

CODE OF ORDINANCES CITY OF UNIVERSITY PARK, IOWA 2012

CERTIFICATE

STATE OF IOWA

: ss

COUNTY OF MAHASKA

I, Joseph Albright of University Park, Iowa, hereby certify that the attached Code of was duly compiled pursuant to Iowa Code Section 380.8 (2011), being adopted on the _____ day of _____, 2012.

Dated at University Park, Iowa, this _____ day of _____, 2012.

Joseph Albright, City Clerk

(Seal)

CODE OF ORDINANCES
CITY OF UNIVERSITY PARK, IOWA
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ARTICLE I - GENERAL CODE PROVISIONS

Chapter 1 CODE OF ORDINANCES

SECTION 1. Title. This Code of Ordinances shall be known and may be cited as the City Code of the City of University Park, Iowa, 2012.

SECTION 2. Definitions. Terms used in this City Code, unless specifically defined otherwise in another section, shall be the meanings prescribed as follows:

a. "Animal Control Officer" shall mean the animal control officer for the City of Oskaloosa, Iowa, serving as animal control officer for the City of University Park, Iowa, pursuant to a 28E Agreement and/or Contract between the cities, or other individual appointed by the Council.

b. "Building Official" shall mean the building official for the City of Oskaloosa, Iowa, serving as building official for the City of University Park, Iowa, pursuant to a 28E Agreement and/or Contract between the cities, or other individual appointed by the Council.

c. "City" shall mean the City of University Park, Iowa.

d. "County" shall mean Mahaska County, Iowa.

e. "State" shall mean the State of Iowa.

f. "Council" shall mean the City Council of University Park, Iowa.

g. "Clerk/Treasurer" shall mean the clerk/treasurer of university Park, Iowa

h. "Person" shall mean an individual, firm, partnership, domestic or foreign corporation, company, association or joint stock association, trust, or other legal entity, and includes a trustee, receiver, assignee, or similar representative thereof, but does not include a governmental body.

i. "Ordinances" shall mean the ordinances of the City of University Park, Iowa, as embodied in the Code of Ordinances, ordinances not repealed by the ordinances adopting the Code of Ordinances, and those enacted hereafter.

j. "City Code" shall mean the Code of Ordinances of the City of University Park, Iowa, 2012.

k. "Code" shall mean the specific chapter in which a specific subject is covered and bears a descriptive title word (such as the Building Code and/or a standard code adopted by reference)

l. "Measure" shall mean an ordinance, amendment, resolution or motion.

m. "Statutes, laws" shall mean the latest edition of the Code of Iowa as amended.

n. "Preceding", "Following" shall mean next before and next after, respectively.

o. "Property" shall include real property, and tangible and intangible personal property unless clearly indicated otherwise.

p. "Property Owner" shall mean a person owning a private property in the City as shown by the county auditor's plats of the City.

q. "Occupant, Tenant" applied to a building or land, shall include any person who occupies the whole or a part of such building or land, whether alone or with others.

r. "Year" shall mean a calendar year.

s. "Month shall mean a calendar month.

t. "Writing, written" shall include printing, typing, lithographing, or other mode of representing words and letters.

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

v. "Public Property" shall mean any and all property owned by the City or held in the name of the City by any of the departments, commissions or agencies within the city government.

w. "Public Place" shall include in its meaning, but is not restricted to, any city-owned open place, such as parks and squares.

x. "Public way" shall include any street, alley, boulevard, parkway, highway, sidewalk, or other public thoroughfare.

y. "Street" shall mean and include any public way, highway, street, avenue, boulevard parkway, or other public thoroughfare, and each of such words shall include every other of them, and unless otherwise indicated in the text, shall include the entire width between property lines.

z. "Alley" shall mean a public right-of-way, other than a street, affording secondary means of access to abutting property.

zz. "Sidewalk" shall mean that portion of the street between the edge of the travelled way, surfacing, or curb line and the adjacent property line.

SECTION 3 Rules of Construction. In the construction of the City Code the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the council or repugnant to the context of the provisions:

a. Tense - words used in the present tense include the future.

b. May - confers a power.

c. Must - states requirement.

d. Shall - imposes a duty.

e. Gender - the masculine gender shall include the feminine and neuter genders.

f. Interpretation - all general provisions, terms, phrases, and expressions contained in the City Code shall be liberally construed in order that the true intent and meaning of the council may be fully carried out.

SECTION 4. Amendments. All ordinances which amend, repeal, or in any manner affect the City Code shall include property reference to title, division, chapter, article, section and subsection to maintain an orderly codification of ordinances of the City.

SECTION 5. Catchlines and Notes. The catchlines of the several sections of the City Code, titles, headings (chapter, division, article, section and subsection), editor's notes, cross references and state law references, unless set out in the body of the section itself, contained in the 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.

SECTION 6. Altering Code. It is unlawful for any person to change or amend by additions or deletions, any part or portion of the City Code, or to insert or delete pages, or portions thereof, or to alter or tamper with the City Code in any manner whatsoever which will cause the law of the City to be misrepresented thereby.

SECTION 7. Standard Penalty. Unless another penalty is expressly provided by the City Code for any particular provision, section or chapter, and in addition to penalties for Municipal Infractions, any person failing to perform a duty, or obtain a license required by, or violating any provision of the City Code, or any rule or regulation adopted herein by reference shall be guilty of a misdemeanor and, upon conviction, be subject to a fine of at least Sixty-five Dollars (\$65.00) but not to exceed Six Hundred Twenty-five Dollars (\$625.00). The Court may order imprisonment not to exceed thirty (30) days in lieu of a fine or in addition to a fine.

SECTION 8. Municipal Infractions. Notwithstanding any provisions in this Code, any violation of this Code as contemplated by Article I, Chapter 5, Municipal Infractions, may be enforced through said Chapter's procedures.

Chapter 2 CHARTER

SECTION 1. Purpose. The purpose of this Chapter is to provide for a charter embodying the form of government existing on July 21, 1975.

SECTION 2. Charter. This Chapter may be cited as the Charter of the City of University Park, Iowa.

SECTION 3. Form of Government. The form of government of the City of University Park, Iowa, is the Mayor-Council form of government.

SECTION 4. Powers and Duties. The Council and Mayor and other City officers have such powers and shall perform such duties as are authorized or required by state law and by the ordinances, resolutions, rules and regulations of the City of University Park, Iowa.

SECTION 5. Number and Term of Council. The Council consists of five councilmen elected at large, elected for the term of four years.

SECTION 6. Term of Mayor. The Mayor is elected for a term of two years.

SECTION 7. Copies on File. The Clerk/Treasurer shall keep an official copy of this Charter is on file with the official records of the Clerk/Treasurer, and a copy is on file with the Secretary of State of Iowa, and shall keep copies of the Charter available at the Clerk/Treasurer's Office for public inspection.

Chapter 3 CITY BOUNDARIES

SECTION 1. Purpose. The purpose of this ordinance is to describe the boundaries of the City of University Park, Iowa.

SECTION 2. Boundaries. The boundaries of the City of University Park, Iowa, shall be as follows:

All that part of the West three-fourths (W 3/4) of Section Twenty (Sec. 20) lying South of the Chicago Rock Island and Pacific Railroad Company right of way, and all that part of the West three-fourths (W 3/4) of Section Seventeen (Sec. 17) lying South of the Chicago Rock Island and Pacific Railroad right of way; all of said property being in Township Seventy-five (Twp. 75) North, and Range Fifteen (R 15) West of the Fifth Principal Meridian, and located in Mahaska County and State of Iowa.

Chapter 4 PLACES FOR PUBLIC POSTING OF ORDINANCES, AMENDMENTS OR NOTICES

SECTION 1. Purpose. Whereas there is no newspaper published in the City of University Park, Iowa, and publication of ordinances or amendments may be made by posting in three (3) public places as the citizens of the City may readily ascertain the acts of the Council which affect them without doubt as to place of notice.

SECTION 2. Listing: Length of Notice. The three (3) public places where ordinances or amendments are to be displayed are:

- a. Bulletin board on the front (north side) of the U.S Post Office, University Park, Iowa.
- b. On the front door of the City Clerk's home.
- c. The University Park Community Center located at 1204 Center Street.

The Clerk/Treasurer is hereby directed to post such ordinances or amendments as soon as practical upon the passage or repassage of the ordinance or amendment and to leave them so posted for not less than ten days after the first date of posting.

SECTION 3. Removing Notice. Unlawful removal of a public notice of an ordinance or amendment by persons other than the Clerk/Treasurer shall make such persons subject to a fine of at least Sixty-five Dollars (\$65.00) but not to exceed Six Hundred Twenty-five Dollars (\$625.00). The Court may order imprisonment not to exceed thirty (30) days in lieu of a fine or in addition to a fine. Such removal before the ten (10) days have expired, however, shall not affect the validity of the ordinance or amendment.

Chapter 5
MUNICIPAL INFRACTIONS

SECTION 1. Definitions as used in this Chapter:

a. **Municipal Infraction.** Except those provisions specifically provided under state law as a felony, an aggravated misdemeanor, a serious misdemeanor or a simple misdemeanor under Chapter 687 through 747 of the Iowa Code, and except as provided herein, the doing of any act prohibited or declared to be unlawful, an offense or a misdemeanor by this Code, or any ordinance or code herein adopted by reference or omission or failure to perform any act or duty required by this Code or any ordinance or code herein adopted by reference, is a "municipal infraction" and is punishable by civil penalty as herein provided.

b. **Officer.** The term "officer" means any employee or official authorized to enforce this Code.

c. **"Repeat offense"** means a recurring violation of the same section of this Code.

SECTION 2. Schedule of Civil Penalties. A municipal infraction is punishable by a maximum civil penalty as provided in the following schedule, unless a specific schedule of civil penalties is provided for specific offenses elsewhere in the Code:

| <u>Schedule of Civil Penalties</u> | |
|------------------------------------|-----------|
| First Offense | \$ 100.00 |
| Second repeat offense | \$ 250.00 |
| All other repeat offenses | \$ 750.00 |

SECTION 3. Each Day of Occurrence a Separate Offense. Each day that a violation occurs or is permitted to exist by the violator constitutes a separate offense.

SECTION 4. Alternative Relief. Seeking a civil penalty as authorized in this Chapter does not preclude a city from seeking alternative relief from the court in the same action.

SECTION 5. Authority to Issue Civil Citations.

a. The following city officials are authorized to issue civil citations for violations of the following code sections:

| <u>Officer</u> | <u>Code Sections</u> | |
|--------------------------|----------------------|---------------------------|
| Mayor or his designee | Article V | Chapter 1, 2, 3, 4 |
| | Article VI | Chapter 1, 2, 3 |
| | Article VII | Chapter 1, 2, 4, 5 |
| | Article IX | Chapter 2, 3 |
| | Article X | Chapter 2 |
| Building Official | Article VII | Chapter 1 |
| | Article IX | Chapter 1, 2, 6, 7 |
| | Article X | Chapter 2 |
| Animal Control Officer | Article VI | Chapter 1 |
| | Article VII | Chapter 3 |

SECTION 6. Service of Citation. The citation may be served by personal service or by certified mail, return receipt requested.

SECTION 7. Citation Copy to be Sent to District Court. A copy of the citation shall be sent to the Clerk of the Iowa District Court in and for Mahaska County.

SECTION 8. Contents of Citation. The citation shall serve as notification that a civil offense has been committed and shall contain the following information:

- a. The name and address of the defendant.
- b. the name or description of the infraction attested to by the officer issuing the citation.
- c. The location and time of the infraction
- d. The amount of civil penalty to be assessed or the alternative relief sought, or both.
- e. The manner, location and time in which the penalty may be paid.
- f. The time and place of the court appearance.
- g. The penalty for failure to appear in court.

Chapter 6 NOMINATION METHODS FOR ELECTIVE MUNICIPAL OFFICES

SECTION 1. Purpose. The purpose of this ordinance is to designate the methods by which candidates for elective municipal office in the City of University Park, Iowa, shall be nominated.

SECTION 2. Nomination Method to be Used. For the 2013 municipal election and in subsequent municipal elections of the City of University Park, Iowa, all candidates for elective offices shall be nominated by the procedures set forth in Chapter 45 of the Code of Iowa.

The method prescribed herein for nominating candidates shall remain in effect until or unless changed by ordinance.

Chapter 7 METHOD OF A RUN-OFF ELECTION IN LIEU OF PRIMARY ELECTION

SECTION 1. Purpose. The purpose of this ordinance is to adopt the alternative of using a run-off election in lieu of a primary election for the choosing of persons for elective municipal offices, and prescribing the procedures to be followed therein.

SECTION 2. Run-off Election Adopted. The provisions of Section 376.9 of the Code of Iowa, provided for a run-off election are hereby adopted in lieu of the requirements for a primary Section 376.6 and 376.7 Code of Iowa.

SECTION 3. Regular Municipal Election. Within 24 hours following the fortieth day prior to the municipal election, the clerk shall forward the petitions of all candidates that have been properly filed with the clerk, to the county commissioner of elections who shall then do all things necessary for conducting the municipal election.

SECTION 4. When Required. Each candidate at a municipal election receiving a majority of all votes cast for the office sought shall be declared elected. A run-off shall be held only for

positions unfilled because of failure of a sufficient number of candidates to receive a majority vote in the regular election. Candidates who do not receive a majority of the votes cast for the office for which they have filed, shall be resubmitted to the voters as follows:

a. If no candidate for a single office receives a majority of the votes cast for that office, the two (2) candidates receiving the largest number of votes upon the run-off ballot.

b. The top candidates in an at-large contest, to the number of positions to be filled receive less than a majority of the votes cast at the election, those candidates receiving a majority of the votes shall be declared elected and those candidates receiving the next highest number of votes but not having a majority, to the number of twice the number of unfilled positions, shall be placed on the run-off ballot.

SECTION 5. Publication of Ballot. If there must be a run-off election the commissioner of elections shall cause to be published once in a newspaper(s) published within the municipal corporation and of general circulation therein, or in a newspaper of general circulation in the City if there are none published therein, in proper form, the names of persons as they are to appear on the municipal run-off ballot in a typical precinct, said publication to be not less than four (4) days before the run-off election.

ARTICLE II - ADMINISTRATION

Chapter 1

OFFICE AND DUTIES OF MAYOR

SECTION 1. Term of Office. The mayor is elected for a term of two years.

SECTION 2. Powers and Duties. The duties of the mayor shall be as follows:

a. Supervise all departments of the city and give direction to department heads concerning the functions of the departments and 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.

b. Act as presiding officer at all regular and special council meetings. The mayor pro tem shall serve in this capacity in the mayor's absence.

c. The mayor may sign, veto, or take no action on an ordinance, amendment, or resolution passed by the council. A mayor may not veto a measure if entitled to vote on the measure at the time of passage. If the mayor vetoes a measure, the mayor must explain in writing the reason for such a veto to the council. The council may re-pass a measure over the mayor's veto by a two-thirds majority of the council members if said council action is taken within 30 days of the veto.

d. Make appropriate provisions that duties of any absentee officer be carried on during his absence.

e. 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.

- f. Whenever authorized by the council, sign all contracts on behalf of the City.
- g. Call special meetings of the city council when such meetings are deemed necessary to the interests of the City.
- h. Make such oral or written reports to the city council at the first meeting of every month as suitable. These reports shall concern municipal affairs generally, the municipal departments, and recommendations suitable for council action.
- i. Immediately after taking office the mayor shall designate one member of the city council as mayor pro tempore.
- j. 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 himself in accordance with the city ordinances and the laws of the State of Iowa.
- k. The mayor may appoint an administrative assistant to assist matters administration and supervisor. The mayor shall also appoint the following department heads (the council should decide which departments). The mayor shall have the power to remove all officers the mayor appoints in the manner provided by state law.
- l. Sign all licenses and permits which have been granted by the council, except those designated by law or ordinance to be issued by another municipal officer.
- m. Upon authorization of the council, revoke permits or licenses granted by the 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.
- n. 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 mayor.
- o. Issue Municipal Infraction Citations as provided herein.

SECTION 3. Compensation. The mayor shall receive an annual salary of \$1,200.00, payable in monthly installments of \$100.00 each month.

SECTION 4. Voting. The mayor is not a member of the council and may not vote as a member of the council.

Chapter 2 MAYOR PRO TEMPORE

SECTION 1. Vice President of Council. The Mayor Pro Tem is vice president of the Council.

SECTION 2. Powers and Duties. Except for the limitations otherwise provided herein, the Mayor Pro Tem shall perform the duties of the Mayor in cases of absence or inability of the Mayor to perform such duties. In the exercise of the duties of the office of the Mayor Pro Tem shall not have power to appoint, employ or discharge from employment, officers or employees that the Mayor has the power to appoint, employ or discharge without the approval of the Council.

SECTION 3. Voting Rights. The Mayor Pro Tem shall have the right to vote as a member of the Council.

SECTION 4. Compensation. If the Mayor Pro Tem performs the duties of the Mayor during the Mayor's absence or disability for a continuous period of fifteen (15) days or more, the Mayor Pro Tem may be paid for that period the compensation as determined by the Council, based upon the Mayor Pro Tem's performance of the Mayor's duties and upon the compensation of the Mayor.

Chapter 3 OFFICE AND DUTIES OF COUNCIL MEMBERS

SECTION 1. Number and Term of Council. The council consists of five council members elected at large for terms of four years each with said terms to be staggered with three council members to be elected and two council members to be elected at the next regular election.

SECTION 2. Powers and Duties. The powers and duties of the council shall include, but are not limited to the following:

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

b. Wards. By ordinance, the council may divide the city into wards based upon population, change the boundaries of wards, eliminate wards or create new wards.

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

d. Public Improvements. The council shall make all orders for the doing of work, or the making or constructing of any improvements, bridges or buildings.

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

f. Employees. The council shall authorize by resolution, the number, duties and compensation of employees not otherwise provided for by state of law or the City Code.

g. Records. The council shall maintain records of its proceedings.

h. Setting Compensation for Elected Officers. By ordinance, the council shall prescribe the compensation of the mayor, council-members, and other elected city officers, but a change in the compensation of the mayor shall not become effective during the term in which the increase is adopted, and the council shall not adopt such an ordinance changing the compensation of any elected officer during the months of November and December immediately following a regular city election. A change in the compensation of council members shall become effective for all council members at the beginning of the term of the council members elected at the election next following the adoption of the increase in compensation.

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

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

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

SECTION 3. Exercise of Power. The council shall exercise a power only by the passage of a motion, a resolution, an amendment, or an ordinance in the following manner:

a. Approved. Action by Council Passage of an ordinance, amendment, or resolution requires an affirmative vote of not less than a majority of the council members. Each council member's vote on an ordinance, amendment or resolution must be recorded.

b. Over-riding Mayor's Veto. Within thirty (30) days after the mayor's veto, the council may re-pass the ordinance or resolution by a vote of not less than two-thirds of the council members, and the ordinance or resolution becomes effective upon re-passage and publication.

c. Measures Become Effective. Measures passed by the council, other than motions, become effective in one of the following ways:

i. 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.

ii. If the mayor vetoes a measure and the council re-passes the measure after the mayor's veto, a resolution becomes effective immediately upon re-passage, and an ordinance or amendment becomes a law when published, unless a subsequent effective date is provided within the measure.

iii. 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 date of passage, unless a subsequent effective date is provided within the measure.

SECTION 4. Meetings. Meetings of the council shall be as follows:

a. Regular Meetings. The regular meetings of the council shall be on the first Tuesday after the first of each month at 6:30 p.m. in the University Park Community Center. If such day shall fall on a legal holiday, the meeting shall be held on the next succeeding Tuesday at the same time unless a different day or time is determined by the council.

b. Special Meetings. Special meetings shall be held upon call of the mayor or upon the written request of a majority of the members of the council submitted to the clerk. Notice of a

special meeting shall specify the date, time, place and subject of the meeting and such notice shall be given personally or left at the usual place of residence of each member of the council. A record of the service of notice shall be maintained by the clerk.

c. Quorum. A majority of all council members is a quorum.

d. Rules of Procedure. The council shall conduct its meetings pursuant to Roberts Rules of Order and the clerk shall keep such rules on file for public inspection.

e. Compelling Attendance. Any three (3) members of the council can compel the attendance of the absent members at any regular, adjourned or duly called meeting, by serving a written notice upon the absent members to attend at once.

f. Notice of Meetings. The council shall give reasonable notice of the time, date and place of each meeting, and its tentative agenda.

g. Meetings Open. All meetings shall be held in open session unless closed sessions are held as expressly permitted by state law.

h. Minutes. Minutes shall be kept of all meetings showing the date, time and place, the members present, and the action taken at each meeting. The minutes shall show the results of each vote taken and the vote of each member present shall be made public.

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

j. Cameras and Recorders. The public may use cameras or recording device at any open session.

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

SECTION 5. Appointments. The council shall appoint the Clerk/Treasurer and City Attorney.

SECTION 6. Compensation. The salary of each council member shall be \$30.00 for each meeting of the council attended, payable quarterly.

Chapter 4 OFFICE AND DUTIES OF CLERK/TREASURER

SECTION 1. There is hereby created the office of City Clerk/Treasurer to be appointed by the city council at the first meeting of January following a regular city election for a two-year term commencing on that date and continuing until a successor is appointed and qualified.

SECTION 2. The City Clerk/Treasurer shall have the following duties:

- a. Oaths. Administer oaths of office to any city officer who is required to give an oath.
- b. Secretary. Attend all meetings of the council and its committees. Record and preserve a correct record of their proceedings of such meetings and publish a summary of council proceedings immediately after each regular or special meeting, in the manner required by law. Post all ordinances immediately after passage and approval by council, and keep an or finance book, authenticating each ordinance and certifying as to the time and manner of publication.
- c. Accounting. Be the chief accounting officer of the City and shall:
 - i. Keep separate accounts for every appropriation, department, public improvement or undertaking, in the manner provided by law.
 - ii. Keep an account of all cash, investments, accounts receivable, and property received by, due to, or in the custody of the City and to give a receipt immediately upon cash being received by the City specifying the date from whom, for what account, and record each transaction in the correct fund as required by law, and council direction where not specified by law.
 - iii. Keep accounts for cash disbursed, purchase and contract commitments, and property disposed of or sold by the City, specifying the date and to whom paid and record each transaction in the correct fund as required by law, and council direction where not specified by law.
 - iv. Maintain the budgetary accounts required by law or rules of the city finance committee of the state, and as further directed by council as permitted by law.
 - v. Prepare and publish all financial budgetary reports required by law and the council, and the list of claims in the manner specified by law.
- d. Custody of funds. The Treasury shall:
 - i. Immediately upon receipt of moneys to be held in custody and belonging to the municipality, deposit the same in banks selected by the council in amounts not exceeding the monetary limits authorized by the council.
 - ii. File the council's depository declaration with the county and state treasurers in January each year and at other times when necessary.
 - iii. Reconcile the bank statements with books and certify monthly to the council the balance of cash and investments of each fund and amounts received and disbursed.
 - iv. Invest all idle funds and other funds as directed by the council in accordance with law and make reports to the-state auditor as required by law.
 - v. Pay all claims against the City only upon council order.
 - vi. Be treasurer of all boards and commissions.

e. Debt Service. The City Clerk/Treasurer shall:

i. Sign all evidences of indebtedness, coupons, or certificates as required by law of a city clerk or treasurer.

ii. Keep a register of all bonds outstanding and record all payments of interest and principal.

f. Records. The City Clerk/Treasurer shall:

i. Have custody and be responsible for the safekeeping of all records or documents in which the municipality is a part in interest unless otherwise specifically directed by law or ordinance. File and preserve all receipts, vouchers, and other documents kept, or that may be required to be kept, necessary to prove the identity of every person having any relation to the council, destroy all vouchers and minor records except the permanent records specified for the validity of every transaction and beneficial relation thereto. Upon order of the council, destroy all vouchers and minor records when over ten years old, except the permanent records specified for retention by law.

ii. Copies of records. Furnish upon request to any municipal officer a copy of any record, paper or public document under control when it may be necessary to such officer in the discharge of duty. Also, furnish a copy to any citizen when request upon payment of the allowable charge set in the law or resolution of council.

g. Seal. Affix the seal of the corporation to those public documents or *instruments* which by law or ordinance are required to be attested by the affixing of the seal, or as directed by the mayor or council.

h. Petitions and communications. Keep and file by number and date all communications and petitions directed to the council or to the City generally. Endorse thereon the action of the council taken on the matters presented in such communications and petitions.

i. Licenses and permits. Issue all licenses and permits approved by the council, and keep a record thereof which shall show the date, number and to whom issued, and for what purpose.

j. Appointments. Keep a record of appointments, notify all persons appointed by the mayor or council to office of such appointments and the time of taking office.

k. Cemetery. Keep all permanent cemetery records and issue cemetery deeds.

l. Perform such other duties as specified by the council by resolution or ordinance.

SECTION 3. Compensation. Such compensation shall be paid as specified by council resolution.

Chapter 5 OFFICE AND DUTIES OF CITY ATTORNEY

SECTION 1. Appointment and Compensation. The Council shall appoint by majority vote a City Attorney to serve for a term of two years. The City Attorney shall receive such compensation as established by resolution of the Council.

SECTION 2. Attorney for City. The City Attorney shall act as attorney for the City in all manners affecting the City's interest and appear on behalf of the City before any court, tribunal, commission or board. The City Attorney shall prosecute or defend all actions and proceedings when so requested by the Mayor or Council.

SECTION 3. Power of Attorney. The City Attorney shall sign the name of the city to all appeal bonds and to all other bonds or papers of any kind that may be essential to the prosecution of any cause in court, and when so signed the City shall be bound upon the same.

SECTION 4. Ordinance Preparation. The City Attorney shall prepare those ordinances which the Council may desire and direct to be prepared and report to the Council upon all such ordinances before their final passage by the Council and publication.

SECTION 5. Review and Comment. The City Attorney shall, upon request, make a report to the Council giving an opinion on all contracts, documents, resolutions, or ordinances submitted to or coming under the City Attorney's notice.

SECTION 6. Provide Legal Opinion. The City Attorney shall give advice or a written legal opinion on City contracts and all questions of law relating to City matters submitted by the Mayor, Council, City Clerk or Police Chief.

SECTION 7. Attendance at Council Meetings. The City Attorney shall attend meetings of the Council at the request of the Mayor Council.

SECTION 8. Prepare Documents. The City Attorney shall, upon request, formulate drafts for contracts, forms and other writings which may be required for the use of the City.

Chapter 6 PHYSICAL MANAGEMENT

SECTION 1. Purpose. The purpose of this Chapter is to establish policies and provide for rules and regulations governing this management of the financial affairs of the City.

SECTION 2. Finance officer. The Clerk/Treasurer shall be the finance and accounting officer of the City and shall be responsible for the administration of the provisions of this article.

SECTION 3. Cash control. To assure the proper accounting and safe custody of the monies and the following shall apply:

a. Deposit of Funds. All monies or fees collected for any purpose by any city officer shall be deposited through the office of the Clerk/Treasurer. If any said fees are due to an officer, they shall be paid to him by check drawn by the Clerk/Treasurer and approved by the council only upon such officer making adequate reports relating thereto as required by law, ordinance or council directive.

b. Bank Deposit. All monies belonging to the City shall be promptly deposited in banks selected by the council in amounts not exceeding the authorized depository limitation established by the council.

c. Petty Cash Fund. The Clerk/Treasurer shall be custodian of a petty cash fund not to exceed Seventy-five Dollars (\$75.00) dollars for the payment of small claims for minor purchases, collect

delivery transportation charges and small fees customarily paid at the time of rendering a service for which payments the Clerk/Treasurer shall obtain some form of receipt or bill acknowledged as paid by the vendor or his agent. Such time as the petty cash fund is approaching deletion, the Clerk/Treasurer shall draw a check for the replenishment in the amount of the accumulated expenditures and said check and supporting detail shall be submitted to the council as a claim in the usual manner for claims and charged to the proper funds and accounts. It shall not be used for salary payments or other personal services or personal expenses.

SECTION 4. Fund Control. The Clerk/Treasurer shall establish and maintain separate and distinct funds in accordance with the following:

a. Revenues. All monies by the City shall be credited to the proper fund as required bylaw, ordinance or resolution.

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

c. Emergency. No transfer may be made from any fund to the emergency fund.

d. Debt Service Fund. Except where specifically prohibited by state law, monies may be transferred from any other city fund to the debt service fund to meet payments of principal and interest. Such transfers must be authorized by the original budget or a budget amendment.

e. Capital Improvements Reserve Fund. Except here specifically prohibited by state law, monies may be transferred from any city fund to the capital improvements reserve fund. Such transfers must be authorized by the original budget or a budget amendment.

f. Utility and Enterprise Funds. The governing body of a city utility, combined utility system, city enterprise or combined city enterprise which has a surplus in its fund may transfer such surplus to any other city fund, except the emergency fund, by resolution. A surplus shall be defined accordance with generally accepted accounting principles as promulgated by the American Institute of Certified Public Accountants. No transfer shall be made that is in violation of state law or rules of the city finance committee.

g. Balancing of Funds. The Clerk/Treasurer shall reconcile fund accounts at the close of each month and submit a report thereof to the council.

SECTION 5. Operating Budget Preparation. The annual operating budget of the Ci shall be prepared in accordance with the following:

a. Proposal Prepared. The Clerk/Treasurer shall be responsible for the preparation of the annual budget detail, for review and adoption by the mayor and council in accordance with directives of the mayor and council.

b. Boards and Commissions. All boards, commissions and other administrative agencies of the City that are authorized to prepare and administer budgets must submit their budget proposals to the Clerk/Treasurer for inclusion in the proposed city budget no later than January 1 of each year and in such form as may be required by the city clerk.

c. Submission to Council. The Clerk/Treasurer shall submit the complete budget proposal to the mayor and council no later than February 15 of each year.

d. Council Review. The council shall review the proposed budget and may make any adjustments in the budget which it deems appropriate before accepting such proposal for publication, hearing and final adoption.

e. Notice of Hearing. Upon adopting a proposed budget the council shall set a date for public hearing thereon to be held before March 15 and cause notice of such hearing and a summary of the proposed budget to be published not less than ten (10) days nor more than twenty (20) days before established for the hearing Proof of such publication must be filed with the county auditor.

f. Copies of Budget on File. No later later than ten (10) days before the public hearing the Clerk/Treasurer shall make available a sufficient number of copies of the detailed budget to meet the requests of taxpayers and organizations, and have them available for distribution at the offices of the Mayor and Clerk/Treasurer.

g. Adoption and Certification. After the hearing, the council shall adopt, by resolution, a budget for at least the next fiscal year and the Clerk/Treasurer shall certify the necessary tax levy for the next fiscal year to the county auditor and the county board of supervisors. The tax levy certified maybe less than, but not more than, the amount estimated in the proposed budget. Two copies each of the detailed budget as adopted and of the tax certificate must be transmitted to the county auditor.

SECTION 6. Capital Budget Preparation. (Reserved for Future Use)

SECTION 7. Budget Amendments. A city budget finally adopted for the following fiscal year becomes effective July 1 and constitutes the city appropriation for each program and purpose specified therein until amended as provided by this section.

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

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

c. Sub-program Transfer. Any transfer of appropriation from one sub-program to another must be approved by resolution of the council.

d. Activity Transfers. The Clerk/Treasurer shall have the authority to adjust, by transfer or otherwise, the appropriation allocated to activities within a program or sub-program provided, however when such adjustments in any one activity aggregate One Thousand Dollars (\$1,000.00) or ten percent (10%) of the amount appropriated, whichever is greater, no further adjustments shall be made without approval by resolution of the council. All such transfers shall be reported in writing at the next regular meeting of the council following the transfer and recorded in the minutes for the information of the council and general public.

SECTION 8. Investment of Funds. The Clerk/Treasurer shall advise the council on investments and shall invest city movies not immediately needed at interest in accordance with council directives.

SECTION 9. Accounting. The accounting records of the City shall consist of not less than the following:

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

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

c. Checks. Checks shall be prenumbered and signed by the clerk following council approval, except as provided by subsection e. hereof.

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

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

f. Utilities. The Clerk/Treasurer shall perform and be responsible for accounting functions of the municipally owned utilities.

SECTION 10. Financial Reports. The Clerk/Treasurer shall prepare and file the following financial reports:

a. Monthly Reports. There shall be submitted to the council no later than by the second meeting of each month a report showing the activity and status of each fund, program, sub- program and activity for the preceding month.

b. Annual Report. Not later than October first of each year there shall be published an annual report containing a summary for the preceding fiscal year of all collections and receipts, all accounts due the City, and all expenditures, the current public debt of the City, and the legal debt limit of the City for the current fiscal year. A copy of the annual report must be furnished to the auditor of state.

SECTION 11. Contingency Account. Whenever the council shall have budgeted for a contingency account, such an account shall be established in the accounting records but no claim shall be paid from such an account. Contingency accounts maybe drawn upon only by council resolution directing a transfer to a specific purpose account within it's fund and program and then only upon compelling evidence of an unexpected and unforeseeable need or emergency.

SECTION 12. Unauthorized Expenditure. No city official or employee, or any person acting under color of such office or employment, shall knowingly make any contract or authorize any expenditure known by him or her to be in excess of that authorized by law.

ARTICLE III - LAW ENFORCEMENT, FIRE AND EMERGENCIES

Chapter 1 28E AGREEMENT WITH MAHASKA COUNTY SHERIFF AND OSKALOOSA FIRE DEPARTMENT

SECTION 1. Police and fire protection shall be provided in accordance with the 28E Agreements.

ARTICLE IV - PUBLIC OFFENSES

Chapter 1 OFFENSES AGAINST THE PEACE, SAFETY, HEALTH, WELFARE, COMFORT, AND CONVENIENCE OF CITY RESIDENTS

SECTION 1. Definitions.

a. "Obscene matter" is any material defined as obscene material under Section 728.1 of the Code of Iowa.

b. "Material" means any material defined as such by Section 728.1 of the Code of Iowa.

c. "Disseminate" means to transfer possession, with or without consideration.

d. "Knowingly" means being aware of the character of the matter.

e. "Sadomasochistic abuse" means any sadomasochistic abuse defined as such by Section 738.1 of the Code of Iowa.

f. "Minor" means any person under the age of 18 years except where defined otherwise in this Ordinance.

g. "Sex act" means any sex act defined as such by Section 728.1 of the Code of Iowa.

h. "Prohibited sexual act" means any prohibited sexual act defined as such by Section 728.1 of the Code of Iowa.

SECTION 2. Violations of This Chapter. Commission of any of the acts named in Section 3 through 9, inclusive, of this chapter by any person will constitute a violation of this chapter.

SECTION 3. Public Peace.

a. Assault and Battery. To apply, or to threaten or attempt to apply, any unlawful and unpermitted physical force to the person of another, in a rude and insolent manner, or with the intent to do physical harm, with the apparent ability to execute any attempt or threat.

b. Affray. For two (2) or more persons voluntarily or by agreement to engage in any fight, or use any blows or violence towards each other in an angry or quarrelsome manner, in any public place, to the disturbance of others.

c. Disturbance of Peace. To make or excite any disturbance in any business open to the public, in any public place, or at any election or public meeting, or other place where citizens are peaceably and lawfully assembled.

d. Disturbing Congregations or Other Assemblies. Willfully to disturb any assembly of persons by profane discourse or rude and indecent behavior, or by making a noise, either within the place of congregation or assembly or so near as to disturb the order and solemnity of the assembly, or willfully to disturb or interrupt any school, school meeting, literary society or other lawful assembly of persons.

e. Unlawful Assembly and Riot. For three (3) or more persons in a violent or tumultuous manner to assemble together to do or attempt to do an unlawful act, or when together, to commit or attempt to commit an act, whether lawful or unlawful, in an unlawful, violent or tumultuous manner to the disturbance of others.

f. Noise. To disturb disturb the peace by excessive, loud or unusual noise, by blowing horns or ringing bells, or by the use of sirens, radios or any type of speaking devices or noise makers.

g. Mufflers, Prevention of Noise. To operate or drive a motor vehicle on a highway that is not equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke, or to use a muffler cutout, bypass or similar device.

SECTION 4. Public Morals.

a. Prostitution. To resort to, use, occupy or inhabit for the purpose of prostitution or lewdness any house of ill fame or place kept for such purpose, or to be found at any hotel, boarding house, cigar store or other place, leading a life of prostitution or lewdness.

b. Soliciting. To ask, request or solicit another to have carnal knowledge with any male or female for a consideration or otherwise.

c. Keeping House of Ill Fame. To keep a house of ill fame which is resorted to for the purpose of prostitution or lewdness.

d. Leasing House for Prostitution. To let any house, knowing that the house intends to use it as a place or resort for the purpose of prostitution and lewdness, or knowingly permit such lessee to use the same for such purpose.

e. Lewdness-Indecent Exposure. For any man or woman to be guilty of open and gross lewdness, or to make an open and indecent or obscene exposure of his or her person, or of the person of another.

f. Obscene place, Exhibits and Entertainments. To act as owner, manager, director or agent, or in any other capacity, to knowingly prepare, advertise, give, present or participate in the exhibition of any obscene material, or to knowingly prepare, advertise, give, present or participate in any drama, play, exhibition, show or entertainment which involves a prohibited sexual act, or to aid or abet such acts or, as lessee or manager of any garden, building, room, place or structure, to lease or let the same or permit the same to be used for the purposes of any such drama, play, exhibition, show or entertainment, or to assent to the use of the same for any such purpose. This section shall not apply to a motion picture machine operator or any other employee of a licensed motion picture theater with the exception of the manager if such person has no financial interest in the entertainment presented or in the theater or place where he is employed other than wages or salary.

g. Obscene Material. To knowingly disseminate obscene material, or to knowingly have in one's possession obscene material with the intent to disseminate such material.

h. Disseminating Obscene Material to Minors. To knowingly disseminate obscene material to minors, or to knowingly have in one's possession obscene material with the intent to disseminate such material to minors, or to knowingly exhibit upon any street or highway, or any place within the view, or which may be within the view, of any minor, any obscene material, or to knowingly use or employ any minor to disseminate or having the care, custody or control of any minor, to knowingly permit him to disseminate any obscene material.

i. Exceptions. Nothing in subsections e, f, j, and h shall be construed to affect teaching in colleges, universities and schools recognized by the Iowa Department of Public Instruction, or the publication or use of standard medical books, or the practice of regular practitioners of medicine in their regular business, or the possession by artists of models in the necessary line of their art, and nothing in subsections 6, 7, 8 and 9 shall be construed to affect the possession of obscene material by individuals or use in their own homes.

j. Keeping Gambling Houses. To keep a house, shop or place resorted to for the purpose of gambling or knowingly to permit or suffer any person in any house, shop or other place under the permitters' control or care to play at cards, dice, faro, roulette, equality, punchboard, slot machine or other game for money or other things of value.

k. Gaming and Betting, Pool-Selling-Places Used for Gaming, Betting, Staking and Booking. to play at any game for any sum of money or other property of any value, or to make any bet or wager for money or other property of value, or to record or register bets or wagers or sell pools on the result of any trial or contest of skill, speed or power of endurance of man or beast, or on the result of any political nomination or election, or to keep a place for the purpose of doing such thing, or to own, lease, or occupy any premises where the same is permitted, or any part thereof is used for any such purpose, or to receive as custodian or depository, for hire or reward, money, property, or things of value stakes, wagered, or bet on any such result.

l. Possession of Gambling Devices. In any manner or for any purpose whatever except under proceeding to destroy the same have, keep or hold in possession or control any roulette wheel, klondyke table, poker table, punchboard, faro or keno layouts, or any other machines used for gambling, or any slot machine or device with an element of chance attending such operation.

m. Lotteries and Lottery Tickets. To make or aid in making or establishing, or to advertise or make public any scheme for any lottery; or to advertise, offer for sale, sell, negotiate, dispose of, purchase or receive any ticket or part of a ticket in any lottery or number thereof or to have in one's possession any ticket, part of a ticket or paper purporting to be the number of any ticket of any lottery, with intent to sell or dispose of the same on his own account or as the agent of another.

n. Exceptions. Nothing in subsections k, l and m shall be construed to affect participation in lotteries or gambling conducted pursuant to the laws of the State of Iowa.

o. Blasphemous or Obscene Language. To use blasphemous or obscene language publicly, to the disturbance of the public peace and quiet.

p. Consumption in Public Places - Intoxication. To use or consume any alcoholic liquors upon the public streets or highways, or in any public place, except premises covered by a liquor control license, or to be intoxicated or simulate intoxication in a public place.

q. Consumption of Illegal Drugs. To use or consume any illegal drug within the city limits of the City.

r. Vagrancy. To be at large, not in the care of some discreet person, in a state of vagrancy. For the purpose of this Ordinance, the following persons are vagrants:

i. All common prostitutes and keepers of bawdy houses or houses for the resort of common prostitutes.

ii. All habitual drunkards, gamblers or other disorderly persons.

iii. All persons wandering about and lodging in barns, outbuildings, tents, wagons or other vehicles, and having no visible calling or business to maintain themselves.

iv. All persons begging in public places, or from house to house, or persons inducing children or others to do so.

v. All persons representing themselves as collectors of alms for charitable institutions under any false or fraudulent pretenses.

vi. All persons playing or betting in any street or public or open place at any game, or pretended game, or chance, or at or with any table or other instrument of gaming.

SECTION 5. Minors.

a. Supplying Liquor to Minors. To sell, give or otherwise supply liquor to any person under twenty-one (21) years of age, or knowingly to permit any person under that age to consume alcoholic liquors, except in the case of alcoholic liquor given or dispensed to a person under twenty-one (21) years of age within a private home and with the knowledge and consent of the parent or guardian for beverage or medicinal purposes or as administered to him by a physician or dentist for medicinal purposes.

b. Minors in Billiard Rooms. For any person who keeps a billiard hall where beer is sold, or the agent, clerk or servant of any such person, or any person having charge or control of any such hall, to permit any minor to remain in such hall or to take part in any of the games known as billiard or pool, or for any person who keeps a billiard hall where beer is not sold, and such person, or the agent, clerk or servant of any such person, or any person having charge or control of such hall, to permit any minor to remain in such hall or take pan in any of the games known as pool and billiards.

SECTION 6. Animals.

a. Cruelty to Animals. To torture, torment, mutilate, cruelly beat, cruelly kill any animal, or unnecessarily fail to provide the same with proper food, shelter or protection from the weather, or drive or work the same when unfit for labor, or cruelly abandon the same or cause the same to be cruelly carried on any vehicle or otherwise, or to commit any other act or omission by which unjustifiable pain, distress, suffering or death is caused or permitted to any animal or animals, whether the acts or omissions herein contemplated be committed either maliciously, willfully or negligently.

b. Bullfights and Other Contests. To keep or use, or in any way be connected with, or be interested in the management of, or receive money for the admission of any person to, any place kept or used for the purpose of fighting or baiting any bull, bear, dog, cock or other creature, or to engage in, aid, abet, encourage or assist in any bull, bear, dog or cock fight, or a fight between any other creatures.

c. Animals Running at Large. To allow cattle, horses, swine, sheep or other similar animals or fowl to run at large within the limits of the municipal corporation.

d. Bothersome Animals. To keep within the City such bothersome animals as barking dogs, bees, cattle, horses, swine, sheep and other animals which tend to disrupt the peace and good order and clean environment of the community.

SECTION 7. Streets.

a. Removal of Safeguards or Danger Signals. To willfully remove, throw down, destroy or carry away from any highway, street, alley, avenue or bridge any lamp, obstruction, guard or other article or things, or extinguish any lamp or other light, erected or placed thereupon for the purpose of guarding or enclosing unsafe or dangerous places in said highway, street, alley, avenue or bridge without the consent of the person in control thereof.

b. Obstructing or Defacing Streets. To 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.

c. Allowing water, snow, ice and accumulations on sidewalk. For an abutting property owner to allow water from an improperly located eave or drain, or from any roof; to fall onto a public sidewalk, or to fail to remove snow, ice and accumulations from the sidewalks within ten (10) hours of the time it has begun to accumulate.

d. Removal Hydrant Caps, Sewer Caps or Manhole Covers. To remove or carry away hydrant caps, sewer caps or manhole covers without the consent of the person in control thereof.

SECTION 8. Public Safety and Health.

a. Expectorating. To expectorate (spit) within any food establishment, restaurant, hotel, motor inn, cocktail lounge or tavern.

b. Putting glass, etc., on streets and sidewalks. To 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 likely to injure any person, animal or vehicle.

c. Carrying Concealed Weapons. To go armed with or to carry, except as hereinafter provided, a dirk, dagger, sword, pistol, revolver, stiletto, metallic knuckles, pocket billy, sandbag, skull cracker, slug shot or other offensive or dangerous weapon, except hunting knives adapted and carried as such, concealed either on or about the person, except in one's own dwelling, house, place of business, or other land possessed by him; or to carry a pistol or revolver concealed on or about the person whether concealed or otherwise in any vehicle operated by him, except in his dwelling house or place of business or on other land possessed by him, without a permit from the sheriff of the county, however it shall be lawful to carry one or more unloaded pistols or revolvers for the purpose of or in connection with lawful target practice, lawful exhibit or showing, or other lawful use, if such unloaded weapon or weapons are carried either (1) in the trunk compartment of a vehicle, or (2) in a closed container which is too large to be effectively concealed on the person or within the clothing of an individual, and such container may be carried in a vehicle or in any other manner; and no permit shall be required therefore.

d. False Alarms. To give or cause to be given any false alarm of a fire, to set fire to any combustible material, or to cry or sound an alarm or by any other means without cause.

e. Stench Bombs. To 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 any theater, restaurant, car, structure, place of business, or amusement, or any place of public assemblage, or to attempt to do any of these acts, or to 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, prison officials 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, carrying funds or other valuables.

f. Fireworks. For any person, firm, co-partnership, or corporation to offer for sale, expose for sale, sell at retail, or explode any fireworks, provided the City may, upon application in writing, grant a permit for the display of fireworks by a City agency, fair associations, amusement parks and other organizations or groups of individuals approved by City authorities when such fireworks display will be handled by a competent operator. This shall not be construed to prohibit any resident, dealer, manufacturer or jobber from selling such fireworks as are not herein prohibited, or the sale of any kind of fireworks provided the same are to be shipped out of state, or the sale or use of blank cartridges for a show or theater, or for signal purposes in athletic sports or by railroads, trucks, for signal purposes, or by a recognized military organization, and provided further that nothing in this section shall apply to any substance or composition prepared and sold for medicinal or fumigation purposes. This section applies to "fireworks" as defined in Iowa Code Section 727.2.

g. Abandoned Refrigerators. To place, or to 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 his or their 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, ice box or similar container, and to the owner or occupant of the premises where the hazard is permitted to remain.

h. Falsely Assuming to be Officer. To falsely assume to be a judge, magistrate, sheriff, deputy sheriff, peace officer, special agent of the Iowa Department of Public Safety or conservation officers, and take upon himself to act as such, or require anyone to aid or assist him in any manner.

i. Resisting Execution of Process. To knowingly or willfully resist or oppose any officer of this state, or any person authorized by law in serving or attempting to execute any legal writ, rule, order or process whatsoever, or to knowingly and willfully resist any such officer in the discharge of his duties without such writ, rule, order or process.

j. Refusing to Assist an Officer. When lawfully required by any sheriff, deputy sheriff, constable or other officer, to willfully neglect or refuse to assist him in the execution of the duties of his office in any criminal case, or in any case of escape or rescue.

k. Resisting Arrest. To attempt to escape or forcibly resist when arrest is being made by an officer under the authority of a warrant, after information of the intention to make the arrest.

l. Antenna and Radio Wires. To allow antenna wires, antenna supports, radio wires or television wires to exist over any street, alley, highway, sidewalk or public property.

m. Throwing and Shooting. To throw stones or missiles of any kind or to shoot arrows, rubber guns, slingshots, air rifles or other dangerous instruments or toys on or into any street, highway, alley, sidewalk or public place.

n. Interference with City Officers. To interfere with or hinder any policeman, fireman, officer or City official in the discharge of his duty.

o. Barb Wire. To use barb wire to enclose land within the city limits without the consent of the City Council.

p. Playing in the Streets. To coast, sled or play games on streets or highways except in areas blocked off by the mayor for such purposes.

q. Sale of Food. To sell or offer for sale any tainted, unsound or rotten meat, fish, fowl, fruit, vegetables, eggs, butter, canned goods, packaged goods or other articles of food, or to sell or offer for sale the flesh of any animal that was diseased.

r. Discharging Firearms. To discharge rifles, shotguns, revolvers, pistols, guns or firearms of any kind within the city limits except by authorization of the City Council.

SECTION 9. Public Property.

a. Defacing Public Grounds. To 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.

b. Injuring New Pavement. Willfully to injure new pavement in any street, alley or sidewalk by willfully driving, walking or making marks on such pavement before it is ready for use.

c. Destroying Park Equipment. To destroy or injure any property or equipment in public swimming pools, playgrounds or parks by willfully defacing, breaking, damaging, mutilating or cutting.

d. Injury to Public Library Books or Property. To willfully, maliciously or wantonly 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.

e. Defacing or Destroying Proclamations or Notices. To intentionally deface, obliterate, tear down or destroy in whole or in part any transcript or extract from or of any law of the United States or 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.

f. Injury to gravestones or property in cemetery. To willfully and maliciously destroy, mutilate, deface, injure or remove any tomb, vault, monument, gravestone or other or other structure placed in any public or private cemetery, or any fences, railing or other work for the protection or ornamentation of said cemetery, or of any tomb, vault, monument or gravestone, or other structure aforesaid, on any cemetery lot within such cemetery, or to willfully and maliciously destroy, cut, break or injure any tree, shrub; plant or lawn within the limits of said cemetery, or to willfully and maliciously throw or leave any rubbish, refuse, garbage, waste, litter or foreign substance within the limits of said cemetery, or to drive at an unusual and forbidden speed over avenues or roads in said cemetery, or to drive outside of said avenues and roads, and over the grass or graves of said cemetery.

g. Injury to Fire Apparatus. To willfully destroy or injure any engine; hose carriage; hose, hook and ladder carriage, or other thing used and kept for extinguishment of fires.

h. Obstructing or Defacing Roads. To obstruct, deface or injure any public road by breaking up, plowing or digging within the boundary lines thereof.

i. Injury to Roads, Railways and Other Utilities. To Maliciously injure, remove or destroy any electrical railway or apparatus belonging thereto, or any bridge, rail or plank roads or place or cause to be placed, any obstruction on any electrical railway, or on any such bridge, rail or plant, road, or willfully obstruct or injure any public road or highway, or maliciously cut, burn or in any way break down, injure or destroy any post or pole used in connection with any system of electric lighting, electric railway or telephone or telegraph systems or break down and destroy or injure and deface any electric light, telegraph or telephone instruments or in any way cut, break or injure the wires of any apparatus belonging thereto, or to willfully tap, cut, injure, break, disconnect, connect, make 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 to aid or abet any other person in so doing.

j. Tapping Telegraph or Telephone Wires. To wrongfully or unlawfully tap or connect a wire with the telephone or telegraph wires of any person, company or association engaged in the transmission of messages on telephone or telegraph lines.

Chapter 2 CURFEW

SECTION 1. Purpose. The purpose of this Chapter is to regulate, by the establishment of a curfew, the hours minors can be or remain upon the alleys, streets, other public places and places of business and amusement in the City.

SECTION 2. Definitions. For use in this Chapter, the following terms are defined:

- a. The term "minor" mean any unemancipated person below the age of eighteen (18) years.
- b. The term "parent" shall mean, in this chapter, any parent, guardian or other person charged with the care and custody of any minor.

SECTION 3. Time Limits. It is unlawful for any minor to be or remain upon any of the alleys, streets or public places or places of business and amusement in the City from 11:00 o'clock p.m. to 5:00 o'clock a.m. of the following day.

SECTION 4. Exceptions. The restriction provided by Article IV, Chapter 2, Section 3, shall not apply to any minor:

- a. When accompanied by a parent of such minor.
- b. When accompanied by an adult authorized by a parent of such minor to take said parent's place in accompanying said minor for a designated period of time and purposes within a specified area.
- c. When exercising first amendment rights protected by the United States Constitution, such as free exercise of religion, freedom of speech and the right of assembly Such minor shall evidence of the bona fides of such exercise by first delivering to the Mayor at his residence, a written communication, signed by such minor and countersigned if practicable by a parent of such minor with their home address and telephone number, addressed to the Mayor, specifying when, where and in what manner said minor will be on the streets at night (during hours when curfew ordinances are otherwise applicable to said minors) in the exercise of a first amendment right specified in such communication.
- d. In case of reasonable necessity but only after such minor's parent has communicated to the Mayor the facts establishing such reasonable necessity relating specified streets and at a designated time for designated purposes, including points of origin and destination. A copy of such communication or of the police record thereof; duly certified by the Mayor to be correct, with an appropriate notation of the time it was received and of the names and addresses of such parent and minor, shall be admissible evidence.

e. When a minor is on a sidewalk of the place where such minor resides, or the sidewalk of either of the next door neighbor not communicating an objection to a police officer.

f. When returning home, by direct route from (and within 30 minutes of the termination of) a school activity, employment, or an activity or a religious or other voluntary association, of which prior notice, indicating the place and probable time of termination, has been given in writing to the Mayor, thus encouraging (here as in other exceptional situations) conduct on the part of the minors involved in such activities and striking a fair balance for any somewhat conflicting interests.

SECTION 5. Curfew - Parental Responsibility. It shall be unlawful for a parent having legal custody knowingly to permit or by inefficient control to allow such minor to be or remain upon any city street under circumstances not constituting an exception or otherwise beyond the scope of the curfew ordinance asset forth in University Park Code Article IV, Chapter 2. The term "knowingly" includes knowledge which a parent should reasonably be expected to have concerning the whereabouts of a minor in that parent's legal custody. It is intended to continue to keep neglectful or careless parents up to a reasonable community standard of parental responsibility through an objective test It shall a fortiori be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of such a minor.

SECTION 6. Severability Clause. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not effect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

ARTICLE V - TRAFFIC CODE

Chapter 1 TRAFFIC CODE

SECTION 1. Purpose. The purpose of this Chapter is to regulate traffic upon and use of the streets of the city, and to provide penalties for violations of these regulations.

SECTION 2. Short Title. This Chapter may be known and cited as the "Traffic Code".

SECTION 3. Definitions. Where words and phrases used in this Chapter are defined by the Code of Iowa, Chapter 321, such definitions shall apply to this Chapter.

SECTION 4. 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, or who shall fall to abide by the provisions of this Chapter and all laws and rules of the road of the State of Iowa as set forth in Chapter 321, Iowa Code, and the applicable provisions of this ordinance, is in violation of this Chapter.

SECTION 5. Stop Required. Every driver of a vehicle shall stop before entering an intersection wherever signs labeled "stop" are posted and in addition the following:

- a. Burlington Road and Bethel - All traffic stops
- b. Burlington Road and Center - Center traffic stops
- c. Burlington Road and Park - All traffic stops.
- d. Burlington Road and Peniel - All traffic stops.

- e. Crosson and Park - Crosson traffic stops.
- f. Crosson and Center - Crosson traffic stops
- g. Crosson and Bethel - Crosson traffic stops
- h. Crosson and Peniel - Crosson traffic stops
- i. Ninth Avenue and Penial - All traffic stops
- j. Ninth Avenue and Bethel - Bethel traffic stops
- k. Ninth Avenue and Center - All traffic stops
- l. Ninth Avenue and Park - All traffic stops
- m. Eighth Avenue and Park - All traffic stops

SECTION 6. Yield Required. Every driver of a vehicle shall yield the right-of-way wherever signs labeled "yield" are posted and in addition the following:

- a. Ninth Avenue and College - College traffic yields
- b. Eighth Avenue and Bethel - Bethel yields

SECTION 7. Maximum Speeds. With the exception of where posted along Highway 23, the maximum speed of any vehicle in the City shall be 25 miles per hour.

SECTION 8. Speed Signs. On all main highways, except on the extensions of primary roads, on which the highway commission shall furnish and place suitable signs, the municipality shall furnish and place suitable signs, showing the points at which the rate of speed changes and the maximum rate of speed in the district in which the vehicle is entering.

SECTION 9. Stopping or Parking. It shall be unlawful to park a vehicle on the traveled portion of the street. In the event of a violation of this provision, the City may cause any such vehicle parked on any portion of the traveled portion of the street to be towed and impounded at the expense of the owner of the vehicle, and the owner shall be required to pay all towing and storage charges in that event prior to obtaining possession of the vehicle.

SECTION 10. Exceptions. The provisions of Section 10 in regard to stopping a vehicle shall not apply in cases of emergency, when the stop is made to avoid accident or allow pedestrians or vehicles to cross in front of such vehicle, or when made in obedience to a signal of a police officer.

SECTION 11. Authority to Install Traffic-Control Devices. The Mayor shall cause to be placed and maintained traffic-control devices when and as required under the ordinance of this City to make effective its 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 state law or to guide or warn traffic.

Chapter 2

RESTRICTIONS TO PARKING ON PAVED CITY STREETS AND RESTRICTIONS TO ALLOW FOR EMERGENCY SNOW REMOVAL

SECTION 1. Purpose. The purpose of this Chapter is to protect the health, safety and general welfare of the citizens of the City of University Park by providing for the restriction of

parking on paved city streets and providing for further limitation on parking in case of a snow emergency in order to allow the safe and even flow of motor vehicle traffic within the City.

SECTION 2. Parking Prohibited. Parking of all motor vehicles shall not block the orderly flow of traffic on unpaved roads and shall not be allowed on any paved city streets within eleven (11) feet of the centerline of that street. No motor vehicle shall be parked within eleven (11) feet of an intersection, measured from the closest edge of the cross street paving.

SECTION 3. Snow Emergency. Parking of all motor vehicles may be further prohibited during a snow emergency as follows:

a. Application of Section. The provisions of this Section prohibiting all parking of any vehicles along city streets or parts of streets during a snow emergency shall apply when a snow emergency declaration has been issued by the Mayor or his designees.

b. Declaration of Snow Emergency. Whenever snow, freezing rain, sleet, snow drifts or other natural phenomena create or are likely to create hazardous road conditions or road conditions impeding or likely to impede the free movement of fire, health, police, emergency or vehicular traffic vital to the health, safety and welfare of the community, the Mayor shall have the authority to declare a snow emergency. In the absence of the Mayor his designee shall have the authority to declare a snow emergency.

c. Notification to Public. The Mayor shall request the cooperation of a local radio station to announce the declaration of a snow emergency. The provisions of this Chapter prohibiting on parts of streets shall be effective at a specific time to be stated in the announcement not less than one hour after the initial announcement of said emergency by a local radio station, or upon publication or said declaration in a daily newspaper published locally, and such notice shall constitute notice to the general public of the declaration of the emergency.

d. Parking Prohibited. After the time specified in the declaration of a snow emergency, it is unlawful and a violation of this Section for any person to obstruct the orderly removal of snow from the city's streets by parking or otherwise leaving unattended any vehicle upon any city street until accumulated snow has been removed from the full width of said street.

e. Snow Parking Plan. When parking is lawfully permitted as provided in Section 3 of this Chapter, persons shall park where lawfully permitted only when accumulated snow has been removed from at least one-half of the street. Thereafter, it shall be unlawful to park on the unplowed side of the street until the accumulated snow has been removed from the full width of the street. For purposes of this Section, parking shall be prohibited on the unplowed side of the street, and permitted on the plowed side of the street commencing at 7:30 a.m. in the morning after the accumulated snow is removed from the first half of the street on a block by block basis. The snow emergency and the parking restrictions of this Section shall terminate block by block as soon as the accumulated snow has been removed from the full width of the street and the regular parking regulations shall go back into effect immediately. Nothing herein contained in this subsection shall be construed to permit parking on streets where parking is prohibited on both sides at all times or during specified hours nor permit parking in areas where parking is otherwise prohibited at all times except as permitted herein.

f. The parking restrictions of this Section shall supersede all other parking regulations relating to the length of time parking is permitted on public streets.

g. Removal of Parked or Unattended Vehicles. Any vehicle parked or otherwise left unattended in violation of any of the provisions of this Ordinance is declared to be a nuisance per se and shall be subject to removal by the City by means of towing or otherwise. Any removal and resulting storage of such vehicle shall be at the expense of the owner or operator thereof.

h. Termination of Snow Emergency. Whenever the Mayor shall find that the conditions which give rise to the snow emergency no longer exist, he is authorized to declare the termination of the snow emergency, in whole or in part, effective immediately upon announcement. When the snow emergency is terminated it shall be lawful to park on those streets in accordance with the regular parking provisions of this title. The Mayor shall request the cooperation of the local press and radio station to announce the termination of the snow emergency.

i. For purpose of prosecution under Ordinance, if a vehicle is found parked or left unattended in violation of the provisions of this Ordinance, and the identity of the operator cannot be determined at the scene of the violation, the registered owner thereof shall be prima facie responsible for said violation. It shall be a misdemeanor for any person to obstruct the orderly removal of snow from the City's streets by parking a vehicle, or permitting or allowing a motor vehicle owned by such person to be parked, in violation of the provisions of this Section.

Chapter 3 PROTECTION OF STREETS

SECTION 1. Traction Engines. It shall be unlawful to move any traction engine having mud lugs or ice spurs attached to its wheels over any bridge, culvert or street crossing.

SECTION 2. Weight/Speed. It shall be unlawful to operate any vehicle, exclusively used in the carrying of merchandise or articles of freight and of capacity in excess of one ton in weight, at a greater rate of speed than twenty miles per hour if equipped with pneumatic tires, or fifteen miles per hour if equipped with solid rubber tires, or if the weight of the vehicle and load is more than six tons, at a greater rate of speed than fifteen miles an hour if equipped with pneumatic tires and twelve miles per hour if equipped with rubber tires.

SECTION 3. Maximum Weight. It shall be unlawful to operate any motor vehicles of any kind over any street or highway if the total load on any wheel shall be more than eight hundred pounds per inch width of tires measured between flanges of the rims.

SECTION 4. Oiled and Graded Streets. It shall be unlawful to move or operate on or over any oiled or graded street, alley or highway any traction engine, road engine, hauling engine, trailer, steam roller, truck, power vehicle or other machinery or vehicle having flanges, ribs, clamps, cleats, lugs or spikes attached to any of its wheels, unless such wheels be covered with metal shields or unless sound strong planks not less than one foot wide and two inches thick be placed and kept continuously under the wheels. This section shall not apply to motor vehicles equipped with rubber tires or prohibit the use of mud chains on rubber tires.

SECTION 5. Gravel and Paved Streets. It shall be unlawful to move or operate on or over any highway improved with a gravel or paved surface any motor vehicle which has projections of

metal or wood beyond the tread or traffic surface of the tire, excepting a vehicle equipped with caterpillar tread Tractors, traction engines or similar motor vehicles may be operated which have "V" shaped or diagonal cleats arranged in such a manner that two or more cleats are continuously in contact with the road surface and that the weight in continuous contact with the road surface measured in the direction of the movement of the vehicle does not exceed eight hundred pounds per inch width of tires.

SECTION 6. Offense. It shall be unlawful to move any house or building of any kind over any pavement, unless the wheels or rollers upon which such house or building is moved shall be at least one inch in width for each one thousand pounds of weight of such building. If there is any question as to the weight of a house or building, the estimate of the engineer or Mayor, as to such weight, shall be final, and no house or building shall be moved over any pavement without the written consent of the Mayor being first obtained.

SECTION 7. Offense. It shall be unlawful to drag or move anything over any roadway or pavement that will cut, injure or destroy such roadway or pavement.

Chapter 4 ERECTION OF SIGNS

SECTION 1. Purpose. Signs of a permanent nature and portable signs greater than five (5) square feet in area shall not be erected prior to the individual wishing to erect said sign obtaining approval of the City Council. In considering whether to allow such sign, the Council shall take into account the location of the sign, the position of the sign or other advertising structure in relation to nearby buildings or structures, any written consent required by the owner of the building, structure or land upon which the sign is to be erected, any electrical permit required to be issued for the sign, and whether the sign would constitute a hazard to the public.

SECTION 2. Additional Requirements. The following shall be required of all signs created pursuant to this Ordinance:

a. Painting Required Every Two (2) Years. The owner of any sign as defined and regulated by this Ordinance shall be required to have properly painted at least once every two (2) years all parts and supports of the said sign, unless the same are galvanized or otherwise treated to prevent rust.

b. Removal of Certain Signs. Any sign now or hereafter existing which no longer advertises a bona fide business conducted, or a product sold, shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which such sign may be found within ten (10) days after written notification from the City Clerk, and, upon failure to comply with such notice within the time specified in such order, the Building Official is hereby authorized to cause removal of such signs, and any expense incident thereto shall be paid by the owner of the building or structure to which such sign is attached.

c. Additional. The Council may impose additional requirements upon particular signs and/or applicants which it deems necessary and appropriate to carry out the purposes of this chapter.

SECTION 3. Exemptions. So long as the signs do not constitute a hazard to the public, the provisions and regulations of this Ordinance shall not apply to the following signs:

- a. Real estate signs not exceeding eight (8) square feet in area which advertise the sale, rental or lease of the premises upon which said signs are located only.
- b. Professional name plates not exceeding one (1) square foot in area.
- c. Signs painted on the exterior surface of a building or structure, provided, however, if said signs have raised borders, letters, characters, decorations or lighting appliances, they shall be subject to the provisions of Section 21 and all applicable provisions of this Ordinance.
- d. Bulletin boards not over eight (8) square feet in area for public, charitable or religious institutions when the same are located on the premises of said institutions.
- e. Signs denoting the architect, engineer or contractor when placed upon work under construction, and not exceeding sixteen (16) feet in area.
- f. Occupational signs denoting only the name and profession of an occupant in a commercial building, public institutional building or dwelling house, and not exceeding two (2) square feet in area.
- g. Memorial signs or tablets, names of buildings, and date of erection when cut into any masonry surface or when construction of bronze or other incombustible materials.
- h. Traffic or other municipal signs, legal notices, railroad crossing signs, danger, and such temporary emergency or non- advertising signs as may be approved by the City Council.

SECTION 4. Removal Upon Abandonment of Use. It is the responsibility of the owner of the sign to remove such sign when its advertising or other commercial use is abandoned.

ARTICLE VI -NUISANCE, SOLID WASTE, AND ANIMAL CONTROL

Chapter 1

NUISANCE AND METHOD OF ENFORCEMENT

SECTION 1. Nuisance. Whatever is injurious to the health, indecent or unreasonable offensive to the senses, or an obstruction to the free use of property, so as essentially to interfere unreasonably with the comfortable enjoyment of life or property is a nuisance, and a civil action by ordinary proceedings may be brought to enjoin and abate the nuisance and to recover damages sustained on account of the nuisance. Nuisances shall include, but not be limited to those activities and items hereafter set forth in this section.

a. Causing or suffering any refuse, garbage, noxious substances, hazardous wastes, junk or salvage materials to be collected or to remain in any place to the prejudice of others. Causing or suffering any refuse, garbage, noxious substances or hazardous wastes, junk, salvage material or other offensive or disagreeable substances to be thrown, left or deposited in or upon any street, avenue, alley, sidewalk, park, public square, public enclosure, lot, vacant or occupied, or upon any pond or pool of water, except for:

- i. Refuse deposited and stored in accordance with any applicable provision of this Code.
- ii. Compost piles.

b. Diseased or Damaged Trees or Shrubs. Any dead, diseased or damaged trees or shrubs, which may harbor serious insect or disease pests or disease injurious to other trees or shrubs, or any healthy tree which is in such a state of deterioration that any part of such tree may fall and damage property or cause injury to persons.

c. Weeds. Dense growth of all weeds, grasses, vines, brush or other vegetation in the City so as to constitute a health, safety or fire hazard.

d. Ditch, Drain or Stormwater Detention Basin. Any ditch, drain or watercourse, which is now or hereafter may be constructed so as to prevent the surface and overflow water from the adjacent lands entering or draining into and through the same. Any stormwater detention basin not maintained in an appropriate manner so as to allow its proper function.

e. Stagnant Water. Stagnant water standing on any property. Any property, container or material kept in such a condition that water can accumulate and stagnate.

f. Vermin Harborage. Conditions which are conducive to the harborage or breeding of vermin detrimental to the general health, safety and welfare of the community.

g. Vermin Infestations. Infestations of vermin such as rats, mice, skunks, snakes, bats, starlings, pigeons, bees, wasps, cockroaches or flies.

h. Sanitary Sewer Facilities. Facilities for the storage or processing of sewage such as privies, vaults, sewers, private drains, septic tanks, cesspools and drain fields, which have failed or

do not function properly or which are overflowing, leaking or emanating odors. Septic tanks, cisterns and cesspools which are abandoned or no longer in use unless they are emptied and filled with clean fill. Any vault, cesspool or septic tank which does not comply with the regulations of the Mahaska County Department of Health or the State of Iowa.

i. Unsecured/Unoccupied Buildings. Unoccupied buildings or unoccupied portions of buildings which are unsecured.

j. Dangerous buildings or structures.

k. Abandoned buildings.

l. Hazards. Any hazardous thing or condition on the property which may contribute to injury of any person present on the property. Hazards shall include but not be limited to open holes, open foundations, open wells, dangerous trees or limbs, abandoned refrigerators or trapping devices.

m. Fire Hazards. Anything or condition on the property which creates a fire hazard or which is in violation of the fire code.

n. Health Hazards. Any thing or condition on the property which creates a health hazard or which is in violation of any health or sanitation law.

o. Noise. Any violation of this Code relative to noise.

p. Snow Removal. Any violation of this Code relative to snow removal.

q. Junkyard or Salvage Operations.

r. Obstruction of Right-of-Way or Public Place. The obstructing or encumbering by fences, buildings, structures, signs or otherwise of public streets, alleys, right-of-ways, ditches, sidewalks and commons, except as permitted by ordinance. Any use of a public street or sidewalk or any use of property abutting a public street or sidewalk, which causes large crowds of people to gather so as to obstruct pedestrian or vehicular traffic or other lawful use of streets or sidewalks, except as permitted by ordinance.

s. Inoperable/Obsolete Vehicle. The storage, parking, leaving or permitting the storage, parking or leaving of an inoperable/obsolete vehicle upon private property within the City for a period in excess of ten (10) days, unless excepted herein. This subsection shall not apply to any vehicle enclosed within a building on private property or to any vehicle held in connection with a junkyard, or auto and truck oriented use operated in the appropriate zone, pursuant to the zoning laws of the City,, 'his subsection further shall not apply to any vehicle secured and covered with a tarp or other such protective cover so long as said vehicle remains on the property no longer than six months and that there is not more than one vehicle per lot.

t. Any Unlawful Sale, Use or Manufacture of Intoxicating Liquors. Any building or place in or upon which the unlawful manufacture or sale or keeping with intent to sell, use or give away of intoxicating liquors is carried on or continued or exits.

u. Vehicle Parked on Private Property Without Authorization. The parking of motor vehicles upon private property without the consent of the property owner or responsible party.

v. Mud, Dirt, Gravel and Other Debris. The depositing or allowing the depositing of any mud, dirt, gravel or other debris.

w. Building Construction Sites. Building construction sites maintained in violation of the Building Code.

x. Other Nuisances. Any nuisance described as such by Chapter 657 of the Code of Iowa.

SECTION 2. Definitions - as used in this Chapter.

a. "Abandoned building" means any building or portion of building which has stood with an incomplete exterior shell for longer than two years or any building or portion thereof which has stood unoccupied for longer than six months and which meets one or more of the following criteria:

i. Unsecured.

ii. Having housing code, building code, or dilapidated building ordinance violations.

b. "Dangerous building or structure" means any building or structure which endangers the health, safety or welfare of persons or property.

c. "Enforcement officer" means the Mayor or Designee.

d. "Hazardous waste" means those wastes included by definition in Section 455B 411(3)(a), Code of Iowa, and the rules of the Iowa Department of Natural Resources.

e. An "inoperable/obsolete vehicle" means any device in, upon or by which a person or property is or may be transported or drawn upon a highway or street, excepting devices moved by human power or used exclusively upon stationary rails or tracks, and includes without limitation motor vehicle, automobile, truck, trailer, motorcycle, tractor, buggy, wagon or any combination thereof, and which is not licensed for the.- current year as required by law and/or which exhibits any one of the following characteristics:

i. Broken Glass. Any vehicle or part of a vehicle with a broken windshield, or any other broken glass.

ii. Broken or Loose Parts. Any vehicle or part of a vehicle with a broken or loose fender, door, bumper, hood, wheel, steering wheel, trunk top or tailpipe.

iii. Missing Engine or Wheels. Any vehicle which is lacking an engine or one or more wheels or other structural parts which renders such vehicle totally inoperable.

iv. Habitat for Animals or Insects. Any vehicle or part of a vehicle which has become a habitat for rats, mice or snakes or any other vermin or insects.

v. Defective or Obsolete Condition. Any vehicle or part of a vehicle which, because of its defective or obsolete condition, constitutes a threat to the public health and safety.

vi. Inoperable Condition. Any vehicle that is not capable of moving in both forward and reverse gears.

f. "Junk or salvage material" is any discarded or salvaged building material or fixture; any obsolete or inoperable machinery, or parts thereof, scrap iron or steel, and any discarded household items, furniture or appliances.

g. "Noxious substances" means and includes but is not limited to, any dead animal, or portion thereof, putrid carcass, decayed animal matter, green hides, or any putrid, spoiled, foul or stinking beef, pork, fish, offal, hides, skins, fat, grease, liquors, human or animal excrement or manure.

h. "Owner" means the person or persons who are the record owners of real property according to the records of the Mahaska County Auditor's Office.

i. "Refuse" means any putrescible and non-putrescible and combustible and noncombustible waste, including paper, garbage, material resulting from the handling, processing, storage, preparation, serving and consumption of food, vegetable or animal matter, offal, rubbish, plant waste such as tree trimmings or grass cuttings, ashes, incinerator residue, street cleanings, construction debris and solid industrial and market wastes.

j. A "responsible party" means any person having possession or control of real or personal property, including without limitation any one or more of the following:

- i. Agent.
- ii. Assignee or collector of rents.
- iii. Holder of a contract or deed.
- iv. Mortgagee or vendee in possession.
- v. Receiver or executor or trustee.
- vi. Lessee.
- vii. Other person, firm, or corporation exercising apparent control over a property.

SECTION 3. Nuisances Prohibited - Authority to Abate

a. The creation or maintenance of a nuisance is unlawful and prohibited and shall constitute a misdemeanor or a municipal infraction.

b. The Mayor or Designee is authorized to abate nuisances in accordance with the procedures set forth in this Chapter Nuisances maybe abated by either the administrative abatement process or the municipal infraction process, as provided in this Chapter.

SECTION 4. Notice to Abate - Service.

a. The Mayor or Designee is authorized to serve upon the owner or responsible party of the

property upon which the nuisance is being maintained, or upon the person or persons causing or maintaining the nuisance, a written notice to abate as prescribed in this Section.

b. When service of a notice to abate is required, the following methods of service shall be deemed adequate.

i. By personal service upon the owner and/or responsible party of the property upon which the nuisance exists or service of notice by certified mail, return receipt requested on said owner or their last known address.

ii. If, after reasonable effort, personal service cannot be made, any two of the following methods of service shall be considered adequate:

(a) Sending the notice by certified mail, return receipt requested to the last known address; or

(b) Publishing notice once a week for two consecutive weeks in a newspaper of general circulation in the City; or

(c) By posting the notice in a conspicuous place on the property or building.

SECTION 5. Abatement by Administrative Proceedings.

a. Content of Notice. In the event the enforcement officer decides to abate a nuisance through City Council proceedings, the notice to abate shall include the following:

i. Description of what constitutes a nuisance, citing the appropriate code section.

ii. Description of the action necessary to abate the nuisance.

iii. The order to abate within a specified time period.

iv. The notice shall advise that, upon failure to comply with the order to abate, the City shall undertake such abatement and that the cost of abatement may be assessed against the property for collection in the same manner as property taxes, or by whatever legal means the City may deem appropriate.

v. The notice shall also advise as to the opportunity for a hearing in front of the City Council and that failure to request such a hearing within the same time specified in the notice shall constitute a waiver of the right to a hearing and that said notice shall thereafter become a final determination and order to abate.

b. City Council Hearing. Upon the request of the owner or other party, a hearing shall be held before the City Council as soon as thereafter as practicable. The determination by the Council including written findings of fact and conclusions shall be appealed to the Mahaska County District Court by writ of certiorari. The order shall not be carried out until the time for filing the writ of certiorari has expired.

SECTION 6. Abatement by Municipal Infraction Proceedings.

a. Content of Notice. In the event the enforcement officer decides to abate a nuisance through the municipal infraction process, the notice to abate shall include the following information:

- i. Description of what constitutes a nuisance, citing the appropriate code section.
- ii. Description of the action necessary to abate the nuisance.
- iii. The order to abate within a specified time period.

iv. Explanation that failure to abate the nuisance within the time specified will result in the issuance of a civil citation charging the owner or responsible party with a municipal infraction.

v. Explanation that each day that a nuisance is permitted to continue constitutes a separate offense.

vi. Explanation that upon being found guilty of a municipal infraction, the court is authorized to order abatement, assess the costs of abatement against the property, and/or enter them as a judgment against the defendant, and assess a civil penalty against the defendant.

b. Issuance of Civil Citation. In the event that the nuisance is not abated as ordered within the time specified in the notice to abate, the enforcement officer may issue a civil citation to the property owner or responsible party, charging that person with a municipal infraction. The enforcement officer may, but shall not be required to, give notice to abate prior to issuance of a civil citation for a repeat offense involving the same property and occurring within one year of a prior violation.

SECTION 7. Abatement Remedies, Penalties.

a. Abatement may include but shall not be limited to repair, removal, cleaning, extermination, cutting, mowing, grading, sewer repairs, draining, securing, repairing a building or structure, boarding unoccupied buildings, barricading or fencing, removing dangerous portions of buildings or structures, and demolition of dangerous structures or abandoned buildings.

b. The cost of abatement may be assessed against the property for collection in the same manner as property taxes. Abatement costs shall include the cost of removing or eliminating the nuisance, the cost of investigation, such as title searches, inspection and testing; the cost of notification, filing costs; and other related administrative costs. Inoperable/obsolete vehicles which have been impounded may be sold in accordance with state law. If an inoperable/obsolete vehicle is not sold or if the proceeds of such sale or redemption are not sufficient for payment of the cost of abatement, storage and sale of said inoperable/obsolete vehicle, such cost or the balance of such cost may be assessed against the property for collection in the same manner as a property tax.

c. In a municipal infraction proceeding for the abatement of a nuisance, the court may order any one or more of the following:

- i. Place a judgment against the person and/or property of the defendant for the costs of abatement.

ii. Levy a civil penalty (fine) against the defendant of up to two hundred fifty dollars (\$250.00) for the first offense and up to seven hundred fifty (\$750.00) dollars for repeat offenses, each day being a separate offense.

iii. Order abatement of the nuisance in any manner as provided in this article.

iv. Assess costs of abatement against the property for collection in the same manner as property taxes.

SECTION 8. Emergency Abatement Procedure. When the Mayor or Designee determines that a nuisance exists on a property and the nuisance constitutes an imminent, clear and compelling danger to health, safety or welfare of persons or property, the Mayor or Designee is authorized to abate or have abated the nuisance without prior notice and opportunity for hearing. The costs of such action may be assessed against the property as set forth in subsection b of Section 7 only after notice and hearing to the property owner under the applicable provisions of Sections 5 or 6. In addition, if no costs are assessed, the property owner may request a hearing within thirty days of the abatement before the City Council pursuant to subsection b of Section 5.

Chapter 2

WEEDS AND TALL GRASS

SECTION 1. Purpose. The purpose of this chapter is to provide for the cutting and control of weeds and tall grass within the City of University Park.

SECTION 2. Definition. The term "weed" for use in this chapter is defined as all rank vegetable growth which exhales unpleasant obnoxious odor and also high and rank vegetable growth that may conceal vermin, rodents and pests, including, but not limited to, all noxious weeds, specifically: Quack grass (*Agropyron repens*), perennial sow thistle (*Sonchus arvensis*), Canada Thistle (*Cirsium arvense*), bull thistle (*Cirsium lanceolatum*), horse nettle (*solanum carolinense*), leafy spurge (*Euphorbia esula*), perennial peppergrass (*Lepidium drabs*), Russian knapweed (*Centaurea repens*), buckthorn (*Rhamnus*, not to include *Rhamnus frangula*, and all other species of thistles belonging in genera of *cirsium* and *carduus*), butterprint (*Abutilon theophrasti*) annual, cocklebur (*xanthium commune*) annual, wild mustard (*Brassica arvensis*) annual, wild carrot (*Daucus carota*) annual, buckhorn (*Plantago lanceolata*) perennial, sheep sorrel (*Rumex acetosella*) perennial, sour dock (*Rumex crispus*) perennial, smooth dock (*Rumex altissimus*) perennial, poison hemlock (*conium maculatum*), multiflora rose (*rosa multiflora*), wild sunflower (wild strain of *Helianthus annUS L.*) annual, puncture vine (*Tribulus terrestris*) annual, teasel (*Dipsacus*) biennial. The multiflora rose (*rosa multiflora*) shall not be considered a noxious weed when cultivated for or used as understock for cultivated roses or as ornamental shrubs in gardens. The term "tall grass" for use in this chapter is defined as grass taller that exceeds twelve (12) inches in height.

SECTION 3. Compliance required. No person shall violate any of the provisions of this chapter, either by an act of omission or commission or by failing to cut the weeds or tall grass required by this chapter to be cut, after notice being given in a newspaper of general circulation in University Park or by posting notice notifying residents of the requirements of this chapter.

SECTION 4. Responsibility to Cut - City Action. The owners, agents or occupants of all lots or parcels of ground within the city shall cut, or cause to be cut, all weeds or tall grass on their respective premises as aforesaid not later than May 15, June 15, July 15, August 15 and September

15, respectively, each year. Notwithstanding the previous statement, owners, agents or occupants of all lots or parcels of ground within the City shall cut, cause to be cut, all weeds or grass on their respective premises to a height not to exceed twelve (12) inches. If any lot or parcel of ground within the city has not been cut, or has weeds or grass twelve inches or higher on May 15, June 15, July 15, August 15 and September 15, respectively, each year, the Mayor/Council may cause such weeds or grass to be cut.

SECTION 5. Streets and Alleys - Responsibility of abutting owners - City action. The owners, agents or occupants of all lands abutting any of the streets and alleys within the City shall keep such streets and alleys free from brush, weeds and rubbish. Such brush, weeds, tall grass, and rubbish shall be removed not later than May 15, June 15, July 15, August 15 and September 15, respectively, each year. In case this section is not complied with within three days after the dates above-fixed, the Mayor/Council may cause the removal of such brush, weeds and rubbish.

SECTION 6. Assessments.

a. The City Clerk shall keep an itemized account of all work done and shall report the same to the city council with the names, if known, of the owners, agents or occupants of such premises, together with a description of the land or parcel of land concerned. The amount of the assessment contemplated for the work done and shall be established by resolution of council as may be approved; however, at a minimum, the charge shall be at least \$150.00.

b. The notice of assessment contemplated in this section shall be given not later than December 15th of the year and at least twenty days prior to the time thus fixed for such hearing and shall give notice thereof to all concerned that proposed assessment is on file and that the amounts as shown therein will be assessed against the several lots, tracts of land, or parcels for such hearing, unless objection is made thereto. Notice of such hearing shall be given by one publication in the paper of general circulation in the city, or by posting a copy of such notice on the premises affected and by mailing a copy by certified mail to the last known address of the person owning or controlling such premises. At such time and place, the owner of such premises or anyone liable to pay such assessment, may appear with the same rights given by law before boards of review, in reference to assessments for general taxation.

c. The city council shall, by resolution, fix a time for passing on the matter of levying a special assessment against private property for such weed cutting. City council shall give to the owner of the property affected notice of the time and place fixed for considering the matter of levying a special assessment against the property concerned.

d. At the time and place fixed, the council shall consider and dispose of all objections made as contemplated in Section of the Iowa Code. The city council shall then, by resolution, levy such assessment as may be appropriate against the property in the same manner as other special assessments.

SECTION 7. Hindrance of City Officials Unlawful. No person shall hinder, obstruct or otherwise interfere with the agents, personnel, representatives or independent contractors of the city while engaged in carrying out the provisions of this chapter.

Chapter 3

YARD WASTE

SECTION 1. Definition. "Yard Waste" means organic debris (e.g. grass clippings, leaves, tree and brush limbs, bark, branches, flowers, etc.) which is produced as a part of yard and garden development and maintenance.

SECTION 2. Separation of Yard Waste Required. All yard waste shall be separated by the owner or occupant from all other garbage and refuse accumulated on the premises and shall be composted on the premises or disposed of by approved burning or placed in approved area in the City.

Chapter 4

STORAGE, HANDLING AND TRANSPORTATION OF HAZARDOUS MATERIALS

SECTION 1. Purpose. In order to reduce the danger to public health, safety and welfare from spill of hazardous substances, these regulations are promulgated to establish responsibility for the removal and clean up of spills within the City of University Park.

SECTION 2. Definition. For use in this chapter, the following terms are defined:

a. "Hazardous waste" means those wastes which are included by the definition in Section 455B.411, Subsection 3, Paragraph 1, Code of Iowa, and the rules of Iowa Department of Natural Resources.

b. "Hazardous substance" means any substance as defined in Section 455E.381, Subsection 1, Code of Iowa.

c. "Hazardous condition" means the same as set forth in Section 455B.381, Subsection 2, Code of Iowa.

d. "Person having control over a hazardous substance" means the same as set forth in Section 455B.381, Subsection 8, Code of Iowa.

e. "Cleanup" means the same as set forth in Section 455E.381, Subsection 6, Code of Iowa.

f. "Treatment" means a method, technique, or process, including neutralization, designed to change the physical, chemical or biological character or composition of a hazardous substance so as to neutralize it or to render the substance non-hazardous, safe for transport, amendable for recovery, amendable for storage, or to reduce it in volume. Treatment includes any activity or processing designed to change the physical form or chemical composition of hazardous substance to render it non-hazardous.

SECTION 3. Clean Up Required. Whenever a hazardous condition is created by the deposit, injection, dumping, spilling, leaking or placement of a hazardous waste or substance so that it or a constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including, the responsible party shall cause the condition to be remedied by a clean up as defined in the preceding section as graphically as feasible to an acceptable and safe condition. The

costs of cleanup shall be borne by the party having control over the hazardous substance. If the party having control over a hazardous substance does not cause the clean up to begin within a reasonable time in relation to the hazard and circumstances of the incident, the City may proceed to procure cleanup services and bill the responsible party therefore. If the bill for those services is not paid within thirty days after the bill has been posted to the responsible party, the City Attorney may proceed to obtain payment by all legal means. If the cost of the clean up is beyond the capacity of the City to finance it, the authorized officer shall report to the City Council and immediately seek any state and federal funds for said clean up.

SECTION 4. Notifications. The first city officer or employee who arrives at the scene of an incident involving hazardous substances, if not a peace officer, shall notify the Mahaska County Sheriffs Office, which shall notify the proper state office in the manner prescribed by the State of Iowa.

Chapter 5

SOLID WASTE CONTROL, DISPOSAL AND RECYCLING

SECTION 1. Purpose. The purpose of this ordinance is to provide for the sanitary storage, collection and disposal of solid waste and for recycling of recyclable materials as herein defined, to protect the citizens of the City of University Park from such hazards to their health, safety and welfare as may result from the uncontrolled disposal of solid wastes and the wasteful disposal of recyclable materials.

SECTION 2. Definitions. For use in this Chapter, the following terms are defined:

- a. "Solid Waste" shall mean garbage, refuse, rubbish, and other similar discarded solid or semi-solid materials, including, but not limited to, such materials resulting from industrial, commercial, agricultural, and domestic activities. Solid waste may include vehicles, as defined by subsection one of Section 321.1 of the Code of Iowa.
- b. "Garbage" shall mean all solid and semisolid, putrescible animal and vegetable wastes resulting from the handling, preparing, cooking, storing, serving and consuming of food or of material intended for use as food, and all offal, excluding useful industrial by-products, and shall include all such substances from all public and private establishments and from residences.
- c. "Refuse" shall mean putrescible and non-putrescible wastes, including, but not limited to, garbage, rubbish, ashes, incinerator residues, street cleanings, market and industrial solid wastes and sewage treatment wastes in dry or semi-solid form.
- d. "Rubbish" shall mean non-putrescible solid waste consisting of combustible and noncombustible wastes, such as ashes, paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery or litter of any kind.
- e. "Residential Waste" shall mean any refuse generated on the premises as a result of residential activities. The term includes landscape wastes grown on the premises or deposited thereon by the elements, but excludes garbage, tires and trade wastes.
- f. "Discard" shall mean to place, cause to be placed, throw, deposit or drop.

- g. "Litter" shall mean any garbage, rubbish, trash, refuse, waste materials, or debris.
- h. "Open Dumping" shall mean the depositing of solid wastes on the surface of the ground or into a body of water or stream of water.
- i. "Rubble" shall mean stone, brick or similar inorganic material.
- j. "Sanitary Disposal Project" shall mean all facilities and appurtenances including all real and personal property connected with such facilities, which are acquired, purchased, constructed, reconstructed, equipped, improved, extended, maintained, or operated to facilitate the final disposition of solid waste without creating a significant hazard to the public health or safety, and which are approved by the executive director.
- k. "Toxic and Hazardous Waste" shall mean waste materials, including, but not limited to, poisons, pesticides, herbicides, acids, caustics, pathological wastes, flammable or explosive materials and similar harmful wastes which require special handling and which must be disposed of in such a manner as to conserve the environment and protect the public health and safety.
- l. "Owner" shall mean in addition to the record titleholder any person residing in, renting, leasing, occupying, operating or transacting business in any premises, and as between such parties the duties, responsibilities, liabilities and obligations hereinafter imposed shall be joint and several.
- m. "Yard wastes" shall mean grass, clippings, leaves and trees or bush trimmings.
- n. "Sanitary Disposal" shall mean a method of treating solid waste so that it does not produce a hazard to the public health or safety or create a nuisance.
- o. "Executive Director" shall mean the executive director of the State Department of Environmental Quality or his designee.
- p. "Approved Incinerator" shall mean equipment or facilities for the enclosed burning of refuse having a stack adequate to maintain a draft sufficient for efficient combustion and equipped with a screen sufficiently fine to prevent ejection of the particles of burning materials as approved by the Iowa Air Quality Commission.
- q. "Salvage Operation" shall mean any business, industry or trade engaged wholly or in part in salvaging or reclaiming any product or material, including, but not limited to, chemicals, drums, metals, motor vehicles or shipping containers.
- r. "Processing Facility" shall mean the site and equipment for the preliminary and incomplete disposal of solid waste, including, but not limited to, transfer, open burning, incomplete land disposal, incineration, composting, reduction, shredding and compression.
- s. "Site" shall mean any location, place or tract of land used for collection, storage, conversion, utilization, incineration or burial of solid wastes.
- t. "Scavenging" shall mean the uncontrolled removal of materials from the unloading or working area of a sanitary disposal project.
- u. "Operator" shall mean the person or agency authorized to conduct disposal operations at a public sanitary disposal project or licensed private sanitary disposal project.

v. "Resident" shall mean in addition to any person residing the City, any person occupying or using any commercial, industrial or institutional premises within the City.

w. "Recyclable Materials" means glass, No. 1 and No. 2 plastic, newsprint, and tin cans as acceptable by the recycle center.

x. "Curbside Collection of Recyclables" means semi-monthly collection of recyclable materials set at the curbside by occupants of residential properties.

y. "Recycle Center" means any Mahaska Recycle Center or other recycle center in Mahaska County, Iowa, operated and approved by the Mahaska County Solid waste Management Commission to receive, process and market recyclable materials brought to the center.

SECTION 3. Health Hazard. It shall be unlawful for any person to permit to accumulate on the premises, improved or vacant, or on any public place, such quantities of solid waste, either in containers or not, that shall constitute a health or sanitation hazard.

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

SECTION 5. Open Burning Restricted. No person shall allow, cause or permit open burning of combustible materials, except that the following shall be permitted:

a. Disaster Rubbish. The open burning of rubbish, including landscape waste, for the duration of the community disaster period in cases where an officially declared emergency condition exists.

b. Diseased Trees. The open burning of diseased trees, however, when the burning of diseased trees causes a nuisance, appropriate action may be taken to require relocation of the burning operation. Rubber tires shall not be used to ignite diseased trees.

c. Flare Stacks. The open burning or flaring of waste gases, provided such open burning or flaring is conducted in compliance with applicable rules of the State Department of Environmental Quality.

d. Landscape Waste. The disposal by open burning of landscape waste originating on the premises, however, the burning of landscape waste produced in clearing, grubbing and construction operation shall be limited to areas located at least one-fourth (1/4) mile from any inhabited building. Rubber tires shall not be used to ignite landscape waste.

e. Recreational Fires. Open fires for cooking, heating, recreation and ceremonies, provided the same is approved by the Oskaloosa Fire Department or its Designee.

f. Training Fires. Fires set for the purpose of bona fide training of public or industrial employees in fire fighting methods, provided that the executive director of the State Department of Environmental Quality receives notice in writing a least one week before such action commences.

g. Variance. Any person wishing to conduct an open burning of materials not exempted herein may make application for a variance to the executive director of the State Department of Environmental Quality.

SECTION 6. Littering Prohibited. No person shall discard any litter onto or in any water or land, except that nothing in this section shall be construed to affect the authorized collection and discarding of such litter in or on areas or receptacles provided for such purpose. When litter is discarded from a motor vehicle, the driver of the motor vehicle shall be responsible for the act in any case where doubt exists as to which occupant of the motor vehicle actually discarded the litter.

SECTION 7. Open Dumping Prohibited. No person shall dump or deposit or permit the open dumping or depositing of any solid waste except rubble at any place other than a sanitary disposal project approved by the executive director of the State Department of Environmental Quality.

SECTION 8. Toxic and Hazardous Wastes. The collection, storage and disposal of toxic and hazardous wastes shall be subject to the following:

a. Labeling. All containers used for storage, collection or transportation of toxic or hazardous wastes shall be plainly marked so as to provide adequate notice of the contents thereof.

b. Vehicles and Containers. All vehicles and containers used for the storage, collection and transportation of toxic and hazardous wastes shall be so constructed that they can be loaded, moved and unloaded in a manner that does not create a danger to public health or safety and in compliance with the federal and state laws, rules and regulations.

c. Disposal. No person shall deposit in a solid waste container or otherwise offer for collection any toxic or hazardous wastes. Such materials shall be transported by the owner, responsible person or his agent, to a place of safe deposit or disposal as prescribed by the executive director of the State Department of Environmental Quality.

SECTION 9. Waste Storage and Recyclable Material Containers. Every person owning, managing, operating, leasing or renting any premises, dwelling unit or any place where refuse accumulates shall provide and at all times maintain in good order and repair, portable containers for refuse and recyclable materials (hereinafter "waste storage containers") in accordance with the following:

a. Container Specifications. Waste storage containers shall comply with the following specifications:

i. Residential. Residential waste containers shall be of not less than twenty (20) gallons nor more than thirty-five (35) gallons in nominal capacity, shall be leak proof, water proof and fitted with a fly tight lid which shall be kept in place except when depositing or removing the contents thereof. They shall have handles, bails or other suitable lifting devices or features and be of a type originally manufactured for the storage of residential wastes with tapered sides for easy emptying. They shall be of light weight and sturdy construction with the total weight of any individual containers and contents not exceeding seventy-five (75) pounds. Galvanized metal containers, rubber or fiberglass containers and plastic containers which do not become brittle in cold weather may be used. Disposable containers or other containers as approved by the City may also be used.

ii. Commercial. Every person owning, managing, operating, leasing or renting any commercial premise where excessive amounts of refuse accumulates and where its storage in portable containers as required above is impractical, shall maintain metal bulk storage containers approved by the City.

b. Location of Containers. Residential solid waste containers shall be stored upon the residential premises. Commercial solid waste containers shall be stored upon private property, unless the owner shall have been granted written permission from the City to use public property for such purposes. The storage site shall be well-drained, fully accessible to collection equipment, public health personnel and fire inspection personnel.

c. Non-conforming Containers. Solid waste containers which are not adequate will be collected together with their contents and disposed of after due notice to the owner.

SECTION 10. Storage of Yard Wastes. All yard wastes shall be stored in containers so constructed and maintained as to prevent the dispersal of wastes placed therein upon the premises served, upon adjacent premises, or upon adjacent public rights-of-way. Tree limbs less than four (4) inches in diameter and brush shall be securely tied in bundles not larger than forty-eight (48) inches long and eighteen (18) inches in diameter when not placed in storage containers. The weight of individual bundle or container shall not exceed seventy-five (75) pounds.

SECTION 11. Sanitary Disposal Required. It shall be the duty of each owner to provide for the sanitary disposal of all refuse accumulating on his premises before it becomes a nuisance. Any such accumulation remaining on any premises for a period of more than thirty (30) days shall be deemed a nuisance and the City may proceed to abate such nuisances in accordance with the provisions of Article III, Chapter 1, or by initiating proper action in district court.

SECTION 12. Prohibited Practices. It shall be unlawful for a person to:

a. Unlawful Use of Containers. Deposit refuse in any solid waste containers other than his own without the written consent of the owner of such containers.

b. Interfere with Collectors. Interfere in any manner with solid waste collection equipment or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors be those of the City, or those of any other authorized waste collection service.

c. Unlawful Disposal. Dispose of refuse at my facility or location which is not an approved sanitary disposal project.

d. Unlawful Collection. Engage in the business of collecting, transporting, processing or disposing of refuse within the City without a contract therefor with the City or a valid Permit therefor.

e. Incinerators. Burn rubbish or garbage except in approved incinerators so maintained and operated as to prevent the emission of objectionable odors or particulate matter.

SECTION 13. Sanitary Disposal Required. All solid wastes generated or produced within the City shall be disposed of at a sanitary disposal project designated by the City and approved by the executive director of the Iowa State Department of Natural Resources. All solid wastes shall be collected from residential premises at least once per week. Recyclable materials shall be collected from residential premises at least semi-monthly.

SECTION 14. Open Dumping Prohibited. No person shall cause, allow or permit the disposal of solid wastes upon any place within the jurisdiction of the City owned or occupied by him unless such place has been designated by the City as a licensed sanitary disposal project, public sanitary disposal project or an approved processing facility.

SECTION 15. Exceptions. Nothing in this article shall prohibit the filling, leveling or grading of land with earth, sand, dirt, stone, brick, gravel, rock, rubble or similar inert wastes provided these materials are not contaminated or mixed with combustible, putrescible or other waste materials. nor to the disposal of animal and agricultural wastes on land used or operated for farming.

SECTION 16. Toxic and Hazardous Wastes. Toxic or hazardous wastes shall be disposed of only by receipt of and in accordance with explicit instructions obtained from the executive director of the State Department of Environmental Quality.

SECTION 17. Radio-Active Materials. Materials that are radio-active shall not be disposed of in a sanitary disposal project, Luminous timepieces are exempt.

SECTION 18. Sanitary Disposal Project Designated. The sanitary landfill facilities operated by the City are hereby designated as the official "Public Sanitary Disposal Project" for the disposal of solid waste produced or originating within the City.

SECTION 19. Private Sanitary Disposal Project. No person may establish and operate a private sanitary disposal project within the City.

SECTION 20. Bids for Contract. The City shall bi-annually let bids for the collection of solid waste and recyclable materials for all residents located within the City by a single hauler. Collection of any fees shall be the responsibility of the successful bidder ("hauler"). The hauler is authorized to enter upon private property for the purpose of collecting solid waste and recyclables therefrom, however haulers shall not enter dwelling units or other residential buildings.

SECTION 21. Collection Vehicles. Vehicles or containers used for the collection and transportation of garbage and similar putrescible waste or solid waste containing such materials shall be leakproof, durable and of easily cleanable construction. They shall be cleaned to prevent nuisances, pollution or insect breeding and shall be maintained in good repair.

SECTION 22. Location of Containers. Containers for the storage of solid waste and recyclable materials awaiting collection shall be placed out-of-doors at some easily accessible place by the owners or occupant of the premises served.

Chapter 6 RESTRICTIONS OF OPEN BURNING

SECTION 1. Purpose. The purpose of this Chapter is to protect the health, safety and welfare of the citizens and safety to property of this City by providing for the restriction of all open burning except as provided herein.

SECTION 2. Open Burning Restricted. No person shall allow, cause or permit open burning of combustible materials except as provided below:

- a. A permit must be obtained from the Oskaloosa Fire Department or Designee.
- b. No fire shall be permitted on any street, alley, or public way.
- c. The open fire shall be contained by the property of the owner of the property.
- d. The material to be burned shall be completely dry so that it will not generate offensive smoke or odor while burning.
- e. No burning shall be permitted during periods of strong winds that would allow embers to be blown on other peoples property.
- f. All open burning locations shall be attended by a competent person to guard against the spread of the fire to unprotected areas.
- g. All open burning fires shall be extinguished by darkness.
- h. All open burning sites shall be at least 50 feet from any building, street, utility (telephone, cable television, gas or electric hookup) or other property not owned or controlled by the person in control of the open burning.

EXCEPTION. During a period designated by the Oskaloosa Fire Department or Designee, completely dried leaves from trees and other vegetation may be burned in small piles located at least 25 feet from any building; street, utility, or other property not owned or controlled by the person burning.

- i. No burning shall be permitted during extremely dry periods.

Chapter 7 ANIMAL CONTROL

SECTION 1. Definitions. For use in this chapter the following terms are defined:

- a. "Animal" means all living creatures not human.
- b. "At large" means any animal found off the premises of its owner and not under the control of a competent person, restrained within a motor vehicle, or housed in a veterinary hospital or kennel; except that a dog once before impounded for being at large, or whose owner has been convicted of allowing the dog to be at large or allowing the dog to cause an annoyance or disturbance shall not then be deemed at large if:
 - i. The dog is on the premises of the owner or a person given charge of the dog and is either:
 - (a) Inside the residence or other adequate building or structure; or
 - (b) Accompanied by and obedient to the commands of the owner or the person given such charge; or

(c) Restrained on the premises by an adequate protective fence or by leash, cord or other similar restraint that is at least twelve feet in length and that does not allow a dog to go beyond the owner's real property line.

ii. The dog is off the premises of the owner and is on a leash, cord or chain or other similar restraint not more than six feet in length and under the control of a person competent to restrain and control the dog, or properly restrained within a motor vehicle or is properly housed in a veterinary hospital or kennel.

c. "Licensed dog" means any dog bearing a currently valid license under Chapter 351, Code of Iowa.

d. "Owner" means any person owning, keeping, sheltering or harboring an animal.

SECTION 2. Cruelty. No person shall impound or confine or cause to be impounded or confined in any place, any domestic animal, or fowl, or any dog or cat, and fail to supply such animal during confinement with a sufficient quantity of food and water, or shall torture, torment, deprive of necessary sustenance, mutilate, overdrive, overload, drive when overloaded, beat, or kill any such animal by any means which shall cause unjustified pain, distress or suffering, whether intentionally or negligently.

SECTION 3. Exhibitions and Fights. No person shall arrange, promote, or stage an exhibition at which any animal is tormented, or any fight between animals or between a person and an animal, or shall keep a place where such exhibitions and fights are staged for the entertainment of spectators.

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

SECTION 5. Running at Large. It is unlawful for any owner to allow dogs, cats, cattle, horses, swine, sheep or other similar animals or fowl to run at large within the corporate limits of the City.

SECTION 6. Harborine Bothersome Animals. It is unlawful for a person to keep within the City such bothersome animals as barking dogs, bees, cattle, horses, swine and sheep which tend to disrupt the peace and good order of the community.

SECTION 7. Damage or Interference. It is unlawful for 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.

SECTION 8. Permitting Annoyance or Disturbance. It is unlawful for the owner of a dog to allow or permit such dog to cause serious annoyance or disturbance to any person or persons by frequent and habitual howling, yelping, barking, or otherwise or, by running after or chasing persons, bicycles, automobiles or other vehicles.

SECTION 9. Vicious Animals.

a. It is unlawful for any person to harbor or keep a vicious animal within the City except as provided in this chapter. An animal is deemed to be vicious when it shall have a history, tendency or disposition to attack, snap, bite or fight without provocation or when the propensity to attack, snap, bite or fight is known or ought reasonably to be known by the owner.

b. Any owner of a vicious animal including, but not limited to, those having received written notifications from the animal control officer that an animal has been deemed to be vicious, shall take the following steps to secure the animal:

i. Secure the animal in a house, pen, kennel or structure which has secure sides and a secure top or walls at least six feet higher than any structure in the pen.

ii. When the animal is out of the confined area, the animal shall be leashed and muzzled.

iii. Such an animal is not allowed to be kept on a chain or leash outside its kennel or pen unless under the control of an adult.

c. A vicious animal as defined in this chapter which is found more than once to be out of confinement as required in this section shall be required to be permanently removed from the City or destroyed.

SECTION 10. Immunization. No dog or cat which has attained the age of six months shall be permitted within the City unless vaccinated with anti-rabies vaccine and such dog or cat must have a collar affixed to such dog or cat displaying a tag showing that said dog or cat has been vaccinated with anti-rabies vaccine within the period of two years last past.

SECTION 11. At Large - Impoundment. Animals found at large in violation of this chapter shall be seized and impounded, or, at the discretion of the peace officer, the owner may be served a summons to appear before a proper court to answer charges made thereunder.

SECTION 12. Disposition of Licensed Dogs. Owners of licensed dogs which have been impounded shall be notified within two days from impoundment that upon payment of impounding costs the dog will be returned. If impounded, licensed dogs are not recovered by their owners within seven days or the time set by the impoundment facility, after notice, the dogs shall be disposed of in a humane manner.

SECTION 13. Disposition of Unlicensed Animals. Impounded unlicensed dogs or other animals may be recovered by the owner, upon proper identification, presenting evidence of compliance with this chapter and by payment of the impounding costs. If such dogs or other animals are not claimed within seven days or time set by impoundment facility after impoundment the shall be disposed of in a humane manner.

SECTION 14. Impoundment Costs. Impounding costs shall be established by the impoundment facility.

SECTION 15. Annual License. Every owner of a dog over the age of six months shall procure a dog license from the county auditor as required by state law.

SECTION 16. Animal waste. It is unlawful for any owner, keeper or walker of a dog, cat or other animal to permit said animal to discharge its feces upon any public or private property within the city limits other than the property of the owner of the animal unless the animal's feces is immediately thereafter removed from the public or private property and disposed of in a sanitary manner. All structures, yards or pens wherein any dog, cat or other animal is confined must be kept clean and free of odors caused by urine and/or feces.

ARTICLE VII - SANITARY SEWER

Chapter 1

CONNECTIONS WITH THE MUNICIPAL SANITARY SEWER SYSTEM

SECTION 1. Purpose. The purpose of this Chapter is to establish the procedure and regulations to be followed in making private connections to the public sanitary sewers of the City in order to protect the public health, safety and welfare.

SECTION 2. Definitions. For use in this Ordinance, the following terms are defined:

- a. The term "public sewer" shall mean a common sanitary sewer controlled by public authority.
- b. The term "private sewer" shall mean a sanitary building drain and sewer privately owned and not directly controlled by public authority.
- c. The term "sanitary sewer" shall mean a pipe that carries sewage and excludes storm, surface and ground water.
- d. The term "building sewer" shall mean that part of the lowest piping of a drainage system that receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, which begins three (3) feet outside the building wall.
- e. The term "sewage" shall mean any liquid waste containing animal or vegetable matter in suspension or solution, and may include liquids containing chemicals in solution.
- f. The term "person" shall mean any individual person, partnership, corporation or other association.

SECTION 3. Endorsements. The Council's designee shall supervise the installations of private sewers and their connections with public sewers in the City and enforce all regulations pertaining thereto in accordance with this Ordinance. This Ordinance shall apply to all replacements of existing sewers as well as to new sewers. The Council's designee may make such regulations as are necessary and that do not conflict with this Ordinance.

SECTION 4. Adoption of State Plumbing Code. The installation of any private sewer and its connection with a public sewer shall comply with all applicable provisions, whether regulatory, procedural or enforcement provisions, of the State Plumbing Code as set out in the Iowa Departmental Rules, published by the State of Iowa, which are 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 (see Article IX, Chapter 8).

SECTION 5. Mandatory Connections. The owners of all residences and business establishments intended or used for human habitation, occupancy, or uses, which abut public sewers, must connect their sewage facilities to the public sewers.

SECTION 6. Permits. Before any person shall open, uncover or in any manner make a connection with or modify any part of the public sewers, he/she must obtain a written permit from the Council's designee. The application shall include a legal description of the property, the name of the property owners, the amount and date of any prior assessment for construction of the public sewers, a general description of the materials to be used and the manner of construction, the line of the building sewer and the place of connection, if known, the intended use of the sewer, and the name and address of the person who will do the work. The Council's designee may allow amendments to the application or permit that do not conflict with this Ordinance. The permit shall be issued bearing the time and date 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. Any fee to be charged for said permit shall be set by the Council's designee.

SECTION 7. Revocation of Permit. The Council's designee 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 to the City Council in the manner provided in Section 5 of this Ordinance.

SECTION 8. Separate Connections. In no case shall a joint sewer be allowed where the property abuts on a street, alley or easement in which there is a public sewer. Other buildings in adjacent areas which are required to be connected shall be separately and independently connected to the public sewers.

SECTION 9. Quality and Size of Pipe and Foundation. Building sewer pipes shall be of the best quality, free from flaws, splits or breaks. They shall be laid on a smooth bottom with bell holes cut in the bottom of the trench so that the length between the bells has a perfect bearing on the ground. Joints between the bell and the spigot shall be water tight, gas tight and roof proof. All sewer pipes must be laid in such a manner as to prevent rupture by settlement or freezing. All sewer pipes shall be of a minimum size of 4" in diameter.

SECTION 10. Grade. All sewer pipes shall be laid with a uniform grade from the building to the public sewer and no offsetting will be allowed without written permission of the Council's designee.

SECTION 11. Excavation. 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 (3) months after refilling. No excavation shall be made within six (6) feet of any laid water pipe while the ground is froze, and no water or sewer pipe shall be exposed to frost, except by special written permission of the Mayor.

SECTION 12. Making the Connection. Any connection with a public sewer must be made under the direct supervision of the Council's designee. The connection shall be made at the property line with that part of the sewer already extending to the property line. If there is no sewer connection extending from the public sewer to the property line, the Mayor or his designee, shall supervise measurement for the location of the "Y" branch in the public sewer. Excavations shall be made at the point designated by the Council's designee and if no "Y" branch is found there, then the plumber shall connect directly with the public sewer at that point, but only with an approved saddle, and no broken or cut pipe material shall be permitted to remain in the sewer. The Council's designee may give permission in writing to a property owner to make a connection at other points if the property owner has shown good reason for the change.

SECTION 13. Unlawful Discharges. No owner or occupant of any building shall discharge or permit to be discharged into the sanitary sewers any substances which will clog the pipes, produce explosive mixtures, destroy or materially damage the pipes or joints, or interfere unduly with the sewage disposal process. No owner or occupant of any buildings shall discharge or permit to be discharged into the sanitary sewers any discharge from sump pumps or drainage of water and other material from roofs.

SECTION 14. Inspection and Approval. All private sewers and their connections with the public sewers must be inspected and approved in writing by the Council's designee before they are covered, and he/she shall keep a record of such approvals in his/her office. If he/she refuses to approve the work, the plumber or owners must proceed immediately to correct the work so that it will meet with his/her approval. Each person who uses or intends to use the public sewers shall permit the Council's designee to enter the premises to inspect or make necessary alterations or repairs at all reasonable hours and on proof of authority.

SECTION 15. Completion by the City. Should any excavation be left open or partly refilled for twenty-four (24) hours after the private sewer is installed and connection with the public sewer, or should the work be improperly done, the Council's designee shall have the right to finish or correct the work, and the Council or its designee may assess the costs to the property owners or the plumber.

Chapter 2

RATES AND CHARGES FOR THE USE AND SERVICE OF MUNICIPAL SANITARY SEWER UTILITY OF THE CITY OF UNIVERSITY PARK, IOWA

SECTION 1. Rates and charges shall be established by the provider subject to the approval of the Council.

SECTION 2. Bills for the rates and charges shall be sent monthly and shall be paid with the water bill to Council's designee. All bills shall be payable on the first day of the month following the period of service and shall be paid at the office of the Council's designee. If any bills remain unpaid 30 days following the due date, the water supply for the lot, parcel of land or premises affected may, after a notice and hearing, be cut off and may not be restored except upon satisfactory payment of the delinquent charges.

SECTION 3. The service charges for sanitary sewer services to customers not being supplied water by a municipal water system will be due and payable on the first day of each month.

SECTION 4. Applications for sewer service shall be filed with the Utility upon a form to be supplied by the Council's designee. The application shall state the name of the applicant and the premises to be served. All applications filed after the commencement of the operation of the system shall be accompanied by a fee set by the provider or Council's designee.

SECTION 5. The owner of the premises served and the occupant thereof and the user of the sanitary sewer service shall be jointly and severally liable for the sewer service provided said premises.

SECTION 6. Billing.

a. It is hereby made the duty of the designee of the City Council to make arrangements to render bills for sewer service and all other charges in connection therewith and to collect all moneys due therefrom.

b. The City's designee will notify each user at least annually in conjunction with a regular bill, of the rate and that portion of the water charges which are attributable to operation and maintenance and replacement of the treatment works.

SECTION 7. All sewer charges levied pursuant to the ordinance constitute a lien upon the premises served and if not paid within sixty days after due date, the charges shall be certified to the County Auditor and shall be collectible in the same manner as taxes.

SECTION 8. All revenues and moneys derived from the operation of the sewer system shall be paid to and held by the City's designee.

SECTION 9. All ordinances and parts of ordinances in conflict herewith are hereby repealed insofar as the conflicting portions thereof are concerned.

Chapter 3

USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER UTILITY(IES); AND PROVIDING FOR VIOLATIONS THEREOF

SECTION 1. Definitions. Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

a. "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 degrees C, expressed in milligrams per liter.

b. "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 (15 meters) outside the inner face of the building wall.

c. "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

- d. "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.
- e. "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.
- f. "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
- g. "Inspector" shall be the person designated by the Council to oversee the sewage works and/or water pollution control of University Park or his authorized deputy, agent or representative.
- h. "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.
- i. "On-Site Wastewater Treatment and Disposal System" shall mean all equipment and devices necessary for the proper conduction, collection, storage, treatment, and disposal of wastewater from a dwelling or other facility serving the equivalent of fifteen (15) persons or less.
- j. "Person" shall mean any individual, firm, company, association, society, corporation or group.
- k. "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- l. "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and 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 inch (1/2") (1.27 centimeters) in any dimension.
- m. "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
- n. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface and groundwaters are not intentionally admitted.
- o. "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.
- p. "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.
- q. "Sewage Works" shall mean all facilities for collecting, pumping, treating and disposing of sewage.
- r. "Sewer" shall mean a pipe or conduit for carrying sewage.
- s. "Shall" is mandatory and "May" is permissive.

t. "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

u. "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.

v. "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.

w. "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

x. "Town" shall mean the Town of University Park, Iowa.

SECTION 2. Use of Public Sewers Required.

a. 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 town or in any area under the jurisdiction of said town, any human or animal excrement, garbage or other objectionable waste.

b. It shall be unlawful to discharge to any natural outlet within the town, or in any area under the jurisdiction of said town, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

c. 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.

d. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the town 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 town, is hereby required at his 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, within sixty (60) days after the date of official notice to do so, provided that said public sewer is within one hundred (100) feet (30.5 meters) of the property line.

SECTION 3. Private Sewage Disposal.

a. Where a public sanitary or combined sewer is not available under the provisions of Section 2 (d) the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Article.

b. All on-site wastewater treatment and disposal located in the City shall be constructed and equipped in accordance with the specifications and requirements set forth by the Iowa Department of Natural Resources in the Iowa Administrative Code 567, Chapter 69, and to such additional requirements as are prescribed by the Regulations of the Mahaska County Board of Health.

c. No person, firm or corporation shall begin construction or repair of any on-site wastewater treatment and disposal system for any purpose in the City of University Park, without first having obtained a permit from the Mahaska County Board of Health pursuant to all rules and regulations adopted by the said Mahaska County Board of Health as authorized by Chapter 137 of the Code of Iowa. The permit for installation of the on-site wastewater treatment and disposal system shall be obtained prior to the construction of, or addition to, any dwelling or building to be served by this system.

d. No person, firm or corporation shall begin construction, reconstruction, alteration, or repair of any private sewage disposal system until the owner has complied with all of the rules and regulations of the Mahaska County Board of Health and the Iowa State Department of Natural Resources.

e. At such time as public sewage becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, or similar private sewage disposal facilities shall be abandoned and filled with suitable material.

f. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the town.

g. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

h. When a public sewer becomes available, the building sewer shall be connected 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.

i. For purposes of this section, all rules and regulations of the Mahaska County Board of Health regarding private sewage systems or on-site wastewater treatment and disposal systems are hereby adopted by reference.

SECTION 4. Building Sewers and Connections.

a. 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 Town Clerk.

b. There shall be two (2) classes of building sewer permits: (1) for residential and commercial service, and (2) for service to establishments producing industrial wastes. In either case, the owner or his agent or his agent shall make application on a special form furnished by the town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the City Council. A permit and inspection fee of \$25.00 for a residential or commercial building sewer permit and \$25.00 for an industrial sewer permit shall be paid to the town at the time the application is filed.

c. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the town and any entity operating the sewer system from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

d. 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, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

e. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the City or its designee, to meet all requirements of this ordinance and any and all state regulations and laws.

f. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

g. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. 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.

h. 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.

i. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the town, or the procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9. All such connections shall be made gas tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Inspector before installation.

j. The applicant for the building sewer permit shall notify the City or its designee when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the City, its representative, or its designee.

k. 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 town.

SECTION 5. Use of the Public Sewers.

a. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage; uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

b. Stormwater and all other unpolluted drainage shall be discharged to such sewers as specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the City or its designee. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Inspector, to a storm sewer, combined sewer, or natural outlet.

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

i. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.

ii. 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.

iii. 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.

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

v. Any waters or wastes having (1) a 5-day biochemical oxygen demand greater than 300 parts per million by weight, or (2) containing more than 350 parts per million by weight of 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 Inspector. Where necessary in the opinion of the Inspector, the owner shall provide, at his expense, such preliminary treatment as may be necessary to (a) reduce the biochemical oxygen demand to 300 parts per million by weight, or (b) reduce the suspended solids to 350 parts per million by weight, or (c) control the quantities and rates of discharge of such water or wastes. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Inspector and no construction of such facilities shall be commenced until such approvals are obtained in writing.

d. No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the City or its designee 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 his opinion as to the acceptability of these wastes, the City or its designee 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:

i. Any liquid or vapor having a temperature higher than one hundred fifty degrees (150°) F (65 degrees C).

ii. Any water or waste 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) degrees F (65 degrees C).

iii. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the City or its designee.

iv. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions.

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

vi. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the City or its designee as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal or other public agencies or jurisdiction for such discharge to the receiving waters.

vii. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the City or its designee in compliance with applicable state or federal regulations.

viii. Any waters or wastes having a pH in excess of 9.5.

ix. Materials which exert or cause:

a) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

c) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant loan on the sewage treatment works.

d) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

e. 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.

f. 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 "d" of this Section, and which in the judgment of the City or its designee 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 Inspector may.

i. Reject the wastes.

- ii. Require pretreatment to an acceptable condition for discharge to the public sewers.
- iii. Require control over the quantities and rates of discharge.
- iv. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of "j" of this Section.

If the City or its designee permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the City or its designee and subject to the requirements of all applicable codes, ordinances and laws.

g. Grease, oil and sand interceptors shall be provided when, in the opinion of the City or its designee, 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 City or its designee, and shall be located as to be readily and easily accessible for cleaning and inspection.

h. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

i. When required by the City or its designee, 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 observations, sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the City or its designee. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

j. 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 24 hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24 hour composites of all outfalls, whereas pH's are determined from periodic grab samples).

k. No statement contained in this Section shall be construed as preventing any special agreement or arrangements between the town and any industrial concern whereby an industrial waste or unusual strength or character may be accepted by the town for treatment, subject to payment therefore, by the industrial concern.

SECTION 6. Protection From Damage.

a. No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or temper 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 undercharge of disorderly conduct.

SECTION 7. Powers and Authorities of City and/or its designee.

a. The City or its designee and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this ordinance. The City or its designee or his 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.

b. While performing the necessary work on private properties referred to in Article VII, Section I above, the City or its designee or duly authorized employees of the town 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 town employees and the town shall indemnify the company against loss or damage to its property by town 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 5 "h".

c. The City or its designee and other duly authorized employees of the town bearing the proper credentials and identification shall be permitted to enter all private properties through which the town holds a duly negotiated easement for the purpose 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.

SECTION 8. Penalties.

a. Any person found to be violating any provision of this ordinance, except Section 5, shall be served by the City or its designee 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.

b. Any person who shall continue any violation beyond the time limit provided for in Section 8, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not less than Sixty-five Dollars (\$65.00) and not more than Six Hundred Twenty-five Dollars (\$625.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

c. Any person violating any of the provisions of this ordinance shall become liable to the City or its designee for any expense, loss or damage occasioned the town by reason of such violation.

ARTICLE VIII - BUILDING AND PROPERTY REGULATIONS

Chapter 1

ADOPTION OF THE IOWA STATE BUILDING CODE BY REFERENCE REGULATING THE REMOVAL, DEMOLITION, CONVERSION, OCCUPANCY, EQUIPMENT, USE, HEIGHT, AREA, AND MAINTENANCE OF BUILDINGS AND STRUCTURES, TO PROVIDE FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES AND TO PROVIDE PENALTIES FOR VIOLATIONS

SECTION 1. Short Title. This chapter shall be known as the University Park, Iowa, Building Code, and may be cited as such, and will be referred to herein as "this chapter".

SECTION 2. Iowa State Building Code-Adopted. Pursuant to published notice and public hearing, as required by law, the most recent, current and newly promulgated version of the Iowa State Building Code pursuant to Chapter 103A of the Code of Iowa is hereby adopted by reference. Official copies of the aforementioned Iowa State Building Code, the standard copies adopted therein, and a certified copy of this chapter are on file in the office of the City Engineer of Oskaloosa, Iowa. This chapter, its enforcement and administration, is subject to a Building Code Enforcement Agreement between the Town of University Park, Iowa, and the City of Oskaloosa, Iowa.

SECTION 3. Administration Provisions. Administration of this chapter shall be as outlined in this section.

3.10 Building Official or City's designee - Cooperation From Other Officials. The building official or the City's designee may request, and shall receive so far as may be necessary in the discharge of his duties, the assistance and cooperation of other officials of the City.

3.20 Board of Appeals. In order to determine the suitability of alternate materials and methods of construction, and to provide for reasonable interpretations of the provisions of this chapter, there shall be and is created a board of appeals, consisting of members who are qualified by experience and training to pass upon matters pertaining to building construction. The building official or the City's designee shall be an ex-officio member, and shall act as secretary of the board. The board of appeals shall be appointed by the Mayor and approved by the Council and shall hold office at the pleasure of the Council. The board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the building official, with a copy to the appellant.

3.30 Building Official or City's designee - Powers and Duties. The building official or the City's designee is authorized and directed to enforce all the provisions of this chapter. The building official or the City's designee shall have the powers and duties set forth in this chapter.

3.40 Building Official or City's designee - Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the building official, his authorized representative, or the City's designee, has reasonable cause to believe that there exists in any building or upon any premises, any condition which makes such building or premises unsafe, as defined in this chapter, the building official, his authorized representative, or City's designee may enter such building or premises at all reasonable times to inspect the same or to perform any duty set out in this chapter, provided, that if such building or premises is occupied, he shall first present proper credentials and demand entry, and if such building or premises is unoccupied, he shall first

make a reasonable effort to locate the owner or other persons having charge or control of the building or premises, and demand entry. If such entry is refused, the building official, his authorized representative, or City's designee, shall have recourse to every remedy provided by law to secure entry.

3.50 Building Official or City's designee - Stop Work Orders Issued. Whenever any work is being done contrary to the provisions of this chapter, the building official or City's designee may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the building official or City's designee to proceed with the work.

3.60 Building Official or City's designee - Occupancy Discontinuance for Violations. Whenever any structure is being used contrary to the provisions of this chapter, the building official or City's designee may order such use discontinued and the structure, or portion thereof, vacated by notice served on any person causing such use to be continued. Such person shall discontinue the use within ten days after receipt of such notice, or make the structure or portion thereof comply with the requirements of this chapter, provided, however, that in the event of an unsafe building, the procedures for the abatement of a nuisance shall apply.

3.70 Building Official or City's designee- Equipment Condemnation Authority. Whenever the building official or City's designee learns or ascertains that any equipment, as defined in this chapter, has become hazardous to life, health or property, he shall order, in writing, that such equipment be restored to a condition of safety or be dismantled or removed from its present location. The written notice shall fix a time limit for compliance with such order. No person shall use or maintain the defective equipment after receiving such notice.

3.80 Building Official or City's designee- Liability Limitations. The building official or City's designee or any employee charged with the enforcement of this chapter, acting in good faith and without malice for the City in the discharge of his duties, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required, or by reason of any act or omission in the discharge of his duties. Any suit brought against the building official or City's designee because of such act or omission performed by, him in the enforcement of any provisions of this chapter, shall be defended by the City until final termination of the proceeding.

3.90 Building Maintenance. All buildings or structures, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by this chapter in a building or structure, when erected, altered or repaired, shall be maintained in good working order. The owner or his designated agent shall be responsible for the maintenance of buildings and structures. For the purpose of determining compliance with this section, the building official or City's designee may cause any structure to be reinspected.

3.100 Permit Requirements. Generally, Permits shall be required as set forth in sections of this chapter.

3.110 Building Permits. No person, firm or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or structure in the City, or cause the same to be done, without first obtaining a separate building permit for each such building or structure from the City. Building permits shall not be required for nonstructural alterations not

exceeding One Thousand dollars (\$1,000.00) in value, and paneling, cabinet replacement, or door and window replacement, if such are replaced with an equal-sized replacement. Building permits shall further not be required for replacement of storm windows, screens, railings, the repair of porches, roof overhangs, re-roofing or siding projects, or normal and ordinary maintenance work. Owner is responsible for costs of necessary structural inspections made by the Building Official, his designee, or City's designee.

3.120 Mechanical Permits.

a. No person shall install, alter, reconstruct or repair any heating, ventilating, cooking or refrigeration equipment unless a permit therefore has been obtained from the building official or City's designee, except as otherwise provided in this chapter.

b. A permit shall be obtained for all heating, ventilating, cooling or refrigeration equipment moved with or installed in any relocated building. A separate permit shall be obtained for the equipment installed in each separate building or structure.

c. A permit shall not be required for the following:

i. Any portable heating appliance.

ii. Any portable ventilating equipment.

iii. Any portable cooling unit.

iv. Any steam, hot or chilled water piping within any heating or cooling equipment regulated by this chapter.

v. Replacement of any component part of assembly of an appliance which does not alter its original approval, and complies with other applicable requirements of this chapter.

vi. Any portable evaporative cooler.

vii. Any refrigerating equipment which is part of the equipment for which a permit has been issued pursuant to the requirements of this chapter.

viii. Any unit refrigeration system.

3.130 Plumbing Permits. No person, firm or corporation shall install, alter, reconstruct or repair any plumbing or drainage system, or part thereof, as defined in the plumbing code adopted by this title, unless a permit therefore has been obtained from the building official or City's designee.

3.140 Electrical Permits. No person, firm or corporation shall install, alter, reconstruct or repair any electrical conductor or equipment subject to the provisions of the electrical code adopted by this title unless a permit therefore has been obtained from the building official or City's designee.

3.150 Permits for Emergency Work. In emergency situations work may be initiated without first submitting a permit application and receiving a permit therefor, however a permit application must be submitted within a reasonable time after the passage of the critical period. With this one exception, all emergency work must be done in accordance with this chapter.

3.160 Permit - Application - Contents. To obtain any required permit, the applicant shall file application therefore on forms provided by the City for that purpose. Each application shall contain all information necessary to the lawful enforcement of the provisions of this chapter.

3.170 Permit - Application - Plans for Specifications.

a. With each application for a building permit, and when required by the City for enforcement of any provisions of this chapter, a minimum of two sets of plans and specifications or the necessary number as required by the City, shall be submitted. The City may require such plans and specifications to be prepared and designed by an engineer or architect licensed by the state to practice as such. Plans and specifications when required, shall be of sufficient detail and clarity to show that the proposed work will conform to the provisions of this chapter and of all applicable laws, ordinances, rules, regulations and orders.

b. The City may waive the filing of plans and specifications following: an application for the following:

i. One-story buildings of conventional wood stud construction, with an area not exceeding six hundred (600) square feet.

ii. Private garages, carports, sheds and agricultural buildings or conventional wood stud construction.

iii. Small and unimportant work.

3.180 Plans and Specifications - Review. Required plans and specifications shall be checked by the City. Such plans may be reviewed by other city departments or personnel to check compliance with the laws and ordinances under their jurisdiction.

3.190 Plans and Specifications - Copies Retained by City and Applicant. One set of approved plans, specifications and computations shall be retained by the City for a period of not less than ninety days from the date of completion of the work covered therein, and one set of approved plans and specifications shall be returned to the applicant, which set shall be kept on such building or work at all times during which the work authorized thereby is in progress.

3.200 Permit - Issuance Conditions. When the building official or City's designee is satisfied that the work described in an application for permit, and the plans and specifications filed therewith, if required, conform to the requirements of this chapter and other pertinent laws and ordinances, and that the fees as specified have been paid in full, he shall issue a permit therefore to the application.

3.210 Permit - Scope - Validity.

a. The issuance or granting of a permit or approval of plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this chapter. No permit presuming to give authority to violate or cancel, the provisions of this chapter shall be valid, except insofar as the work or use which it authorizes is lawful.

b. The issuance of a permit based upon plans and specifications shall not prevent the building official or City's designee from thereafter requiring the correction of errors in such plans and specifications, or from preventing building operations being carried on thereunder when in violation of this chapter or of any other ordinance of the City.

3.220 Permit - Expiration. Every permit issued by the building official or City's designee under the provisions of this chapter shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within one hundred twenty days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred twenty (120) days. Before such work can be recommenced, a new permit shall be first obtained so to do, and the fee therefore shall be one-half of the amount required for a new permit for such work, provided no changes have been made in the original plans and specifications for such work, and provided, further, that such suspension or abandonment has not exceeded one year.

3.230 Permit - Suspension or Revocation. The building official or City's designee may, in writing, suspend or revoke a permit issued under provisions of this chapter whenever the permit is issued in error, or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of this chapter.

3.240 Fees - Building Permit.

a. A permit shall be issued by a majority vote of the City Council at no charge. Fees for the inspection of footings, foundations, framing and final work in the total amount of \$100.00 shall be paid in advance to the City at the time the building permit issued, and the City shall pay over such amount to the designated building official or City's designee.

b. The fees for such inspections as set forth above shall be established by the inspecting authority and approved by the Council.

3.250 Fees - Mechanical, Plumbing and Electrical Permits. A fee for each mechanical, plumbing and electrical permit shall be paid to the building official or City's designee. A fee for each mechanical, plumbing and electrical permit shall be established by the inspecting authority.

3.260 Expiration of Plan Check - Extensions. Applications for which no permit issued within one hundred twenty days following the date of application shall expire by limitation, and plans submitted for checking may thereafter be returned to the applicant or destroyed by the building official or City's designee. The building official or City's designee may extend the time for action by the applicant for a period not exceeding one hundred twenty (120) days upon written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. In order to renew action on an application after expiration, the applicant shall resubmit plans.

3.270 Re-inspection Fee. In the event a re-inspection is necessary, there shall be paid to the building official or City's designee a re-inspection fee as established by the inspecting authority.

3.280 Work Commenced Without Permit - Penal Fee. Where work for which a permit is required by this chapter is started or commenced without obtaining a permit, the fees specified for such permit shall be doubled; but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this chapter in the execution of the work, nor from any other penalties prescribed herein.

3.290 Inspection - Generally. All construction or work for which a permit is required shall be subject to inspection by the building official or City's designee, and certain types of construction shall have continuous inspection by special inspectors.

3.300 Lot Survey Required - When. A survey of the lot may be required by the building official or City's designee to verify compliance of the structure with approved plans.

3.310 Inspection - Concealed Work. That portion of any work or equipment intended to be concealed by any permanent portion of the building shall not be concealed until inspected and approved.

3.320 Inspection - Approval Required Before Commencing Additional Work. No work shall be done on any part of the building or structure beyond the point indicated in each successive inspection without first obtaining the written approval of the building official or City's designee. Such written approval shall be given only after an inspection shall have been made of each successive step in the construction, as indicated by each of the inspections required in Section 3.330. There shall be a final inspection and approval on all buildings and work when ready for occupancy and/or completed.

3.330 Inspection - Specifications. The building official or City's designee, upon notification from the permit holder agent, shall make the following applicable inspections, and shall either approve that portion of the work as completed, or shall notify the permit holder or his agent wherein the same fails to comply with this chapter.

a. Reinforced Steel or Structural Framework. Reinforcing steel or structural framework of any part of any building or structure shall not be covered or concealed without first obtaining the approval of the building official or City's designee.

b. Foundation Inspection. To be made after trenches are excavated and forms erected and when all materials for the foundation are delivered on the job where concrete from a central mixing plant (commonly "transit-mixed") is to be used, materials need not be on the job.

c. Frame Inspection. To be made after the roof, all framing, fire-blocking and bracing are in place and all pipes, chimneys and vents are complete.

d. Mechanical Inspection. To be made before concealment or use.

e. Plumbing Inspection. To be made before concealment or use.

f. Electrical Inspection. To be made before concealment or use.

g. Lathe and/or Wallboard Inspection. To be made after all lathing and/or wallboard, interior and exterior is in place but before any plastering is applied or before wallboard joints and fasteners are taped and finished.

h. Other Inspections. In addition to the called inspections specified above, the building official or City's designee may make or require any other inspections of any construction or work to ascertain compliance with the provisions of this chapter and other laws which are enforced by the building official.

i. Final Inspection. To be made after work is completed and/or the building is ready for occupancy.

3.340 Special Inspector - Required for Certain Work.

a. In addition to the inspections as specified in Section 3.330, the owner or his agent shall employ a special inspector who shall be present at all times during construction on the following types of work:

i. Concrete. On concrete work when the structural design is based on _____ in excess of two thousand pounds.

ii. Masonry. Masonry work shall have special inspection when required in the Uniform Building Code.

iii. Welding. On all structural welding.

iv. Reinforced Gypsum Concrete. When cast-in-place Class B reinforced gypsum concrete is being mixed or deposited.

v. Special Cases. On special construction or work involving unusual hazards or requiring constant inspection.

b. Exception. The building official may waive the requirement for the employment of a special inspector if he finds that the construction or work is such that no unusual hazard exists.

3.350 Special Inspector - Qualifications. The special inspector shall furnish continuous inspection on the construction and work requiring his employment. He shall report to the building official or City's designee, in writing, noting all ordinance violations and other information as required.

3.360 Special Inspections - Exemptions. Special inspections required by Section 3.340 and elsewhere in this chapter shall not be required where the work is done on the premises of the fabricator approved by the building official or City's designee to perform such work without special inspection. The certificate of approval shall be subject to revocation by the building official or City's designee if it is found that any work done pursuant to the approval is in violation of this chapter.

3.370 Inspection - Request Deadline. The building official or City's designee may require that every request for inspection be filed at least one day before such inspection is desired. Such request may be in writing or by telephone, at the option of the building official or City's designee.

3.380 Inspection - Access. It shall be the duty of the person requesting inspection to provide access to and means for proper inspection. The building official or City's designee shall not be liable for any expense entailed in the removal or replacement of any material required to allow the inspection.

3.390 Power Fuel and Water Supply Connections. Systems and/or equipment regulated by this chapter shall not be connected to the power, fuel or water supply until authorized by the building official or City's designee, except that this section shall not be considered to prohibit the operation of any equipment installed to replace existing equipment serving an occupied portion of a building, in the event a request for inspection of such equipment has been filed with the building official or City's designee not more than forty-eight hours after such replacement work is completed and before any portion of such equipment is concealed by any permanent portion of the building.

3.400 Certificate of Occupancy. No building or structure where a certificate of occupancy is required by the Iowa State Building Code Administration Section shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official or City's designee has issued a certificate of occupancy thereof as provided in this section.

a. Change in Use. Changes in the character or use of a building shall not be made except as specified in the Uniform Building Code adopted by this chapter.

b. Certificate Issued. After final inspection, when it is found that the building or structure complies with the provisions of this chapter, the building official or City's designee shall issue a certificate of occupancy which shall contain the following:

- i. The building permit number
- ii. The address of the building.
- iii. The name and address of the owner.
- iv. A description of that portion of the building for which
- v. A statement that the described portion of the building complies with the requirements of this chapter for group and division of occupancy, and the use for which the proposed occupancy is classified.
- vi. The name of the building official or City's designee.

c. Temporary Certificate. A temporary certificate of occupancy may be issued by the building official or City's designee for the use of a portion or portions of a building or structure prior to the completion of the entire building or structure.

3.410 Unlawful Activities Designated. It is unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of this chapter

ELECTRICAL CODE

SECTION 4. Title for citation. This Section shall be known as the "City of University Park, Iowa, Electrical Code and shall be cited as such, and will be referred to herein as "this section".

4.10 National Electrical Code Adopted. The most recent, current and newly promulgated version of the National Electrical Code, being the standard of the National Fire Protection Association of Electric Wiring and Apparatus, as published by the National Fire Protection Association, is hereby adopted in full, except for such portions as may hereinafter be deleted, modified or amended. An official copy of the National Electrical Code, as adopted, is on file in the office of the City Clerk.

4.20 Electrical Inspector - Powers and Duties. The building official or City's designee shall serve as and be referred to as the electrical inspector. The electrical inspector, or his authorized agent, shall have authority under this section to enter any building, public or private, at any reasonable hour of the day for the purpose of ascertaining whether or not installation has been made or wiring or other work has been done in conformance with the provisions of this section.

4.30 Installation of Wiring and Appliances. All electrical wiring and the installation of any electrical apparatus or appliances shall be in conformity with this section. All electrical work which will be concealed when completed shall be inspected before concealment. It shall be the duty of the contractor or person making the installation to see that all proper inspections are made.

4.40 Inspection - Procedures and Requirements.

a. The inspector shall on notice from the permit holder, forthwith inspect any electrical wiring, installation, extension, appliance or connection. In the event that the inspector disapproves any piece of work, he shall specify his reasons therefore. No electric wiring shall be energized unless the work passes the inspection, or, if energized, it shall not be maintained unless the defects are corrected to the satisfaction of the inspector. The City shall possess all necessary power to require compliance, either by injunction or abatement. The City shall possess all necessary power to require compliance, either by injunction or abatement as a nuisance or municipal infraction.

b. Nothing herein shall be construed to prohibit a temporary hookup for construction, or other temporary use, provided that such temporary hookup shall meet such standards as the inspector shall require.

4.50 Inspection - Emergency Powers. The electrical inspector shall, without notice or application, inspect all buildings damaged by fire, wind, tornado, cyclone or other calamity, and, prior to any repair or reconstruction, shall make specific inspection as to whether or not there is any exposed wire resulting therefrom, and shall require that all exposed wiring be properly protected before any repair or improvement is permitted.

4.60 Permit Requirements.

a. Before any person, firm or corporation shall proceed to make any electrical repair, extension or other electrical installation, a permit shall be secured from the City. The fee to be charged shall be as set by resolution of the council.

b. MidAmerican Energy Authority. MidAmerican Energy shall have full authority to adopt rules and regulations relative to the use and conditions for use of electrical service, and such rules shall be fully complied with by any person, firm or corporation using such electrical service.

4.70 Licensing Requirements - Homeowner Exceptions. The licensing requirements of this section shall not be required for homeowners doing electrical work within their own residence, so long as this work is limited to branch circuit within their home. This exception is limited only to the homeowner's residence, and does not apply to commercial or rental properties. The homeowner shall not hire other unlicensed persons to do electrical work under the auspices of the homeowner. All such work done by the homeowner is subject to the requirements, inspections and penalties established under the City's building code.

PLUMBING CODE

SECTION 5. Title for Citation. This section shall be known as the "City of University Park, Iowa, Plumbing Code" and may be so cited, and shall be referred to hereafter as "this section".

5.10 Purpose and Scope of Provisions.

a. It is the purpose of this section to adopt a complete plumbing code, including provisions for inspecting and regulating plumbing installations, issuing permits, collecting fees and providing penalties for violations of this section.

b. The provisions of this section shall apply to and govern plumbing, as defined by the State Plumbing Code, including the practice, materials and fixtures, appliances and appurtenances in connection with any of the following: sanitary drainage or storm drainage facilities, the venting system and the public or private water supply systems within or adjacent to any building or other structure, or convenience; also, the practice and materials used in the installation, maintenance, extension or alteration of the stormwater, liquid waste or sewerage systems, and water systems of any premise to their connection with any point of public disposal or other acceptable terminal.

5.20 Uniform Plumbing Code - Adopted. The most recent, current and newly promulgated version of the uniform Plumbing Code, being the standard of and published by the International Association of Plumbing and Mechanical Officials, is adopted as set forth in the Iowa State Building Code, except for such portions as may be deleted, modified or amended in this section. From the effective date of the ordinance codified in this section, all installations, repairs and alterations of plumbing shall be performed in accordance with its provisions. An official copy of the Uniform Plumbing Code, as adopted, is on file in the office of the City Clerk.

5.30 Uniform Plumbing Code - Amendments, Modifications, Additions and Deletions. The following amendments, modifications, additions and deletions to the Uniform Plumbing Code are hereby made:

a. Plastic Pipe for Underground Drainage Systems. The use of Schedule 40, ABS or PVC, drain, waste and vent piping conforming to ASTM D2665 shall be allowed in underground, residential construction not exceeding two stories in height. Such plastic pipe installations shall be fully bedded in granular material such as sand or other material approved by the building official or City's designee, which shall be hand-placed, tamped and graded to the top of the pipe. Such plastic pipe installations will not be allowed in areas where the surrounding temperature may exceed one hundred forty degrees Fahrenheit.

5.40 Permit - Required. When no plumbing work shall be done without a permit issued by the City, except as provided in Sections 5.50 and 5.60 of this section. A permit shall be issued if the plumbing work, as proposed in the application for a permit, meets all the requirements of this section. If plans and specifications of the proposed work are requested, they also must meet the requirements of this section.

5.50 No Permit Required - Repair Work. Repairs that involve only the working parts of a faucet or valve, the clearance of stoppages, or repairs on piping of water within a building may be made without a permit, provided there is no change in the routing of the pipe, and no more than twenty-one feet of pipe nor more than four pipe fittings may be replaced.

5.60 No Permit Required - Replacing Fixtures. Replacing of fixtures may be done without a permit, provided that not more than twenty-one feet of piping nor more than four fittings may be replaced.

5.70 Permit - To Whom Issued. A permit shall be issued only to a licensed plumber.

5.80 Permit - Application. Application for a permit shall be made to the City Clerk on forms provided by the City Clerk. The application shall be accompanied by fees in accordance with the schedule of fees.

5.90 Permit - Fee Schedule. Permit fee shall be established by the inspecting authority.

5.100 Plans and Specifications Required When - Effect. Plans and specifications showing the proposed work in the necessary detail shall be submitted, when requested by the building official. If a permit is denied, the applicant may submit revised plans and specifications without payment of any additional fee. If, in the course of the work, it is found necessary to make any change from the plans and specifications on which a permit was issued, amended plans and specifications shall be submitted. Fees in the amount of half the fees originally required also shall be submitted. A supplementary permit, subject to the same conditions applicable to the original application for a permit, shall be issued to cover the change.

5.110 Plumbing Inspector - Administration and Enforcement. It shall be the duty of the building official or City's designee to administer and enforce the provisions of this section and to make any required inspections or tests.

5.120 Building Official or City's designee- Right of Entry. The building official or City's designee and his authorized representatives may enter any premises, on proof of authority, for the purpose of inspecting any plumbing system, at such times as may be reasonably necessary to protect the public health, safety and welfare.

5.130 Exception for Homeowner. The licensing requirements of this section shall not be required for homeowners doing plumbing work within their own residences so long as this work is limited to the building drain within their home. This exception is limited only to the homeowner's residence and does not apply to commercial or rental properties. The homeowner shall not hire other unlicensed persons to do plumbing work under the auspices of the homeowner. All such work done by the homeowner is subject to the requirements, inspections and penalties established under this code.

Chapter 2

SETBACK LIMITATIONS FOR NEW CONSTRUCTION OF RESIDENTIAL DWELLING UNITS

SECTION 1. Bulk Regulations. The following minimum requirements shall be observed:

- a. Lot area, 8,400 square feet.
- b. Lot width, 70 feet.
- c. Front yard, 30 feet, provided, however, that where lots comprising 10% or more of the

frontage within 200 feet of either side lot line or developed with buildings at a greater or lesser set back, the front yard requirements shall be the average of these buildings set backs and the minimum front yard required for the undeveloped lots. In computing the average set back, buildings located on reverse corner lots or entirely on the rear half of lots shall not be counted. The required front yard is computed herein need not exceed 50 feet in any case (See Attachment A for example).

- d. Side yards.
 - i. One and one-half stories, minimum on each side, 7 feet.
 - ii. Two and three stories, minimum on each, 10 feet.
 - iii. Churches and schools, 40 feet on each side.
- e. Rear yard, 25 feet.
- f. Maximum height.
 - i. Principal building, 35 feet.
 - ii. Accessory building, 12 feet.
- g. Maximum number of stories.
 - i. Principal building, 3 stories.
 - ii. Accessory building, 1 story.

SECTION 2. Use of Existing Lots of Record. In any district where they are otherwise permitted, a residence may be located on any lot or plot of official record as of the effective date of the ordinance, codified in this article, irrespective of the area or width; provided, however:

- a. The sum of the side yard widths of any such lot or plot shall not be less than thirty percent (30%) of the width of the lot, but in no case less than ten percent (10%) of the width of the lot for any one side yard.
- b. The dept of the rear yard of any such lot need not exceed twenty percent (20%) of the depth of the lot but in no case less than 20 feet.
- c. On a corner lot in any residential district, nothing shall be erected, placed, planted or allowed to grow in such a manner to materially impede vision between a height of 2-1/2 and 10 feet above the center line grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and a line joining points on said right-of-way lines 40 feet from their point of intersection.

Chapter 3
SUBDIVISIONS

SECTION 1. Title for Citation. The ordinance codified in this chapter may be known and cited as the "University Park Subdivision Ordinance" and shall be referred to herein as "this Chapter."

SECTION 2. Definitions. For the purpose of this chapter, certain terms and words are defined. Words used in the present tense shall include the future, the singular number shall include the plural, and the plural the singular; and the word "shall" is mandatory, the word "may" is permissive.

a. "Alley" means a public right-of-way, other than a street, twenty feet or less in width, affording secondary means of access to abutting property.

b. "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.

c. "Building Line" means a line on a plat between which line and the public right-of-way no buildings or structures may be erected.

d. "City Council" or "Council" means the city council of University Park, Iowa.

e. "City Engineer" means the city engineer of Oskaloosa, Iowa, who is designated by the city council to administer and enforce the provisions of this chapter.

f. "Cul-de-sac" means a dead-end street permanently closed to through traffic, being terminated by a vehicular turnaround.

g. "Easement" means a right-of-way granted for the purpose of limited private, public and quasi-public uses across private land.

h. "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.

i. "Major street" means a street, other than a local service street, as designated on the comprehensive plan of the city.

j. "Plat" means a map, drawing or chart on which the subdivider's plan of the subdivision is presented, and which he submits for approval and intends in final form to record.

k. "Proprietor's plat" means a plat, as defined in this section, submitted by the owner of the land being platted, or his agent, or other private entity action with the consent of the owner.

l. "Residential street" means a local service street used primarily for access to abutting property.

m. "Subdivision" means the division of a lot, tract or parcel of land into three or more lots, parcels or other divisions of land for the purpose of immediate or future sale or transfer or building

development. The term includes re-subdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

The division of land for agricultural purposes into parcels or more than ten acres, not involving any new road, street, easement or other dedication, shall not be considered a subdivision, as defined in this subsection, and shall be exempt from the requirements of this chapter. Such division into parcels of more than ten acres shall not be further divided into parcels of less than ten acres without meeting all of the requirements of this chapter.

3. Area where regulations are applicable.

a. With regard to subdivisions located in the unincorporated area of the county within two miles of the city corporate limits, the provisions of this chapter shall apply. The council shall have the right to waive such requirements as are contained in this chapter to the end that the council are satisfied that equally suitable regulations have been placed on these subdivisions by the board of supervisors; provided, however, that the county board of supervisors furnishes the council with a copy of the subdivision, certifying that all requirements of the appropriate county ordinances have been met. The council 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. Upon approval by the city council, the city clerk shall notify the county auditor and recorder in accordance with the provisions of existing statutes.

b. The purpose of this section is to facilitate the orderly processing of subdivisions in unincorporated areas within two miles of the city of University Park, and to avoid conflicting regulations, while at the same time assuring that provisions are made for proper and orderly future growth of the city.

4. Plats - Preliminary Approval by City Council.

a. Whenever the owner (or owners) of any tract or parcel of land within the corporate limits of the city, or within two miles thereof, wishes to make a subdivision of the same, he shall cause to be prepared a preliminary plat of the subdivision and shall submit eight copies of the preliminary plat and such other information as is hereinafter required in this chapter to the council for its preliminary study and approval.

b. The council shall refer a copy of the preliminary plat to the city engineer, who shall examine the preliminary plat as to its compliance with the ordinances and regulations of the city, the existing street system, and good municipal utility practices. The city engineer shall submit his recommendations to the city council.

c. The preliminary plat shall contain such information and data as is outlined in Section of this chapter.

d. Before approving a preliminary plat, the council may, in 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 the plat shall be considered by the commission.

5. Auditor's plats. With regard to auditor's plats, as distinguished from proprietor's plats, the council shall have the right to waive provisions governing preliminary approval and public improvements outlined in Sections 7 and 9 through 28, providing there is on file with the council a copy of the request of the county auditor ordering such plat and a letter from the auditor stating that the plat as submitted meets the requirements for which the auditor has ordered the plat.

6. Final Approval by City Council. Approval of the final plat by the city council shall be null and void if the plat is not recorded within thirty days after the date of approval, unless application for an extension of time is made in writing during the thirty-day period to the council, and granted.

7. Preliminary plat - information required.

a. Each subdivider of land should confer with the council and city engineer 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.

b. The owner shall submit eight copies of a preliminary plat to the council, 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:

i. 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.

ii. Existing contour intervals of not more than two feet, provided, however, that a minimum of two contours shall be shown on any plat.

iii. The location of property lines and all such surface features as buildings, railroads, utilities, watercourses and similar items affecting the development. Also, the location and size of such subsurface 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 titles.

iv. A vicinity sketch at a scale of not more than five hundred 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.

v. All existing adjacent subdivisions, streets and tract lines of acreage parcels, together with the names of record owners of un-subdivided parcels of land immediately adjoining the proposed subdivision, and between it and the nearest existing streets.

vi. The title under which the proposed subdivision is to be recorded, with the name and address of the owner and subdivider; also the North point, scale, date, name of surveyor and engineer.

vii. Sites for schools, parks, playgrounds, and provisions for major streets, in accordance with the comprehensive plan.

viii. The zoning district or districts in which the land to be subdivided is located, according to the zoning ordinance.

ix. For all major streets except collectors and local service streets, the minimum radius of curvature shall be three hundred feet on the centerline; for collector streets, one hundred feet, and local service streets fifty feet. The maximum grade for any street shall not exceed seven percent, except in the case of local service streets where a ten percent grade shall be permissible. Changes in grades for all streets shall be connected by vertical curves of minimum length equal to fifteen 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.

x. Any plat that cannot be reasonable served by public sewer shall show the results of soil percolation tests made by tire engineer preparing the plat. Such tests shall be made in accordance with specifications approved by the city council or county health department.

xi. 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 titleholders, 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.

c. Any plat not containing all the information specified above shall not be considered by the council.

8. Final Plat - Information Required.

a. Following preliminary approval, eight copies of the final plat shall be submitted to the council for study and review. This plat shall be made from an accurate survey by a licensed land surveyor and engineer, and drawn to a scale of one hundred feet to the inch or larger.

b. The final plat shall show the following:

i. 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. The allowable unadjusted error of closure on the traverse of the boundaries of the plat shall be one in ten thousand. Latitude and departure computations on the traverse closure shall be submitted with the plat.

ii. The lines of adjoining streets and alleys, with their widths and names.

iii. All lot lines and block numbers, building lines and easements, with figures showing their dimensions.

iv. 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 feet and decimals of a foot.

v. Radii, arc and chords, points of tangency, central angles for all curvilinear streets, and radii for rounded corners.

vi. All surveyor's monuments, together with their descriptions; monumentation shall meet the requirements of Section 409.30, Code of Iowa.

vii. 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.

c. Accompanying Material. The following material shall be required to be submitted to the city engineer prior to or at the time the final plat is submitted to the city council for approval:

i. Plans and profiles shall be submitted of all streets and alleys, fifty feet horizontal scale and five feet vertical scale recommended. Profiles shall show location, size and grade of all conduits, sewers, pipelines, 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 shall be 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 shall be at the left side of the drawing.

ii. Any easements or deeds, properly executed, for all streets or roads intended to be dedicated for public use.

d. Certificates. It shall be the responsibility of the owner to obtain and submit to the county recorder the following certificates, prior to or at the time that the final plat is submitted for record:

i. Certificate for the county treasurer that the subdivision land is free from taxes.

ii. Certificate from the clerk of the district court that, the subdivision land is free from all judgments, attachments, mechanics' or other liens of record in his office.

iii. Certificate from the county recorder that the title in fee is in the owner, and that it is free from encumbrances, other than those secured by an encumbrance bond.

iv. Certificate by the owner and spouse, if any, that the subdivision is with the free consent and is in accordance with the desire of the owners. This certificate must be signed and acknowledged by the owner and spouse before some officer authorized to take the acknowledgement of deeds.

9. Design and development standards. No subdivision plat shall be approved by the city council unless it conforms to the minimum standards and requirements set forth in Sections 10 through 18 of this chapter, except those plats referred to in Section 5 as auditor's plats.

10. Acre subdivisions. Whenever the area is divided into lots containing one or more acres, and there are indications that such lots will eventually be re-subdivided 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.

11. Streets - Relation to adjoining system.

a. 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 the 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.

b. 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.

12. Streets - Width.

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 feet, except that in causes where the topography or special conditions make a street of less width more suitable, the council may reduce the above requirement.

c. Dead-end streets shall not be over six hundred feet in length, and shall have a minimum width of fifty feet unless, because of unusual conditions, the commission shall approve a street of greater length and/or less width. All dead-end streets shall terminate in a circular right-of-way of cul-de-sac, with a minimum diameter of one hundred feet or other equally suitable provision for vehicular turning space.

d. Easements of not less than eight 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 lot lines or across lots, where necessary for the extension of main sewers and similar utilities.

13. Blocks. No block shall be longer than one thousand feet, except where topography or unusual conditions permit a greater length.

14. Lots.

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 bulk 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 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 feet at the street corner. A greater radius shall be required for intersections involving one or more major streets. A cutoff or chord may be substituted for the circular arc.

15. Street names. Street names for streets which are in alignment with or extensions of existing streets shall be the same. Street names shall be subject to council approval.

16. 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.

17. Development - Type and character. The council shall have the right to agree 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.

18. Easements along streams and watercourses. Whenever any stream or major surface watercourse is located in an area that is being subdivided, the subdivider shall, at his own expense, make adequate provisions for straightening, widening or otherwise improving the channel so that it will properly carry the surface water. He shall also provide and dedicate to the city of Mahaska County 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 feet.

19. Improvements - Requirements generally.

a. 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 and Sections 19 through 27.

b. 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 of University Park, 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 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 portion thereof to complete the same.

c. The minimum improvements installed or for which bond is posted, in any subdivision, before the plat can be finally approved, shall be in accordance with Sections 19 through 27.

20. Improvements - 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, 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 inches of non-reinforced portland cement concrete, with

integral curb and gutter. Minimum pavement widths shall be in accordance with the requirements of the comprehensive plan.

21. Improvements - 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.

22. Improvements - Sewers. The subdivider shall construct sanitary and stormwater sewers according to the standards and specifications of the city, and provide connection for each lot to the sanitary sewer, where existing sewer outlets are not within reasonable distance, installation of private sewer facilities or septic tanks shall be permissible as temporary measure pending future sewer service, provided the subdivider shall furnish a report from the county health department and city engineer stating that the proposed lots have been tested and found suitable for septic tank installation.

23. Improvements - Water mains and fire hydrants. The subdivider shall provide for the installation of water mains and fire hydrants in the subdivided area, 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 water department.

24. Improvements - sidewalks. The subdivider shall provide for the installation of sidewalks along all new or existing streets in and adjacent to a subdivision. Sidewalks shall be built according to the standards and specifications of the city.

25. Improvements - Survey 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 inches long, and shall conform with standard specifications of the city.

26. Improvements - Utility lines. The council shall require that all utility lines, except electric lines of nominal voltage in excess of fifteen thousand volts, be installed underground. The subdivider shall be responsible for making the necessary arrangements with the utility companies for installation of such facilities. The 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 aboveground, 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.

27. Improvements - Review of plans, specifications, installations and construction.

a. All plans, specifications, installation and construction required by this chapter shall be subject to review, approval and inspection by the city engineer or his authorized representative.

b. The city council may require contracts for all public improvements, to be executed on forms furnished and approved by the city attorney and the city council.

c. The subdivider shall furnish the city engineer with a construction schedule prior to commencement of any and/or all construction, and shall notify the city engineer not less than forty-eight hours in advance of readiness for required inspection. The subdivider shall reimburse the city for the costs expended for all inspection services and tests furnished and conducted by or on behalf of the city.

d. The subdivider shall furnish the city engineer with a set of mylar plastic reproducible drawings, showing the as-constructed location and elevation of all improvements required by this chapter, within a reasonable time following completion and acceptance of the improvements.

28. Improvements - Subdivider responsibility. The subdivider shall be responsible for the installation and/or construction of all improvements required by this chapter, and shall warrant the design, materials and workmanship of such improvements, installation and construction for a period of two years from and after completion. Such warranty shall be by bond or other acceptable collateral, and shall be subject to review by the city attorney; it shall assure the expedient repair or replacement of defective improvements under warranty, and shall indemnify the city from all costs or losses resulting from or contributed to such defective improvements.

29. Variances and Exceptions. Whenever the tract proposed to 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 his property in a reasonable manner; provided, however, that all such variations and exceptions granted hereunder shall be in harmony with the intended spirit of this chapter, and granted with a view toward protection the public welfare and interest of the city and surrounding area.

30. Filing Fees.

A. Before a preliminary plat shall be considered by the council, the subdivider or his agent shall deposit with the city clerk a fee of fifty dollars (\$50.00). A receipt of such filing fee shall be filed with the preliminary plat.

B. Before a final plat shall be considered by the council, the subdivider or his agent shall deposit with the city clerk a fee of twenty-five dollars (\$25.00), plus one dollar (\$1.00) for each lot included in the final plat. A receipt of such filing fee shall be filed with the final plat.

31. Approval - Prerequisite to recordation. 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 in this chapter.

32. Approval - Required for permit issuance. The zoning administrator and/or the building inspector shall not issue permits for any structure located on a lot in any subdivision, the plat of which has been prepared after January 20, 1986, the date of the adoption of the ordinance codified in this chapter, but which has not been approved in accordance with the provisions contained in this chapter.

33. Conformance with chapter provisions required. 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 January 20, 1986, the date of the adoption of the ordinance codified in this chapter, unless such subdivision or street has been approved in accordance with the provisions contained in this chapter.

34. Changes and amendments to chapter provisions. Any regulation or provision of this chapter may be changed and amended from time to time by the city council; provided, however, that 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 given in a newspaper of general circulation in the city at least fifteen days prior to such hearing.

Chapter 4 TREE PLANTING

SECTION 1. Purpose. The purpose of this Chapter is to beautify and preserve the appearance of the City by requiring street trees to be uniformly located and maintained. The primary responsibility for maintaining street trees is placed upon the abutting property owner or his agent, but a council designee personally supervise any cutting or trimming of trees.

SECTION 2. Definitions. For use in this Ordinance, the following terms are defined:

a. The term "person" shall mean any individual, firm, corporation, trust, association or any other organized group.

b. The term "street" shall mean the entire width between property lines of avenues or highways.

c. The "parking" shall mean that part of the street, avenue or highway in the City not covered by sidewalk and lying between the lot line and the curb line, or on unpaved streets, that part of the street, avenue or highway lying between the lot line and that portion of the street usually traveled by vehicular traffic.

d. The term "property owner" shall mean a person owning private property in the City as shown by the County Auditor's plats of the City.

e. The term "public property" shall mean any and all property located within the confines of the City and owned by the City or held in the name of the City by any of the departments, commissions or agencies within the city government.

SECTION 3. Arboricultural Specifications and Standards of Practice.

a. Spacing. All trees hereafter planted in any street shall be planted midway between the outer line of the sidewalk and the curb. In the event a curb line is not established, trees shall be planted on a line seven feet from the property line.

b. Planting.

i. Size. All trees planted on the streets shall be of sufficient size to warrant satisfactory results and stand the abuse common to street trees.

ii. Grade. Unless otherwise allowed for substantial reasons, all standard sized trees shall have comparatively straight trunks, well-developed leaders, and top and root characteristics of the species or variety showing evidence of proper nursery pruning. All trees must be free of insect, disease, mechanical injuries and other objectionable features at the time of planting. To compensate for any serious loss of roots, the top of the tree should be reduced by thinning or cutting back as determined by the growth characteristics of the tree species. The leader shall not be cut off in such trimming.

iii. Planting. Trees shall not be planted on the parking if it is less than nine (9) feet in width, or contains less than eighty-one (81) square feet of exposed soil surface. Trees shall not be planted closer than twenty (20) feet to street intersections (property lines extended) and ten (10) feet to driveway. If it is at all possible, trees should be planted inside the property lines and not between the sidewalk and curb.

iv. Method of Support. Trees may be guyed or supported in an upright position according to accepted arboricultural practices. The guys or supports shall be fastened in such a way that they will not girdle or cause serious injury to the trees or endanger public safety.

c. Trimming of Pruning.

i. All cuts are to be made sufficiently close to the parent stem so that healing can readily start under normal conditions.

ii. All dead or diseased wood shall be removed.

iii. All limbs one inch in diameter or more must be pre-cut to prevent splitting. All branches in danger of injuring the tree in falling shall be lowered by ropes.

iv. A crossed or rubbing branch shall be removed where practicable, but removal shall not leave large holes in the general outline of the tree. Crossed or rubbing branches may be cabled apart.

v. All cuts, old or new, one inch in diameter or more, shall be painted with an approved tree wood dressing. On old wounds, care shall be taken to paint exposed wood only.

vi. Where there is a known danger or transmitting disease by tools, said tools shall be disinfected with alcohol before use on another tree.

vii. Improperly healed scars, where callous growth is not established, are to be traced and painted, unless the City Council designated other treatment.

viii. No topping or dehorning of trees shall be permitted except after obtaining special written permission from the City Council. Trees becoming star-headed may have the dead portions removed back to sound green wood, with a proper forty-five (45) degree cut only.

ix. Elm wood trimmed, pruned or removed shall be not used for any purpose, but shall be disposed of immediately by burning or burying.

SECTION 4. Removal of Trees. The mayor remove, on the order of the council, any tree on the streets of this municipality which interferes with the making of improvements or with travel thereon. He shall additionally remove any trees on the street, not on private property, which have become diseased, or which constitutes a danger to the public, or which may otherwise be declared a nuisance.

SECTION 5. 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 thirteen (13) feet above the surface of the street and nine (9) feet above the sidewalks.

SECTION 6. Trimming of Trees Under Supervision of Mayor or designee. Except as allowed in Section 4, no person may trim or cut any tree in a street or public place unless the work is done under the personal supervision of the Mayor or designee.

SECTION 7. Assessment. If the abutting property owner fails to trim the trees as required in this Chapter, the the City may serve notice on the abutting property owner requiring him to do so within five (5) days. If he fails to trim the trees within that time, the City may perform the required action and assess the costs against the abutting property for collection in the same manner as a property tax.

Chapter 5 NAMING STREETS

SECTION 1. Center Street. The street west of the University Park Community Building shall be known as "Center Street".

SECTION 2. Park Street. The street running north and south immediately east of Center Street and between 8th Avenue East and Burlington Road shall be known and designated as "Park Street".

SECTION 3. Bethel Street. The street next west of and parallel with Center Street and running thence in a northeasterly direction to the south edge of 8th Avenue East as above described in Section 7 hereof, and also that street commencing at the north edge of 8th Avenue East as above described in Section 7 hereof and running thence in a northerly direction and immediately adjacent to the west side of Vennard College, which street is also the street next west of and parallel with Center Street and extends south of Burlington Road, shall be known and designated as "Bethel Street".

SECTION 4. Peniel Street. The street next west of and parallel with be known and designated as "Peniel Street".

SECTION 5. Burlington Road. The street that runs east-west on the south side and through University Park is known as "Burlington Road" and is an extension of Burlington Road in Oskaloosa, Iowa.

SECTION 6. 9th Avenue East. The through street two blocks north of and parallel to Burlington Road shall be known and designated as "9th Avenue East" and is an extension of 9th Avenue East in Oskaloosa, Iowa.

SECTION 7. 8th Avenue East. The street immediately south and southwest of the grounds of Vennard College and immediately north of 9th Avenue East shall be own and designated as "8th Avenue East".

SECTION 8. 7th Avenue East. The street north of and parallel with 8th Avenue East running west from the grounds of the Vennard College shall be known and designated as "7th Avenue East".

SECTION 9. 6th Avenue East. The street next north of and parallel with 7th Avenue East, running west from the grounds of the Vennard College shall be known and designated as "6th Avenue East".

SECTION 10. Crosson Avenue. The street next south of and parallel with 9th Avenue East, and extending east from Peniel Street shall be known and designated as "Crosson Avenue".

SECTION 11. College Street. The street which joins 8th Avenue East at its eastern end and runs to 9th Avenue East, shall be known as "College Street".

Chapter 6 SIDEWALKS

SECTION 1. Purpose. The purpose of this Chapter is to specify the procedure to be followed by the Council in ordering the construction, repair, replacement or reconstruction of sidewalks.

SECTION 2. Definitions. For the purposes of this Chapter, the term "sidewalk" shall mean that portion of a street between the curb lines or the lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians.

SECTION 3. Repair, Replacement, or Reconstruction by Property Owners.

a. The Council may serve notice on the abutting property owner by certified mail to the property owner as shown by the records of the County Auditor, requiring him to repair, replace or reconstruct sidewalks.

b. If the abutting property owner does not perform an action required under subsection 1 of this section within a reasonable time, the Council may have the work completed and assess the costs against the abutting property for collection in the same manner as a property tax.

SECTION 4. Specifications for Construction of Sidewalks. Sidewalks constructed under the provisions of this ordinance shall be of the following construction and meet the following standards:

a. Portland cement shall be the only cement used in the construction and repair of sidewalks.

b. Sidewalks shall be of one-course construction.

c. Concrete may be placed directly on compact and well drained soil. Where soil is not well drained, a two inch minimum sub-base of compact, clean, coarse gravel, sand or cinders shall be laid. The adequacy of the soil damage is to be determined by the Street Commissioner.

d. The sidewalk bed shall be graded to be established grade.

e. Residential sidewalks shall be at least 4 feet wide and 4 inches thick; and each section shall be no more than 4 feet in length.

SECTION 5. Construction of Sidewalks. Anyone who wishes to construct or reconstruct a sidewalk within the City shall first receive a permit to do so from the Town Clerk Application for such a permit shall be made in accordance with all building permits.

SECTION 6. Removal of Snow, Ice and Accumulations. It shall be the responsibility of the abutting property owner to remove snow, ice and accumulations from sidewalks within twenty-four (24) hours of the accumulations of such. If a property owner does not remove snow, ice or accumulations within the twenty-four-hour period, the City may do so and assess the costs against the property owner for collection in the same manner as a property tax, or by whatever legal means the City may deem appropriate.

Chapter 7

PROHIBITION OF PLACEMENT AND USE OF MOBILE HOMES AND HOUSE TRAILERS WITHIN CITY OF UNIVERSITY PARK, IOWA

SECTION 1. Prohibition on Placement of Mobile Homes. It shall be unlawful for any mobile homes to be placed and used within the city limits of University Park, Iowa.

SECTION 2. Pre-existing Mobile Homes. This Section shall not impair the right of any owner to use a mobile home placed and being used in the city limits prior to the effective date of this Ordinance, and until the use of such mobile home is abandoned. "Abandonment" for purposes of this section shall mean that the mobile home becomes continuously unoccupied for a period of six (6) months. Upon such abandonment, the mobile home shall be removed by the owner, and no replacement mobile home shall be permitted.

Chapter 8

DANGEROUS BUILDINGS

SECTION 1. Enforcement Officer. The Mayor, City Council, or City's designee is responsible for the enforcement of this chapter.

SECTION 2. General Definition of Unsafe. All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, are, for the purpose of this chapter, unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in this chapter.

SECTION 3. Unsafe Building. "Unsafe building" means any structure or mobile home meeting any or all of the following criteria:

a. Various Inadequacies. Whenever the building or structure, or any portion thereof, because of (a) dilapidation, deterioration, or decay; (b) faulty construction; (c) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (d) the deterioration, decay or inadequacy of its foundation; or (e) any other cause, is likely to partially or completely collapse.

b. Manifestly Unsafe. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

c. Inadequate Maintenance. Whenever a building or structure, used or intended to be used for dwelling purposes, because of dilapidation, decay, damage, faulty construction, or otherwise, is determined by any health officer to be unsanitary, unfit for human habitation or in such condition that it is likely to cause sickness or disease.

d. Fire Hazard. Whenever any building or structure, because of dilapidated condition, deterioration, damage, or other cause, is determined by the Fire Marshal or Fire Chief to be a fire hazard.

e. Abandoned. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

SECTION 4. Notice to Owner. The Mayor, City Council, or City's designee shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged and, if such is found to be an unsafe building as defined in this chapter, the enforcement officer shall give to the owner of such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises, within forty-eight (48) hours or such reasonable time as the circumstances require, to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof, and all such work shall be completed within ninety (90) days from date of notice, unless otherwise stipulated by the enforcement officer. If necessary, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected and approved by the enforcement officer.

a. Notice Served. Such notice shall be served by sending by certified mail to the owner of record, according to Section 364.12(3)(h) of the Code of Iowa, if the owner is found within the City limits. If the owner is not found within the City limits such service may be made upon the owner by registered mail or certified mail. The designated period within which said owner or person in charge is required to comply with the order of the enforcement officer shall begin as of the date the owner receives such notice.

b. Hearing. Such notice shall also advise the owner that he or she may request a hearing before the Council on the notice by filing a written request for hearing within the time provided in the notice.

SECTION 5. Conduct of Hearing. If requested, the Council shall conduct a hearing in accordance with the following:

- a. Notice. The owner shall be served with written notice specifying the date, time and place of hearing.
- b. Owner's Rights. At the hearing, the owner may appear and show cause why the alleged nuisance shall not be abated.
- c. Determination. The Council shall make and record findings of fact and may issue such order as it deems appropriate.

SECTION 6. Posting of Signs. The Mayor, City Council, or City's designee shall cause to be posted at each entrance to such building a notice to read: "DO NOT ENTER. UNSAFE TO OCCUPY. CITY OF UNIVERSITY PARK, IOWA." Such notice shall remain posted until the required repairs, demolition, or removal are completed. Such notice shall not be removed without written permission of the enforcement officer and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.

SECTION 7. Right to Demolish. In case the owner fails, neglects, or refuses to comply with the notice to repair, rehabilitate, or to demolish and remove the building or structure or portion thereof, the Council may order the owner of the building prosecuted as a violator of the provisions of this chapter and may order the enforcement officer to proceed with the work specified in such notice. A statement of the cost of such work shall be transmitted to the Council.

SECTION 8. Costs. Costs incurred under this chapter shall be paid out of the City treasury. Such costs shall be charged to the owner of the premises involved and levied as a special assessment against the land on which the building or structure is located, and shall be certified to the County Treasurer for collection in the manner provided for other taxes.

ARTICLE IX - REGULATION OF BUSINESS AND VOCATIONS

Chapter 1

LICENSING AND REGULATING PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS - PENALTIES FOR VIOLATIONS

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

- a. The term "peddler" shall mean any person carrying goods or merchandise who sells or offers for sale for immediate delivery such goods or merchandise from house-to-house or upon the public street.
- b. The term "solicitor" shall mean any person who solicits or attempts to solicit from house-to-house or upon the public street an order for goods, subscriptions or merchandise to be delivered at a future date.
- c. The term "transient merchant" shall mean any person, firm or corporation who engages in a temporary or itinerant merchandising business and in the course of such business, hires, leases or occupies any building or structure whatsoever. Temporary association with a local merchant, dealer,

trader or auctioneer, or conduct of such transient business in connection with, as a part of, or in the name of any local merchant, dealer, trader or auctioneer shall not exempt any person, firm or corporation from being considered a transient merchant.

SECTION 2. License Required. Any person engaging in peddling, soliciting or in the business of a transient merchant in this City without first obtaining a license as herein provided, shall be in violation of this Ordinance.

SECTION 3. Religious and Charitable Organizations Exempt. Authorized representatives of religious and charitable organizations desiring to solicit money or to distribute literature shall be exempt from the operation of Section 5 through 12 of this Ordinance.

SECTION 4. Application for License. An application in writing shall be filed with the City Clerk for a license under this Ordinance. Such application shall set forth the applicant's name, permanent and local address, business address, if any, physical description, recent photograph, right thumb print, and, unless a solicitor, be accompanied by a certificate that the applicant is in good health and free from contagious diseases, signed by a local physician. The application also shall set forth the applicant's employer, if any, and the employer's address, the nature of the applicant's business, the last three places of such business and the length of time sought to be covered by the license. A fee of \$2.00 shall be paid at the time of filing such application to cover the cost of investigating the facts stated therein.

SECTION 5. Issuance of License. If the City Clerk finds the application is made out in conformance with Section 4 of this Ordinance and the facts stated therein are correct, he shall issue, upon posting of bond as required by Section 7 of this Ordinance, a license and charge a fee therefore as determined by Section 6 of this Ordinance.

SECTION 6. Fees. Every license shall pay the following fee before a license shall be issued:

- a. For one day or any part thereof - \$25.00.
- b. For more than one day and up to one week - \$25.00 per day.
- c. For one week - \$125.00.
- d. For more than one week, but not more than one month - \$125.00 per week and \$25.00 for any day or fraction thereof.
- e. For one month - \$500.00.
- f. For longer than one month, all fees shall be computed by first computing the monthly fee, then the weekly fee, then the daily fee, and the sum of these fees shall be the fee charged.

SECTION 7. Bond Required. Before a license under this Ordinance shall be issued, each applicant shall post a bond of \$1,000.00 with the City Clerk. Such bond shall be conditioned to indemnify and pay the City for any penalties or costs occasioned by the enforcement of this Ordinance, and shall not be retired until after a lapse of 60 days from the expiration of each license.

SECTION 8. Display of License. Each solicitor or peddler shall at all times while doing business in the City keep in his possession the license provided for in Section 5 of this Ordinance, and shall, upon the request of prospective customers, exhibit the license as evidence that he has complied with all requirements of this Ordinance. Each transient merchant shall display with all requirements of this Ordinance. Each transient merchant shall display publicly his license in his place of business.

SECTION 9. License not Transferable. Licenses issued under the provisions of this Ordinance are not transferable in any situation and are to be applicable only to the person filing the application.

SECTION 10. Rebates on Licenses. On surrender of any license before the expiration of the full period for which it was issued, the licensee may apply for a rebate of the fee from the City Clerk. Determination of the amount of the rebate shall be made by deducting from the fee paid the amount payable when computed on a monthly, weekly and daily basis from the first day the license was issued. The balance, if any, shall be refunded.

SECTION 11. Revocation of License. The City Council, after notice and hearing, may revoke any license issued under this Ordinance where the licensee in the application for the license or in the course of conducting his business has made fraudulent or incorrect statements or has violated this Ordinance or has otherwise conducted his business in an unlawful manner.

SECTION 12. Expiration of License. All licenses granted under this Ordinance shall expire at 6:00 p.m. of the last day for which the license is issued.

ARTICLE X - FRANCHISES AND OTHER SERVICES

Chapter 1

FRANCHISE GRANTING CABLE TELEVISION, HEREINAFTER CALLED GRANTEE, ITS SUCCESSORS AND ASSIGNS - A FRANCHISE PURSUANT TO CHAPTER 364 OF THE 1977 CODE OF IOWA, TO BUILD, CONSTRUCT, OPERATE AND MAINTAIN A CABLE TELEVISION SYSTEM IN THE CITY OF UNIVERSITY PARK, IOWA, AND SETTING FORTH CONDITIONS ACCOMPANYING THE GRANTING OF SUCH FRANCHISE

SECTION 1. Title. This Ordinance shall be known and may be cited as Cable Television Franchise.

SECTION 2. Preamble. This Ordinance was passed after a Special City Election called for the purpose of considering the Ordinance at which a majority of those persons voting approved the proposed Ordinance, all as prescribed by Section 364.2 of the 1977 Code of Iowa, and after full, open and public hearing, and upon careful consideration of Grantee's qualifications, including its legal, character, financial and technical qualifications and the adequacy and feasibility of its construction arrangements.

SECTION 3. Definitions. For the purpose of this Ordinance, and when not inconsistent with the context, words used herein in the present tense include the future; words in the plural include the

singular and vice versa. The word "shall" is always mandatory. The captions supplied for each section are for convenience only. Said captions have no force of law, are not part of the section, and are not to be used in construing the language of the section. The following terms and phrases, as used herein, shall be given the meaning set forth below:

a. "City" is the City of University Park, a municipal corporation under the laws of the State of Iowa.

b. "Grantee" is TCI of Southern Iowa, its successors and assigns.

c. "City Council" is the City Council of the City of University Park or its designated representative.

d. "Federal Communications Commission" or "FCC" is the present Federal agency of that name as constituted by the Communications Act of 1934, or any successor agency created by the United States Congress.

e. "Person" is any individual, firm, partnership, association, corporation, company or organization of any kind.

f. "Gross Subscriber Revenues" shall include any and all compensation or receipts derived by Grantee from installation, disconnection and re-installation charges and periodic service charges in connection with the carriage of broadcast signals and Federal Communications Commission mandated non-broadcast services within the City, but shall not include any refunds or credits made to subscribers or any taxes imposed on the services furnished by the Grantee. Nor shall it include revenue from "ancillary" or "auxiliary" services, which include, but are not limited to, advertising, leased channels, and programming supplied on a per program or per channel charge basis, if any.

g. "Regular Subscriber Services" shall include the carriage of broadcast signals and FCC mandated non-broadcast services, but shall not include "ancillary" or "auxiliary" services, which include, but are not limited to, advertising, leased channels, and programming supplied on a per program or per channel charge basis, if any.

SECTION 4. Grant of Authority. There is hereby granted by the City to Grantee the right and privilege to construct, erect, establish, maintain and operate in, upon, along, across, over and under public ways, public places and public property now laid out or dedicated and all extensions thereof and additions thereto in the City all poles, wires, cables, underground conduits, manholes, antennas, towers, appliances and other conductors and fixtures necessary for the maintenance and operation in the City of a Cable Television System from the transmission of television signals and other signals, either separately or upon or in conjunction with any public utility maintaining the same in this City with all of the necessary and desirable appliances and appurtenances pertaining thereto. Without limiting the generality of the foregoing, this franchise and grant shall and does hereby include the right in, over, under and upon the streets, sidewalks, alleys, easements and public grounds and places in the City to install, erect, operate, maintain or in any way acquire the use of, as by leasing or licensing, all lines and equipment necessary to a cable television system and the right to make connections to subscribers and the right to repair, replace, enlarge and extend said lines, equipment and connections. The right herein granted for the purpose herein set forth shall not be exclusive and the City reserves the right to grant a similar use of said streets, alleys, easements, public ways and places to any person at anytime during the period of this franchise.

SECTION 5. Police Power. Grantee shall at all times during the term of this franchise be subject to all lawful exercise of the police power of the City. The right is hereby reserved to the City to adopt, in addition to the provisions herein contained and any other existing applicable ordinances, such additional applicable ordinances as it shall find necessary in the exercise of its police power, provided that such additional ordinances shall be reasonable, shall not conflict with or alter or modify in any manner the rights granted herein, and shall not conflict with the laws of the State of Iowa or the laws of the United States of America.

SECTION 6. Indemnification. Grantee shall save the City harmless from all loss sustained by the City on account of any suit, judgment, execution, claim or demand whatsoever against the City resulting from negligence on the part of Grantee in the construction, operation or maintenance of its cable television system in the City, and for this purpose, Grantee shall carry property damage and personal injury insurance with some reasonable insurance company or companies qualified to do business in the State of Iowa. The amounts of such insurance to be carried for liability due to property damage shall be \$500,000.00 as to any one occurrence and against liability due to injury or death of persons, \$500,000.00 as to any one person and \$1,000,000.00 as to any one occurrence, and naming the City as a named insured. The City shall notify Grantee in writing within ten (10) days after the presentation of any claim or demand, either by suit or otherwise, made against the City on account of any negligence as aforesaid on the part of Grantee. Where any such claim or demand against the City is made by suit or other legal action, written notice thereof shall be given by the City to Grantee not less than ten (10) days prior to the date upon which an answer to such legal action is due or within ten (1) days after claim or demand is made upon the City, whichever notice yields the Grantee the larger amount of time within which to prepare an answer.

SECTION 7. Complaint Procedure. Grantee shall maintain a telephone listing in the City for the purpose of receiving inquiries and complaints from its customers and the general public. Grantee shall investigate all complaints within five (5) days of their receipt and shall in good faith attempt to resolve them swiftly and equitably.

SECTION 8. Construction and Maintenance.

a. All structures, lines and equipment erected by Grantee within the city shall be so located as to cause minimum interference with the proper use of streets, alleys, easements and other public ways and places to cause minimum interference with the rights or reasonable convenience of property owners, and Grantee shall comply with all reasonable, proper and lawful ordinances of the City now or hereafter in force and the National Electrical Safety Code of the National Board of Fire underwriters.

b. In the case of any disturbance by Grantee of pavement, sidewalk, driveway or other artificial surfacing, Grantee shall, at its own cost and expense, and in a manner approved by the City, replace and restore all paving, sidewalk, driveway or artificial surface so disturbed in as good condition as before said work was commenced.

c. In the event that at any time during the period of this franchise the City shall lawfully elect to alter or change any street, alley, easement or other public way requiring the relocation of Grantee's facilities, then in such event Grantee, upon reasonable notice by the City, shall remove, relay and relocate the said facilities at its own expense, provided however, that where public funds are available for such relocation pursuant to law, Grantee shall not be required to pay the cost.

d. Grantee shall, prior to commencement of construction, furnish the city a complete set of maps and plans of the cable television system.

e. Prior to setting of any poles or cutting of any street or alley, Grantee shall notify the City or such representative of the City as the city may designate in writing to Grantee and Grantee shall locate said poles or cut said streets or alleys, only after obtaining the consent of the City or its authorized representative, such consent not to be unreasonably withheld.

f. Grantee shall, on the request of any person holding a building moving permit issued by the City, temporarily raise or lower its lines to permit the moving of the building. The expense of such removal shall be paid by the person requesting the same and Grantee shall have authority to require such payment in advance.

g. Grantee shall have the authority to trim trees upon and overhanging all streets, alleys, easements, sidewalks and public places of the City so as to prevent the branches of such trees from coming into contact with Grantee's facilities. Prior to trimming said trees, Grantee will contact property owners immediately adjacent to said trees to be trimmed. Said trimming will be as nearly as practicable in accordance with said adjacent property owner's wishes.

h. All poles, lines, structures and other facilities of the Grantee in, on, over and under the streets, sidewalks, alleys, easements and public grounds or places of the City shall be kept by Grantee at all times in a safe and substantial condition.

SECTION 9. Franchise Term. This franchise shall take effect and be in full force from and after acceptance by Grantee (on or about June of 1979) and shall continue in full force and effect for a term of twenty-five (25) years. The removal of said franchise shall be governed by the provisions of Section 364.2 of the 1977 Code of Iowa or any successor legislation thereof. If existing law then permits, Grantee shall have the option to request additional twenty-five (25) year renewals of this franchise, provided, however, that not less than three (3) months prior to such request for renewal of this franchise, it shall so notify City in writing. Upon such notice, the City may conduct a full, open and public renewal hearing upon prior notice and opportunity of all interested parties to be heard.

SECTION 10. Forfeiture. If Grantee shall fail to comply with any of the provisions of this grant, or default in any of its obligations, except for causes beyond the reasonable control of the Grantee, as provided for in Section 11 hereof, and shall fail, within sixty (60) days after written notice from the City to correct such default or noncompliance, the City shall have the right to repeal this Ordinance and all rights of the Grantee hereunder.

SECTION 11. Surrender Rights. Grantee may surrender this franchise at any time upon filing with the City Clerk of the City a written notice of its intention to do so at least three (3) months before the surrender date. On the surrender date specified in the notice, all of the rights and privileges of Grantee shall terminate. All of the future obligations, duties and liabilities of Grantee in connection with this franchise shall terminate. Nothing in this paragraph is intended to release Grantee from obligations and duties in effect prior to surrender, such as outstanding liabilities, liability claims, whether covered by insurance or not, or other obligations outstanding as of date of surrender.

SECTION 12. Transfer. All of the rights and privileges and all of the obligations, duties and liabilities created by this franchise shall pass to and be binding upon the successors of the City and the successors and assigns of Grantee, and the same shall not be assigned or transferred without the written approval of the City, which approval shall not be unreasonably withheld, provided however, that this section shall not prevent the assignment of the franchise by Grantee as security for debt without such approval, and provided further that transfers or assignments of this franchise between any parent and subsidiary corporation or between entities of which at least fifty percent (50%) of the beneficial ownership is held by the same person, persons or entities shall be permitted without the prior approval of the City Council.

SECTION 13. Franchise Fee. In consideration of the terms of this franchise, Grantee agrees to pay the City a sum of money equal to three percent (3%) of Grantee's gross subscriber revenues per year derived from installation of equipment and regular subscriber services in the City. Such annual sum shall be payable one-half thereof at the end of each semi-annual period. The semi-annual anniversary shall be the last day of June and the last day of December of each year and each semi-annual payment shall be paid within sixty (60) days thereafter.

SECTION 14. Receiver Sales Prohibited. As a condition of this franchise, Grantee agrees that it shall not engage in the business of sales or repair of television receivers owned by its subscribers; nor shall it be responsible for the operating condition of said receivers; provided however, that this paragraph shall not apply to converters, decoders, home interactive terminals and other such devices and may be used in furnishing any programming or service via Grantee's cable television system.

SECTION 15. Rules and Regulations. The company shall have the right to prescribe reasonable service rules and regulations for the conduct of its business and inconsistent with the provisions of this Ordinance or any Ordinances of the City and a copy of such service rules and regulations shall be kept on file at all times with the City Clerk.

SECTION 16. Acceptance. This Ordinance shall become effective when accepted by the Grantee and shall then be and become a valid and binding contract between the City and Grantee, provided that this Ordinance shall be void unless Grantee shall, within ninety (90) days after the final passage of this Ordinance and the franchise herein granted agreeing that it will comply with all the provisions and conditions hereof and that it will refrain from doing all of the things prohibited by this Ordinance.

SECTION 17. Unlawful Acts.

a. It shall be unlawful for any person to make an unauthorized connection, whether physically, electrically, acoustically, inductively or otherwise, with any part of Grantee's cable television system for the purpose of enabling himself or others to receive any television signals, radio signals, picture, programs, sounds or any other information or intelligence transmitted over Grantee's cable system without payment to Grantee or its lessee.

b. It shall be unlawful for any person without the consent of the owner to willfully tamper with, remove or injure any cable, wires or other equipment used for the distribution of television signals, radio signals, pictures, programs sounds or any other information or intelligence transmitted over Grantee's cable system.

RESOLUTION NO. _____
A RESOLUTION OF THE CITY OF UNIVERSITY PARK, IOWA, APPROVING THE
ASSIGNMENT OF THE CABLE TELEVISION FRANCHISE FROM OTTUMWA
CABLEVISION, INC. TO MEDIACOM COMMUNICATIONS CORPORATION
AND ITS DESIGNATED AFFILIATE

WHEREAS, Ottumwa Cablevision, Inc., doing business as AT&T Broadband ("AT&T"), owns, operates, and maintains a cable television system (the "System") in the City of University Park, Iowa, pursuant to a cable franchise ("Franchise") granted by the governing body of the City of University Park (the "Franchise Authority"), and is the duly authorized holder of the Franchise; and

WHEREAS, AT&T and Mediacom Communications Corporation are parties to an Asset Purchase and Sale Agreement ("Agreement") pursuant to which the System and the Franchise will be assigned to Mediacom Communications Corporation, or any entity controlling, controlled by, or under common control with Mediacom Communications Corporation (collectively "Mediacom"); (the "Assignment"); and

WHEREAS, AT&T and Mediacom have requested the consent of the Franchise Authority to the Assignment in accordance with the requirements of the Franchise, and have provided all information necessary in order to facilitate a decision by the Franchise Authority ("Assignment Application"); and

WHEREAS, the Franchise Authority has investigated the qualifications of Mediacom and finds it to be a suitable assignee.

NOW, THEREFORE, BE IT RESOLVED BY THE FRANCHISE AUTHORITY AS FOLLOWS:

Section 1. The Franchise Authority hereby accepts the Assignment Application and consents to the Assignment to Mediacom, all in accordance with the terms of the Franchise.

Section 2. The Franchise Authority confirms that (a) the Franchise was properly granted, transferred or assigned to AT&T; (b) the Franchise is currently in full force and effect and will expire on July 4, 2004, subject to options in the Franchise, if any, to extend such term; (c) the Franchise supersedes all other agreements between the parties; (d) the Franchise represents the entire understanding of the parties and AT&T has no obligations to the Franchise Authority other than those specifically stated in the Franchise; and (e) AT&T is materially in compliance with the provisions of the Franchise and there exists no fact or circumstance known to the Franchise Authority which constitutes or which, with the passage of time or the giving of notice or both, would constitute a material default or breach under the Franchise or would allow the Franchise Authority to cancel or terminate the rights thereunder.

Section 3. Mediacom may further transfer or assign the Franchise or control related thereto to any entity controlling, controlled by, or under common control with Mediacom. The Franchise Authority acknowledges that any such transfer or assignment does not trigger any right it may have to exercise any first purchase right or other right to acquire the System.

Section 4. The Franchise Authority hereby consents to and approves the assignment, mortgage, pledge, or other encumbrance, if any, of the Franchise, the System, or assets relating thereto, as collateral for a loan.

Section 5. The Franchise Authority hereby waives any right of first refusal orally other purchase right it may have pursuant to the Franchise, or otherwise, with respect to the Assignment.

Section 6. This Resolution shall become effective upon the closing of the transaction contemplated by the Agreement (the "Closing Date") when Mediacom purchases the System from AT&T and assumes the obligations of AT&T under the Franchise.

Section 7. The Franchise Authority releases AT&T, effective upon the Closing Date, from all obligations and liabilities under the Franchise that accrue on and after the Closing Date; provided that the designated Mediacom acquisition entity shall be responsible for any obligations and liabilities under the Franchise that accrue on and after the Closing Date.

Section 8. This Resolution shall have the force of a continuing agreement with AT&T and Mediacom, and the Franchise Authority shall not amend or otherwise alter this Resolution without the consent of AT&T and Mediacom.

PASSED, ADOPTED AND APPROVED this _____ day _____, **2001**.

By: /s/ Pamela Watts

ATTEST:

State of Iowa

City of University Park

I, the undersigned, being the duly appointed, qualified and acting Clerk of the City of University Park, Iowa, hereby certify that the foregoing Resolution No. _____ is a true, correct and accurate copy as duly and lawfully passed and adopted by the governing body of the City of University Park on this _____ day of _____, **2001**.

/s/ Pamela Watts
Clerk

Chapter 2

U S WEST COMMUNICATIONS, INC - RIGHT TO USE AND OCCUPY STREETS, ALLEYS AND OTHER PUBLIC PLACES OF UNIVERSITY PARK, IOWA

SECTION 1. That U S West Communications, Inc., a corporation, its successors and assigns, are hereby granted the right to use and occupy the streets, alleys and other public places of the City of University Park, Iowa, for a term of twenty-five (25) years from the effective date hereof, for the purpose of constructing, maintaining and operating a general telephone system within said City.

SECTION 2. That the rights herein granted are subject to the exercise of the police power as the same now is or may hereafter be conferred upon said City.

SECTION 3. That U S West Communications, Inc. shall upon demand, pay the cost of publishing this Ordinance and of holding the election hereinafter referred to.

SECTION 4. That this Ordinance shall be in full force and effect and shall constitute a binding contract between the City of University Park and U S West Communications, Inc. when the same shall have been approved y a majority of the electors of said City voting thereon, and when provisions hereof shall have been accepted in writing by U S West Communications, Inc. and such acceptance filed with the City Clerk.

Chapter 3

MIDAMERICAN ENERGY COMPANY UTILITY FRANCHISE FOR UNIVERSITY PARK, IOWA

SECTION 1. The MidAmerican Energy Company, a corporation, its successors or assigns (herein sometimes called "Grantee"), is hereby granted and vested with the right, franchise and privilege for a period of twenty-five (25) years from and after the adoption and approval hereof; as provided by law, to acquire, construct, maintain or operate in the City of University Park, Iowa, the necessary facilities for the production, distribution, transmission or sale of gas and electric energy for public and private use and to construct and maintain along, upon, across or under the streets, highways, avenues, alleys, bridges and public places the necessary fixtures and equipment for such purposes.

SECTION 2. This franchise shall not be exclusive and shall not restrict in any manner the right of the City Council or any other governing body of the City in the exercise of any regulatory power which it may now have, or hereafter be authorized or permitted, by the laws of the State of Iowa.

Chapter 4

MIDAMERICAN ENERGY COMPANY FRANCHISE FOR UNIVERSITY PARK, IOWA

SECTION 1. That MidAmerican Energy Company, a corporation, its successors and assigns, be and it is hereby granted and vested with the right, franchise and privilege for a period of twenty-five (25) years from and after the adoption and approval hereof, as provided by law, to acquire, construct, operate and maintain in the City of University Park, Iowa, the necessary facilities for the production, distribution, transmission and sale of gas for public and private use and to construct and maintain along, upon, across and under the streets, highways, avenues, alleys, bridges and public places the necessary fixtures and equipment for such purposes.

SECTION 2. This franchise shall not be exclusive and shall not restrict in any manner the right of the City Council or any other governing body of the City in the exercise of any regulatory power which it may now have, or hereafter be authorized or permitted, by the laws of the State of Iowa.

Chapter 5

MAHASKA RURAL WATER SYSTEMS, INC. FRANCHISE FOR UNIVERSITY PARK, IOWA

SECTION 1. Purpose. The purpose of this ordinance is to set forth the terms and conditions of an agreement hereby made pursuant to the provisions of Chapter 28E of the Code of Iowa as a contract between two entities, namely the City of University Park, Mahaska County, Iowa, hereinafter referred to as "Grantor" or the "City", and the Mahaska Rural Water Systems, Inc., State of Iowa (a Rural Water District organized under Chapter 504A of the Code of Iowa), hereinafter referred to as "Grantee" or "MRWS", for the cooperative construction, operation, maintenance, repair, reconstruction and replacement of a public improvement, namely a water transmission and distribution system within the City of University Park, Iowa.

SECTION 2. Grant of Franchise. The Grantor hereby grants to Grantee, its successors and assigns a nonexclusive franchise to acquire, construct, erect, maintain, operate, repair, replace, renew, reconstruct, water transmission and distribution system across public property in the City of University Park, Mahaska County, Iowa, in accordance with the laws and regulations of the United States of America, the State of Iowa, and the rules and regulations of Mahaska Rural Water Systems, Inc., including the non-exclusive right, privilege and authority to (a) sell and supply treated water to individuals, corporations, communities and municipalities both inside and outside said City; (b) to use public property within the City; (c) to engage in such further activities within the City as may now or hereinafter be consistent with the accepted principles applicable to the operation of a water transmission and distribution system.

For the purpose of carrying into effect the privileges granted hereunder, grantee is authorized to make all necessary excavations in the streets, alleys, sidewalks, and public grounds within the corporate limits of Grantor, but such excavations shall be carried out with reasonable dispatch and with as little interference with or inconvenience to the rights of the public as may be feasible. Grantee shall restore all streets, alleys, sidewalks, and public grounds to the condition of safety, appearance and utility specified by the relevant construction industry standards after excavation.

SECTION 3. Term. The franchise is granted for an initial term of twenty-five (25) years commencing with the date of adoption of this Ordinance.

SECTION 4. General Conditions.

a. Adoption of Rules and Regulations. Grantor hereby adopts and incorporates by reference the rules and regulations of the Grantee pertaining to construction, installation, repair, maintenance, and operation of the system.

b. Enforcement of Mandatory Connection Ordinances. Grantor Grantor shall be responsible for enforcement of its ordinances relative to mandatory connection to the water utility, however this authority shall not preclude Grantee from exercising any remedies available to it in enforcing its rights under this franchise agreement in law or equity.

c. Additions to Area of Grantor. On subsequent additions of areas to Grantor, either by annexation, consolidation, or otherwise, Grantee shall surrender all agreements for water services held by Grantee in such areas, such surrender being deemed to take place on the occurrence of any such event. Grantee shall thereafter be subject to the provisions of the franchise granted by this ordinance as to all such areas; provided, however, that should the franchise be declared invalid or rendered inoperative by a judgment, decree, or order of a court of competent jurisdiction which, being binding hereon, becomes final for all purposes. The franchises hereby surrendered shall thereafter have the same force and effect as if such surrender had not occurred.

d. Expansion of Grantee's Facilities. Any facilities and appurtenances in streets, alleys, and public places, incidental to the franchised system that have been, or are at any future time acquired, leased, or utilized in any manner by Grantee are thereupon toe deemed authorized by and shall be subject to all the provisions of the franchise.

e. Limitation of Franchise. No privilege or exemption is granted or conferred by the franchise except those specifically prescribed herein. Any privilege claimed under the franchise by Grantee in any street, alley, or other public place shall be subordinate to any lawful occupancy of same by Grantor or by any other public agency, and to prior lawful occupancy of same by any other entity or person.

