13-22 CONDITIONS OF SALE. If a renewal or extension of the Grantee's franchise is denied or the franchise is lawfully terminated, and the City either lawfully acquires ownership of the cable system or by its actions lawfully effects a transfer of ownership of the cable system to another party, any such acquisition or transfer shall be at the price determined pursuant to the provisions set forth in Section 627 of the Cable Act. The Grantee and the City agree that in the case of a final determination of a lawful revocation of the franchise, the Grantee shall be given at least 12 months to effectuate a transfer of its cable system to a qualified third party. Furthermore, the Grantee shall be authorized to continue to operate pursuant to the terms its prior franchise during this period. If, at the end of that time, the Grantee is unsuccessful in procuring a qualified transferee or assignee of its cable system which is reasonably acceptable to the City, the Grantee and the City may avail themselves of any rights they may have pursuant to federal or State law. It is further agreed that

the Grantee's continued operation of the cable system during the 12-month period shall not be deemed to be a waiver or an extinguishment of any rights of either the City or the Grantee.

6-13-23 TRANSFER OF FRANCHISE. The Grantee's right, title, or interest in the franchise shall not be sold, transferred, assigned, or otherwise encumbered, other than to an entity controlling, controlled by, or under common control with the Grantee, without prior written notice to the City. No such notice shall be required, however, for a transfer in trust, by mortgage, by other hypothecation, or by assignment of any rights, title, or interest of the Grantee in the franchise or cable system in order to secure indebtedness.

6-13-24 BOOKS AND RECORDS. The Grantee agrees that the City, upon 30 days' written notice to the Grantee and no more than once annually, may review such of its books and records at the Grantee's business office, during normal business hours and on a non-- disruptive basis, as is reasonably necessary to ensure compliance with the terms of the franchise. Such notice shall specifically reference the subsection of the franchise which is under review, so that the Grantee may organize the necessary books and records for easy access by the City. Alternatively, if the books and records are not easily accessible at the local office of the Grantee, the Grantee may, at its sole option, choose to pay the reasonable travel costs of the City's representative to view the books and records at the appropriate location. The Grantee shall not be required to maintain any books and records for franchise compliance purposes longer than three (3) years. Notwithstanding anything to the contrary set forth herein, the Grantee shall not be required to disclose information which it reasonably deems to be proprietary or confidential in nature, or to disclose books and records of any affiliate which is not providing cable service in the service area. The City agrees to treat any information disclosed by the Grantee as confidential and only to disclose it to employees, representatives, and agents thereof that have a need to know, or in order to enforce the provisions hereof. The Grantee shall not be required to provide subscriber information in violation of Section 631 of the Cable Act.

6-13-25 INSURANCE REQUIREMENTS. The Grantee shall maintain in full force and effect, at its own cost and expense, during the term of the franchise, Commercial General Liability Insurance in the amount of \$1,000,000 combined single limit for bodily injury and property damage. The City shall be designated as an additional insured. Such insurance shall be non-cancellable except upon 30 days' prior written notice to the City. Upon written request, the Grantee shall provide a certificate of insurance showing evidence of the coverage required by this subsection.

6-13-26 INDEMNIFICATION. The Grantee agrees to indemnify, save and hold harmless, and defend the City, its officers, boards and employees, from and against any liability for damages and for any liability or claims resulting from property damage or bodily injury (including accidental death), which arise out of the Grantee's construction, operation, or maintenance of its cable system in the service area provided that the City shall give the Grantee written notice of its obligation to indemnify the City within ten (10) days of receipt of a claim or action pursuant to this subsection. Notwithstanding the foregoing, the Grantee shall not indemnify the City for any damages, liability, or claims resulting from the willful misconduct or negligence of the City.

6-13-27 ENFORCEMENT AND TERMINATION OF FRANCHISE.

1. Notice of Violation. In the event that the City believes that the Grantee has not complied with the terms of the franchise, the City shall informally discuss the matter with Grantee. If these discussions do not lead to resolution of the problem, the City shall notify the Grantee in writing of the exact nature of the alleged noncompliance.

2. The Grantee's Right to Cure or Respond. The Grantee shall have 30 days from receipt of the notice described in subsection 1: (i) to respond to the City, contesting the assertion of noncompliance; or (ii) to cure such default; or (iii) in the event that, by the nature of default, such default cannot be cured within the 30-day period, initiate reasonable steps to remedy such default and notify the City of the steps being taken and the projected date that they will be completed.

3. Public Hearing. In the event that the Grantee fails to respond to the notice described in subsection 1 pursuant to the procedures set forth in subsection 2, or in the event that the alleged default is not remedied within thirty (30) days of the date projected pursuant to subsection 2 above, if it intends to continue its investigation into the default, then the City shall schedule a public hearing. The City shall provide the Grantee at least 10 days' prior written notice, which specifies the time, place, and purpose of such hearing, and provide the Grantee the opportunity to be heard.

4. Enforcement. Subject to applicable federal and State law, in the event the City, after the hearing set forth in subsection 3, determines that the Grantee is in default of any provision of the franchise, the City may:

- a. Seek specific performance of any provision, which reasonably lends itself to such remedy, as an alternative to damages; or
- b. Commence an action at law for monetary damages or seek other equitable relief; or
- c. In the case of a substantial default of a material provision of the franchise, seek to revoke the franchise in accordance with subsection 5.

5. Revocation. Should the City seek to revoke the franchise after following the procedures set forth in subsections 1 through 4 above, the City shall give written notice to the Grantee of its intent. The notice shall set forth the exact nature of the noncompliance. The Grantee shall have 90 days from such notice to object in writing and to state its reasons for such objection. In the event the City has not received a satisfactory response from the Grantee, it may then seek termination of the franchise at a public hearing. The City shall cause to be served upon the Grantee, at least 30 days prior to such public hearing, a written notice specifying the time and place of such hearing and stating its intent to revoke the franchise. At the designated hearing, Grantee shall be provided a fair opportunity for full participation, including the right to be represented by legal counsel, to introduce relevant evidence, to require the production of evidence, to compel the relevant

testimony of the officials, agents, employees or consultants of the City, to compel the testimony of other persons as permitted by law, and to question witnesses. A complete verbatim record and transcript shall be made of such hearing. Following the hearing, the City shall determine whether or not the franchise shall be revoked. If the City determines that the franchise shall be revoked, the City shall promptly provide Grantee with its decision in writing. The Grantee may appeal such determination of the City to an appropriate court, which shall have the power to review the decision of the City de novo. Grantee shall be entitled to such relief as the court finds appropriate. Such appeal must be taken within 60 days of Grantee's receipt of the determination of the City. The City may, at its sole discretion, take any lawful action which it deems appropriate to enforce the City's rights under the franchise in lieu of revocation of the franchise.

6. Force Majeure. The Grantee shall not be held in default under, or in noncompliance with, the provisions of the franchise, or suffer any enforcement or penalty relating to noncompliance or default, where such noncompliance or alleged defaults occurred or were caused by circumstances reasonably beyond the ability of the Grantee to anticipate and control. This provision includes work delays caused by waiting for utility providers to service or monitor their utility poles to which the Grantee's cable system is attached, as well as unavailability of materials and/or qualified labor to perform the work necessary. Furthermore, the parties hereby agree that it is not the City's intention to subject the Grantee to penalties, fines, forfeitures, or revocation of the franchise for violations of the franchise where the violation was a good faith error that resulted in no or minimal negative impact on the subscribers within the service area, or where strict performance would result in practical difficulties and hardship to the Grantee which outweigh the benefit to be derived by the City and/or subscriber .

6-13-28 ACTIONS OF PARTIES. In any action by the City or the Grantee that is mandated or permitted under the terms hereof, such party shall act in a reasonable, expeditious, and timely manner. Furthermore, in any instance where approval or consent is required under the terms hereof, such approval or consent shall not be unreasonably withheld.

6-13-29 ENTIRE AGREEMENT. The franchise constitutes the entire agreement between the Grantee and the City and supersedes all other prior understandings and agreements oral or written. Any amendments to the franchise shall be mutually agreed to in writing by the parties.

6-13-30 NOTICE. Unless expressly otherwise agreed between the parties, every notice or response required by this chapter to be served upon the City or the Grantee shall be in writing, and shall be deemed to have been duly given to the required party when placed in a properly sealed and correctly addressed envelope: (i) upon receipt when hand delivered with receipt/acknowledgment; (ii) upon receipt when sent certified, registered mail; (iii) within five business days after having been posted in the regular mail; or (iv) the next business day if sent by express mail or overnight air courier.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 14 NAMING OF STREETS

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|--------|-------------------------|--------|-----------------------------|
| 6-14-1 | Naming New Streets | 6-14-4 | Official Street Name Map |
| 6-14-2 | Changing Name of Street | 6-14-5 | Revision of Street Name Map |
| 6-14-3 | Recording Street Name | | |

6-14-1 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 part of a subdivision or platting procedure, shall be named by resolution.

3. Planning and Zoning Commission. Proposed street names shall be referred to the Planning and Zoning Commission for review and recommendation.

6-14-2 CHANGING NAME OF A STREET. City Council may, by resolution, change the name of a street.

6-14-3 RECORDING STREET NAMES. Following official action naming or changing the name of a street, the City Clerk shall file a copy thereof with the County Recorder, County Auditor, and County Assessor.

(Code of Iowa, Sec 354.26)

6-14-4 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 6-14-4 of the Code of Ordinances of Madrid, Iowa."

6-14-5 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 City 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 City Clerk.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 15 TREES

| | | | |
|--------|-----------------------|--------|---------------------------------|
| 6-15-1 | Definition | 6-15-4 | Trimming Trees to be Supervised |
| 6-15-2 | Planting Restrictions | 6-15-5 | Disease Control |
| 6-15-3 | Duty to Trim Trees | 6-15-6 | Inspection and Removal |

6-15-1 DEFINITION. For use in this chapter, “parking” means that part of the street, avenue or highway in the City not covered by sidewalk and lying between the lot line and the curb line; or, on unpaved streets, that part of the street, avenue or highway lying between the lot line and that portion of the street usually traveled by vehicular traffic.

6-15-2 PLANTING RESTRICTIONS. No tree shall be planted in any parking or public right-of-way.

6-15-3 DUTY TO TRIM TREES. The owner or agent of the abutting property shall keep the trees on, or overhanging the street, trimmed so that all branches will be at least fifteen (15) feet above the surface of the street and eight (8) feet above the sidewalks. If the abutting property owner fails to trim the trees, the City may serve notice on the abutting property owner requiring that such action be taken within five (5) days. If such action is not taken within that time, the City may perform the required action and assess the costs against the abutting property for collection in the same manner as a property tax.

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

6-15-4 TRIMMING TREES TO BE SUPERVISED. Except as allowed in Section 6-15-3, it is unlawful for any person to trim or cut any tree in a street or public place unless the work is done under the supervision of the City.

6-15-5 DISEASE CONTROL. Any dead, diseased or damaged tree or shrub which may harbor serious insect or disease pests or diseases injurious to other trees is hereby declared to be a nuisance.

6-15-6 INSPECTION AND REMOVAL. The City Council shall inspect or cause to be inspected any trees or shrubs in the City reported or suspected to be dead, diseased or damaged, and such trees and shrubs shall be subject to the following.

1. City Property. If it is determined that any such condition exists on any public property, including the strip between the curb and the lot line of private property (commonly known as the City parking or City terrace), the City Council may cause such condition to be corrected by treatment or removal. The City Council may also order the removal of any trees on the streets of the City which interfere with the making of improvements or within travel thereon. If a tree is removed from the City parking or City terrace area, adjacent to private property, such a removal will be at no expense to the adjacent property owner. If the property owner wishes to have the

remaining tree stump removed, that expense will be incurred by the private property owner. The City does not pay to have stumps removed unless necessary for the proper operation and maintenance of City-owned utility services.

2. Private Property. If it is determined with reasonable certainty that any such conditions exists on private property and that danger to other trees or to adjoining property or passing motorists or pedestrians is imminent, the City Council shall notify by certified mail the owner, occupant or person in charge of such property to correct such condition by treatment or removal within fourteen (14) days of said notification. If such owner, occupant or person in charge of such property fails to comply within fourteen (14) days of receipt of notice, the City Council may cause the condition to be corrected and the cost assessed against the property.

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

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 16 FLOOD PLAIN MANAGEMENT

| | | | |
|--------|---|--------|--|
| 6-16-1 | Statutory Authority, Findings of Fact and Purpose | 6-16-5 | Standards for Flood Plain (Overlay) District |
| 6-16-2 | Definitions | 6-16-6 | Administration |
| 6-16-3 | General Provisions | 6-16-7 | Nonconforming Uses |
| 6-16-4 | Establishment of Flood Plain (Overlay) District | 6-16-8 | Penalties for Violation |
| | | 6-16-9 | Amendments |

6-16-1 STATUTORY AUTHORITY, FINDINGS OF FACT AND PURPOSE.

1. The Legislature of the State of Iowa has in Chapter 414, Code of Iowa, as amended, delegated the power to cities to enact zoning regulations to secure safety from flood and to promote health and the general welfare.

2. Findings of Fact.

a. The flood hazard areas of the City of Madrid are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare of the community.

b. These flood losses, hazards, and related adverse effects are caused by: (i) the occupancy of flood hazard areas by uses vulnerable to flood damages, which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding; and (ii) the cumulative effect of obstructions on the flood plain causing increases in flood heights and velocities.

3. Statement of Purpose. It is the purpose of this chapter to protect and preserve the rights, privileges and property of the City of Madrid and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing those flood losses described in Section 6-16-1(2)(A) of this chapter with provisions designed to:

a. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities.

b. Require that uses vulnerable to floods, including public facilities that serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.

c. Protect individuals from buying lands that may not be suited for intended purposes

because of flood hazard.

d. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

6-16-2 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 a one percent chance of being equaled or exceeded in any given year. (See "100-year flood.")

2. "Basement" means any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. (Also see "lowest floor.")

3. "Development" means any manmade change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials. "Development" does not include minor projects or routine maintenance of existing buildings and facilities, as those terms are defined in this section. It also does not include gardening, plowing, and similar practices that do not involve filling, grading.

4. "Existing construction" means any structure for which the "start of construction" commenced before the effective date of the first flood plain management regulations adopted by the community.

5. "Existing factory-built home park or subdivision" means a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first flood plain management regulations adopted by the community.

6. "Expansion of existing factory-built home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

7. "Factory-built home" means any structure, designed for residential use which is wholly (or in substantial part) made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this chapter, factory-built homes include mobile homes, manufactured homes, and modular homes and also include recreational vehicles that are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.

8. "Factory-built home park" means a parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.

9. "Flood" means a general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.

10. "Flood elevation" means the elevation floodwaters would reach at a particular site during the occurrence of a specific flood. For instance, the 100-year flood elevation is the elevation of flood waters related to the occurrence of the 100-year flood.

11. "Flood Insurance Rate Map (FIRM)" means the official map prepared as part of (but published separately from) the Flood Insurance Study and 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 floodwaters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one foot.

16. "Floodway fringe" means those portions of the flood plain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities.

17. "Historic structure" means any structure that is:

a. Listed individually in the National Register of Historic Places maintained by the Department of Interior or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;

b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined

by the Secretary to qualify as a registered historic district;

c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(1) By an approved state program as determined by the Secretary of the Interior; or

(2) 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 6-16-05(4)(A) of this chapter; and

b. The enclosed area is unfinished (not carpeted, dry-walled, etc.) and used solely for low damage potential uses such as building access, parking or storage; and

c. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one foot above the 100-year flood level; and

d. The enclosed area is not a basement, as defined in this section.

In cases where the lowest enclosed area satisfies criteria A, B, C and D above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

19. "Minor projects" means small development activities (except for filling, grading and excavating) valued at less than \$500.00.

20. "New construction" (new buildings, factory-built home parks) means those structures or development for which the start of construction commenced on or after the effective date of the first flood plain management regulations adopted by the community.

21. "New factory-built home park or subdivision" means a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of first flood plain management regulations adopted by the community.

22. "100-year flood" means a flood, the magnitude of which has a one percent chance of

being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded at least once every 100 years.

23. "Recreational vehicle" means a vehicle that 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 temporary living quarters for recreational, camping, travel, or seasonal use.

24. "Routine maintenance of existing buildings and facilities" means repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:

- a. Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;
- b. Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;
- c. Basement sealing;
- d. Repairing or replacing damaged or broken window panes;
- e. Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.

25. "Special flood hazard area" means the land within a community subject to the 100 year flood. This land is identified as Zone A on the community's Flood Insurance Rate Map.

26. "Start of construction" includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a

basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

27. "Structure" means anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory built homes, storage tanks, and other similar uses.

28. "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

29. "Substantial improvement" means any improvement to a structure which satisfies either of the following criteria:

a. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either: (i) before the start of construction of the improvement; or (ii) if the structure has been substantially damaged and is being restored, before the damage occurred. The term does not; however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of a historic structure, provided the alteration will not preclude the structure's designation as a historic structure.

b. Any addition that increases the original floor area of a building by 25 percent or more. All additions constructed after the first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

30. "Variance" means a grant of relief by a community from the terms of the flood plain management regulations.

31. "Violation" means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations.

6-16-3 GENERAL PROVISIONS.

1. Lands to Which Chapter Applies. The provisions of this chapter shall apply to all lands within the jurisdiction of the City of Madrid, which are located within the boundaries of the Flood Plain (Overlay) District as established in Section 6-16-4.

2. Rules for Interpretation of Flood Plain (Overlay) District. The boundaries of the Flood Plain (Overlay) District areas shall be determined by scaling distances on the Official Flood Insurance Rate Map. When an interpretation is needed as to the exact location of a boundary, the Building Official shall make the necessary interpretation. The Board of Appeals shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Building Official in the enforcement or administration of this chapter.

3. Compliance. No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations which apply to uses within the jurisdiction of this chapter.

4. Abrogation and Greater Restrictions. It is not intended by this chapter to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provision of this chapter shall prevail. All other ordinances inconsistent with this chapter are hereby repealed to the extent of the inconsistency only.

5. Interpretation. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

6. Warning and Disclaimer of Liability. The standards required by this chapter are considered reasonable for regulatory purposes. This chapter does not imply that areas outside the designated 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 of Madrid or any officer or employee thereof for any flood damages that from reliance on this chapter or any administrative decision lawfully made thereunder.

7. Severability. If any section, clause, provision or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

6-16-4 ESTABLISHMENT OF FLOOD PLAIN (OVERLAY) DISTRICT. The areas within the jurisdiction of the City of Madrid having special flood hazards are hereby designated as a Flood Plain (Overlay) District and shall be subject to the standards of the Flood Plain (Overlay) District (as well as those for the underlying zoning district). The Flood Plain (Overlay) District boundaries shall be as shown on the Flood Insurance Rate Map (FIRM) for Boone County and Incorporated Areas, City of Madrid, Panels 19015C0350C, and 0475C, dated May 3, 2011.

6-16-5 STANDARDS FOR FLOOD PLAIN (OVERLAY) DISTRICT. All uses must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Where 100-year flood data has not been provided on the Flood Insurance Rate Map, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

1. All Development. All development within the Flood Plain (Overlay) District shall:
 - a. Be consistent with the need to minimize flood damage.
 - b. Use construction methods and practices that will minimize flood damage.
 - c. Use construction materials and utility equipment that are resistant to flood damage.
 - d. Obtain all other necessary permits from federal, state and local governmental agencies including approval when required from the Iowa Department of Natural Resources.

2. Residential Buildings. All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one foot above the 100-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than one foot above the 100-year flood level and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers) may be allowed subject to favorable consideration by the 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 North American Vertical Datum 1988) 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) which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by, allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:

(1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

(2) The bottom of all openings shall be no higher than one foot above grade.

(3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

Such areas shall be used solely for parking of vehicles, building access and low damage potential storage.

b. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

c. New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5. Factory Built Homes.

a. All factory built homes, including those placed in existing factory built home parks or subdivisions shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one foot above the 100 year flood level.

b. All factory built homes, including those placed in existing factory built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

6. Utility and Sanitary Systems.

a. On site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.

b. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on site systems) shall be provided with a level of flood protection equal to or greater than one foot above the 100 year flood elevation.

c. New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one foot above the 100-year flood elevation.

d. Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.

7. Storage of Flammable Materials. Storage of 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 greater than five acres or 50 lots (whichever is less) 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 streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

6-16-6 ADMINISTRATION.

1. Appointment, Duties and Responsibilities of Administrator.

a. The Building Official is hereby appointed to implement and administer the provisions of this chapter and will herein be referred to as the Administrator.

b. Duties of the Administrator shall include, but not necessarily be limited to the following:

(1) Review all flood plain development permit applications to assure that the provisions of this chapter will be satisfied.

(2) Review flood plain development applications to assure that all necessary permits have been obtained from federal, state and local governmental agencies including approval when

required from the Department of Natural Resources for flood plain construction.

(3) Record and maintain a record of the elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of all new or substantially improved structures in the Flood Plain (Overlay) District.

(4) Record and maintain a record of the elevation (in relation to North American Vertical Datum 1988) to which all new or substantially improved structures have been flood proofed.

(5) Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.

(6) Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this chapter.

2. Flood Plain Development Permit.

a. Permit Required. A Flood Plain Development Permit issued by the Administrator shall be secured prior to any flood plain development (any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations), including the placement of factory-built homes.

b. Application for Permit. Application shall be made on forms furnished by the Administrator and shall include the following:

(1) Description of the work to be covered by the permit for which application is to be made.

(2) Description of the land on which the proposed work is to be done (i.e., lot, block, track, street address or similar description) that will readily identify and locate the work to be done.

(3) Indication of the use or occupancy for which the proposed work is intended.

(4) Elevation of the 100-year flood.

(5) Elevation (in relation to North American Vertical Datum 1988) 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.

c. Action on Permit Application. The Administrator shall, within a reasonable time, make a determination as to whether the proposed flood plain development meets the applicable standards of this chapter and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefore. The Administrator shall not issue permits for variances except as directed by the City Board of Adjustment.

d. Construction and Use to Be as Provided in Application and Plans. Flood Plain Development Permits based on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this chapter. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building floor elevations, 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.

3. Variance.

a. The City Board of Adjustment may authorize upon request in specific cases such variances from the terms of this chapter that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship. Variances granted must meet the following applicable standards.

(1) Variances shall only be granted upon:

A. A showing of good and sufficient cause;

B. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

C. A determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.

(2) Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(3) In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this chapter, the applicant shall be notified in writing over the signature of the Administrator that:

A. 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

B. Such construction increases risks to life and property.

b. Factors Upon Which the Decision of the Board of Adjustment Shall Be Based. In passing upon applications for variances, the Board shall consider all relevant factors specified in other sections of this chapter and:

(1) The danger to life and property due to increased flood heights or velocities caused by encroachments.

(2) The danger that materials may be swept on to other land or downstream to the injury of others.

(3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

(4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

(5) The importance of the services provided by the proposed facility to the City.

(6) The requirements of the facility for a flood plain location.

(7) The availability of alternative locations not subject to flooding for the proposed use.

(8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

(9) The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.

(10) The safety of access to the property in times of flood for ordinary and emergency vehicles.

(11) The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.

(12) The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.

(13) Such other factors which are relevant to the purpose of this chapter.

c. Conditions Attached to Variances. Upon consideration of the factors listed above, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose of this chapter. Such conditions may include, but not necessarily be limited to:

(1) Modification of waste disposal and water supply facilities.

(2) Limitation of periods of use and operation.

(3) Imposition of operational controls, sureties, and deed restrictions.

(4) Requirements for construction of channel modifications, dikes, levees and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this chapter.

(5) Flood proofing measures.

6-16-7 NONCONFORMING USES.

1. A structure or the use of a structure or premises which was lawful before the passage or amendment of this chapter, but which is not in conformity with the provisions of this chapter, may be continued subject to the following conditions:

a. If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this chapter.

b. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.

2. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50 percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this chapter. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.

6-16-8 PENALTIES FOR VIOLATIONS. Violations of the provisions of this chapter or failure to comply with any of the requirements shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than thirty (30) days.

Nothing herein contained prevents the City of Madrid from taking such other lawful action as is necessary to prevent or remedy violation.

6-16-9 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.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 17 NATURAL GAS FRANCHISE

| | | | |
|--------|--|---------|-------------------------------|
| 6-17-1 | Franchise Granted | 6-17-9 | Confidential Information |
| 6-17-2 | Term | 6-17-10 | Force Majeure |
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| | | 6-17-17 | Effective Date and Acceptance |

6-17-1 **FRANCHISE GRANTED.** The City of Madrid, Iowa (hereinafter referred to as "Grantor"), hereby grants a non-exclusive franchise to Black Hills/Iowa Gas Utility Company, LLC d/b/a Black Hills Energy, a Delaware limited liability corporation (hereinafter called "Grantee"), its lessees, successors and assigns. Grantee is hereby granted the right, privilege, franchise, permission and authority to lay, construct, install, maintain, operate and extend in, along, over, above or across the present and future streets, alleys, avenues, bridges, public rights-of-way and public easements as are now within the present or future limits of said Grantor, a natural gas distribution system and all facilities necessary for the purpose of supplying natural gas or processed gas and other operations connected therewith or incident thereto for all purposes to the inhabitants of said Grantor and consumers in the vicinity thereof, and for the distribution of natural gas from or through said Grantor to points beyond the limits thereof. Such facilities shall include, but not be limited to, all mains, services, pipes, poles, communication devices, conduits and all other apparatus and appliances necessary or convenient for transporting, distributing and supplying natural gas for all purposes for which it may be used, and to do all other things necessary and proper in providing natural gas service to the inhabitants of Grantor and in carrying on such business.

6-17-2 **TERM.** The rights and privileges granted hereunder shall remain in effect for a period of twenty five (25) years from the effective date of this Ordinance.

6-17-3 **FRANCHISE FEES OR TAXES.**

1. Grantor hereby establishes a franchise fee on every natural gas or electric company and every other person, firm or corporation, their successors and assigns, owning, operating, controlling, leasing or managing a natural gas or electric plant or system and/or generating, manufacturing, selling, distributing or transporting natural gas (including Grantee) or electric (hereinafter referred to, collectively, as "Energy Providers," each, individually, an "Energy Provider"). Energy Providers shall collect from their customers located within the corporate limits

of the Grantor as depicted on the Map (as defined below) and pay to the City an amount equal to one percent (1%) of gross receipts Energy Providers derive from the sale, distribution or transportation of natural gas or electric delivered within the present limits of Grantor. Gross receipts as used herein are revenues received from the sale, distribution or transportation of natural gas or electric, after adjustment for the net write-off of uncollectible accounts and corrections of bills theretofore rendered.

2. The amount paid by Energy Providers shall be in lieu of, and Energy Providers shall be exempt from, all other fees, charges, taxes or assessments which the Grantor may impose for the privilege of doing business within Grantor, including, without limitation, excise taxes, occupation taxes, licensing fees, or right-of-way permit fees, and in the event the Grantor imposes any such fee, charge, tax or assessment, the payment to be made by Energy Providers in accordance with this Ordinance shall be reduced in an amount equal to any such fee, charge, tax or assessment imposed upon the Energy Providers. Ad valorem property taxes imposed generally upon all real and personal property within the Grantor shall not be deemed to affect Energy Providers' obligations under this Ordinance.

3. Energy Providers shall report and pay any amount payable under this Ordinance on a monthly basis. Such payment shall be made no more than thirty (30) days following the close of the period for which payment is due. Initial and final payments shall be prorated for the portions of the periods at the beginning and end of any franchise granted by the City of Madrid, Iowa, to an Energy Provider.

4. Energy Providers shall list the franchise fee collected from customers as a separate item on bills for utility service issued to their customers. If at any time the Iowa Utilities Board or other authority having proper jurisdiction prohibits such recovery, Energy Providers will no longer be obligated to collect and pay the franchise fee until an alternate lawful franchise fee can be negotiated and implemented. In addition, with prior approval of Grantor, Energy Providers may reduce the franchise fee payable for natural gas or electric delivered to a specific customer when such reduction is required to attract or retain the business of that customer.

5. Within ten (10) days of the date of this ordinance, the Grantor shall provide the Energy Providers with a map of its corporate limits (the "Map"). The Map shall be of sufficient detail to assist Energy Providers in determining whether their customers reside within the Grantor's corporate limits. The Map along with Energy Provider's Geographic Information System ("GIS") mapping information shall serve as the sole basis for determining Energy Provider's obligation hereunder to collect and pay the franchise fee from customers; provided, however, that if the Grantor's corporate limits are changed by annexation or otherwise, it shall be the Grantor's sole responsibility to (a) update the Map so that such changes are included therein, and (b) provide the updated Map to the Energy Providers. An Energy Provider's obligation to collect and pay the franchise fee from customers within an annexed area shall not commence until the later: (a) of sixty (60) days after such Energy Provider's receipt from the Grantor of an updated Map including such annexed area, or (b) such time after such Energy Provider's receipt from the Grantor of an updated Map including such annexed area as is reasonably necessary for such Energy Provider to

identify the customers in the annexed area obligated to pay the franchise fee.

6. Grantor shall provide copies of annexation ordinances to Energy Providers on a timely basis to ensure appropriate Franchise fee collection from customers within the corporate limits of the Grantor as set forth in Section 4 above.

7. The Grantor shall have access to and the right to examine, during normal business hours, Energy Provider's books, receipts, files, records and documents as is reasonably necessary to verify the accuracy of payments due hereunder; provided, that the Grantor shall not exercise such right more than twice per calendar year. If it is determined that a mistake was made in the payment of any franchise fee required hereunder, such mistake shall be corrected promptly upon discovery such that any under-payment by an Energy Provider shall be paid within thirty (30) days of recalculation of the amount due, and any over-payment by an Energy Provider shall be deducted from the next payment of such franchise fee due by such Energy Provider to the Grantor; provided, that neither party shall have the obligation to correct a mistake that is discovered more than one (1) year after the occurrence thereof.

6-17-4 GOVERNING RULES AND REGULATIONS. The franchise granted hereunder is subject to all conditions, limitations and immunities now provided for, or as hereafter amended, and applicable to the operations of a public utility, by state or federal law. The rates to be charged by Grantee for service within the present or future corporate limits of Grantor and the rules and regulations regarding the character, quality and standards of service to be furnished by Grantee, shall be under the jurisdiction and control of such regulatory body or bodies as may, from time to time, be vested by law with authority and jurisdiction over the rates, regulations and quality and standards of service to be supplied by Grantee. Provided however, should any judicial, regulatory or legislative body having proper jurisdiction take any action that precludes Grantee from recovering from its customers any cost associated with services provided hereunder, then Grantee and Grantor shall renegotiate the terms of this Ordinance in accordance with the action taken. In determining the rights and duties of the Grantee, the terms of this Ordinance shall take precedence over any conflicting terms or requirements contained in any other ordinance enacted by the Grantor.

6-17-5 CONSTRUCTION AND MAINTENANCE OF GRANTEE'S FACILITIES.

1. Any pavements, sidewalks or curbing taken up and any and all excavations made shall be done in such a manner as to cause only such inconvenience to the inhabitants of Grantor and the general public as is reasonably necessary, and repairs and replacements shall be made promptly by Grantee, leaving such properties in as good as condition as existed immediately prior to excavation.

2. Grantee agrees that for the term of this franchise, it will use its best efforts to maintain its facilities and equipment in a condition sufficient to meet the current and future energy requirements of Grantor, its inhabitants and industries. While maintaining its facilities and equipment, Grantee shall obtain permits as required by ordinance and will fix its excavations

within a commercially reasonable time period, except that in emergency situations Grantee shall take such immediate unilateral actions as it determines are necessary to protect the public health, safety, and welfare; in which case, Grantee shall notify Grantor as soon as reasonably possible. Within a reasonable time thereafter, Grantee shall request and Grantor shall issue any permits or authorizations required by Grantor for the actions conducted by Grantee during the emergency situation.

3. Grantor will give Grantee reasonable notice of plans for street improvements where paving or resurfacing of a permanent nature is involved that affects Grantee's facilities. The notice shall contain the nature and character of the improvements, the rights-of-way upon which the improvements are to be made, the extent of the improvements, and the time when the Grantor will start the work, and, if more than, one right-of-way is involved, the order in which the work is to proceed. The notice shall be given to the Grantee as soon as practical in advance of the actual commencement of the work, considering seasonable working conditions, to permit the Grantee to make any additions, alterations, or repairs to its facilities.

6-17-6 EXTENSION OF GRANTEE'S FACILITIES. Upon receipt and acceptance of a valid application for service, Grantee shall, subject to its own economic feasibility criteria as approved by the Iowa Utilities Board make reasonable extensions of its distribution facilities to serve customers located within the current or future corporate limits of Grantor.

6-17-7 RELOCATION OF GRANTEE'S FACILITIES.

1. If Grantor elects to change the grade of or otherwise alter any street, alley, avenue, bridge, public right-of-way or public place for a public purpose, unless otherwise reimbursed by federal, state or local legislative act or governmental agency, Grantee, upon reasonable notice from Grantor, shall remove and relocate its facilities or equipment situated in the public rights-of-way, at the cost and expense of Grantee, if such removal is necessary to prevent interference with Grantor's facilities.

2. If Grantor orders or requests Grantee to relocate its facilities or equipment for the primary benefit of a commercial or private project, or as a result of the initial request of a commercial or private developer or other non-public entity, and such removal is necessary to prevent interference with such project, then Grantee shall receive payment for the cost of such relocation as a precondition to relocating its facilities or equipment.

3. Grantor shall consider reasonable alternatives in designing its public works projects and exercising its authority under this section so as not to arbitrarily cause Grantee unreasonable additional expense. If alternative public right-of-way space is available, Grantor shall also provide a reasonable alternative location for Grantee's facilities. Grantor shall give Grantee written notice of an order or request to vacate a public right-of-way; provided, however, that its receipt of such notice shall not deprive Grantee of its right to operate and maintain its existing facilities in such public right-of way until it

a. If applicable, receives the reasonable cost of relocating the same and

b. Obtains a reasonable public right-of-way, dedicated utility easement, or private easement alternative location for such facilities.

6-17-8 CONFIDENTIAL INFORMATION. Grantor acknowledges that certain information it might request from Grantee pursuant to this Ordinance may be of a proprietary and confidential nature, and that such requests may be subject to the Homeland Security Act or other confidentiality protections under state or federal law. If Grantee requests that any information provided by Grantee to Grantor be kept confidential due to its proprietary or commercial value, Grantor and its employees, agents and representatives shall maintain the confidentiality of such information, to the extent allowed by law. If Grantor is requested or required by legal or administrative process to disclose any such proprietary or confidential information, Grantor shall promptly notify Grantee of such request or requirement so that Grantee may seek an appropriate protective order or other relief.

6-17-9 FORCE MAJEURE. It shall not be a breach or default under this Ordinance if either party fails to perform its obligations hereunder due to force majeure. Force majeure shall include, but not be limited to, the following:

1. Physical events such as acts of God, landslides, lightning, earthquakes, fires, freezing, storms, floods, washouts, explosions, breakage or accident or necessity of repairs to machinery, equipment or distribution or transmission lines;

2. Acts of others such as strikes, work-force stoppages, riots, sabotage, insurrections or wars;

3. Governmental actions such as necessity for compliance with any court order, law, statute, ordinance, executive order, or regulation promulgated by a governmental authority having jurisdiction; and

4. Any other causes, whether of the kind herein enumerated or otherwise not reasonably within the control of the affected party to prevent or overcome. Each party shall make reasonable efforts to avoid force majeure and to resolve such event as promptly as reasonably possible once it occurs in order to resume performance of its obligations hereunder; provided, however, that this provision shall not obligate a party to settle any labor strike.

6-16-17 HOLD HARMLESS. Grantee, during the term of this Ordinance, agrees to save harmless Grantor from and against all claims, demands, losses and expenses arising directly out of the negligence of Grantee, its employees or agents, in constructing, operating, and maintaining its distribution and transmission facilities or equipment; provided, however, that Grantee need not save Grantor harmless from claims, demands, losses and expenses arising out of the negligence of Grantor, its employees or agents.

6-17-11 SUCCESSORS AND ASSIGNS. All rights, privileges and authority granted to Grantee hereunder shall inure to the benefit of Grantee's lessees, successors and assigns, subject to the terms, provisions and conditions herein contained, and all obligations imposed upon Grantee hereunder shall be binding upon Grantee's lessees, successors and assigns.

6-17-12 NO THIRD PARTY BENEFICIARIES. This Ordinance constitutes a franchise agreement between the Grantor and Grantee. No provision of this Ordinance shall inure to the benefit of any third person, including the public at large, so as to constitute any such person as a third party beneficiary of the agreement or of any one or more of the terms hereof, or otherwise give rise to any cause of action for any person not a party hereto.

6-17-13 SEVERABILITY. If any clause, sentence or section of this Ordinance is deemed invalid by any judicial, regulatory or legislative body having proper jurisdiction, the remaining provisions shall not be affected.

6-17-14 NONWAIVER. Any waiver of any obligation or default under this Ordinance shall not be construed as a waiver of any future defaults, whether of like or different character.

6-17-15 REPEAL CONFLICTING ORDINANCES. This Ordinance, when accepted by Grantee as provided below, shall constitute the entire agreement between the Grantor and the Grantee relating to the franchise granted by Grantor hereunder, and the same shall supersede all prior ordinances relating thereto, and any terms and conditions of such prior ordinances or parts of ordinances in conflict herewith are hereby repealed. Ordinance No. 364 of the City of Madrid, Iowa, is hereby repealed as of the effective date hereof.

6-17-16 EFFECTIVE DATE AND ACCEPTANCE. This Ordinance shall become effective and be a binding contract between the Grantor and Grantee upon its final passage and approval by Grantor, in accordance with applicable laws and regulations, and upon Grantee's acceptance by written instrument, within sixty (60) days of passage by the city council, and filing with the Clerk of the City of Madrid, Iowa. The Clerk of the City of Madrid, Iowa shall sign and affix the community seal to acknowledge receipt of such acceptance, and return one copy to Grantee. If Grantee does not, within sixty (60) days following passage of this Ordinance, either express in writing its objections to any terms or provisions contained therein, or reject this Ordinance in its entirety, Grantee shall be deemed to have accepted this Ordinance and all of its terms and conditions.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 18 SUBDIVISION REGULATIONS

| | | | |
|--------|--|---------|-------------------------------------|
| 6-18-1 | Title | 6-18-9 | Information Required on Final Plats |
| 6-18-2 | Definitions | 6-18-10 | Design and Development Standards |
| 6-18-3 | Preliminary Approval by Commission | 6-18-11 | Improvements |
| 6-18-4 | Plats of Unincorporated Areas Within Two Miles of the Corporate Limits | 6-18-12 | Variations and Exceptions |
| 6-18-5 | Auditor's Plats | 6-18-13 | Fees |
| 6-18-6 | Final Approval by Commission | 6-18-14 | Enforcement |
| 6-18-7 | Approval by the City Council | 6-18-15 | Changes and Amendments |
| 6-18-8 | Information Required on Preliminary Plats | 6-18-16 | Street Lights |

6-18-1 TITLE. This chapter may be known and cited as the Madrid Subdivision Ordinance.

6-18-2 DEFINITIONS. For use in this chapter, the following terms or words are defined.

1. "Alley" means a public right-of-way, other than a street, twenty (20) feet or less in width, affording secondary means of access to abutting property.

2. "Auditor's plat" means a plat prepared at the request of the County Auditor to clarify property descriptions for the purposes of assessment and taxation.

3. "Building Line" means a line on a plat between which line and public right-of-way no buildings or structures may be erected.

4. "Commission" means the Planning and Zoning Commission of the City.

5. "Cul-de-sac" means a dead-end street permanently closed to through traffic being terminated by a vehicular turnaround.

6. "Easement" means a right-of way granted for the purpose of limited private, public and quasi-public uses across public land.

7. "Lot" means a portion of a subdivision or other plot or parcel of land which is, or in the future may be, offered for sale, conveyance, transfer or improvement.

8. "Major street" means a street other than a local service street, as designated on the comprehensive plan of the City.

9. "Plat" means a map, drawing or chart on which the subdivider's plan of the subdivision of land is presented and which the subdivider submits for approval and intends, in final form, to record.

10. "Proprietor's plat" means a plat as defined herein submitted by the owner of the land being platted or by said owner's agent or other private entity acting with the consent of the owner.

11. "Residential street" means a local service street which is used primarily for access to the abutting properties.

12. "Subdivision" means the division of a lot, tract or parcel of land into three (3) or more lots or other division of land for the purpose of immediate or future sale or transfer or building development. The term includes resubdivision and when appropriate to the context relates to the process of subdividing or to the land subdivided.

6-18-3 PRELIMINARY APPROVAL BY COMMISSION. Whenever the owner of any tract or parcel of land within the City wishes to make a subdivision of the same, said owner shall prepare a preliminary plat of said subdivision and shall submit five (5) copies of the preliminary plat and such other information as is required to the Commission for its preliminary study and approval. The preliminary plat shall contain such information and data as is outlined in Section 6-17-8 hereof. The Commission shall review such preliminary plat to determine if it conforms with the standards and requirements as outlined in this chapter and shall approve or reject such plat within thirty (30) days after the date of submission thereof to the Commission. If the Commission does not act within thirty (30) days, the preliminary plat shall be deemed to be approved; provided, however, the subdivider may agree to an extension of the review time for a period not to exceed sixty (60) days. The approval of the preliminary plat by the Commission shall be null and void unless the final plat is presented within one hundred eighty (180) days after date of approval. Before approving a preliminary plat, the Commission may, at its discretion, hold a public hearing, notice of which shall be given by publication in a newspaper in general circulation in the City or by placing in the United States mail appropriate form of notice setting the time and place at which said plat shall be considered by the Commission.

6-18-4 PLATS OF UNINCORPORATED AREAS WITHIN TWO MILES OF THE CORPORATE LIMITS. Pursuant to Section 354.9 of the Code of Iowa, the provisions of this chapter apply to subdivisions located in the unincorporated areas of Boone County within two (2) miles of the City's corporate limits. The Commission and City Council have the right to waive such requirements as are contained in this chapter to the end that the Commission and City Council are satisfied that equally suitable regulations have been placed on these subdivisions by the Boone County Board of Supervisors; provided, however, the Boone County Board of Supervisors shall furnish the Commission with a copy of the plat of said subdivision certifying that all requirements of appropriate County ordinances have been met. The Commission shall study such plat to determine that no conflict exists with the extension of existing streets and rights-of-way within the City into the unincorporated area and to determine if the plat would otherwise interfere in any way with the carrying out of the Comprehensive Plan for the City. If the Commission is satisfied by its

studies that these conditions are provided for, it shall endorse its approval on said plat and submit it to the City Council. Upon approval by the City Council, the City Clerk shall notify the County Auditor and Recorder in accordance with the provisions of existing statutes. The purpose of this section is to facilitate the orderly processing of subdivisions in unincorporated areas within two (2) miles of the City and to avoid conflicting regulations while at the same time assuring that provisions are made for proper and orderly future growth of the City.

6-18-5 AUDITOR'S PLATS. With regard to Auditor's plats as distinguished from proprietor's plats, the Commission and City Council shall have the right to waive provisions governing preliminary approval and public improvements outlined in Sections 6-18-8, 6-18-10, and 6-18-11, provided there is on file with the Commission a copy of the request of the County Auditor ordering such plat and a letter from said Auditor stating that the plat as submitted meets the requirements for which the Auditor has ordered the plat.

6-18-6 FINAL APPROVAL BY COMMISSION. The subdivider shall also submit to the Commission for its approval or rejection five (5) copies of a final plat of the subdivision which shall contain the data and information outlined in Section 6-18-9 of this chapter. If the Commission approves the plat, such approval and the date thereof shall be noted on the plat over the signature of the Chairperson and Secretary of the Commission. The approval of the final plat by the Commission shall be null and void unless the final plat is submitted to the City Council within one year after the date of the approval by the Commission.

6-18-7 APPROVAL BY THE CITY COUNCIL. After approval of the final plat of the subdivision by the Commission, the recommendation of approval and ten (10) copies of the final plat shall be submitted to the City Council by the Secretary of the Commission for final approval and for acceptance of all streets, alleys, easements, parks and other areas reserved for or dedicated to the public, along with the required surety bonds or checks guaranteeing that the improvements required under Section 6-17-11 shall be installed. If the Commission does not approve the final plat, the City Council may approve said plat and accept the public areas and easements, but only upon a three-fourths (75%) vote of the entire membership of the City Council. Approval of the final plat by the City Council shall be null and void if the plat is not recorded within thirty (30) days after date of approval, unless application for an extension of time is made in writing during said thirty-day period to the City Council and granted.

6-18-8 INFORMATION REQUIRED ON PRELIMINARY PLATS. Each subdivider of land should confer with the Commission before preparing the preliminary plat in order to become thoroughly familiar with the Comprehensive Plan and with other municipal regulations affecting the area in which the proposed subdivision lies. The owner shall submit five (5) copies of a preliminary plat to the Commission which shall be drawn to a scale of not less than one inch to one hundred feet by a registered engineer and licensed land surveyor and shall show the following:

1. Legal Description. The complete legal description of the property to be platted, including descriptive boundaries of the subdivision, based on an accurate traverse, giving angular and linear dimensions. The allowable unadjusted error of closure on the traverse of the perimeter of the plat

shall be 1 in 5,000. Latitude and departure computations on the traverse closure shall be submitted.

2. Contours. Existing contour intervals of not more than five (5) feet, provided, however, that a minimum of two (2) contours shall be shown on any plat.

3. Site Characteristics. The location of property lines and all such surface features as buildings, railroads, utilities, water courses and similar items affecting the development. Also, the location and size of such sub-surface features as existing or nearest available storm and sanitary sewers, water mains, culverts, gas mains, above and below ground electric transmission lines or cables, and drain tiles.

4. Vicinity Sketch. A vicinity sketch at a scale of not more than five hundred (500) feet to the inch shall be shown on or accompany the proposed plat. This map shall show how streets and alleys in the proposed subdivision may connect with existing and proposed streets and alleys in neighboring subdivisions or undeveloped property, to produce the most advantageous development of the entire area. This sketch shall show the location of any nearby parks, schools, or other public facilities that might be affected by the proposed subdivision.

5. Adjacent Property. All existing adjacent subdivisions, streets and tract lines of acreage parcels together with the names of record owners of unsubdivided parcels of land immediately adjoining the proposed subdivision and between it and the nearest existing streets.

6. Title and Owner. The title under which the proposed subdivision is to be recorded, with the name and address of the owner and subdivider; also north point, scale, date, name of surveyor and engineer.

7. Public Facility Sites. Sites for schools, parks, playgrounds, and provisions for major streets in accordance with the comprehensive plan.

8. Zoning. The zoning district or districts in which the land to be subdivided is located according to the zoning ordinance.

9. Street Radii and Grades. For all major streets except collectors and local service streets, the minimum radius of curvature shall be three hundred (300) feet on the centerline; for collector streets one hundred (100) feet and local service streets fifty (50) feet. The maximum grade for any street shall not exceed seven percent (7%), except in the case of Local service streets where twelve percent (12%) grade shall be permissible. Changes in grades for all streets shall be connected by vertical curves of minimum length equal to fifteen (15) times the algebraic difference in rate of grade. The grade alignment and resultant visibility especially at intersections shall be worked out in detail to meet the approval of the City Engineer.

10. Soil Tests. Any plat that cannot be reasonably served by public sewer shall show the results of soil percolation tests made by the engineer preparing the plat. Such tests shall be made in accordance with specifications approved by the City Engineer.

11. Attorney's Opinion. An attorney's opinion of the abstract covering the property to be included in the final plat shall be submitted in duplicate showing all taxes due shall have been previously paid and that there are no outstanding liens or encumbrances on the property. The names of all record title holders and any other information that might otherwise affect the title of lots in the proposed subdivision shall be shown. The opinion shall be written by an attorney admitted to the practice of law in the State of Iowa.

Any plat not containing all information specified in this section shall not be considered by the Commission.

6-18-9 INFORMATION REQUIRED ON FINAL PLATS. Following preliminary approval, five (5) copies of the final plat shall be submitted to the Commission for study and review. Ten (10) copies of the final plat as ultimately approved by the Commission shall be necessary for submission to the City Council for its approval. This plat shall be made from an accurate survey by a licensed land surveyor and engineer and drawn to a scale of one hundred (100) feet to the inch or larger. The final plat shall show the following:

1. Boundaries. The boundaries of the property, the lines of all proposed streets and alleys with their width, and any other areas intended to be dedicated to public use. The boundaries shall be accurately tied to the nearest section corner.

2. Adjoining Streets. The lines of adjoining streets and alleys with their width and names.

3. Lots. All lot lines, lot and block numbers, building lines and easements, with figures showing their dimensions.

4. Dimensions. All dimensions, both linear and angular, necessary for locating boundaries of the subdivided area, or of the lots, streets, alleys, easements and building line setbacks, and any other similar public or private uses. The linear dimensions shall be expressed in foot and decimals of a foot.

5. Street Geometries. Radii, arc and chords points of tangency, central angles for all curvilinear streets, and radii for rounded comers.

6. Monuments. All surveyor's monuments, together with their descriptions.

7. Title and Legal Description. Title and complete legal description of property subdivided, showing its location and extent, points of compass, scale of plat and certification and name of engineer or surveyor staking the lots.

8. Profiles. Profiles shall be made on tracing cloth of all streets and alleys, 50 feet horizontal scale and 5 feet vertical scale recommended. Profiles shall show location, size and grade of all

conduits, sewers, pipe lines, etc., to be placed under the streets and alleys. Profiles of east and west streets shall be drawn so that the west end of the profile is at the left side of the drawing and profiles of north and south streets shall be drawn so that the south end of the profile is at the left side of the drawing.

9. Property Dedicated to the Public. The accurate outline of all property which is offered for dedication for public use with the purpose indicated thereon, and of all property that may be reserved by deed covenant for the common use of the property owners in the subdivision.

10. All additional requirements set forth in Chapter 354, Code of Iowa.

Where it can be shown there are extraordinary hardships in the way of complete compliance with these regulations, the Commission shall have the power to vary the regulations so that substantial justice may be done and public interest secured; provided, however, no such variation shall have the effect of reducing the traffic capacity of any street below that shown on the comprehensive plan.

6-18-10 DESIGN AND DEVELOPMENT STANDARDS. No subdivision plat shall be approved by either the Commission or by the City Council unless it conforms to the following minimum standards and requirements, except those plats referred to in Section 6-17-5 as auditor's plats.

1. Acre Subdivision. Whenever the area is divided into lots containing one or more acres and there are indications that such lots will eventually be resubdivided into smaller building lots, consideration shall be given to the street and lot arrangement of the original subdivision so that additional minor streets can be opened which will permit a logical arrangement of smaller lots.

2. Relation to Adjoining Street System. The arrangement of streets in new subdivisions shall make provision for the continuation of the principal existing streets in adjoining subdivisions, or for a proper intersection where said streets in the new subdivision shall connect therewith, or their proper projection where adjoining property is not subdivided insofar as they may be necessary for public requirements. The width of such streets in new subdivisions shall not be less than the minimum street widths established herein. The street and alley arrangement shall also be such as to cause no hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. The platting of half streets shall be discouraged. Whenever there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, the other half of the street or alley shall be platted.

3. Street Width. Street widths shall comply with the following:

a. The width for major streets shall conform to the widths designated on the comprehensive plan.

b. The minimum width for local service streets shall be sixty (60) feet, except that in cases where the topography or special conditions make a street of less width more suitable, the

Commission may reduce the above requirements.

c. Dead-end streets shall not be over 600 feet in length and shall have a minimum width of sixty (60) feet, unless, because of unusual conditions the Commission approves a street of greater length and/or less width.

d. Easements of not less than five (5) feet in width shall be provided on each side of all rear lot lines and side lines where necessary for poles, wires, conduits, storm and sanitary sewers, gas, water, telephone and other utilities. Easements of greater width may be required along lines or across lots where necessary for the extension of main sewers and similar utilities.

4. Blocks. No block shall be longer than one thousand three hundred twenty (1,320) feet.

5. Lots. Lots shall conform to the following:

a. All side lot lines shall be substantially at right angles or radial to street centerlines unless the Commission shall agree that a variation to this requirement will provide for better street and lot arrangement. Double frontage lots shall be avoided except where essential to provide separation of residential development from major traffic arteries or to overcome specific disadvantages of topography.

b. The minimum dimensions for lots shall be in accordance with the regulations of the Zoning Ordinance for the district, within which the subdivision is located, provided, however, that the minimum depth for a lot shall be one hundred (100) feet.

c. Corner lots shall be of such width as to permit the maintenance of all yard requirements as required by the Zoning Ordinance.

d. All lots at street intersections shall have a radius of not less than fifteen (15) feet at the street corner. A greater radius shall be required for intersections involving one or more major streets. A cut-off or chord may be substituted for the circular arc.

6. Street Names. Street names for streets which are extensions of existing streets shall be the same. Street names shall be subject to the Commission and City Council approval.

7. Building Lines. Building lines shall be shown on all lots intended for residential, commercial or industrial use. Such building lines shall not be less than the minimum yard requirements of the Zoning Ordinance for the district within which the property is located.

8. Character of Development. The Commission shall have the right to disagree with the subdivider regarding the type and character of development that will be permitted in the subdivision and may require that certain minimum regulations regarding this matter be incorporated in deed restrictions. Such regulations shall be intended to protect the character and value of the surrounding development and shall also tend to secure the most appropriate

development of the property being subdivided.

9. Easements Along Streams. Whenever any stream or major surface water course is located in an area that is being subdivided, the subdivider shall, at the subdivider's own expense, make adequate provisions for straightening, widening or otherwise improving the channel so that it will properly carry the surface water. The subdivider shall also provide and dedicate to the City an easement along each side of the stream, which easement shall be for the purpose of widening, improving or protecting the stream. The width of such easement shall be adequate to provide for any necessary channel relocation and straightening, but in no case shall such easement be less than twenty (20) feet.

6-18-11 IMPROVEMENTS. Before the final plat of any area shall be approved by the City Council and recorded, the subdivider shall make and install the improvements described in this section. In lieu of final completion of the minimum improvements before the plat is finally approved, the subdivider shall post a bond, approved by the City Attorney and City Treasurer; with the City, which bond will insure to the City that the improvements will be completed by the subdivider within one year after final approval of the plat, the City having the right to extend the time limit if needed. The amount of the bond shall not be less than the estimated cost of the improvements and the amount of the estimate must be approved by the City Engineer. If the improvements are not completed within the specified time, the City may use the bond or any position thereof to complete same. For plats located in unincorporated areas within two (2) miles of the City limits, the requirements of this section shall apply. The Commission and City Council may waive the requirements of this section provided they are satisfied that the regulations governing the unincorporated areas within which the subdivision is located are sufficient to insure adequate conformance with these regulations. The minimum requirements for improvements installed or for which bond is posted in any subdivision before the plat can be finally approved shall be in accordance with the following subsections:

1. Streets. The subdivider shall grade and improve all new streets between the right-of-way lines within the subdivided area. The paving on such new streets shall be built according to the standards and specifications of the City Engineer, but in no case shall it consist of less than a concrete curb and gutter and an asphaltic concrete surface course laid on a base approved by the City Engineer or six (6) inches of reinforced Portland cement concrete with integral curb and gutter. Minimum pavement widths shall be in accordance with the requirements of the comprehensive plan.

2. Lot Grading. The subdivider shall, whenever necessary, grade any portion of the property subdivided into lots so that each lot will be usable and suitable for the erection of residences or other structures thereon.

3. Sewers. The subdivider shall construct sanitary and storm water sewers according to the standards and specifications of the City Engineer, and provide a connection for each lot to the sanitary sewer at the lot line. Sanitary and storm water sewers and lot line connections shall be constructed prior to street pavement construction.

4. Water. The subdivider shall provide for the installation of water mains and fire hydrants in the subdivided area and provide water service connections at the lot line for each lot. The City shall have the option to install water mains and fire hydrants, but if the City declines, then the developer must install said mains and hydrants, and such installation shall be made prior to the street pavement construction and shall be in accordance with the standards and specifications of the City Engineer.

5. Sidewalks. The subdivider shall provide for the installation of sidewalks along all new or existing streets in the subdivision. The sidewalks shall be built according to the standards and specifications of the City Engineer.

6. Monuments. Permanent monuments shall be set at each corner of the perimeter of the subdivision and at the corner of each block within the subdivision and at the corner of each lot. All monuments shall be made of permanent material, sensitive to a dip needle and at least thirty (30) inches long, and shall conform to the specifications of the City Engineer.

7. Utility Lines. The City Council and Commission may require that all utility lines, except electric lines of nominal voltage in excess of 15,000 volts, be installed underground. The subdivider shall be responsible for making the necessary arrangements with the utility companies for installation of such facilities. Said utility lines shall be installed in such a manner so as not to interfere with other underground utilities. Underground utility lines which cross underneath the right-of-way of any street, alley or way shall be installed prior to the improvement of any such street, alley or way in the subdivision. Incidental appurtenances, such as transformers and their enclosures, pedestal mounted terminal boxes, meters and meter cabinets may be placed above ground but shall be located so as not to be unsightly or hazardous to the public. Such incidental appurtenances shall be in accordance with the standards and specifications of the City Engineer. If overhead utility lines or wires are permitted, they shall be placed in the easements provided in the rear of the lots. In their determination on whether or not to require underground utilities, the City Council and Commission may consider that soil, topographical, or other conditions make such installations within the subdivision unreasonable or impractical.

6-18-12 VARIATIONS AND EXCEPTIONS. Whenever the tract proposed to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in this chapter would result in substantial hardships or injustices, the City Council, upon written recommendation of the Commission, may modify or vary such requirements to the end that the subdivider is allowed to develop the property in a reasonable manner; provided, however, all such variations and exceptions granted hereunder shall be in harmony with the intended spirit of this chapter and granted with the view toward protecting the public welfare and interest of the City and surrounding area.

6-18-13 FEES. Before a preliminary plat shall be considered by the Commission, the subdivider or an agent shall deposit with the City Clerk a fee of twenty-five dollars (\$25.00). A receipt of such filing fee shall be filed with the preliminary plat.

6-18-14 ENFORCEMENT. Compliance with the provisions of this chapter shall be enforced by use of the following:

1. Recording Prohibited. No plat of any subdivision shall be entitled to be recorded in the County Recorder's office or have any validity until it shall have been approved in the manner prescribed herein.

2. Building Permits Prohibited. The Zoning Administrator shall not issue permits for any structure located on a lot in any subdivision, the plat of which has been prepared after February 28, 1974, but which has not been approved in accordance with the provisions contained herein.

3. Public Expenditure Prohibited. The City Council shall not permit any public improvements over which it has any control to be made or any money expended for improvements in any area that has been subdivided or upon any street that has been platted after February 28, 1974, unless such subdivision or street has been approved in accordance with the provisions contained herein.

6-18-15 CHANGES AND AMENDMENTS. Any regulation or provision of this chapter may be changed and amended from time to time by the City Council; provided, however, such changes and amendments shall not become effective until after study and report by the Commission and until after a public hearing has been held, public notice of which shall have been published at least once in a newspaper of general circulation in the City, not less than seven (7) nor more than twenty (20) days before the date of the hearing.

6-18-16 STREET LIGHTS. Street lights shall be placed by the developer with guidance from the electric provider.

TITLE VI PHYSICAL ENVIRONMENT

CHAPTER 19 STORMWATER MANAGEMENT UTILITY

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|--------|--|---------|---|
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| 6-19-6 | Stormwater Service Charges Required | 6-19-12 | Annual Review of Rates |

6-19-1 PURPOSE. The purpose of this ordinance is to establish a stormwater management utility which shall be responsible for stormwater management within the corporate boundaries of the City of Madrid and shall provide for the management, protection, control, regulation, use and enhancement of stormwater management systems and facilities.

1. Pursuant to §384.84 Code of Iowa (2005) the City may establish a stormwater drainage system utility and impose rates and charges for the operation, maintenance and extension of the Stormwater Drainage System, which in the City of Madrid shall be known as the Madrid Stormwater Management Utility.

2. It is the best interests of the City of Madrid that the Stormwater Management Utility be established so as to provide for the proper operation and maintenance of the utility facilities and to provide for rates for the purposes of assuring sufficient funds for the same.

3. The City of Madrid declares the entire area within the Corporate Limits of the City of Madrid as the Stormwater Drainage System District pursuant to §384.84(5) Code of Iowa (2005) which shall be the area governed by the Madrid Stormwater Management Utility.

6-19-2 DEFINITIONS. Unless the context specifically indicates otherwise, the meaning of the terms used in this chapter shall be as follows:

1. "Bonds" means revenue bonds, notes, loans or any other debt obligations issued or incurred to finance the costs of construction.

2. "Construction cost" means costs reasonably incurred in connection with providing capital improvements to the system or any portion thereof, including but not limited to the costs of the following: portion of the stormwater management system or which is directly or indirectly protected by the city's flood protection system or stormwater drainage system.

a. Acquisition of all property, real or personal, and all interests in connection therewith including all rights-of-way and easements therefore;

- b. Physical construction, installation and testing including the costs of labor, services, materials, supplies and utility services used in connection therewith;
 - c. Architectural, engineering, legal and other professional services;
 - d. Insurance premiums taken out and maintained during construction, to the extent not paid for by a contractor for construction and installation;
 - e. Any taxes or other charges which become due during construction;
 - f. Expenses incurred by the city or on its behalf with its approval in seeking to enforce any remedy against any contractor or subcontractor in respect of any default under a contract relating to construction;
 - g. Principal and interest on any bonds; and
 - h. Miscellaneous expenses incidental thereto.
3. "Customers of stormwater utility" include all persons, properties, and entities served by and/or benefiting from the utility's acquisition, management, maintenance, extension and improvement of the public stormwater management systems and facilities.
4. "Debt service" means the amount of money necessary annually to pay the interest on outstanding debt and pay the principal of maturing bonded debt.
5. "Developed property" means land that has been altered from its natural state by construction or installation of more than 500 square feet of impervious surface area thus increasing the amount of rainwater or surface water runoff.
6. "Duplex dwelling" means a building containing only two (2) dwelling units and designed for and occupied exclusively by not more than two (2) families with separate housekeeping and cooking facilities for each. In the application of stormwater management fees, each duplex dwelling property shall be treated as two (2) single-family dwellings.
7. "Equivalent Residential Lot (ERL)" is based on the total area for an average residential lot in the community. ERL shall be used as the basis for determining stormwater management fees. One ERL is equal to ten thousand (10,000) square feet of gross lot area.
8. "Exempt property" includes public streets, alleys and sidewalks; all undeveloped properties including land used for agriculture; all vacant properties and properties which have been zoned but do not have building permits issued.
9. "Impervious surface" means those areas which prevent or impede the infiltration of

stormwater into the soil as it enters in natural conditions prior to development. Common impervious surface areas include, but are not limited to, rooftops, sidewalks, driveways, patios, parking lots, storage areas, compacted gravel surfaces and other surfaces which prevent or impede the natural infiltration of stormwater runoff which existed prior to development.

10. "Mobile home dwelling" means a detached residential dwelling unit designed for transportation after fabrication on streets or highways on its own wheels or a flatbed or other trailer, and arriving at the site where it is occupied as a dwelling complete and ready for occupancy except for minor unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and the like. In the application of stormwater management fees, each mobile home dwelling property shall be treated as one (1) single-family dwelling.

11. "Nonresidential properties" means all developed properties not encompassed by the definition of residential shall be defined as nonresidential. Nonresidential properties shall include: commercial property; industrial property; institutional property; churches; hospitals; schools; parking lots; and any other property not mentioned in the lists of properties. In the square feet to calculate ERLs for each nonresidential property.

12. "Operating budget" means the annual operating budget for the stormwater management utility adopted by the city council for the succeeding fiscal year.

13. "Pollutant" means anything that causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter or other discarded or abandoned objects, so that the same may cause or contribute to pollution; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform bacteria and pathogens; dissolved and particulate metals; animal wastes; waste and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

14. "Revenues" means all rates, fees, assessments, rentals or other charges or other income received by the utility, in connection with the management and operation of the system, including amounts received from the investment or deposit of moneys in any fund or account and any amounts contributed by the city, all as calculated in accordance with sound accounting practice.

15. "Single-family dwelling" means a residence designed for or occupied by one family only entirely surrounded by yard on the same lot. In the application of stormwater management fees, each single-family dwelling shall be one (1) ERL.

16. "Stormwater drainage system" means the system of publicly or privately owned or operated man-made facilities, structures, and natural watercourses, including rivers, streams, creeks, canals, ditches, drainage channels, culverts, flumes, pipes, catch basins, streets, gutters, and lakes within the city through which or into which stormwater runoff, surface water, or subsurface water is conveyed or deposited.

17. "Stormwater management" means the tasks required to control stormwater runoff using stormwater management systems, to protect the health, safety, and welfare of the public, and comply with relevant state and federal regulations.

18. "Stormwater management system and facilities" address the issue of drainage management (flooding) and environmental quality (pollution, erosion and sedimentation) of receiving rivers, streams, creeks, lakes and ponds through improvements, maintenance, and regulation of structures and property used in the collection, retention, detention and treatment of stormwater or surface water drainage.

19. "Stormwater management utility" means the enterprise fund utility created by this division to operate, maintain and improve the system and for such other purposes as stated in this division. The utility established under this Section for the purpose of managing stormwater and imposing charges for the recovery of costs connected with such stormwater management.

20. "Townhome dwelling" means a dwelling unit which is detached or attached horizontally, and not vertically, to one or more other dwelling units, wherein the land or lot beneath each dwelling may be individually owned in common by a townhome association. In the application of stormwater management fees, each townhome dwelling shall be treated as one (1) single-family dwelling.

21. "Undeveloped property" means land in its unaltered natural state or which has been modified to such minimal degree as to have a hydrologic response comparable to land in an unaltered state. Undeveloped land shall have less than 500 square feet of pavement, asphalt or compacted gravel surfaces or structures which create an impervious surface area. Agricultural property that is used specifically for row crop or animal production and has less than 500 sf of impervious surfaces (excluding row crop areas) shall be classified as undeveloped property.

22. "User" means any person owning, operating, or otherwise responsible for property within the city which directly or indirectly discharges stormwater or surface or subsurface waters to any of fees, charges, fines and other revenues of the utility, and make recommendations regarding adjustments to such fees, charges, fines and other revenues.

6-19-3 DECLARATION OF PURPOSE; ESTABLISH DISTRICT.

1. The city council finds, determines, and declares it to be conducive to the health, welfare, safety and convenience of the city and its residents that a stormwater management utility district be established within the city. Consequently, pursuant to I.C. § 384.84(1), a stormwater management utility district, to be known as the Madrid Stormwater Management Utility, is established, and it is ordained and declared that the property located within the City Limits of the City of Madrid shall be and constitute the stormwater management utility district, and that the utility shall comprise and include elements of the city's stormwater drainage and flood protection systems which provide for the collection, treatment and disposal of stormwater, surface water, and groundwater. It is further found, determined, and declared that the elements of the stormwater

management utility are of benefit and provide services to all real properties within the incorporated city limits, including property not directly served by the stormwater drainage system, and that such benefits and services may include but are not limited to the provision of adequate systems of collection, conveyance, detention, treatment and release of stormwater; the reduction of hazard to property and life resulting from stormwater runoff and flooding; improvement in general health and welfare through reduction of undesirable stormwater conditions and flooding; and improvement to the water quality in the stormwater and surface water system and its receiving waters.

2. It is further determined and declared to be necessary and conducive to the protection of the public health, welfare, safety and convenience of the city and its residents that charges be levied upon and collected from the owners or occupants of all lots, parcels of real estate, and buildings that discharge stormwater or surface or subsurface waters, directly or indirectly, to the city stormwater drainage system, and that the proceeds of such charges so derived be used for the purposes of operation, maintenance, repair, replacement and debt service for construction of the stormwater drainage and flood protection improvements comprising the stormwater management utility.

6-19-4 POWERS, DUTIES, RESPONSIBILITIES. The stormwater management utility shall have the following powers, duties, and responsibilities:

1. Prepare ordinances as needed to implement this division and forward the ordinances to the City Council for consideration and adoption, and adopt such regulations and procedures as are required to implement this division and carry out its duties and responsibilities.

2. Administer the acquisition, design, construction, maintenance and operation of the stormwater utility system, including capital improvements for stormwater drainage.

3. Administer and enforce this division and all ordinances, regulations and procedures adopted relating to the design, construction, maintenance, operation and alteration of the utility system, including but not limited to the quantity, quality and/or velocity of the stormwater conveyed thereby.

4. Inspect private systems as necessary to determine the compliance of such systems with this division and any ordinances or regulations adopted pursuant to this division.

5. Prepare and revise a comprehensive drainage and flood protection plan for periodic review and adoption by the city council.

6. Review plans, approve or deny, inspect and accept extensions to the stormwater drainage system.

7. Establish and enforce regulations to protect and maintain water quality within the system in compliance with water quality standards established by state, regional and/or federal agencies

as adopted or amended.

8. Annually analyze the cost of services and benefits provided, and the system and structure of fees, charges, fines and other revenues of the utility, and make recommendations regarding adjustments to such fees, charges, fines, and other revenues.

9. Prepare an annual operating budget for the utility and make recommendations regarding the financing of the cost of extending, improving, and replacing the system.

6-19-5 ORGANIZATION. The city council shall be the governing body of the stormwater management utility. The stormwater management utility shall be under the direction, management and control of the Public Works Director or designee who shall function as its director. In that capacity, the director shall supervise the day-to-day operation of the stormwater management utility, shall enforce this division and the provisions of all ordinances and regulations adopted pursuant to this division and shall carry out the policy directives of the city council acting in its role as governing body of the stormwater management utility.

6-19-6 STORMWATER SERVICE CHARGES REQUIRED. Every customer whose premises is served by a connection with the stormwater management system and facilities of the City of Madrid, either directly or indirectly, shall pay to the city stormwater service charges hereinafter established and specified for the purpose of contributing towards the costs of construction, maintenance and operation of the stormwater management system and facilities and at least sufficient to pay the principal and interest related to Bonds issued for the purpose of financing all or part of those costs, and sufficient to comply with any covenants or conditions associated with any such Bonds so issued.

6-19-7 EFFECTIVE DATE. Stormwater service charges shall accrue beginning January, 2018 and shall be billed monthly thereafter to all customers.

6-19-8 BASIC RATE.

1. Except as hereinafter noted, each customer whose property lies within the corporate limits of the city shall pay to the city, as a part of the customers combined service account with the Madrid Utility Billing Department, at the same time payment for other City utilities are made, the following charges per Equivalent Residential Lot (ERL) associated with the customer's property:

- a. Undeveloped properties. A flat storm sewer availability charge at the rate of \$0.00 per month.
- b. Single-family dwelling, 1 ERL: \$3.00 per month.
- c. Duplex dwelling, 1 ERL: \$3.00 per month.
- d. Townhome dwelling, 1 ERL: \$3.00 per month.

- e. Mobile home dwelling, 1 ERL: \$3.00 per month.
- f. Apartment dwelling, 1 ERL: \$3.00 per month.
- g. Nonresidential properties: \$3.00 per ERL per month, with a minimum of 1 ERL and up to a maximum of 40 ERLs.

2. The yearly rate shall increase by 5.0% per year through 2020. As a result of the annual review of rates, as detailed in Section 6-19-12 of this Ordinance, the Council may choose to adjust the monthly ERL rate as necessary. Such rate adjustments shall be approved by Resolution of the City Council.

3. The number of Equivalent Residential Lots (ERL) on non-residential properties shall be calculated by reference to the Boone County records. Stormwater fee billing will begin upon water meter installation.

6-19-9 RATE APPEALS. City staff will review all rate and ERL inquiries from customers to ensure the ERL has been correctly applied to a property. Following this review, any customer who believes the provisions of this chapter have been applied in error may appeal in the following manner:

1. An appeal must be filed in writing to the City of Madrid Public Works Director and include all necessary information to support the request for an appeal.

2. In the case of service charge appeals, the appeal shall include official property information, including total area for the property in question.

3. Using the information provided by the appellant, the Public Works Director shall conduct a technical review of the conditions on the property and respond to the appeal in writing within thirty (30) days.

4. In response to an appeal, the Public Works Director may adjust the stormwater service charge applicable to a property in conformance with the general purpose and intent of this chapter.

5. A decision by the Public Works Director which is adverse to an appellant may be further appealed to the City Council within thirty (30) days of receipt of notice of the adverse decision. Notice of the appeal shall be served on the City Council by the appellant, stating the grounds for the appeal. The City Council shall schedule a public hearing within thirty (30) days. All decisions of the City Council shall be served on the appellant by registered mail, sent to the billing address of the appellant.

6. All decisions of the City Council shall be final.

6-19-10 EXEMPTION FROM FEES; SPECIAL CONDITIONS. The stormwater management fee shall not apply:

1. If a written request is made, in special conditions the Public Works Director of the City of Madrid may grant fee payment and collection variances after determining that granting the variance would be in the city's best interest, will improve efficiency, safety and is practical. Upon the granting of any variance, the Public Works Director shall file notice with the City Council giving reason(s) for the variance.

2. The fee established in Subsection 6-18-8 for nonresidential properties recognizes that these types of development are required to provide stormwater detention and water quality treatment onsite. Having such stormwater management, therefore, is not a basis for exemption.

6-19-11 STORMWATER SERVICE BILLING.

1. All stormwater management fees shall be due and payable under the same terms and conditions provided for payment of a combined service account as contained in the City of Madrid Code of Ordinances. Water service may be discontinued in accordance with the provisions contained in Section 6-5-5 if the combined service account becomes delinquent, and the provisions contained in Section 6-5-5 relating to lien notices shall also apply in the event of a delinquent account.

2. Stormwater fee billing will begin upon water meter installation.

6-19-12 ANNUAL REVIEW OF RATES. The city has the option to review the stormwater service charges at least yearly and revise the stormwater service charges as necessary to ensure that such charges as herein established and specified generate adequate revenues to pay the costs of maintenance and operation (including replacement and debt service) of a stormwater management system and facilities and that the stormwater service charges continue to provide for the proportional distribution of maintenance and operation costs (including replacement costs and debt service) for a stormwater management system and facilities among the users and user classes. The liability of a stormwater service user to pay for charges as provided in this chapter shall not be contingent, however, upon any such review or revision.

TITLE VII MISCELLANEOUS ORDINANCES
CHAPTER 1 URBAN REVITALIZATION AREA

7-1-1 Designation of Revitalization Area

7-1-1 DESIGNATION OF REVITALIZATION AREA. In accordance with Chapter 404 of the *Code of Iowa*, the area formed by contiguous real estate parcels with a legal description as follows:

All property within the corporate boundaries of the City

is hereby designated as a revitalization area under Chapter 404 and shall be known as the Madrid Revitalization Area.