

Code of Ordinances

of the

City of Van Meter, Iowa

Adopted September 14, 2020, by Ordinance No. 2020-08

Prepared By: Local Government Professional Services, Inc.

DBA Iowa Codification

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SUPPLEMENT RECORD

SUPPLEMENT	ORDINANCES AMENDING CODE			
	Repeals, Amends or Adds	Ord. No.	Date	Subject
Mar-21	Ch. 8	2020-02	2-10-20	2020 Addition to the Van Meter Urban Renewal Area
	Ch. 165	2020-03	5-28-20	Zoning Map (R-3 to C-1)
	Ch. 165	2020-04	6-8-20	Zoning Map (R-2 to C-1)
	92.04	2020-05	6-8-20	Water Improvement Fees
	165.12	2020-06	7-13-20	Planned Unit Development District
	Ch. 165	2020-07	7-13-20	Zoning Map (A to PUD)
		2020-08	9-14-20	Adopting Ordinance
	Ch. 35	2020-09	11-9-20	Fire Department
	170.25	2021-01	2-8-21	Park and Recreational Areas
	Ch. 173	2021-02	2-8-21	Dedication of Parkland
	Ch. 101	2021-03	2-8-21	Stormwater Management Utility
	Ch. 102	2021-04	2-8-21	Stream Buffer Protection and Management
	70.03	2021-05	2-8-21	Parking Violations: Alternate
	92.11	2021-06	2-8-21	Rates Outside the City Exemptions
	165.14	2021-07	3-15-21	C-1 Downtown Commercial District

CHAPTER 1

CODE OF ORDINANCES

1.01 Title	1.08 Amendments
1.02 Definitions	1.09 Catchlines and Notes
1.03 City Powers	1.10 Altering Code
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1.01 TITLE.

This code of ordinances shall be known and may be cited as the Code of Ordinances of the City of Van Meter, Iowa.

1.02 DEFINITIONS.

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

1. "Alley" means a public right-of-way, other than a street, affording secondary means of access to abutting property.
2. "City" means the City of Van Meter, Iowa.
3. "Clerk" means the city clerk of Van Meter, Iowa.
4. "Code" means the specific chapter of this Code of Ordinances in which a specific subject is covered and bears a descriptive title word (such as the Building Code and/or a standard code adopted by reference).
5. "Code of Ordinances" means the Code of Ordinances of the City of Van Meter, Iowa.
6. "Council" means the city council of Van Meter, Iowa.
7. "County" means Dallas County, Iowa.
8. "May" confers a power.
9. "Measure" means an ordinance, amendment, resolution or motion.
10. "Must" states a requirement.
11. "Occupant" or "tenant," applied to a building or land, includes any person who occupies the whole or a part of such building or land, whether alone or with others.
12. "Ordinances" means the ordinances of the City of Van Meter, Iowa, as embodied in this Code of Ordinances, ordinances not repealed by the ordinance adopting this Code of Ordinances, and those enacted hereafter.
13. "Person" means an individual, firm, partnership, domestic or foreign corporation, company, association or joint stock association, trust or other legal entity, and includes a trustee, receiver, assignee, or similar representative thereof, but does not include a governmental body.
14. "Public way" includes any street, alley, boulevard, parkway, highway, sidewalk, or other public thoroughfare.
15. "Shall" imposes a duty.
16. "Sidewalk" means that surfaced portion of the street between the edge of the traveled way, surfacing, or curb line and the adjacent property line, intended for the use of pedestrians.
17. "State" means the State of Iowa.
18. "Statutes" or "laws" means the latest edition of the *Code of Iowa*, as amended.
19. "Street" or "highway" means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.

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

1.03 CITY POWERS.

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

(Code of Iowa, Sec. 364.1)

1.04 INDEMNITY.

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

1.05 PERSONAL INJURIES.

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

(Code of Iowa, Sec. 364.14)

1.06 RULES OF CONSTRUCTION.

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

1.07 EXTENSION OF AUTHORITY.

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

1.08 AMENDMENTS.

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

(Code of Iowa, Sec. 380.2)

1.09 CATCHLINES AND NOTES.

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

1.10 ALTERING CODE.

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

1.11 SEVERABILITY.

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

1.12 WARRANTS.

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

1.13 GENERAL STANDARDS FOR ACTION.

Whenever this Code of Ordinances grants any discretionary power to the Council or any commission, board, or officer or employee of the City and does not specify standards to govern the exercise of the power, the power shall be exercised in light of the following standard: The discretionary power to grant, deny, or revoke any matter shall be considered in light of the facts and circumstances then existing and as may be reasonably foreseeable, and due consideration shall be given to the impact upon the public health, safety and welfare, and the decision shall be that of a reasonably prudent person under similar circumstances in the exercise of the police power.

1.14 STANDARD PENALTY.

Unless another penalty is expressly provided by this Code of Ordinances for violation of any particular provision, section, or chapter, any person failing to perform a duty required by this Code of Ordinances or otherwise violating any provision of this Code of Ordinances or any rule or regulation adopted herein by reference shall, upon conviction, be subject to a fine of at least \$65.00 but not to exceed \$625.00. The court may order imprisonment not to exceed 30 days in lieu of a fine or in addition to a fine. †¹

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

Notes

¹ †**EDITOR'S NOTE:** For civil penalty for violations of this Code of Ordinances, see Chapter 3.

CHAPTER 2

CHARTER

- | | |
|---|---------------------------------|
| 2.01 Purpose and Title | 2.04 Number and Term of Council |
| 2.02 Form of Government | 2.05 Term of Mayor |
| 2.03 Powers and Duties of City Officers | 2.06 Copies on File |

2.01 PURPOSE AND TITLE.

The purpose of this chapter is to provide for a charter embodying the form of government existing on April 9, 1973. This chapter may be cited as the charter of the City of Van Meter, Iowa.

2.02 FORM OF GOVERNMENT.

The form of government of the City is the Mayor-Council form of government.

(Code of Iowa, Sec. 372.4)

2.03 POWERS AND DUTIES OF CITY OFFICERS.

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

2.04 NUMBER AND TERM OF COUNCIL.

The Council consists of five Council Members elected at large for overlapping terms of four years.

(Code of Iowa, Sec. 376.2)

2.05 TERM OF MAYOR.

The Mayor is elected for a term of four years.

(Code of Iowa, Sec. 376.2)

2.06 COPIES ON FILE.

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

(Code of Iowa, Sec. 372.1)

CHAPTER 3

MUNICIPAL INFRACTIONS

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|------------------------------|-------------------------|
| 3.01 Municipal Infraction | 3.04 Civil Citations |
| 3.02 Environmental Violation | 3.05 Alternative Relief |

3.01 MUNICIPAL INFRACTION.

A violation of this Code of Ordinances or any ordinance or code herein adopted by reference or the omission or failure to perform any act or duty required by the same, with the exception of those provisions specifically provided under State law as a felony, an aggravated misdemeanor, or a serious misdemeanor, or a simple misdemeanor under Chapters 687 through 747 of the *Code of Iowa*, is a municipal infraction punishable by civil penalty as provided herein. †²

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

Notes

² †**EDITOR'S NOTE:** For criminal penalty for violations of this Code of Ordinances, see Section 1.14.

3.02 ENVIRONMENTAL VIOLATION.

A municipal infraction that is a violation of Chapter 455B of the *Code of Iowa* or of a standard established by the City in consultation with the Department of Natural Resources, or both, may be classified as an environmental violation. However, the provisions of this section shall not be applicable until the City has offered to participate in informal negotiations regarding the violation or to the following specific violations:

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

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

3.03 PENALTIES.

A municipal infraction is punishable by the following civil penalties:

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

1. Standard Civil Penalties.
 - A. First offense – not to exceed \$750.00
 - B. Each repeat offense – not to exceed \$1,000.00

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

2. Special Civil Penalties.

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

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

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

3.04 CIVIL CITATIONS.

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

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

1. The name and address of the defendant.

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

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

3.05 ALTERNATIVE RELIEF.

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

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

3.06 ALTERNATIVE PENALTIES.

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

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

CHAPTER 5

OPERATING PROCEDURES

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|----------------------------|--|
| 5.01 Oaths | 5.07 Conflict of Interest |
| 5.02 Bonds | 5.08 Resignations |
| 5.03 Powers and Duties | 5.09 Removal of Appointed Officers and Employees |
| 5.04 Books and Records | 5.10 Vacancies |
| 5.05 Transfer to Successor | 5.11 Gifts |
| 5.06 Meetings | 5.12 Residency Requirement |

5.01 OATHS.

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

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

(Code of Iowa, Sec. 63.1)

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

(Code of Iowa, Sec. 63.10)

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

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

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

5.02 BONDS.

Surety bonds are provided in accordance with the following:

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

(Code of Iowa, Sec. 64.13)

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

(Code of Iowa, Sec. 64.19)

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

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

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

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

5.03 POWERS AND DUTIES.

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

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

5.04 BOOKS AND RECORDS.

All books and records required to be kept by law or ordinance shall be open to examination by the public upon request, unless some other provisions of law expressly limit such right or require such records to be kept confidential. Access to public records that are combined with data processing software shall be in accordance with policies and procedures established by the City.

(Code of Iowa, Sec. 22.2 & 22.3A)

5.05 TRANSFER TO SUCCESSOR.

Each officer shall transfer to his or her successor in office all books, papers, records, documents and property in the officer's custody and appertaining to that office.

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

5.06 MEETINGS.

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

1. Notice of Meetings. Reasonable notice, as defined by State law, of the time, date, and place of each meeting and its tentative agenda shall be given.

(Code of Iowa, Sec. 21.4)

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

(Code of Iowa, Sec. 21.3)

3. Minutes. Minutes shall be kept of all meetings showing the date, time and place, the members present, and the action taken at each meeting. The minutes shall show the results of each vote taken and information sufficient to indicate the vote of each member present. The vote of each member present shall be made public at the open session. The minutes shall be public records open to public inspection.

(Code of Iowa, Sec. 21.3)

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

(Code of Iowa, Sec. 21.5)

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

(Code of Iowa, Sec. 21.7)

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

(Code of Iowa, Sec. 21.8)

5.07 CONFLICT OF INTEREST.

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

(Code of Iowa, Sec. 362.5)

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

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

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

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

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

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

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

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

5. Newspaper. The designation of an official newspaper.

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

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

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

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

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

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

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

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

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

10. Cumulative Purchases. Contracts not otherwise permitted by this section, for the purchase of goods or services that benefit a City officer or employee, if the purchases benefiting that officer or employee do not exceed a cumulative total purchase price of \$6,000.00 in a fiscal year.

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

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

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

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

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

5.08 RESIGNATIONS.

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

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

5.09 REMOVAL OF APPOINTED OFFICERS AND EMPLOYEES.

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

(Code of Iowa, Sec. 372.15)

5.10 VACANCIES.

A vacancy in an elective City office during a term of office shall be filled in accordance with Section 372.13[2] of the Code of Iowa.

5.11 GIFTS.

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

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

5.12 RESIDENCY REQUIREMENT.

The following City employees, as an express condition of employment, shall be subject to the residency requirements set forth below, and shall have six months from the date of their employment to comply with this requirement:

1. The Police Chief, Fire Chief, and Public Works Director shall be required to live within the corporate limits of the City.
2. Emergency responders and public works personnel, other than those in the above Subsection 1, shall reside within the corporate limits of the City or within the Van Meter Fire District.
3. Other City employees, including (but not limited to) the City Administrator, City Clerk, Librarian, and Library employees shall not be subject to City residency requirements.

Upon written application, the City Council shall have discretion to determine whether the Fire Chief or emergency responders shall be relieved from the residency requirements under this section.

CHAPTER 6

CITY ELECTIONS

6.01 Nominating Method to Be Used

6.04 Preparation of Petition and Affidavit

6.02 Nominations by Petition

6.05 Filing; Presumption; Withdrawals;
Objections

6.03 Adding Name by Petition

6.06 Persons Elected

6.01 NOMINATING METHOD TO BE USED.

All candidates for elective municipal offices shall be nominated under the provisions of Chapter 45 of the Code of Iowa.

(Code of Iowa, Sec. 376.3)

6.02 NOMINATIONS BY PETITION.

Nominations for elective municipal offices of the City may be made by nomination paper or papers signed by not less than 10 eligible electors, residents of the City.

(Code of Iowa, Sec. 45.1)

6.03 ADDING NAME BY PETITION.

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

(Code of Iowa, Sec. 45.2)

6.04 PREPARATION OF PETITION AND AFFIDAVIT.

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

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

6.05 FILING; PRESUMPTION; WITHDRAWALS; OBJECTIONS.

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

(Code of Iowa, Sec. 45.4)

6.06 PERSONS ELECTED.

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

CHAPTER 7

FISCAL MANAGEMENT

7.01 Purpose	7.05 Operating Budget Preparation
7.02 Finance Officer	7.06 Budget Amendments
7.03 Cash Control	7.07 Accounting
7.04 Fund Control	7.08 Financial Reports

7.01 PURPOSE.

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

7.02 FINANCE OFFICER.

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

7.03 CASH CONTROL.

To assure the proper accounting and safe custody of moneys the following shall apply:

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

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

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

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

4. Change Fund. The finance officer is authorized to draw warrant/checks for establishing a change fund for the purpose of making change without commingling other funds. Said change fund shall be in the custody of the Clerk, who shall maintain the integrity of the funds.

7.04 FUND CONTROL.

There shall be established and maintained separate and distinct funds in accordance with the following:

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

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

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

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

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

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

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

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

6. Utility and Enterprise Funds. A surplus in a Utility or Enterprise Fund may be transferred to any other City fund, except the Emergency Fund, by resolution of the Council. A surplus may exist only after all required transfers have been made to any restricted accounts in accordance with the terms and provisions of any revenue bonds or loan agreements relating to the Utility or Enterprise Fund. A surplus is defined as the cash balance in the operating account or the unrestricted net position calculated in accordance with generally accepted accounting principles, after adding back the net pension and other postemployment benefits, liabilities, and the related deferred inflows of resources and deducting the related deferred outflows of resources, in excess of:

A. The amount of the expenses of disbursements for operating and maintaining the utility or enterprise for the preceding three months; and

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

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

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

7.05 OPERATING BUDGET PREPARATION.

The annual operating budget of the City shall be prepared in accordance with the following:

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

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

3. Submission to Council. The finance officer shall submit the completed budget proposal to the Council each year at such time as directed by the Council.

4. Resolution Establishing Maximum Property Tax Dollars. The Council shall adopt a resolution establishing the total maximum property tax dollars that may be certified for levy that includes taxes for City government purposes under *Code of Iowa* Section 384.1, for the City's trust and agency fund under *Code of Iowa* Section 384.6, Subsection 1, for the City's emergency fund under *Code of Iowa* Section 384.8, and for the levies authorized under *Code of Iowa* Section 384.12, Subsections 8, 10, 11, 12, 13, 17, and 21, but excluding additions approved at election under *Code of Iowa* Section 384.12, Subsection 19.

(Code of Iowa, Sec. 384.15A)

A. The Council shall set a time and place for a public hearing on the resolution before the date for adoption of the resolution and shall publish notice of the hearing not less than 10 nor more than 20 days prior to the hearing in a newspaper published at least once weekly and having general circulation in the City.

B. If the City has an internet site, the notice shall also be posted and clearly identified on the City's internet site for public viewing beginning on the date of the newspaper publication or public posting, as applicable. Additionally, if the City maintains a social media account on one or more social media applications, the public hearing notice or an electronic link to the public hearing notice shall be posted on each such account on the same day as the publication of the notice. All of the following shall be included in the notice:

(1) The sum of the current fiscal year's actual property taxes certified for levy under the levies specified in this subsection and the current fiscal year's combined property tax levy rate for such amount that is applicable to taxable property in the City other than property used and assessed for agricultural or horticultural purposes.

(2) The effective tax rate calculated using the sum of the current fiscal year's actual property taxes certified for levy under the levies specified in this subsection, applicable to taxable property in the City other than property used and assessed for agricultural or horticultural purposes.

(3) The sum of the proposed maximum property tax dollars that may be certified for levy for the budget year under the levies specified in this subsection and the proposed combined property tax levy rate for such amount applicable to taxable property in the City other than property used and assessed for agricultural or horticultural purposes.

(4) If the proposed maximum property tax dollars specified under Subparagraph (3) exceed the current fiscal year's actual property tax dollars certified for levy specified in Subparagraph (1), a statement of the major reasons for the increase.

Proof of publication shall be filed with and preserved by the County Auditor. The Department of Management shall prescribe the form for the public hearing notice for cities and the form for the resolution to be adopted by the Council under Paragraph C of this subsection.

C. At the public hearing, the Council shall receive oral or written objections from any resident or property owner of the City. After all objections have been received and considered, the Council may decrease, but not increase, the proposed maximum property tax dollar amount for inclusion in the resolution and shall adopt the resolution and file the resolution with the County Auditor as required under *Code of Iowa* Section 384.16, Subsection 3.

D. If the sum of the maximum property tax dollars for the budget year specified in the resolution under the levies

specified in this subsection exceeds 102 percent of the sum of the current fiscal year's actual property taxes certified for levy under the levies specified in this subsection, the Council shall be required to adopt the resolution by a two-thirds majority of the membership of the Council.

E. If the City has an internet site, in addition to filing the resolution with the Auditor under *Code of Iowa* Section 384.16, Subsection 3, the adopted resolution shall be posted and clearly identified on the City's internet site for public viewing within 10 days of approval by the Council. The posted resolution for a budget year shall continue to be accessible for public viewing on the internet site along with resolutions posted for all subsequent budget years.

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

6. Notice of Hearing. Following, and not until adoption of the resolution required under Subsection 4 of this section, the Council shall set a time and place for public hearing on the budget to be held before March 31 and shall publish notice of the hearing not less than 10 nor more than 20 days before the hearing. A summary of the proposed budget and a description of the procedure for protesting the City budget under Section 384.19 of the *Code of Iowa*, in the form prescribed by the Director of the Department of Management, shall be included in the notice. Proof of publication of the notice under this subsection and a copy of the resolution adopted under Subsection 4 of this section must be filed with the County Auditor.

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

7. Copies of Budget on File. Not less than 20 days before the date that the budget must be certified to the County Auditor and not less than 10 days before the public hearing, the Clerk shall make available a sufficient number of copies of the detailed budget to meet the requests of taxpayers and organizations, and have them available for distribution at the offices of the Mayor and Clerk and at the City library.

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

8. Adoption and Certification. After the hearing, the Council shall adopt, by resolution, a budget for at least the next fiscal year and the Clerk shall certify the necessary tax levy for the next fiscal year to the County Auditor and the County Board of Supervisors. The tax levy certified may be less than, but not more than, the amount estimated in the proposed budget submitted at the final hearing or the applicable amount specified in the resolution adopted under Subsection 4 of this section. Two copies each of the detailed budget as adopted and of the tax certificate must be transmitted to the County Auditor.

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

7.06 BUDGET AMENDMENTS.

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

(Code of Iowa, Sec. 384.18)

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

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

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

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

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

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

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

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

7.07 ACCOUNTING.

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

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

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

3. Checks. Two signatures are required on all City checks. Checks shall be prenumbered and signed by any two of the following: the Mayor, Mayor Pro Tem, City Administrator, and Deputy City Clerk, following Council approval, except as provided by Subsection 5 hereof.

4. Budget Accounts. There shall be established such individual accounts to record receipts by source and expenditures

by program and activity as will provide adequate information and control for budgeting purposes as planned and approved by the Council. Each individual account shall be maintained within its proper fund and so kept that receipts can be immediately and directly compared with revenue estimates and expenditures can be related to the authorizing appropriation. No expenditure shall be posted except to the appropriation for the function and purpose for which the expense was incurred.

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

6. Utilities. The finance officer shall perform and be responsible for accounting functions of the municipally owned utilities.

7.08 FINANCIAL REPORTS.

The finance officer shall prepare and file the following financial reports:

1. Monthly Reports. There shall be submitted to the Council each month a report showing the activity and status of each fund, program, sub-program, and activity for the preceding month.
2. Annual Report. Not later than December 1 of each year there shall be published an annual report containing a summary for the preceding fiscal year of all collections and receipts, all accounts due the City, and all expenditures, the current public debt of the City, and the legal debt limit of the City for the current fiscal year. A copy of the annual report must be filed with the Auditor of State not later than December 1 of each year.

(Code of Iowa, Sec. 384.22)

CHAPTER 8

URBAN RENEWAL

EDITOR'S NOTE		
The following ordinances not codified herein, and specifically saved from repeal, have been adopted establishing Urban Renewal Areas in the City and remain in full force and effect.		
ORDINANCE NO.	ADOPTED	NAME OF AREA
94	February 25, 1991	Van Meter Urban Renewal Area
155	October 14, 2002	2002 Addition to Van Meter Urban Renewal Area
166	December 13, 2004	2004 Addition to Van Meter Urban Renewal Area
176	July 11, 2005	2005 Addition to Van Meter Urban Renewal Area
2020-01	January 13, 2020	Van Meter Urban Renewal Area
2020-02	February 10, 2020	2020 Addition to the Van Meter Urban Renewal Area

CHAPTER 9

URBAN REVITALIZATION

EDITOR'S NOTE		
The following ordinances not codified herein, and specifically saved from repeal, have been adopted designating Urban Revitalization Areas in the City and remain in full force and effect.		
ORDINANCE NO.	ADOPTED	NAME OF AREA
186	May 8, 2006	Van Meter Urban Revitalization Area
257	April 20, 2017	Van Meter Urban Revitalization Area

CHAPTER 15

MAYOR

- 15.01 Term of Office
- 15.02 Powers and Duties
- 15.03 Appointments

- 15.04 Compensation
- 15.05 Voting

15.01 TERM OF OFFICE.

The Mayor is elected for a term of four years.

(Code of Iowa, Sec. 376.2)

15.02 POWERS AND DUTIES.

The powers and duties of the Mayor are as follows:

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

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

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

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

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

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

4. Mayor's Veto. Sign, veto, or take no action on an ordinance, amendment, or resolution passed by the Council. The Mayor may veto an ordinance, amendment, or resolution within 14 days after passage. The Mayor shall explain the reasons for the veto in a written message to the Council at the time of the veto.

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

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

6. Negotiations. Represent the City in all negotiations properly entered into in accordance with law or ordinance. The Mayor shall not represent the City where this duty is specifically delegated to another officer by law, ordinance, or Council direction.

7. Contracts. Whenever authorized by the Council, sign contracts on behalf of the City.

8. Professional Services. Upon order of the Council, secure for the City such specialized and professional services not already available to the City. In executing the order of the Council, the Mayor shall act in accordance with this Code of Ordinances and the laws of the State.

9. Licenses and Permits. Sign all licenses and permits that have been granted by the Council, except those designated by law or ordinance to be issued by another municipal officer.

10. Nuisances. Issue written order for removal, at public expense, any nuisance for which no person can be found responsible and liable.

11. Absentee Officer. Make appropriate provision that duties of any absentee officer be carried on during such absence.

15.03 APPOINTMENTS.

The Mayor shall appoint the following officials:

(Code of Iowa, Sec. 372.4)

- 1. Mayor Pro Tem
- 2. Library Board of Trustees
- 3. Parks and Recreation Board

15.04 COMPENSATION.

The salary of the Mayor is \$4,000.00 per year.

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

15.05 VOTING.

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

(Code of Iowa, Sec. 372.4)

CHAPTER 16

MAYOR PRO TEM

16.01 Vice President of Council

16.03 Voting Rights

16.02 Powers and Duties

16.04 Compensation

16.01 VICE PRESIDENT OF COUNCIL.

The Mayor shall appoint a member of the Council as Mayor Pro Tem, who shall serve as vice president of the Council.

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

16.02 POWERS AND DUTIES.

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

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

16.03 VOTING RIGHTS.

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

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

16.04 COMPENSATION.

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

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

CHAPTER 17

CITY COUNCIL

17.01 Number and Term of Council

17.04 Council Meetings

17.02 Powers and Duties

17.05 Appointments

17.03 Exercise of Power

17.06 Compensation

17.01 NUMBER AND TERM OF COUNCIL.

The Council consists of five Council members elected at large for overlapping terms of four years.

(Code of Iowa, Sec. 372.4 & 376.2)

17.02 POWERS AND DUTIES.

The powers and duties of the Council include, but are not limited to the following:

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

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

2. 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 that may be specially assessed.

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

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

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

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

(Code of Iowa, Sec. 26.10)

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

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

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

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

17.03 EXERCISE OF POWER.

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

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

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

(Code of Iowa, Sec. 380.4)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17.04 COUNCIL MEETINGS.

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

1. Regular Meetings. The regular meetings of the Council are on the second Monday of each month. The time for the

regular meeting shall be determined by the Council at the preceding regular meeting.

2. Special Meetings. Special meetings shall be held upon call of the Mayor or upon the request of a majority of the members of the Council.

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

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

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

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

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

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

17.05 APPOINTMENTS.

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

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

17.06 COMPENSATION.

The salary of each Council member is \$1,000.00 per year.

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

CHAPTER 18

CITY CLERK

- | | |
|------------------------------------|------------------------------------|
| 18.01 Appointment and Compensation | 18.08 Records |
| 18.02 Powers and Duties: General | 18.09 Attendance at Meetings |
| 18.03 Publication of Minutes | 18.10 Licenses and Permits |
| 18.04 Recording Measures | 18.11 Notification of Appointments |
| 18.05 Other Publications | 18.12 Elections |
| 18.06 Authentication | 18.13 City Seal |
| 18.07 Certification | |

18.01 APPOINTMENT AND COMPENSATION.

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

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

18.02 POWERS AND DUTIES: GENERAL.

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

18.03 PUBLICATION OF MINUTES.

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

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

18.04 RECORDING MEASURES.

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

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

18.05 OTHER PUBLICATIONS.

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

(Code of Iowa, Sec. 362.3)

1. Time. If notice of an election, hearing, or other official action is required by this Code of Ordinances or law, the notice must be published at least once, not less than four or more than 20 days before the date of the election, hearing, or other action, unless otherwise provided by law.

2. Manner of Publication. The three public places where public notices, ordinances, notices of elections and other matters permitted to be posted are to be displayed are:

Van Meter Public Library

Post Office

City Hall

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

18.06 AUTHENTICATION.

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

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

18.07 CERTIFICATION.

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

(Code of Iowa, Sec. 380.11)

18.08 RECORDS.

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

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

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

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

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

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

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

4. Provide Copy. Furnish upon request to any municipal officer a copy of any record, paper or public document under the Clerk's control when it may be necessary to such officer in the discharge of such officer's duty; furnish a copy to any citizen when requested upon payment of the fee set by Council resolution; under the direction of the Mayor or other authorized officer, affix the seal of the City to those public documents or instruments that by this Code of Ordinances are required to be attested by the affixing of the seal.

(Code of Iowa, Sec. 372.13[4 & 5] and 380.7[5])

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

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

18.09 ATTENDANCE AT MEETINGS.

The Clerk shall attend all regular and special Council meetings and, at the direction of the Council, the Clerk shall attend meetings of committees, boards, and commissions. The Clerk shall record and preserve a correct record of the proceedings of such meetings.

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

18.10 LICENSES AND PERMITS.

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

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

18.11 NOTIFICATION OF APPOINTMENTS.

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

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

18.12 ELECTIONS.

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

18.13 CITY SEAL.

The City seal is in the custody of the Clerk and shall be attached by the Clerk to all transcripts, orders, and certificates that it may be necessary or proper to authenticate.

CHAPTER 19

CITY TREASURER

19.01 Appointment
19.02 Compensation

19.03 Duties of Treasurer

19.01 APPOINTMENT.

The City Administrator is the Treasurer and performs all functions required of the position of Treasurer.

19.02 COMPENSATION.

The City Administrator receives no additional compensation for performing the duties of the Treasurer.

19.03 DUTIES OF TREASURER.

The duties of the Treasurer are as follows:

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

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

CHAPTER 20

CITY ATTORNEY

20.01 Appointment and Compensation
20.02 Attorney for City
20.03 Power of Attorney

20.06 Provide Legal Opinion
20.07 Attendance at Council Meetings
20.08 Prepare Documents

20.04 Ordinance Preparation

20.09 Representation of City Employees

20.05 Review and Comment

20.01 APPOINTMENT AND COMPENSATION.

At its first meeting in January of each year the Council shall appoint by majority vote a City Attorney to serve for a term of one year. The City Attorney shall receive such compensation as established by resolution of the Council.

20.02 ATTORNEY FOR CITY.

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

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

20.03 POWER OF ATTORNEY.

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

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

20.04 ORDINANCE PREPARATION.

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

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

20.05 REVIEW AND COMMENT.

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

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

20.06 PROVIDE LEGAL OPINION.

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

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

20.07 ATTENDANCE AT COUNCIL MEETINGS.

The City Attorney shall attend meetings of the Council at the request of the Mayor or Council.

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

20.08 PREPARE DOCUMENTS.

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

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

20.09 REPRESENTATION OF CITY EMPLOYEES.

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

(Code of Iowa, Sec. 670.8)

CHAPTER 21

CITY ADMINISTRATOR

21.01 Appointment and Compensation

21.03 Powers and Duties Generally

21.02 Administrative Responsibility

21.04 Appointments

21.01 APPOINTMENT AND COMPENSATION.

The City Administrator shall be a person competent by education and/or experience, as determined by the City Council, to perform the duties imposed upon such person by this chapter. The City Administrator shall be hired pursuant to the terms and conditions of an employment agreement approved by a resolution of the City Council. The City Administrator shall receive a salary and benefit package as set forth in the employment agreement.

21.02 ADMINISTRATIVE RESPONSIBILITY.

The City Administrator is directly responsible to the Council for the administration of municipal affairs as directed by that body. All departments of the City, except the City Attorney, shall report and be responsible to the City Administrator. All departmental activity requiring the attention of the Council shall be brought before the Council by the City Administrator and all Council policy concerning administration shall be coordinated through the City Administrator.

21.03 POWERS AND DUTIES GENERALLY.

The powers and duties of the City Administrator include the following:

1. Keep the Mayor and Council informed by collecting, analyzing and summarizing information; remain accessible, answer questions and provide information for special requests to ensure smooth operation of the City.
2. Develop and recommend an annual budget; discuss the budget with the Council, Mayor and other staff; finalize the budget for submission with the State after Mayor and Council action.
3. Develop and recommend administrative policies and procedures required to manage City programs and resolve operational problems by analyzing a variety of information including City Code, State Code, Federal requirements or other jurisdictions' policies and procedures and make recommendation for solutions.
4. See that all laws, ordinances, resolutions, Council and Mayor directives and approved operational policies are either appropriately enforced and executed or referred to the proper official for compliance therewith.
5. Document, coordinate, calculate and supervise obtaining payments for City bills; install and maintain City billing system. Determine what billing system will be used and train others in its operation.
6. Collaborate with program managers in organizational or financial management matters affecting City management; evaluate and resolve operational problems; regularly attend City planning and policy making management meetings and make recommendations and provide advisory services.
7. Be responsible for the supervision and performance of all contracts for work and services to be done for the City, except as specified otherwise in the construction or service program involved.
8. Maintain an accounting of all obligations, agreements, commitments and contractual franchises involving the City and report to the Mayor and Council any deviations from the exact terms specified.
9. Be authorized to direct the purchasing of all commodities, materials, supplies, capital outlay and services for all departments of the City that have been budgeted and appropriated by resolution of the Council, and enforce a program to determine that such purchases are received and are of the quality and character called for in the order.
10. Coordinate City projects and keep Council informed of actions required by Council. Prepare agenda or supervise its preparation and attend all Council meetings; provide meeting coordination and needed assistance to the Council, Board of Adjustment and Planning and Zoning Commission to assure smooth meeting operation.
11. Schedule budget expenditures, analyze expenses and develop regular reports; suggest variances and transfers; initiate corrective actions as required; anticipate long-term financial issues in order to maintain adequate City finances.
12. Maintain a good working relationship with citizens, community groups, other cities, League of Municipalities, and other State, federal or local groups; attend meetings when necessary; provide citizen communication through newsletters and informational letters; and participate in special studies regarding City issues in order to implement and enhance effective City services.
13. Coordinate administration of programs and staff assignments; communicate City policy to employees, relay direction from Mayor and Council; relay information from City Attorney and Engineer to staff as required; serve as City contact person for purchasing, project coordination and general management information.
14. Serve in a variety of roles including Clerk and/or Clerk/Treasurer and Chief Financial Officer, Billing Supervisor, Cemetery Commissioner, Zoning Administrator, Records Coordinator and handle City correspondence and mail.
15. Perform such other duties as directed by the Mayor or Council.

21.04 APPOINTMENTS.

The City Administrator shall appoint the following officials with the confirmation by the Council.

1. Public Safety Director

CHAPTER 22

LIBRARY BOARD OF TRUSTEES

- | | |
|----------------------------------|-----------------------|
| 22.01 Public Library | 22.07 Nonresident Use |
| 22.02 Library Trustees | 22.08 Expenditures |
| 22.03 Qualifications of Trustees | 22.09 Annual Report |

22.04 Organization of the Board	22.10 Injury to Books or Property
22.05 Powers and Duties	22.11 Theft
22.06 Contracting with Other Libraries	22.12 Notice Posted

22.01 PUBLIC LIBRARY.

The public library for the City is known as the Van Meter Public Library. It is referred to in this chapter as the Library.

22.02 LIBRARY TRUSTEES.

The Board of Trustees of the Library, hereinafter referred to as the Board, consists of four resident members and one nonresident member. All members are to be appointed by the Mayor with the approval of the Council.

22.03 QUALIFICATIONS OF TRUSTEES.

All resident members of the Board shall be bona fide citizens and residents of the City. The nonresident member of the Board shall be a bona fide citizen and resident of the unincorporated County. Members shall be over the age of 18 years.

22.04 ORGANIZATION OF THE BOARD.

The organization of the Board shall be as follows:

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

22.05 POWERS AND DUTIES.

The Board shall have and exercise the following powers and duties:

1. Officers. To meet and elect from its members a President, a Secretary, and such other officers as it deems necessary.
2. Physical Plant. To have charge, control and supervision of the Library, its appurtenances, fixtures and rooms containing the same.
3. Charge of Affairs. To direct and control all affairs of the Library.
4. Hiring of Personnel. To employ a Librarian, and authorize the Librarian to employ such assistants and employees as may be necessary for the proper management of the Library, and fix their compensation; provided, however, prior to such employment, the compensation of the Librarian, assistants, and employees shall have been fixed and approved by a majority of the members of the Board voting in favor thereof.
5. Removal of Personnel. To remove the Librarian, by a two-thirds vote of the Board, and provide procedures for the removal of the assistants or employees for misdemeanor, incompetence, or inattention to duty, subject however, to the provisions of Chapter 35C of the *Code of Iowa*.
6. Purchases. To select, or authorize the Librarian to select, and make purchases of books, pamphlets, magazines, periodicals, papers, maps, journals, other Library materials, furniture, fixtures, stationery, and supplies for the Library within budgetary limits set by the Board.
7. Use by Nonresidents. To authorize the use of the Library by nonresidents and to fix charges therefor unless a contract for free service exists.
8. Rules and Regulations. To make and adopt, amend, modify, or repeal rules and regulations, not inconsistent with this Code of Ordinances and the law, for the care, use, government and management of the Library and the business of the Board, fixing and enforcing penalties for violations.
9. Expenditures. To have exclusive control of the expenditure of all funds allocated for Library purposes by the Council, and of all moneys available by gift or otherwise for the erection of Library buildings, and of all other moneys belonging to the Library including fines and rentals collected under the rules of the Board.
10. Gifts. To accept gifts of real property, personal property, or mixed property, and devises and bequests, including trust funds; to take the title to said property in the name of the Library; to execute deeds and bills of sale for the conveyance of said property; and to expend the funds received by them from such gifts, for the improvement of the Library.
11. Enforce the Performance of Conditions on Gifts. To enforce the performance of conditions on gifts, donations, devises and bequests accepted by the City by action against the Council.

12. Record of Proceedings. To keep a record of its proceedings.

13. County Historical Association. To have authority to make agreements with the local County historical association where such exists, and to set apart the necessary room and to care for such articles as may come into the possession of the association. The Trustees are further authorized to purchase necessary receptacles and materials for the preservation and protection of such articles as are in their judgment of a historical and educational nature and pay for the same out of funds allocated for Library purposes.

22.06 CONTRACTING WITH OTHER LIBRARIES.

The Board has power to contract with other libraries in accordance with the following:

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

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

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

22.07 NONRESIDENT USE.

The Board may authorize the use of the Library by persons not residents of the City or County in any one or more of the following ways:

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

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

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

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

22.08 EXPENDITURES.

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

(Code of Iowa, Sec. 384.20 & 392.5)

22.09 ANNUAL REPORT.

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

22.10 INJURY TO BOOKS OR PROPERTY.

It is unlawful for a person willfully, maliciously or wantonly to tear, deface, mutilate, injure or destroy, in whole or in part, any newspaper, periodical, book, map, pamphlet, chart, picture or other property belonging to the Library or reading room.

(Code of Iowa, Sec. 716.1)

22.11 THEFT.

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

(Code of Iowa, Sec. 714.1)

22.12 NOTICE POSTED.

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

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

(Code of Iowa, Sec. 714.5)

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

(Code of Iowa, Sec. 808.12)

PLANNING AND ZONING COMMISSION

- 23.01 Planning and Zoning Commission
- 23.02 Term of Office
- 23.03 Vacancies
- 23.04 Compensation
- 23.05 Powers and Duties

23.01 PLANNING AND ZONING COMMISSION.

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

(Code of Iowa, Sec. 414.6 & 392.1)

23.02 TERM OF OFFICE.

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

(Code of Iowa, Sec. 392.1)

23.03 VACANCIES.

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

(Code of Iowa, Sec. 392.1)

23.04 COMPENSATION.

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

(Code of Iowa, Sec. 392.1)

23.05 POWERS AND DUTIES.

The Commission shall have and exercise the following powers and duties:

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 414.6)

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

(Code of Iowa, Sec. 392.1)

CHAPTER 24

PARKS AND RECREATION BOARD

- 24.01 Parks and Recreation Board Created
- 24.02 Board Organization
- 24.03 Reports
- 24.04 Rules

24.01 PARKS AND RECREATION BOARD CREATED.

A Parks and Recreation Board is hereby created to advise the Council on the needed facilities to provide open space such

as parks, playgrounds, and community facilities for other forms of recreation. It shall also plan and oversee City programs and encourage other programs to enhance the leisure time activities of the City's residents of all ages.

24.02 BOARD ORGANIZATION.

The Board shall consist of seven members, appointed by the Mayor with the approval of the Council, for overlapping terms of five years. Preference for appointment shall be given to residents of the City, but the City will also allow individuals residing within the Van Meter School District to be appointed. No more than three positions shall be occupied by individuals living outside the City of Van Meter. Every two years the Board shall choose from its membership a Chairperson and Vice Chairperson. Members shall serve without compensation, but may receive reimbursement for expenses incurred in the performance of their duties. Vacancies shall be filled in the same manner as the original appointment for the balance of the term.

24.03 REPORTS.

The Board shall make written reports to the Council of its activities from time to time as it deems advisable, or upon Council request. Its revenues and expenditures shall be reported monthly by the Clerk in the manner of other departmental expenditures, and a copy shall be provided to each member of the Board and in the Clerk's report to the Council.

24.04 RULES.

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

CHAPTER 30

POLICE DEPARTMENT

30.01 Department Established	30.07 Powers and Duties of Police Chief
30.02 Organization	30.08 Departmental Rules
30.03 Peace Officer Qualifications	30.09 Summoning Aid
30.04 Required Training	30.10 Taking Weapons
30.05 Compensation	30.11 Contract Law Enforcement
30.06 Police Chief	

30.01 DEPARTMENT ESTABLISHED.

The Police Department of the City is established to provide for the preservation of peace and enforcement of law and ordinances within the corporate limits of the City.

30.02 ORGANIZATION.

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

30.03 PEACE OFFICER QUALIFICATIONS.

In no case shall any person be selected or appointed as a law enforcement officer unless such person meets the minimum qualification standards established by the Iowa Law Enforcement Academy.

(Code of Iowa, Sec. 80B.11)

30.04 REQUIRED TRAINING.

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

(Code of Iowa, Sec. 80B.11[2])

(IAC, 501-3 and 501-8)

30.05 COMPENSATION.

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

30.06 POLICE CHIEF.

The Police Chief shall be the Public Safety Director, appointed by recommendation of the City Administrator and confirmation by the City Council.

30.07 POWERS AND DUTIES OF POLICE CHIEF.

The Police Chief has the following powers and duties subject to the approval of the Council.

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

1. General. Perform all duties required of the Police Chief by law or ordinance.
2. Enforce Laws. Enforce all laws, ordinances, and regulations and bring all persons committing any offense before the proper court.
3. Writs. Execute and return all writs and other processes directed to the Police Chief.
4. Accident Reports. Report all motor vehicle accidents investigated to the State Department of Transportation.

(Code of Iowa, Sec. 321.266)

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

30.08 DEPARTMENTAL RULES.

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

30.09 SUMMONING AID.

Any peace officer making a legal arrest may orally summon as many persons as the officer reasonably finds necessary to aid the officer in making the arrest.

(Code of Iowa, Sec. 804.17)

30.10 TAKING WEAPONS.

Any person who makes an arrest may take from the person arrested all items that are capable of causing bodily harm which the arrested person may have within such person's control, to be disposed of according to law.

(Code of Iowa, Sec. 804.18)

30.11 CONTRACT LAW ENFORCEMENT.

In lieu of the appointment of a Police Chief, the Council may contract with the County Sheriff or any other qualified lawful entity to provide law enforcement services within the City and in such event the Sheriff or such other entity shall have and exercise the powers and duties of the Police Chief as provided herein.

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

CHAPTER 31

PUBLIC SAFETY DEPARTMENT

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|--|----------------------------|
| 31.01 Public Safety Department Established | 31.04 Compensation |
| 31.02 Organization | 31.05 Training |
| 31.03 Public Safety Director | 31.06 Delegation of Duties |

31.01 PUBLIC SAFETY DEPARTMENT ESTABLISHED.

A Public Safety Department is hereby established which shall consist of the Police, Emergency Medical, and Fire Departments under the supervision of the Public Safety Director.

31.02 ORGANIZATION.

The Police and Fire Departments shall operate as separate subdivisions of the Public Safety Department. Each department shall have a chief who is appointed by the Mayor and Council upon the recommendation of the Public Safety Director and City Administrator. The Public Safety Director shall report and be responsible to the City Administrator. The Public Safety Director may delegate duties and create organizational structure so as to best facilitate public safety services in the City.

31.03 PUBLIC SAFETY DIRECTOR.

The Public Safety Director shall be appointed by the City Administrator and confirmed by the Council. The Public Safety Department shall be under the supervision of the Public Safety Director. The Public Safety Director shall have duties and responsibilities as established by the Council and as set forth in the job description adopted by the Council.

31.04 COMPENSATION.

The Public Safety Director shall receive compensation as established by the Council and set forth in a written contract approved by the Council by resolution.

31.05 TRAINING.

The Public Safety Director shall have knowledge of both law enforcement and fire protection and shall be versed in both disciplines to the extent that the Director is capable of managing both departments and have a good working knowledge of both departments' functions.

31.06 DELEGATION OF DUTIES.

The Public Safety Director may delegate duties to the chiefs of both the Police and Fire Departments as said official determines necessary to carry out the respective responsibilities of each department.

CHAPTER 35

FIRE DEPARTMENT

35.01 Establishment and Purpose	35.09 Accidental Injury Insurance
35.02 Organization	35.10 Liability Insurance
35.03 Approved by Council	35.11 Calls Outside City
35.04 Training	35.12 Mutual Aid
35.05 Compensation	35.13 Authority to Cite Violations
35.06 Appointments of Officers	35.14 Emergency Rescue Service
35.07 Duties of Fire Chief	35.15 Fee Schedule
35.08 Obedience to Fire Chief	

35.01 ESTABLISHMENT AND PURPOSE.

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

(Code of Iowa, Sec. 364.16)

35.02 ORGANIZATION.

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

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

35.03 APPROVED BY COUNCIL.

No person having otherwise qualified shall be appointed to the department until such appointment is submitted to and approved by a majority of the Council members.

35.04 TRAINING.

All members of the department shall meet the minimum training standards established by the State Fire Marshal and attend and actively participate in regular or special training drills or programs as directed by the Fire Chief.

(Code of Iowa, Sec. 100B.2[4])

35.05 COMPENSATION.

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

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

35.06 APPOINTMENT OF OFFICERS.

The Public Safety Director and the City Administrator shall appoint a Fire Chief for a two-year term subject to the approval of the Mayor and City Council. The Fire Chief shall appoint such other officers, subject to the approval of the Public Safety Director. In case of absence of the Fire Chief, the officer next in rank shall be in charge and have and exercise all the powers of Fire Chief.

35.07 DUTIES OF FIRE CHIEF.

The Fire Chief shall perform all duties required of the Fire Chief by law or ordinance, including (but not limited to) the following:

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

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

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

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

(Code of Iowa, Sec. 102.2)

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

(Code of Iowa, Sec. 102.2)

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

(Code of Iowa, Sec. 102.3)

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

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

8. Notification. Whenever death, serious bodily injury, or property damage in excess of \$200,000.00 has occurred as a result of a fire, or if arson is suspected, notify the State Fire Marshal's Division immediately. For all other fires causing an estimated damage of \$50.00 or more or emergency responses by the Fire Department, file a report with the Fire Marshal's Division within 10 days following the end of the month. The report shall indicate all fire incidents occurring and state the name of the owners and occupants of the property at the time of the fire, the value of the property, the estimated total loss to the property, origin of the fire as determined by investigation, and other facts, statistics, and circumstances concerning the fire incidents.

(Code of Iowa, Sec. 100.2 and 100.3)

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

(Code of Iowa, Sec. 100.12)

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

(Code of Iowa, Sec. 100.13)

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

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

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

35.08 OBEDIENCE TO FIRE CHIEF.

No person shall willfully fail or refuse to comply with any lawful order or direction of the Fire Chief.

35.09 ACCIDENTAL INJURY INSURANCE.

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

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

35.10 LIABILITY INSURANCE.

The Council shall contract to insure against liability of the City or members of the department for injuries, death or property damage arising out of and resulting from the performance of departmental duties within or outside the corporate limits of the City.

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

35.11 CALLS OUTSIDE CITY.

The department shall answer calls to fires and other emergencies outside the City limits if the Director of Public Safety or their designee determines that such emergency exists and that such action will not endanger persons and property within the City limits.

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

35.12 MUTUAL AID.

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

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

35.13 AUTHORITY TO CITE VIOLATIONS.

Public safety officials acting under the authority of Chapter 100 of the *Code of Iowa* or Chapter 35 of the Code of the City of Van Meter, Iowa may issue citations in accordance to Chapter 805 of the *Code of Iowa* and Chapter 35 of the Code of the City of Van Meter, Iowa, for violations of State and/or local fire safety regulations and violations of municipal code herein enumerated.

(Code of Iowa, Sec. 100.41)

35.14 EMERGENCY RESCUE SERVICE.

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

35.15 FEE SCHEDULE.

1. The Director of Public Safety or their designee shall present recommended Department of Public Safety fees and fines, and policies and regulations governing the collection of those fees and fines to the City Council for approval. The fees shall be in the area or operations, life and safety, special events, negligent or irresponsible actions. The Director of Public Safety or their designee shall provide the City Council with recommended changes to the fee and fines schedule and policies and regulations on an as needed basis. These fees, policies and regulations shall be approved by resolution of the Council.

2. The purpose of this ordinance is to provide for the collecting of fees and setting of fines for services rendered or prohibited acts listed below. After every service call, the Director of Public Safety shall prepare and deliver a statement for services rendered by the Van Meter Department of Public Safety. These services and fees are enumerated by Council resolution and shall include but are not limited to fees for emergency response of apparatus used in response, standby of support vehicles, manpower needed and used in the response, specialized equipment or services not locally available, uninsured portion of equipment damaged, disposables, other costs of response, responder sustenance, extrication services, special events services, alarm responses, deliberate risk taking and misadventure and any other services enumerated in the resolution setting fees.

3. Special events sponsors shall be charged for any and all services required by the Department of Public Safety, as determined by the Department of Public Safety in its sole discretion, working in conjunction with the City's special events personnel, including, but not limited to standby police vehicles and personnel, fire apparatus and its personnel, and/or fire/medical crews and vehicles. Such special events fees shall be due and payable with the special events permit application for noise, street closure etc., and shall be in addition to any fees incurred for other public safety services rendered.

4. The Department of Public Safety is authorized to collect fees for services provided inside the City limits as well as those provided outside the City limits pursuant to all applicable rules, regulations, and State law.

5. Fees and fines or additional costs that are the result of any actions listed in this ordinance are the responsibility of the property owner or occupant and are due and payable immediately upon receipt of an invoice from the Fire Department or its authorized agent.

6. The Fire Department is authorized to obtain the requisite incident information to collect fees through internal and/or contractual services.

7. The Fire Department shall coordinate with a designated a third-party vendor for applicable fee collection along with utilizing fire records management for the collection of any additional fees not collected.

8. The Department of Public Safety fines and fees collected pursuant to this chapter shall be in a special revenue account and reserved for the purpose of funding equipment, special departmental needs, fire prevention and fire prevention education.

9. If emergency rescue services are necessitated by deliberate risk taking or misadventure, the Director of Public Safety or their designee may assess an administrative penalty against the party or parties responsible for necessitating such emergency rescue services.

10. For purposes of this section "deliberate risk taking or misadventure" shall mean taking any action where the person willfully or wantonly disregards the safety of persons or property.

11. In the event a person assessed an administrative penalty under this section refuses to or otherwise fails to pay such administrative penalty, then the Director of Public Safety or her or his designee may seek enforcement of the violation by misdemeanor or municipal infraction prosecution pursuant to Chapter 3 of this Code.

12. The Director of Public Safety is authorized to issue a notice of municipal infraction or administrative penalty upon police or fire alarm users who have three or more false alarms per calendar year. The administrative penalty for each false police or fire alarm shall be as provided in the schedule of administrative penalties adopted by the City Council by resolution. Notice of violation, with the applicable penalty for such violation noted thereon, shall be issued by the Director of Public Safety or their designee to the violator.

13. All fees and penalties assessed in this chapter not related to misdemeanor or municipal prosecution shall be paid in full within 30 days of the issuance of the notice.

14. In the event an alarm user fails to pay the administrative penalty issued pursuant to Section 12, then the Director of Public Safety or her or his designee may seek enforcement of the violation by misdemeanor or municipal infraction prosecution pursuant to Chapter 3 of this Code.

15. The following definitions apply to this section unless otherwise indicated:

A. Alarm device means any part of an alarm system.

B. Alarm system means an assembly of equipment or devices arranged to send a signal to a remote receiving station to make known the occurrence of a robbery or attempted robbery or an unauthorized intrusion requiring urgent attention and to which the police are expected to respond and includes both automatic and manually operated systems. The term "alarm system" shall include the terms "automatic holdup alarm system," "burglar alarm system," "holdup system," and "manual holdup alarm system." Alarm system also means an assembly of equipment or devices or a single device designed or intended for use to detect fires by monitoring temperature, humidity or other conditions, including the monitoring of automatic sprinkler systems and all equipment or devices commonly known as fire alarms. A group of buildings with a single ownership, either attached or on a common campus not connected to the Fire Department communications center, shall be considered a single fire alarm system for the purpose of this division. Any building, group of buildings, or building situated on a common campus subject to a condominium regime shall be, as to common areas for the purposes of this division, considered a single system; if the entire premises subject to the condominium regime, including individual units, is connected to or part of a single integrated alarm system, the entire premises shall be considered to have a single fire alarm system held in common, but if the premises is not so connected, individual units shall be treated as other premises. All other premises not specifically mentioned shall, as to each separate ownership, lease or other interest owning, maintaining or using a fire alarm system, be considered for the purposes of this division to have a separate fire alarm system.

C. Alarm user means the person who or organization of any kind which uses an alarm system to protect the person's or organization's premises, regardless of whether the person or organization owns or leases the system and any person on which premises an alarm system is maintained with the City except for alarm systems on motor vehicles. If, however, an alarm system on a motor vehicle is connected with an alarm system at a premises, the person using such system is an alarm user. Also excluded from this definition and from the coverage of this division are persons who use alarm systems to alert or signal persons within the premises in which the alarm system is located of an attempted unauthorized intrusion or holdup attempt; provided, however, if such a system employs an audible signal emitting sounds or a flashing light or beacon designed to signal persons outside the premises, such system shall be within the definition of an alarm system and shall be subject to this division.

D. False alarm means the activation of an alarm system through technical failure, malfunction, improper installation, or the negligence of the owner or lessee of an alarm system or of his or her employees or agents. False alarm under this division does not include alarm system failures caused by transmission lines not under control of an alarm user or alarm agent; the willful act of any person other than the alarm user or an agent, servant or employee of the alarm user or alarm agent; and does not include failures due to conditions clearly beyond the control of the alarm user or alarm agent. False alarm includes the willful use of an alarm system for purposes other than warning or notification of an unauthorized intrusion or a robbery or attempted robbery or a fire. A false alarm does not include any activation of an alarm which is caused by storms, tornadoes or other violent weather conditions.

E. Local alarm system means a signaling system which when activated causes an audible or visual signaling device or both to be activated in or on the premises within which the system is installed. A local alarm system is an alarm system.

F. Monitoring station means an office to which alarm systems are connected where human operators supervise either the alarm circuits or answer incoming telephone alarm signals and where human operators then notify the Police Department or a private detective agency to investigate the alarm system.

G. Police alarm communication center means the central communication and dispatch center of the Police Department.

H. Remote signaling system means an alarm signaling system which when activated by an alarm device transmits a signal from an alarm system to a monitoring station where appropriate action is taken to investigate and respond to the signal.

(Ch. 35 - Ord. 2020-09 - Mar. 21 Supp.)

HAZARDOUS SUBSTANCE SPILLS

36.01 Purpose	36.05 Notifications
36.02 Definitions	36.06 Police Authority
36.03 Cleanup Required	36.07 Liability
36.04 Liability for Cleanup Costs	

36.01 PURPOSE.

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

36.02 DEFINITIONS.

For purposes of this chapter the following terms are defined:

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

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

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

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

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

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

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

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

36.03 CLEANUP REQUIRED.

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

36.04 LIABILITY FOR CLEANUP COSTS.

The responsible person shall be strictly liable to the City for all of the following:

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

roads, resulting from a hazardous condition caused by that person, including the costs of assessing the injury, destruction or loss.

4. The excessive and extraordinary cost incurred by the City or the agents of the City in responding at and to the scene of a hazardous condition caused by that person.

36.05 NOTIFICATIONS.

1. A person manufacturing, storing, handling, transporting, or disposing of a hazardous substance shall notify the State Department of Natural Resources and the Police Chief of the occurrence of a hazardous condition as soon as possible but not later than six hours after the onset of the hazardous condition or discovery of the hazardous condition. The Police Chief shall immediately notify the Department of Natural Resources.

2. Any other person who discovers a hazardous condition shall notify the Police Chief, which shall then notify the Department of Natural Resources.

36.06 POLICE AUTHORITY.

If the circumstances reasonably so require, the law enforcement officer or an authorized representative may:

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

No person shall disobey an order of any law enforcement officer issued under this section.

36.07 LIABILITY.

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

CHAPTER 40

PUBLIC PEACE

- | | |
|--------------------------|---------------------------|
| 40.01 Assault | 40.04 Unlawful Assembly |
| 40.02 Harassment | 40.05 Failure to Disperse |
| 40.03 Disorderly Conduct | |

40.01 ASSAULT.

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

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

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

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

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

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

(Code of Iowa, Sec. 708.1)

40.02 HARASSMENT.

No person shall commit harassment.

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

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

(Code of Iowa, Sec. 708.7)

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

(Code of Iowa, Sec. 708.7)

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

(Code of Iowa, Sec. 708.7)

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

(Code of Iowa, Sec. 708.7)

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

40.03 DISORDERLY CONDUCT.

No person shall do any of the following:

1. Fighting. Engage in fighting or violent behavior in any public place or in or near any lawful assembly of persons, provided that participants in athletic contests may engage in such conduct that is reasonably related to that sport.

(Code of Iowa, Sec. 723.4[1])

2. Noise. Make loud and raucous noise in the vicinity of any residence or public building which causes unreasonable distress to the occupants thereof.

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

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

(Code of Iowa, Sec. 723.4[3])

4. Disrupt Lawful Assembly. Without lawful authority or color of authority, disturb any lawful assembly or meeting of persons by conduct intended to disrupt the meeting or assembly.

(Code of Iowa, Sec. 723.4[4])

5. False Report of Catastrophe. By words or action, initiate or circulate a report or warning of fire, epidemic, or other catastrophe, knowing such report to be false or such warning to be baseless.

(Code of Iowa, Sec. 723.4[5])

6. Disrespect of Flag. Knowingly and publicly use the flag of the United States in such a manner as to show disrespect for the flag as a symbol of the United States, with the intent or reasonable expectation that such use will provoke or encourage another to commit trespass or assault. As used in this subsection:

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

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

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

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

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

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

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

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

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

8. Funeral or Memorial Service. Within 1,000 feet of the building or other location where a funeral or memorial service is being conducted, or within 1,000 feet of a funeral procession or burial:

A. Make loud and raucous noise that causes unreasonable distress to the persons attending the funeral or memorial

service or participating in the funeral procession.

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

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

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

(Code of Iowa, Sec. 723.5)

40.04 UNLAWFUL ASSEMBLY.

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

(Code of Iowa, Sec. 723.2)

40.05 FAILURE TO DISPERSE.

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

(Code of Iowa, Sec. 723.3)

CHAPTER 41

PUBLIC HEALTH AND SAFETY

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

41.01 DISTRIBUTING DANGEROUS SUBSTANCES.

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

(Code of Iowa, Sec. 727.1)

41.02 FALSE REPORTS TO OR COMMUNICATIONS WITH PUBLIC SAFETY ENTITIES.

No person shall do any of the following:

(Code of Iowa, Sec. 718.6)

1. Report or cause to be reported false information to a fire department, a law enforcement authority or other public safety entity, knowing that the information is false, or report the alleged occurrence of a criminal act knowing the act did not occur.

2. Telephone an emergency 911 communications center, knowing that he or she is not reporting an emergency or otherwise needing emergency information or assistance.

3. Knowingly provide false information to a law enforcement officer who enters the information on a citation.

41.03 PROVIDING FALSE IDENTIFICATION INFORMATION.

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

(Code of Iowa, Sec. 719.1A)

41.04 REFUSING TO ASSIST OFFICER.

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

(Code of Iowa, Sec. 719.2)

41.05 HARASSMENT OF PUBLIC OFFICERS AND EMPLOYEES.

No person shall willfully prevent or attempt to prevent any public officer or employee from performing the officer's or employee's duty.

(Code of Iowa, Sec. 718.4)

41.06 INTERFERENCE WITH OFFICIAL ACTS.

No person shall knowingly resist or obstruct anyone known by the person to be a peace officer, jailer, emergency medical care provider under Chapter 147A of the *Code of Iowa*, or firefighter, whether paid or volunteer, or a person performing bailiff duties pursuant to Section 602.1303[4] of the *Code of Iowa*, in the performance of any act that is within the scope of the lawful duty or authority of that officer, jailer, emergency medical care provider, or firefighter, or person performing bailiff duties, or shall knowingly resist or obstruct the service or execution by any authorized person of any civil or criminal process or order of any court. The terms "resist" and "obstruct" as used in this section do not include verbal harassment unless the verbal harassment is accompanied by a present ability and apparent intention to execute a verbal threat physically.

(Code of Iowa, Sec. 719.1)

41.07 REMOVAL OF AN OFFICER'S COMMUNICATION OR CONTROL DEVICE.

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

(Code of Iowa, Sec. 708.12)

41.08 ABANDONED OR UNATTENDED REFRIGERATORS.

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

(Code of Iowa, Sec. 727.3)

41.09 ANTENNA AND RADIO WIRES.

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

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

41.10 BARBED WIRE AND ELECTRIC FENCES.

It is unlawful for a person to use barbed wire or electric fences to enclose land within the City limits without the written consent of the Council unless such land consists of 10 acres or more and is used as agricultural land.

41.11 DISCHARGING WEAPONS.

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

41.12 THROWING AND SHOOTING.

It is unlawful for a person to throw stones, bricks, or missiles of any kind or to shoot arrows, paintballs, rubber guns, slingshots, air rifles, BB guns, or other dangerous instruments or toys on or into any street, alley, highway, sidewalk, public way, public ground, or public building, without written consent of the Council.

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

41.13 URINATING AND DEFECATING.

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

41.14 FIREWORKS.

The sale, use or exploding of fireworks within the City is subject to the following:

1. Definitions. For purposes of this section:

A. "Consumer fireworks" includes first-class consumer fireworks and second-class consumer fireworks as those terms are defined in section 100.19, subsection 1, of the *Code of Iowa*. "Consumer fireworks" does not include novelties

enumerated in Chapter 3 of the American Pyrotechnics Association (“APA”) Standard 87-1 or display fireworks enumerated in Chapter 4 of the APA Standard 87-1.

B. “Display fireworks” includes any explosive composition, or combination of explosive substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and includes blank cartridges, firecrackers, torpedoes, skyrockets, roman candles, or other fireworks of like construction and fireworks containing any explosive or flammable compound, or other device containing any explosive substance. “Display fireworks” does not include goldstar-producing sparklers on wires which contain no magnesium or chlorate or perchlorate, flitter sparklers in paper tubes that do not exceed one-eighth of an inch in diameter, toy snakes which contain no mercury, or caps used in cap pistols novelties or consumer fireworks enumerated in Chapter 3 of the APA Standard 87-1.

C. “Novelties” includes all novelties enumerated in Chapter 3 of the APA Standard 87-1, and that comply with the labeling regulations promulgated by the United States Consumer Product Safety Commission.

2. Prohibition.

A. No person shall use display fireworks, except as authorized by the City by permit.

B. No person under the age of 18 shall be permitted to use display fireworks. No person under the age of 18 shall be permitted to use consumer fireworks without responsible supervision by a person 18 years of age or older.

3. Permit Required.

A. It is unlawful for any person to offer for sale, expose for sale, and sell at retail any consumer fireworks without first providing evidence of Iowa State Fire Marshal inspection and licensing compliance and applying to the City for a permit and payment of a fee as established by the most current resolution passed by the City Council.

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

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

(Code of Iowa, Sec. 727.2)

41.15 DRUG PARAPHERNALIA.

(Code of Iowa, Sec. 124.414)

1. As used in this section “drug paraphernalia” means all equipment, products or materials of any kind used or attempted to be used in combination with a controlled substance, except those items used in combination with the lawful use of a controlled substance, to knowingly or intentionally and primarily do any of the following:

- A. Manufacture a controlled substance.
- B. Inject, ingest, inhale, or otherwise introduce into the human body a controlled substance.
- C. Test the strength, effectiveness, or purity of a controlled substance.
- D. Enhance the effect of a controlled substance.

Drug paraphernalia does not include hypodermic needles or syringes if manufactured, delivered, sold, or possessed for a lawful purpose.

2. It is unlawful for any person to knowingly or intentionally manufacture, deliver, sell, or possess drug paraphernalia.

CHAPTER 42

PUBLIC AND PRIVATE PROPERTY

- | | |
|---|--|
| 42.01 Trespassing | 42.05 Fraud |
| 42.02 Criminal Mischief | 42.06 Theft |
| 42.03 Defacing Proclamations or Notices | 42.07 Use of Skateboards and Similar Devices |
| 42.04 Unauthorized Entry | 42.08 Other Public Property Offenses |

42.01 TRESPASSING.

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

(Code of Iowa, Sec. 716.8)

2. Definitions. For purposes of this section:

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

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

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

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

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

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

F. "Trespass" means one or more of the following acts:

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

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

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

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

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

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

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

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

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

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

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

42.02 CRIMINAL MISCHIEF.

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

(Code of Iowa, Sec. 716.1)

42.03 DEFACING PROCLAMATIONS OR NOTICES.

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

(Code of Iowa, Sec. 716.1)

42.04 UNAUTHORIZED ENTRY.

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

42.05 FRAUD.

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

(Code of Iowa, Sec. 714.8)

42.06 THEFT.

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

(Code of Iowa, Sec. 714.1)

42.07 USE OF SKATEBOARDS AND SIMILAR DEVICES.

1. The riding or use of skateboards and similar devices is prohibited in or on any part of public streets, sidewalks, or parking areas on Wilson Street from the north side of Main Street to the railroad right-of-way and on Grant Street from the west side of West Street to the east side of Cross Street.

2. No person upon a skateboard or similar device shall operate or use such on any work of art, sculpture or monument or on any planter, free-standing flower or tree box, flower bed or garden, fountain or park equipment, nor shall such devices be used on any public stairway or access ramp built for use by the disabled or other people. No such devices shall be used on any area designed and used for public seating in an amphitheater or similar area.

42.08 OTHER PUBLIC PROPERTY OFFENSES.

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

1. Chapter 22 – Library
 - A. Section 22.10 – Injury to Books or Property
 - B. Section 22.11 – Theft of Library Property
2. Chapter 105 – Solid Waste Control and Recycling
 - A. Section 105.07 – Littering Prohibited
3. Chapter 135 – Street Use and Maintenance
 - A. Section 135.01 – Removal of Warning Devices
 - B. Section 135.02 – Obstructing or Defacing
 - C. Section 135.03 – Placing Debris On
 - D. Section 135.04 – Traveling on Barricaded Street or Alley
 - E. Section 135.07 – Burning Prohibited
 - F. Section 135.11 – Dumping of Snow
4. Chapter 136 – Sidewalk Regulations
 - A. Section 136.11 – Interference with Sidewalk Improvements
 - B. Section 136.14 – Fires or Fuel on Sidewalks
 - C. Section 136.15 – Debris on Sidewalks
 - D. Section 136.16 – Merchandise Display
 - E. Section 136.17 – Sales Stands

CHAPTER 45

ALCOHOL CONSUMPTION AND INTOXICATION

- | | |
|--|---|
| 45.01 Persons Under Legal Age | 45.03 Open Containers in Motor Vehicles |
| 45.02 Public Consumption or Intoxication | 45.04 Social Host |

45.01 PERSONS UNDER LEGAL AGE.

As used in this section, "legal age" means 21 years of age or more.

1. A person or persons under legal age shall not purchase or attempt to purchase, consume, or individually or jointly

have alcoholic beverages in their possession or control; except in the case of any alcoholic beverage given or dispensed to a person under legal age within a private home and with the knowledge, presence and consent of the parent or guardian, for beverage or medicinal purposes or as administered to the person by either a physician or dentist for medicinal purposes and except to the extent that a person under legal age may handle alcoholic beverages during the regular course of the person's employment by a liquor control licensee, or wine or beer permittee under State laws.

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

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

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

45.02 PUBLIC CONSUMPTION OR INTOXICATION.

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 123.46)

45.03 OPEN CONTAINERS IN MOTOR VEHICLES.

[See Section 62.01(49) and (50) of this Code of Ordinances.]

45.04 SOCIAL HOST.

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

(Code of Iowa, Sec. 123.47)

CHAPTER 46

MINORS

46.01 Curfew

46.03 Contributing to Delinquency

46.02 Cigarettes and Tobacco

46.04 Minors in Liquor Establishments

46.01 CURFEW.

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

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

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

B. "Knowingly" means knowledge that a responsible adult should reasonably be expected to have concerning the whereabouts of a minor in that responsible adult's custody. It is intended to continue to hold the neglectful or careless adult responsible for a minor to a reasonable standard of adult responsibility through an objective test. It is therefore no defense that an adult responsible for a minor was completely indifferent to the activities or conduct or whereabouts of the minor.

C. "Minor" means any unemancipated person under the age of 18 years.

D. "Nonsecured custody" means custody in an unlocked multipurpose area, such as a lobby, office or interrogation room that is not designed, set aside, or used as a secure detention area, and the person arrested is not physically secured during the period of custody in the area; the person is physically accompanied by a law enforcement officer or a person employed by the facility where the person arrested is being held; and the use of the area is limited to providing nonsecured custody only while awaiting transfer to an appropriate juvenile facility or to court, for contacting of and release to the person's parents or other responsible adult or for other administrative purposes; but not for longer than six hours without the oral or written order of a judge or magistrate authorizing the detention. A judge shall not extend the period of time in excess of six hours beyond the initial six-hour period.

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

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

2. Curfew Established. It is unlawful for any minor to be or remain upon any of the alleys, streets, or public places or to be in places of business and amusement in the City between the hours of 11:00 p.m. and 6:00 a.m. of the following day on days commencing on Sunday, Monday, Tuesday, Wednesday and Thursday and between the hours of 12:00 midnight and 6:00 a.m. on Friday and Saturday.

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

A. The minor is accompanied by a responsible adult.

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

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

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

(2) Minor's place of religious activity or, if traveling, within one hour after the end or before the beginning of the religious activity;

(3) Governmental or political activity or, if traveling, within one hour after the end or before the beginning of the activity;

(4) School activity or, if traveling, within one hour after the end or before the beginning of the activity;

(5) Assembly such as a march, protest, demonstration, sit-in or meeting of an association for the advancement of economic, political, religious or cultural matters, or for any other activity protected by the First Amendment of the U.S. Constitution guarantees of free exercise of religion, freedom of speech, freedom of assembly or, if traveling, within one hour after the end or before the beginning of the activity.

D. The minor is on an emergency errand for a responsible adult;

E. The minor is engaged in interstate travel through the City beginning, ending or passing through the City when such travel is by direct route.

4. Responsibility of Adults. It is unlawful for any responsible adult knowingly to permit or to allow a minor to be in any public place in the City within the time periods prohibited by this section unless the minor's presence falls within one of the above exceptions.

5. Enforcement Procedures.

A. Determination of Age. In determining the age of the juvenile and in the absence of convincing evidence such as a birth certificate or driver's license, a law enforcement officer on the street shall, in the first instance, use his or her best judgment in determining age.

B. Grounds for Arrest; Conditions of Custody. Grounds for arrest are that the person refuses to sign the citation without qualification; persists in violating the ordinance; refuses to provide proper identification or to identify himself or herself; or constitutes an immediate threat to the person's own safety or to the safety of the public. A law enforcement officer who

arrests a minor for a curfew violation may keep the minor in custody either in a shelter care facility or in any nonsecured setting. The officer shall not place bodily restraints, such as handcuffs, on the minor unless the minor physically resists or threatens physical violence when being taken into custody. A minor shall not be placed in detention following a curfew violation.

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

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

6. Penalties.

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

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

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

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

46.02 CIGARETTES AND TOBACCO.

It is unlawful for any person under 18 years of age to smoke, use, possess, purchase, or attempt to purchase any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes. Possession of tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes by a person under 18 years of age shall not constitute a violation of this section if said person possesses the tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes as part of the person's employment and said person is employed by a person who holds a valid permit under Chapter 453A of the *Code of Iowa* or who lawfully offers for sale or sells cigarettes or tobacco products.

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

46.03 CONTRIBUTING TO DELINQUENCY.

It is unlawful for any person to encourage any child under 18 years of age to commit any act of delinquency.

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

46.04 MINORS IN LIQUOR ESTABLISHMENTS.

1. Minors are prohibited from entering any place of business that sells beer or alcoholic beverages for consumption on premises except when accompanied by a parent or legal guardian; and even when accompanied by a parent or legal guardian no minor shall remain in such place of business after 8:00 p.m.

2. It is unlawful for the owner, operator, manager, or any employee of such business, or the parent or legal guardian of any minor, to allow or permit a minor to enter any place of business that sells beer or alcoholic beverages for consumption on premises in violation of this section.

3. The owner of a business that sells beer or alcoholic beverages for on-premises consumption may apply for an exemption from the provisions of this section if more than 50 percent of the business receipts of such business are from the sale of food. The application for the exemption shall be made to the Council annually when application for the renewal of a liquor control license or beer permit is made. The applicant shall have the burden of showing by competent evidence that the business qualifies for exemption from the regulations of this section.

CHAPTER 47

PARK REGULATIONS

47.01 Purpose

47.04 Littering

47.02 Use of Drives Required

47.05 Camping

47.03 Fires

47.01 PURPOSE.

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

(Code of Iowa, Sec. 364.12)

47.02 USE OF DRIVES REQUIRED.

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

47.03 FIRES.

No fire shall be built, except in a place designated for such purpose, and such fire shall be extinguished before leaving the area unless it is to be immediately used by some other party.

47.04 LITTERING.

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

47.05 CAMPING.

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

CHAPTER 50

NUISANCE ABATEMENT PROCEDURE

50.01 Definition of Nuisance

50.05 Nuisance Abatement

50.02 Nuisances Enumerated

50.06 Abatement of Nuisance by Written Notice

50.03 Other Conditions

50.07 Municipal Infraction Abatement Procedure

50.04 Nuisances Prohibited

50.01 DEFINITION OF NUISANCE.

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

(Code of Iowa, Sec. 657.1)

50.02 NUISANCES ENUMERATED.

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

(Code of Iowa, Sec. 657.2)

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

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

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

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

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

6. **Billboards.** Billboards, signboards, and advertising signs, whether erected and constructed on public or private property, that so obstruct and impair the view of any portion or part of a public street, avenue, highway, boulevard or alley or of a railroad or street railway track as to render dangerous the use thereof. **(See also Section 62.06)**

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

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

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

10. **Dutch Elm Disease.** Trees infected with Dutch elm disease. **(See also Chapter 150)**

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

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

50.03 OTHER CONDITIONS.

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

1. Junk and Junk Vehicles (**See Chapter 51**)
2. Storage and Disposal of Solid Waste (**See Chapter 105**)
3. Trees (**See Chapter 150**)

50.04 NUISANCES PROHIBITED.

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

(Code of Iowa, Sec. 657.3)

50.05 NUISANCE ABATEMENT.

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

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

50.06 ABATEMENT OF NUISANCE BY WRITTEN NOTICE.

Any nuisance, public or private, may be abated in the manner provided for in this section:

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

1. Contents of Notice to Property Owner. The notice to abate shall contain: †³

- A. Description of Nuisance. A description of what constitutes the nuisance.
- B. Location of Nuisance. The location of the nuisance.
- C. Acts Necessary to Abate. A statement of the act or acts necessary to abate the nuisance.
- D. Reasonable Time. A reasonable time within which to complete the abatement.

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

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

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

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

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

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

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

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

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

same manner as, general property taxes.

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

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

(Code of Iowa, Sec. 364.13)

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

Notes

³ †**EDITOR'S NOTE:** A suggested form of notice for the abatement of nuisances is included in the Appendix of this Code of Ordinances. Caution is urged in the use of this administrative abatement procedure, particularly where cost of abatement is more than minimal or where there is doubt as to whether or not a nuisance does in fact exist. If compliance is not secured following notice and hearings, we recommend you review the situation with your attorney before proceeding with abatement and assessment of costs. Your attorney may recommend proceedings in court under Chapter 657 of the *Code of Iowa* rather than this procedure.

50.07 MUNICIPAL INFRACTION ABATEMENT PROCEDURE.

In lieu of the abatement procedures set forth in Section 50.06, the requirements of this chapter may be enforced under the procedures applicable to municipal infractions as set forth in Chapter 3 of this Code of Ordinances.

CHAPTER 51

JUNK AND JUNK VEHICLES

51.01 Definitions	51.04 Exceptions
51.02 Junk and Junk Vehicles Prohibited	51.05 Notice to Abate
51.03 Junk and Junk Vehicles a Nuisance	

51.01 DEFINITIONS.

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

1. "Junk" means all old or scrap copper, brass, lead, or any other non-ferrous metal; old or discarded rope, rags, batteries, paper, trash, rubber, debris, waste or used lumber, or salvaged wood; dismantled vehicles, machinery and appliances or parts of such vehicles, machinery or appliances; iron, steel or other old or scrap ferrous materials; old or discarded glass, tinware, plastic or old or discarded household goods or hardware. Neatly stacked firewood located on a side yard or a rear yard is not considered junk.
2. "Junk vehicle" means any vehicle legally placed in storage with the County Treasurer or unlicensed and having any of the following characteristics:
 - A. Broken Glass. Any vehicle with a broken or cracked windshield, window, headlight or tail light, or any other cracked or broken glass.
 - B. Broken, Loose, or Missing Part. Any vehicle with a broken, loose, or missing fender, door, bumper, hood, steering wheel or trunk lid.
 - C. Habitat for Nuisance Animals or Insects. Any vehicle that has become the habitat for rats, mice, snakes, or any other vermin or insects.
 - D. Flammable Fuel. Any vehicle that contains gasoline or any other flammable fuel.
 - E. Inoperable. Any motor vehicle that lacks an engine or two or more wheels or other structural parts, rendering said motor vehicle totally inoperable, or that cannot be moved under its own power or has not been used as an operating vehicle for a period of 30 days or more.
 - F. Defective or Obsolete Condition. Any other vehicle that, because of its defective or obsolete condition, in any other way constitutes a threat to the public health and safety.

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

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

thereof.

51.02 JUNK AND JUNK VEHICLES PROHIBITED.

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

51.03 JUNK AND JUNK VEHICLES A NUISANCE.

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

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

51.04 EXCEPTIONS.

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

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

51.05 NOTICE TO ABATE.

Upon discovery of any junk or junk vehicle located upon private property in violation of Section 51.03, the City shall within seven days initiate abatement procedures as outlined in Chapter 50 of this Code of Ordinances.

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

CHAPTER 52

NOISE CONTROL

52.01 Scope of Regulations	52.06 Measurement of Noise and Sound
52.02 Definitions	52.07 Sound Equipment Permit
52.03 Noise Disturbance Prohibited	52.08 Other Laws and Ordinances
52.04 Included Sounds	52.09 Penalty
52.05 Excluded Sounds	

52.01 SCOPE OF REGULATIONS.

This chapter applies to the control of all noise originating within the limits of the City, except in the following cases:

1. A State or federal agency has adopted a different standard or rule than that prescribed within this chapter which preempts the regulation of noise from a particular source so as to render this chapter inapplicable; or
2. The Council has determined that, by reason of public acceptance of the activity producing a particular noise or noises, such noise is deemed acceptable to the residents of the City.

52.02 DEFINITIONS.

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms have the following meanings. Definitions of technical terms used in this chapter which are not herein defined shall be obtained from publications of acoustical terminology issued by the American National Standards Institute (ANSI):

1. "Application" means the application discussed in Section 52.06 of this chapter.
2. "Emergency" means any occurrence or set of circumstances involving actual or imminent physical or psychological trauma or property damage which demands immediate action.
3. "Emergency work" means any work performed for the purpose of alleviating or resolving an emergency.
4. "Motorcycle" means any two or three-wheeled motor vehicle.
5. "Motor vehicle" means any motor-powered vehicle designed to carry at least one passenger or driver and of the type typically licensed for use on the public highways. (Note: "motor vehicle" includes most motorcycles.)
6. "Noise" means any sound which disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.
7. "Noise disturbance" means those sounds defined as "noise disturbances" in Section 52.04 of this chapter which have not otherwise been excepted and excluded from said Section 52.04 under any of Sections 52.01(2), 52.05, or 52.06 of this chapter.
8. "Powered model vehicle" means any self-propelled airborne, waterborne or land-borne model plane, vessel or vehicle which is not designed to carry persons, including but not limited to, any model airplane, boat, car or rocket.

9. "Public right-of-way" means the traveled portion of any street or alley or similar place which is owned or controlled by the City or other governmental entity.

10. "Real property boundary" means an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intra-building real property division.

11. "Recreational vehicle" means any motor-powered vehicle designed to carry at least one passenger or driver and equipped for use in racing or other recreational events or uses off of public right-of-way on public or private property; except, however, for the purposes of this chapter, any such vehicle which is licensed for use on the public highways is deemed a "motor vehicle" (or "motorcycle" if two- or three-wheeled) and not a "recreational vehicle." (Examples of recreational vehicles are a snowmobile, ATV, minibike, stock car or motorboat.)

12. "Residential property" means any property on which is located a building or structure used wholly or partially for living or sleeping purposes.

13. "Sound" means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that cause compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

14. "Sound equipment" means any radio, record player, tape deck or player, loud speaker, amplifier, sound track or other device for producing, reproducing or amplifying sound, except, however, sound equipment does not include: (i) sirens and other equipment used to alert persons to the existence of an emergency; (ii) equipment used by law enforcement and other public safety officials in the performance of their official duties; (iii) church carillons, bells or chimes; (iv) mobile radio or telephone signaling devices; and (v) automobile and truck radios, tape decks or players or other such standard equipment used and intended for the use and enjoyment of the occupants provided that the sound emitted therefrom does not exceed 75 dB(A) when measured at the property line of the source.

15. "Sound level meter" means an instrument, including a microphone, amplifier, output meter and weighting networks, that is sensitive to pressure fluctuations. The output meter reads sound pressure level in decibels when properly calibrated and the instrument is of Type 2 or better as specified in American National Standards Institute, USA standard specification for general purpose sound level meters (S1.4-1971), and preferred center frequencies for acoustical measurements (S1.6-1960), or any subsequent nationally adopted standard superseding such standards. A "weighted sound level" or "sound level" means the sound pressure level in decibels as measured on a sound level meter using the A weighting network. The level so read shall be designated as dB(A) or dBA. "Decibel" means a logarithmic and dimensionless unit of measure often used in describing the amplitude of sound and is denoted as dB.

52.03 NOISE DISTURBANCE PROHIBITED.

It is unlawful for any person to willfully make or continue or cause or allow to be made or continued any noise disturbance within the City.

52.04 INCLUDED SOUNDS.

Except for sounds excluded under any of Sections 52.01(2), 52.05 or 52.06 of this chapter, the term "noise disturbance" means any of the following sounds:

1. Injurious or Disturbing Sounds Generally. Any sound which endangers or injures the welfare, safety or health of a human being or disturbs a reasonable human being of normal sensitivities or causes or tends to cause an adverse physiological or physical effect on human beings or devalues or injures property.

2. Selling by Hawking or Barking. The sound of selling by shout or outcry when made within the area of the City zoned residential or commercial.

3. Loading and Unloading. The sound made by outdoor loading, unloading, opening, closing or handling of boxes, crates, containers, building materials or similar objects between the hours of 9:00 p.m. and 7:00 a.m. within any area of the City zoned residential. The sound made by the outdoor loading, unloading, opening, closing or handling of trash cans, trash containers, trash receptacles, trash dumpsters or similar objects which is received between the hours of 9:00 p.m. and 7:00 a.m. at the real property boundary of residential property.

4. Engine Repairs and Testing. The sound made by the repairing, rebuilding, modifying or testing of a motor vehicle or recreational vehicle which is received between the hours of 7:00 p.m. and 7:00 a.m. at the real property boundary of residential property.

5. Powered Model Vehicles. The sound made by the operation of a powered model vehicle which is received between the hours of 7:00 p.m. and 7:00 a.m. at the real property boundary of residential property.

6. Musical Instruments. The sound made by a drum, horn, reed instrument, string instrument or other musical instrument or device which is received between the hours of 9:00 p.m. and 7:00 a.m. at the real property boundary of residential property.

7. Off-Road Motorcycle and Recreational Vehicle Noise. The sound made on private property or on City-owned property other than a public right-of-way by a motorcycle or recreational vehicle and received between the hours of 9:00 p.m. and 7:00 a.m. at the real property boundary of residential property; provided, however, the sound made by a motorcycle when traveling from private property to a public right-of-way, or vice versa, in pursuance of normal ingress or egress for purposeful transportation is not a noise disturbance unless made so by some provisions of this section other than this Subsection 7.

8. Construction Noise. The sound made by tools or equipment in erection, demolition, excavation, drilling or other such construction work which is received between the hours of 9:00 p.m. and 6:00 a.m. at the real property boundary of residential property.

9. Sound Equipment. The sound made by sound equipment operated in any building or upon any public or private premises shall be classified as a noise disturbance if either: (i) on a complaint, the sound is in excess of the maximum non-permitted levels shown in the chart below when measured at the property boundary of a source land use; or (ii) the sound is of a nature that cannot accurately be measured by a sound level meter, and such sound is disturbing to a reasonable human being of normal sensitivities.

MAXIMUM NON-PERMITTED LEVELS	
Residential	65 between 7:00 a.m. and 10:00 p.m. 55 between 10:00 p.m. and 7:00 a.m.
Commercial	70

10. Racing. The sound made by a motor vehicle or recreational vehicle on private property or public right-of-way during any racing event or time trial, whether organized or unorganized.

11. Screeching Tires. The sound made by the intentional screeching or squealing of the tires of a motor vehicle in areas of the City zoned residential or commercial.

12. Noisy Exhaust System. The sound made by a motor vehicle or a recreational vehicle whose exhaust system has been modified by the installation of a muffler cut-out or bypass or the sound made by such vehicle whose exhaust system emits an excessive or unusual sound as compared to the sound emitted by its original exhaust system, whether caused by modification, substitution, age, injury or deterioration of its original exhaust system. For the purposes of this section the sound made by a vehicle's original exhaust system may be determined by the observation of the sound made by the original exhaust system of another similar vehicle.

13. Animal or Bird Noises. The frequent or habitual sound made by a domesticated animal or bird, other than livestock owned or possessed for agricultural purposes, which is received any time at the real property boundary of residential property.

Sound in excess of the maximum permitted levels shall not be a noise disturbance if such sound is emitted in accordance with a noise permit issued by the City.

52.05 EXCLUDED SOUNDS.

Any other provision of Section 52.04 or other section of this chapter to the contrary notwithstanding, the term "noise disturbance," as used in this chapter, does not mean or include the following sounds:

1. Lawn and Garden Equipment. The sound emitted by motor-powered muffler-equipped lawn and garden equipment operated between the hours of 7:00 a.m. and 9:00 p.m.

2. Chain Saws. The sound emitted by motor-powered tree-trimming equipment operated between the hours of 7:00 a.m. and 9:00 p.m.

3. Snow Removal Equipment. The sound emitted by motor-powered, muffler-equipped snow removal equipment operated between the hours of 5:00 a.m. and 11:00 p.m. and the sound emitted by City-owned or hired snow removal equipment.

4. Emergencies. The sound emitted in the performance of emergency work or to alert persons to the existence of an emergency.

5. Alarms. The sound emitted by the intentional sounding outdoors of any fire, burglar or civil defense alarm, siren, whistle or similar stationary emergency signaling device for emergency purpose or for the essential testing of such device.

6. Church Bells. The sound emitted by church carillons, bells or chimes.

7. Automobile Radios. The sound emitted by an automobile or truck radio, tape deck or player or other such standard equipment used and intended for the use and enjoyment of such vehicle's occupants while such vehicle is on the public right-of-way, provided that the sound emitted therefrom is not audible for more than 50 feet.

8. Certain Signaling Devices. The sound emitted by mobile radio or telephone signaling devices.

9. Religious Ceremonies. The sound emitted in conjunction with a religious celebration.

10. Law Enforcement. The sounds made or caused to be made by law enforcement officials in the performance of their official duties.

11. Construction Noise. The sound emitted by construction work (erection, demolition, excavation, drilling, etc.) between the hours of 6:00 a.m. and 9:00 p.m., which is being performed pursuant to a proper and current building permit.

12. Mosquito Spraying Equipment. The sound made by the City-owned or hired mosquito spraying equipment.

52.06 MEASUREMENT OF NOISE AND SOUND.

The measurement of sound or noise shall be made with a sound level meter meeting the standards prescribed by the American National Standards Institute. The instruments shall be maintained in calibration and good working order. A calibration check shall be made of the system at the time of any noise measurement. Measurements recorded shall be taken so as to provide a proper representation of the noise source. The microphone shall be positioned so as not to create an unnatural enhancement or diminution of the measured noise. A windscreen for the microphone shall be used when required. The measurement shall be an A weighted, slow response sound level.

52.07 SOUND EQUIPMENT PERMIT.

No person shall use, operate, or cause to be used or operated any sound equipment upon the public rights-of-way or in any building or upon any premises, public or private, if the sound emitted thereby is plainly audible from the public right-of-way within the City unless such person has obtained a sound equipment permit in accordance with this section and the actual use or operation of such sound equipment is not inconsistent with the statements made in the application or the conditions imposed in the sound equipment permit.

1. Application for Permit. Applications for sound equipment permits shall be made in writing to the Clerk or City Administrator and shall contain the following information:

- A. Name and address of applicant.
- B. The type of event for which the sound equipment will be used.
- C. The location where the sound equipment will be used.
- D. The proposed date and duration of the event and the hours of operation of the sound equipment.
- E. A general description of the sound equipment, including whether the sound source will be located inside a building or outside as well as the license number of any motor vehicle upon which said sound equipment is to be operated if applicable.
- F. Any other information as may be required by the City Administrator, Fire Chief, or Peace officer.

2. Permit Fee. The fee for a sound equipment permit is \$25.00 for residential land use sources and \$100.00 for commercial land use sources. No permit is required for sound equipment used by a school or the City, the State or the federal government at events sponsored by the governmental subdivision or agency thereof.

3. Issuance of Permit. Applications for noise permits shall be reviewed by the Fire Chief and Peace officer and then issued or denied by the City Administrator. The applicant may appeal the denial of a noise permit by filing a written request for appeal with the City Administrator, requesting that the denial of the application for noise permit be reviewed by the City Council at the Council’s next regularly scheduled meeting. The City shall consider the following factors in connection with the issuance of a noise permit:

- A. The location of the proposed event or source of the noise in relation to surrounding residences or businesses.
- B. The time of day and day of the week for which the permit is requested. The City shall not issue a noise permit that extends after 10:00 p.m. on a weeknight or after 11:00 p.m. on a weekend night or on the night of a holiday, except in unusual circumstances, for good cause shown and approved by the City Council.
- C. The duration of the activity for which the noise permit is requested.
- D. Whether the applicant has misrepresented any information in past noise permits.
- E. Whether the applicant has failed to comply with conditions set forth in prior noise permits that have been issued by the City.
- F. Whether the applicant has had prior violations of the noise ordinance,
- G. Such other considerations that are advisable to protect the health, welfare and quality of life for the residents and businesses of the City.

4. Limitations. A sound equipment permit shall not be issued if the sound to be emitted by the sound equipment would be a noise disturbance under Section 52.04 (other than Subsection 9) of this chapter. A sound equipment permit issued in violation of this Subsection 4 is void and of no force and effect.

5. Conditions. When a permit is issued pursuant to this chapter, the sound levels listed in the following table shall be the maximum levels permitted when measured at the edge of the City street, the alley right-of-way or the property line, whichever reasonably appears to be nearest to the source of the sound:

Source Land Use	Maximum dB Permitted
Residential	75 between 7:00 a.m. and 10:00 p.m. 65 between 10:00 p.m. and 7:00 a.m.
Commercial	80

When granting the permit, the Council may impose lower sound level limits based upon the location and length of the

proposed event for which the permit is requested and the Council may impose other reasonable conditions and requirements to be met or fulfilled by the noise permit holder preliminary to or at the time of the use or operation of the sound equipment. Such conditions shall be those necessary or advisable to protect the health, welfare and quality of life of the residents of the City and may include, without limitation, restrictions on the time of day the sound equipment can be used or operated and restrictions on the length of time that the sound equipment may be used or operated. The permit holder shall be responsible for monitoring the level of sound to ensure that the conditions of the permit are not violated.

6. Noncompliance by Permittee. Should the person, business, or organization holding a permit not attentively observe all limitations and restrictions found in this chapter and in the noise permit:

A. The Peace officer shall be authorized to stop such permitted event or to turn the sound equipment off or reduce it to the level authorized by the noise permit.

B. For continued or repeated noncompliance after corrective action is taken by the Peace officer in Paragraph A of this subsection the responding officer shall cite continued or repeated noncompliance with the maximum fine prescribed in Chapter 3 of this Code of Ordinances.

7. Permissibility. Any other language to the contrary in this chapter notwithstanding, sound made by sound equipment for which a valid sound equipment permit has been issued under this section shall be permissible hereunder and shall not constitute a violation of this chapter regardless of the fact that said sound equipment may be operated upon the public right-of-way or in a building or upon premises, public or private, that is plainly audible from a public right-of-way within the City.

52.08 OTHER LAWS AND ORDINANCES.

No provisions of this chapter should be construed to legalize or permit sounds, devices or activities made unlawful by other ordinances of the City or State or federal statutes.

52.09 PENALTY.

Unless another penalty is expressly provided by this chapter for any particular provision or section, any person violating any provision of this chapter or any rule or regulation adopted herein by reference shall be subject to a civil penalty as set forth in the schedule of civil penalties in Chapter 3 of this Code of Ordinances. Each day that a municipal infraction occurs and/or is permitted to exist constitutes a separate offense.

CHAPTER 53

WEEDS AND BRUSH

53.01 Weeds and Brush

53.04 Method of Notice

53.02 Mowing of Properties

53.05 Method of Billing

53.03 City Mowing Charge

53.06 Non-Zoning Variance Procedure

53.01 WEEDS AND BRUSH.

Dense growth of all weeds, vines, brush or other vegetation in the City can constitute a health, safety, or fire hazard. Unless a variance is allowed by resolution of the Council pursuant to Section 53.06, weeds, brush, or other uncultivated plants, except trees, shall be cut, mowed, and maintained so as to not exceed the heights set forth specifically in this chapter.

53.02 MOWING OF PROPERTIES.

Any property within the City, other than property used and taxed as agricultural, whether vacated or non-vacated, is required to be mowed prior to the vegetation reaching a height of 10 inches. Once the vegetation has reached the height of 10 inches to 24 inches, the City will arrange to mow the property at the property owner's expense. Property used and taxed as agricultural is exempt from this chapter's height and mowing requirements.

53.03 CITY MOWING CHARGE.

Any property which is not mowed may be mowed by the City or its agents, and a fee of \$75.00 per hour (with a minimum of one hour and any additional time over the first hour billed in half-hour increments), plus an administrative surcharge of \$100.00, will be charged to the property owner. Any property owner who fails to mow his or her property, thus allowing the same to be mowed by the City or its agents, and who does not provide payment for the mowing as required, will be assessed by the City for such costs, which will be collected in the same manner as general property taxes.

53.04 METHOD OF NOTICE.

Annual publication of the ordinance codified in this chapter will serve as notice to property owners.

53.05 METHOD OF BILLING.

Any billings for mowing done by the City or its agents are to be sent by regular mail and are payable within 30 days of the billing date.

53.06 NON-ZONING VARIANCE PROCEDURE.

A non-zoning variance is a case-by-case deviation from this chapter only, when it is demonstrated that compliance with this chapter would be a practical impossibility and/or upon showing of good cause, an alternative to this chapter is provided

that conforms to the general intent and spirit of this chapter. The Grounds Official shall be the Public Works Director. Any individual may apply to the Grounds Official for a non-zoning variance from this chapter. Procedures for granting variances from this chapter are as follows:

1. **Application.** Any individual seeking a non-zoning variance shall submit a written application to the Grounds Official. The application shall be submitted at the time the applicant becomes aware of the reason necessitating the non-zoning variance, but under no circumstances shall an application be considered after a violation under this chapter has occurred. The application shall state the provision from which a non-zoning variance is being sought, the period of time it is to apply, the reason for which the non-zoning variance is sought, and any other supporting information which the Grounds Official may reasonably require.
2. The Grounds Official shall decide, on the basis of the application, whether to grant or deny the non-zoning variance and what conditions or terms, if any, shall be attached. The decision of the Grounds Official shall be final, unless appealed within five days of the Grounds Official's decision to the City Council.
3. **Review Considerations.** The Grounds Official, for an initial decision, and the Council, on review, shall consider:
 - A. The character and nature of the property under consideration.
 - B. Whether the public health, safety or welfare is endangered by granting the non-zoning variance.
 - C. Whether compliance with the provision would produce no benefit to the public.
 - D. Whether a previous non-zoning variance has been previously issued and the applicant's record of compliance.
4. **Time Duration of Non-Zoning Variance.** A non-zoning variance may be granted for a specific time interval only.
5. **Council's Action.** At the next regularly scheduled meeting, the Council shall, by resolution, deny the non-zoning variance, approve it, or approve it subject to conditions. The Council's decision shall be final for purposes of any right to review under applicable law when that decision is reduced to writing and signed.
6. **Revocation.** The Council may at any time before or during the operation of a non-zoning variance granted by the Council or the Grounds Official revoke the variance for good cause.

CHAPTER 55

ANIMAL PROTECTION AND CONTROL

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

55.01 DEFINITIONS.

The following terms are defined for use in this chapter.

1. "Advertise" means to present a commercial message in any medium including but not limited to print, radio, television, sign, display, label, tag or articulation.

2. "Animal" means a nonhuman vertebrate.

(Code of Iowa, Sec. 717B.1)

3. "At large" means off the premises of the owner and not under the control of a competent person, restrained within a motor vehicle, or housed in a veterinary hospital or kennel.

4. "Business" means any enterprise relating to any of the following:

- A. The sale or offer for sale of goods or services.
- B. A recruitment for employment or membership in an organization.
- C. A solicitation to make an investment.
- D. An amusement or entertainment activity.

5. "Fair" means any of the following:

A. The annual fair and exposition held by the Iowa State Fair Board pursuant to Chapter 173 of the *Code of Iowa* or any fair event conducted by a fair under the provisions of Chapter 174 of the *Code of Iowa*.

B. An exhibition of agricultural or manufactured products.

C. An event for operation of amusement rides or devices or concession booths.

6. "Game" means a "game of chance" or "game of skill" as defined in Section 99B.1 of the *Code of Iowa*.

7. "Livestock" means an animal belonging to the bovine, caprine, equine, ovine or porcine species, ostriches, rheas and emus; farm deer as defined in Section 170.1 of the *Code of Iowa*; or poultry.

(Code of Iowa, Sec. 717.1)

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

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

10. "Vicious Dog" means:

A. Any dog which has attacked a human being or domestic animal one or more times, without provocation.

B. Any dog with a history, tendency or disposition to attack, to cause injury to or otherwise endanger the safety of human beings or domestic animals.

C. Any dog that snaps, bites or manifests a disposition to snap or bite.

D. Any dog that has been trained for dog fighting or animal fighting or is owned or kept for such purposes.

E. Any dog trained to attack human beings, upon command or spontaneously in response to human activity, except dogs owned by and under the control of the Police Department, a law enforcement agency of the State, or the United States or a branch of the armed forces of the United States.

55.02 ANIMAL NEGLECT.

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

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

55.03 LIVESTOCK NEGLECT.

It is unlawful for a person who impounds or confines livestock in any place to fail to provide the livestock with care consistent with customary animal husbandry practices or to deprive the livestock of necessary sustenance or to injure or destroy livestock by any means that causes pain or suffering in a manner inconsistent with customary animal husbandry practices.

(Code of Iowa, Sec. 717.2)

55.04 ABANDONMENT OF CATS AND DOGS.

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

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

55.05 LIVESTOCK.

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

55.06 AT LARGE PROHIBITED.

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

55.07 DAMAGE OR INTERFERENCE.

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

55.08 ANNOYANCE OR DISTURBANCE.

It is unlawful for the owner or custodian of any dog, cat, or other household animal to permit such animal to: (i) bark, bay, cry, howl, yelp, crow, or make any other noise excessively, continuously, or intermittently, for any unreasonable period of time so as to create an annoyance or disturbance of any person at any time of day or night regardless of whether the animal is physically situated on property under the control of the owner or custodian of the dog, cat, or other household animal; and (ii) run after or chase persons, bicycles, automobiles, or other vehicles.

55.09 VICIOUS DOGS.

1. **Confinement of Vicious Dogs.** All vicious dogs shall be securely confined within an occupied house or residence or in a securely enclosed and locked pen or kennel, except when leashed. Such pen, kennel, or structure must have secure sides and a secure top attached to the sides or, in lieu of a top, walls at least six feet in height and at least six inches taller than any internal structure. All pens or other structures designed, constructed, or used to confine vicious dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom, floor, or foundation attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two feet in order to prevent digging under the walls by the confined dog. All structures erected to house vicious dogs must comply with all zoning and building regulations of the City. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition. No vicious animal may be kept on a porch, patio, or in any part of a house or structure that would allow the animal to exit such building on its own volition.

2. **Leashing of Vicious Dogs.** No person shall permit a vicious dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than six feet in length. No person shall permit a vicious dog to be kept on a chain, rope, or other type of leash unless the dog is under the actual physical control of a person 18 years of age or older. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, or any other object or structure.

3. **At Large Vicious Dogs.** A vicious dog which is found, more than twice in any calendar year, not to be confined as herein required, shall be required to be permanently removed from the City or destroyed. An animal which is returned to the City after removal shall be destroyed.

55.10 RABIES VACCINATION.

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

(Code of Iowa, Sec. 351.33)

55.11 OWNER'S DUTY.

It is the duty of the owner of any dog, cat, or other animal that has bitten or attacked a person or any person having knowledge of such bite or attack to report this act to a local health or law enforcement official. It is the duty of physicians and veterinarians to report to the local board of health the existence of any animal known or suspected to be suffering from rabies.

(Code of Iowa, Sec. 351.38)

55.12 CONFINEMENT.

If a local board of health receives information that an animal has bitten a person or that a dog or animal is suspected of having rabies, the board shall order the owner to confine such animal in the manner it directs. If the owner fails to confine such animal in the manner directed, the animal shall be apprehended and impounded by such board, and after 10 days the board may humanely destroy the animal. If such animal is returned to its owner, the owner shall pay the cost of impoundment. This section does not apply if a police service dog or a horse used by a law enforcement agency and acting in the performance of its duties has bitten a person.

(Code of Iowa, Sec. 351.39)

55.13 AT LARGE: IMPOUNDMENT.

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.

55.14 DISPOSITION OF ANIMALS.

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

(Code of Iowa, Sec. 351.37, 351.41)

55.15 IMPOUNDING COSTS.

Impounding costs are \$50.00 for first impoundment, \$100.00 for second impoundment and \$150.00 for third and subsequent impoundments plus boarding costs as established by the impoundment facility.

(Code of Iowa, Sec. 351.37)

55.16 PET AWARDS PROHIBITED.

(Code of Iowa, Ch. 717E)

1. **Prohibition.** It is unlawful for any person to award a pet or advertise that a pet may be awarded as any of the following:
 - A. A prize for participating in a game.
 - B. A prize for participating in a fair.
 - C. An inducement or condition for visiting a place of business or attending an event sponsored by a business.

D. An inducement or condition for executing a contract that includes provisions unrelated to the ownership, care or disposition of the pet.

2. Exceptions. This section does not apply to any of the following:

A. A pet shop licensed pursuant to Section 162.5 of the *Code of Iowa* if the award of a pet is provided in connection with the sale of a pet on the premises of the pet shop.

B. Youth programs associated with 4-H Clubs; Future Farmers of America; the Izaak Walton League of America; or organizations associated with outdoor recreation, hunting or fishing, including but not limited to the Iowa Sportsmen's Federation.

CHAPTER 56

DANGEROUS AND ILLEGAL ANIMALS

56.01 Definitions

56.04 Seizure, Impoundment and Disposition

56.02 Keeping of Illegal Animals Prohibited

56.05 Removal of Animal

56.03 Keeping of Dangerous Animals Prohibited

56.01 DEFINITIONS.

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

1. "Dangerous animal" means any animal, including a dog, except for an illegal animal, that has bitten or clawed a person or persons while running at large and the attack was unprovoked, or any animal that has exhibited vicious propensities in present or past conduct, including such that said animal: (i) has bitten or clawed a person or persons on two separate occasions within a 12-month period; or (ii) did bite or claw once causing injuries above the shoulders of a person; or (iii) could not be controlled or restrained by the owner at the time of the attack to prevent the occurrence.

2. "Illegal animal" means:

- A. Badgers, wolverines, weasels, skunks and minks;
- B. Raccoons;
- C. Bats;
- D. Scorpions;
- E. Opossums;

56.02 KEEPING OF ILLEGAL ANIMALS PROHIBITED.

No person shall keep, shelter, or harbor any illegal animal as a pet, or act as a temporary custodian for such animal, or keep, shelter, or harbor such animal for any other purpose or in any other capacity within the City.

56.03 KEEPING OF DANGEROUS ANIMALS PROHIBITED.

No person shall keep, shelter, or harbor for any reason within the City a dangerous animal except for dangerous animals under the control of a law enforcement or military agency.

56.04 SEIZURE, IMPOUNDMENT AND DISPOSITION.

1. In the event that an illegal animal or any animal which displays dangerous tendencies is found at large and unattended upon public property, park property, public right-of-way or the property of someone other than its owner, thereby creating a hazard to persons or property, such animal may, in the discretion of the City Clerk or the peace officer, be destroyed if it cannot be confined or captured. Any dog which has been previously declared vicious or which is believed to be vicious and is not properly confined may be treated as a dangerous animal and be immediately seized anywhere within the City. The City shall be under no duty to attempt the confinement or capture of an illegal animal found at large, nor shall it have a duty to notify the owner of such animal prior to its destruction.

2. Upon the complaint of an individual that a person is keeping, sheltering or harboring an illegal animal on premises in the City, the City Clerk shall cause the matter to be investigated by the peace officer and if after investigation, the facts indicate that the person named in the complaint is keeping, sheltering or harboring an illegal animal in the City, the peace officer shall immediately seize any such animal. An animal so seized shall be impounded for a period of seven days. If at the end of the impoundment period the individual or entity keeping, sheltering or harboring such illegal animal has not petitioned the Dallas County District Court seeking return of such illegal animal, the peace officer shall safely remove such animal from the City or destroy the animal in a humane manner.

3. Upon the complaint of an individual that a person is keeping, sheltering or harboring a dangerous animal on premises in the City, the City Clerk shall cause the matter to be investigated by the peace officer and if, after investigation, the facts indicate that the person named in the complaint is keeping, sheltering or harboring such dangerous animal in the City, the peace officer shall order the person named in the complaint to safely remove such animal from the City or destroy the

animal within three days of the receipt of such an order. Such order shall be contained in a notice to remove the dangerous animal, which notice shall be given in writing to the person keeping, sheltering or harboring the dangerous animal, and shall be served personally or by certified mail. Such order and notice to remove a dangerous animal shall not be required where such dangerous animal has previously caused serious physical harm or death to any person, in which case the peace officer shall cause the animal to be immediately seized or destroyed if seizure and impoundment are not possible without risk of serious physical harm or death to any person.

4. The order to remove a dangerous animal issued by the peace officer may be appealed to the Council. In order to appeal such order, written notice of appeal must be filed with the City Clerk within three days after receipt of the order contained in the notice to remove the dangerous animal. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order of the peace officer.

5. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the City Clerk. The hearing of such appeal shall be scheduled within seven days of the receipt of notice of appeal. The hearing may be continued for good cause. After such hearing, the Council may affirm or reverse the order of the peace officer. Such determination shall be contained in a written decision and shall be filed with the City Clerk within three days after the hearing or any continued session thereof.

6. If the Council affirms the action of the peace officer, the Council shall order in its written decision that the individual or entity owning, sheltering, harboring or keeping such dangerous animal remove such animal from the City or destroy it. The decision and order shall immediately be served upon the person or entity against whom rendered in the same manner as the notice of removal. If the original order of the peace officer is not appealed and is not complied with within three days or the order of the Council after appeal is not complied with within three days of its issuance, the peace officer is authorized to seize and impound such animal. An animal so seized shall be impounded for a period of seven days. If at the end of the impoundment period, the individual or entity against whom the decision and order of the peace officer or Council was issued has not petitioned the Dallas County District Court for a review of said order, the peace officer shall safely remove such animal from the City or destroy the animal in a humane manner. Failure to comply with an order of the peace officer issued pursuant hereto and not appealed, or of the Council after appeal, shall constitute a simple misdemeanor.

56.05 REMOVAL OF ANIMAL.

Any animal required by any provision of this chapter to be removed, voluntarily or otherwise, from the City shall be removed by its owner or the person harboring or having control of such animal who shall provide the peace officer a notarized statement designating the place to which the animal has been removed. An animal not removed as required, or an animal which has been removed and which is again found to be illegally within the City shall be humanely destroyed.

CHAPTER 60

ADMINISTRATION OF TRAFFIC CODE

60.01 Title	60.05 Reports of Traffic Accidents
60.02 Definitions	60.06 Peace Officer's Authority
60.03 Administration and Enforcement	60.07 Obedience to Peace Officers
60.04 Power to Direct Traffic	60.08 Parades Regulated

60.01 TITLE.

Chapters 60 through 70 of this Code of Ordinances may be known and cited as the "Van Meter Traffic Code" (and are referred to herein as the "Traffic Code.")

60.02 DEFINITIONS.

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

(Code of Iowa, Sec. 321.1)

1. "Business District" means the territory contiguous to and including a highway when 50 percent or more of the frontage thereon for a distance of 300 feet or more is occupied by buildings in use for business.
2. "Park" or "parking" means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.
3. "Peace officer" means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.
4. "Residence district" means the territory contiguous to and including a highway not comprising a business, suburban or school district, where 40 percent or more of the frontage on such a highway for a distance of 300 feet or more is occupied by dwellings or by dwellings and buildings in use for business.
5. "School district" means the territory contiguous to and including a highway for a distance of 200 feet in either direction

from a schoolhouse.

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

7. "Stop" means when required, the complete cessation of movement.

8. "Stop" or "stopping" means when prohibited, any halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control sign or signal.

9. "Suburban district" means all other parts of the City not included in the business, school, or residence districts.

10. "Traffic control device" means all signs, signals, markings, and devices not inconsistent with this chapter, lawfully placed or erected for the purpose of regulating, warning, or guiding traffic.

11. "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, street, or alley.

60.03 ADMINISTRATION AND ENFORCEMENT.

Provisions of this Traffic Code and State law relating to motor vehicles and law of the road are enforced by the Police Department.

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

60.04 POWER TO DIRECT TRAFFIC.

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

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

60.05 REPORTS OF TRAFFIC ACCIDENTS.

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

(Code of Iowa, Sec. 321.273)

60.06 PEACE OFFICER'S AUTHORITY.

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

(Code of Iowa, Sec. 321.492)

60.07 OBEDIENCE TO PEACE OFFICERS.

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

(Code of Iowa, Sec. 321.229)

60.08 PARADES REGULATED.

No person shall conduct or cause any parade on any street except as provided herein:

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

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

3. Parade Not a Street Obstruction. Any parade for which approval has been given and the persons lawfully participating therein shall not be deemed an obstruction of the streets, notwithstanding the provisions of any other ordinance to the contrary.

4. Control by Police and Firefighters. Persons participating in any parade shall at all times be subject to the lawful orders and directions in the performance of their duties of law enforcement personnel and members of the Fire Department.

TRAFFIC CONTROL DEVICES

61.01 Installation of Traffic Control Devices
61.02 Compliance
61.03 Crosswalks

61.04 Traffic Lanes
61.05 Standards

61.01 INSTALLATION OF TRAFFIC CONTROL DEVICES.

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

(Code of Iowa, Sec. 321.254 & 321.255)

61.02 COMPLIANCE.

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

(Code of Iowa, Sec. 321.256)

61.03 CROSSWALKS.

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

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

61.04 TRAFFIC LANES.

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

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

61.05 STANDARDS.

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

(Code of Iowa, Sec. 321.255)

CHAPTER 62

GENERAL TRAFFIC REGULATIONS

62.01 Violation of Regulations
62.02 Play Streets Designated
62.03 Vehicles on Sidewalks

62.04 Clinging to Vehicle
62.05 Quiet Zones
62.06 Obstructing View at Intersections

62.01 VIOLATION OF REGULATIONS.

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

1. Section 321.17 – Misdemeanor to violate registration provisions.
2. Section 321.32 – Registration card, carried and exhibited; exception.
3. Section 321.37 – Display of plates.
4. Section 321.38 – Plates, method of attaching, imitations prohibited.
5. Section 321.57 – Operation under special plates.

6. Section 321.67 – Certificate of title must be executed.
7. Section 321.78 – Injuring or tampering with vehicle.
8. Section 321.79 – Intent to injure.
9. Section 321.91 – Penalty for abandonment.
10. Section 321.98 – Operation without registration.
11. Section 321.99 – Fraudulent use of registration.
12. Section 321.104 – Penal offenses against title law.
13. Section 321.115 – Antique vehicles; model year plates permitted.
14. Section 321.174 – Operators licensed.
15. Section 321.174A – Operation of motor vehicles with expired license.
16. Section 321.180 – Instruction permits.
17. Section 321.180B – Graduated driver's licenses for persons aged fourteen through seventeen.
18. Section 321.193 – Restricted licenses.
19. Section 321.194 – Special minor's licenses.
20. Section 321.208A – Operation in violation of out-of-service order.
21. Section 321.216 – Unlawful use of license and nonoperator's identification card.
22. Section 321.216B – Use of driver's license or nonoperator's identification card by underage person to obtain alcohol.
23. Section 321.216C – Use of driver's license or nonoperator's identification card by underage person to obtain cigarettes or tobacco products.
24. Section 321.218 – Operating without valid driver's license or when disqualified.
25. Section 321.219 – Permitting unauthorized minor to drive.
26. Section 321.220 – Permitting unauthorized person to drive.
27. Section 321.221 – Employing unlicensed chauffeur.
28. Section 321.222 – Renting motor vehicle to another.
29. Section 321.223 – License inspected.
30. Section 321.224 – Record kept.
31. Section 321.232 – Speed detection jamming devices; penalty.
32. Section 321.234A – All-terrain vehicles.
33. Section 321.235A – Electric personal assistive mobility devices.
34. Section 321.247 – Golf cart operation on City streets.
35. Section 321.257 – Official traffic control signal.
36. Section 321.259 – Unauthorized signs, signals or markings.
37. Section 321.260 – Interference with devices, signs or signals; unlawful possession.
38. Section 321.262 – Leaving scene of traffic accident prohibited; vehicle damage only; removal of vehicles.
39. Section 321.263 – Information and aid.
40. Section 321.264 – Striking unattended vehicle.
41. Section 321.265 – Striking fixtures upon a highway.
42. Section 321.266 – Reporting accidents.
43. Section 321.275 – Operation of motorcycles and motorized bicycles.
44. Section 321.276 – Use of electronic communication device while driving; text-messaging.
45. Section 321.277 – Reckless driving.
46. Section 321.277A – Careless driving.

47. Section 321.278 – Drag racing prohibited.
48. Section 321.281 – Actions against bicyclists.
49. Section 321.284 – Open container; drivers.
50. Section 321.284A – Open container; passengers.
51. Section 321.288 – Control of vehicle; reduced speed.
52. Section 321.295 – Limitation on bridge or elevated structures.
53. Section 321.297 – Driving on right-hand side of roadways; exceptions.
54. Section 321.298 – Meeting and turning to right.
55. Section 321.299 – Overtaking a vehicle.
56. Section 321.302 – Overtaking and passing.
57. Section 321.303 – Limitations on overtaking on the left.
58. Section 321.304 – Prohibited passing.
59. Section 321.306 – Roadways laned for traffic.
60. Section 321.307 – Following too closely.
61. Section 321.308 – Motor trucks and towed vehicles; distance requirements.
62. Section 321.309 – Towing.
63. Section 321.310 – Towing four-wheel trailers.
64. Section 321.312 – Turning on curve or crest of grade.
65. Section 321.313 – Starting parked vehicle.
66. Section 321.314 – When signal required.
67. Section 321.315 – Signal continuous.
68. Section 321.316 – Stopping.
69. Section 321.317 – Signals by hand and arm or signal device.
70. Section 321.318 – Method of giving hand and arm signals.
71. Section 321.319 – Entering intersections from different highways.
72. Section 321.320 – Left turns; yielding.
73. Section 321.321 – Entering through highways.
74. Section 321.322 – Vehicles entering stop or yield intersection.
75. Section 321.323 – Moving vehicle backward on highway.
76. Section 321.323A – Approaching certain stationary vehicles.
77. Section 321.324 – Operation on approach of emergency vehicles.
78. Section 321.324A – Funeral processions.
79. Section 321.329 – Duty of driver; pedestrians crossing or working on highways.
80. Section 321.330 – Use of crosswalks.
81. Section 321.332 – White canes restricted to blind persons.
82. Section 321.333 – Duty of drivers approaching blind persons.
83. Section 321.340 – Driving through safety zone.
84. Section 321.341 – Obedience to signal indicating approach of railroad train or railroad track equipment.
85. Section 321.342 – Stop at certain railroad crossings; posting warning.
86. Section 321.343 – Certain vehicles must stop.
87. Section 321.344 – Heavy equipment at crossing.
88. Section 321.344B – Immediate safety threat; penalty.

89. Section 321.354 – Stopping on traveled way.
90. Section 321.359 – Moving other vehicle.
91. Section 321.362 – Unattended motor vehicle.
92. Section 321.363 – Obstruction to driver's view.
93. Section 321.364 – Vehicles shipping food; preventing contamination by hazardous material.
94. Section 321.365 – Coasting prohibited.
95. Section 321.367 – Following fire apparatus.
96. Section 321.368 – Crossing fire hose.
97. Section 321.369 – Putting debris on highway.
98. Section 321.370 – Removing injurious material.
99. Section 321.371 – Clearing up wrecks.
100. Section 321.372 – School buses.
101. Section 321.381 – Movement of unsafe or improperly equipped vehicles.
102. Section 321.381A – Operation of low-speed vehicles.
103. Section 321.382 – Upgrade pulls; minimum speed.
104. Section 321.383 – Exceptions; slow vehicles identified.
105. Section 321.384 – When lighted lamps required.
106. Section 321.385 – Head lamps on motor vehicles.
107. Section 321.386 – Head lamps on motorcycles and motorized bicycles.
108. Section 321.387 – Rear lamps.
109. Section 321.388 – Illuminating plates.
110. Section 321.389 – Reflector requirement.
111. Section 321.390 – Reflector requirements.
112. Section 321.392 – Clearance and identification lights.
113. Section 321.393 – Color and mounting.
114. Section 321.394 – Lamp or flag on projecting load.
115. Section 321.395 – Lamps on parked vehicles.
116. Section 321.398 – Lamps on other vehicles and equipment.
117. Section 321.402 – Spot lamps.
118. Section 321.403 – Auxiliary driving lamps.
119. Section 321.404 – Signal lamps and signal devices.
120. Section 321.404A – Light-restricting devices prohibited.
121. Section 321.405 – Self-illumination.
122. Section 321.408 – Back-up lamps.
123. Section 321.409 – Mandatory lighting equipment.
124. Section 321.415 – Required usage of lighting devices.
125. Section 321.417 – Single-beam road-lighting equipment.
126. Section 321.418 – Alternate road-lighting equipment.
127. Section 321.419 – Number of driving lamps required or permitted.
128. Section 321.420 – Number of lamps lighted.
129. Section 321.421 – Special restrictions on lamps.
130. Section 321.422 – Red light in front.

131. Section 321.423 – Flashing lights.
132. Section 321.430 – Brake, hitch, and control requirements.
133. Section 321.431 – Performance ability.
134. Section 321.432 – Horns and warning devices.
135. Section 321.433 – Sirens, whistles, and bells prohibited.
136. Section 321.434 – Bicycle sirens or whistles.
137. Section 321.436 – Mufflers, prevention of noise.
138. Section 321.437 – Mirrors.
139. Section 321.438 – Windshields and windows.
140. Section 321.439 – Windshield wipers.
141. Section 321.440 – Restrictions as to tire equipment.
142. Section 321.441 – Metal tires prohibited.
143. Section 321.442 – Projections on wheels.
144. Section 321.444 – Safety glass.
145. Section 321.445 – Safety belts and safety harnesses; use required.
146. Section 321.446 – Child restraint devices.
147. Section 321.449 – Motor carrier safety regulations.
148. Section 321.449A – Rail crew transport drivers.
149. Section 321.449B – Texting or using a mobile telephone while operating a commercial motor vehicle.
150. Section 321.450 – Hazardous materials transportation.
151. Section 321.454 – Width of vehicles.
152. Section 321.455 – Projecting loads on passenger vehicles.
153. Section 321.456 – Height of vehicles; permits.
154. Section 321.457 – Maximum length.
155. Section 321.458 – Loading beyond front.
156. Section 321.460 – Spilling loads on highways.
157. Section 321.461 – Trailers and towed vehicles.
158. Section 321.462 – Drawbars and safety chains.
159. Section 321.463 – Maximum gross weight.
160. Section 321.465 – Weighing vehicles and removal of excess.
161. Section 321.466 – Increased loading capacity; reregistration.

62.02 PLAY STREETS DESIGNATED.

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

(Code of Iowa, Sec. 321.255)

62.03 VEHICLES ON SIDEWALKS.

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

62.04 CLINGING TO VEHICLE.

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

62.05 QUIET ZONES.

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

62.06 OBSTRUCTING VIEW AT INTERSECTIONS.

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

CHAPTER 63

SPEED REGULATIONS

- | | |
|---|---------------------------|
| 63.01 General | 63.04 Special Speed Zones |
| 63.02 State Code Speed Limits | 63.05 Minimum Speed |
| 63.03 Parks, Cemeteries, and Parking Lots | |

63.01 GENERAL.

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

(Code of Iowa, Sec. 321.285)

63.02 STATE CODE SPEED LIMITS.

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

1. Business District – 20 miles per hour.
2. Residence or School District – 25 miles per hour.

63.03 PARKS, CEMETERIES, AND PARKING LOTS.

A speed in excess of 15 miles per hour in any public park, cemetery, or parking lot, unless specifically designated otherwise in this chapter, is unlawful.

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

63.04 SPECIAL SPEED ZONES.

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

(Code of Iowa, Sec. 321.290)

1. Special 45 MPH Speed Zones. A speed in excess of 45 miles per hour is unlawful on any of the following designated streets or parts thereof.

A. On Richland Road/R-16 from Richland Circle to 365th Street.

2. Special 35 MPH Speed Zones. A speed in excess of 35 miles per hour is unlawful on any of the following designated streets or parts thereof.

A. On Richland Road/R-16 from the North Drive of Richland Circle to the intersection of the school driveway with Richland Road/R-16.

63.05 MINIMUM SPEED.

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

(Code of Iowa, Sec. 321.294)

CHAPTER 64

TURNING REGULATIONS

- | | |
|--------------------------------|-----------------------------|
| 64.01 Turning at Intersections | 64.03 Left Turn for Parking |
| 64.02 U-Turns | |

64.01 TURNING AT INTERSECTIONS.

The driver of a vehicle intending to turn at an intersection shall do so as follows:

(Code of Iowa, Sec. 321.311)

1. Both the approach for a right turn and a right turn shall be made as close as practical to the right-hand curb or edge of the roadway.

2. Approach for a left turn shall be made in that portion of the right half of the roadway nearest the centerline thereof and after entering the intersection the left turn shall be made so as to depart from the intersection to the right of the centerline of the roadway being entered.

3. Approach for a left turn from a two-way street into a one-way street shall be made in that portion of the right half of the roadway nearest the centerline thereof and by passing to the right of such centerline where it enters the intersection. A left turn from a one-way street into a two-way street shall be made by passing to the right of the centerline of the street being entered upon leaving the intersection.

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

64.02 U-TURNS.

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

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

64.03 LEFT TURN FOR PARKING.

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

CHAPTER 65

STOP OR YIELD REQUIRED

65.01 Stop or Yield

65.04 Stop When Traffic Is Obstructed

65.02 School Stops

65.05 Yield to Pedestrians in Crosswalks

65.03 Stop Before Crossing Sidewalk

65.01 STOP OR YIELD.

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

65.02 SCHOOL STOPS.

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

(Code of Iowa, Sec. 321.249)

65.03 STOP BEFORE CROSSING SIDEWALK.

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

(Code of Iowa, Sec. 321.353)

65.04 STOP WHEN TRAFFIC IS OBSTRUCTED.

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

65.05 YIELD TO PEDESTRIANS IN CROSSWALKS.

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

(Code of Iowa, Sec. 321.327)

CHAPTER 66

LOAD AND WEIGHT RESTRICTIONS

- 66.01 Temporary Embargo
66.02 Permits for Excess Size and Weight
66.03 Load Limits Upon Certain Streets
66.04 Load Limits on Bridges
66.05 Truck Routes

66.01 TEMPORARY EMBARGO.

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

(Code of Iowa, Sec. 321.471 & 472)

66.02 PERMITS FOR EXCESS SIZE AND WEIGHT.

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

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

66.03 LOAD LIMITS UPON CERTAIN STREETS.

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

(Code of Iowa, Sec. 321.473 & 475)

66.04 LOAD LIMITS ON BRIDGES.

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

(Code of Iowa, Sec. 321.471)

66.05 TRUCK ROUTES.

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

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

(Code of Iowa, Sec. 321.473)

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

(Code of Iowa, Sec. 321.473)

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

(Code of Iowa, Sec. 321.473)

CHAPTER 67

PEDESTRIANS

- 67.01 Walking in Street
67.02 Hitchhiking
67.03 Pedestrian Crossing

67.01 WALKING IN STREET.

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

(Code of Iowa, Sec. 321.326)

67.02 HITCHHIKING.

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

(Code of Iowa, Sec. 321.331)

67.03 PEDESTRIAN CROSSING.

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

(Code of Iowa, Sec. 321.328)

CHAPTER 68

ONE-WAY TRAFFIC

68.01 ONE-WAY TRAFFIC REQUIRED.

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

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

CHAPTER 69

PARKING REGULATIONS

69.01 Parking Limited or Controlled

69.07 Parking Prohibited

69.02 Park Adjacent to Curb

69.08 Persons with Disabilities Parking

69.03 Parking on One-Way Streets

69.09 Truck Parking

69.04 Angle Parking

69.10 Snow Removal

69.05 Manner of Angle Parking

69.11 Travel Trailers and Motor Homes

69.06 Parking for Certain Purposes Illegal

69.12 Controlled Access Facilities

69.01 PARKING LIMITED OR CONTROLLED.

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

69.02 PARK ADJACENT TO CURB.

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

(Code of Iowa, Sec. 321.361)

69.03 PARKING ON ONE-WAY STREETS.

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

(Code of Iowa, Sec. 321.361)

69.04 ANGLE PARKING.

Angle or diagonal parking is permitted only in the following locations:

(Code of Iowa, Sec. 321.361)

- NONE -

69.05 MANNER OF ANGLE PARKING.

Upon those streets or portions of streets which have been signed or marked for angle parking, no person shall park or stand a vehicle other than at an angle to the curb or edge of the roadway or in the center of the roadway as indicated by such signs and markings. No part of any vehicle or the load thereon, when said vehicle is parked within a diagonal parking

district, shall extend into the roadway more than a distance of 16 feet when measured at right angles to the adjacent curb or edge of roadway.

(Code of Iowa, Sec. 321.361)

69.06 PARKING FOR CERTAIN PURPOSES ILLEGAL.

No person shall park a vehicle upon public property for more than 72 hours, unless otherwise limited under the provisions of Section 69.01 of this chapter, or for any of the following principal purposes:

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

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

69.07 PARKING PROHIBITED.

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

1. Crosswalk. On a crosswalk.

(Code of Iowa, Sec. 321.358[5])

2. Center Parkway. On the center parkway or dividing area of any divided street.

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

3. Mailboxes. Within 20 feet on either side of a mailbox which is so placed and so equipped as to permit the depositing of mail from vehicles on the roadway.

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

4. Sidewalks. On or across a sidewalk.

(Code of Iowa, Sec. 321.358[1])

5. Driveway. In front of a public or private driveway.

(Code of Iowa, Sec. 321.358[2])

6. Intersection. Within an intersection or within 10 feet of an intersection of any street or alley.

(Code of Iowa, Sec. 321.358[3])

7. Fire Hydrant. Within five feet of a fire hydrant.

(Code of Iowa, Sec. 321.358[4])

8. Stop Sign or Signal. Within 10 feet upon the approach to any flashing beacon, stop or yield sign, or traffic control signal located at the side of a roadway.

(Code of Iowa, Sec. 321.358[6])

9. Railroad Crossing. Within 50 feet of the nearest rail of a railroad crossing, except when parked parallel with such rail and not exhibiting a red light.

(Code of Iowa, Sec. 321.358[8])

10. Fire Station. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance when properly sign posted.

(Code of Iowa, Sec. 321.358[9])

11. Excavations. Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.

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

12. Double Parking. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.

(Code of Iowa, Sec. 321.358[11])

13. Hazardous Locations. When, because of restricted visibility or when standing or parked vehicles would constitute a hazard to moving traffic, or when other traffic conditions require, the Council may cause curbs to be painted with a yellow color and erect no parking or standing signs.

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

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

(Code of Iowa, Sec. 321.360)

15. Alleys. No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than 10 feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property. The provisions of this subsection shall not apply to a vehicle parked in any alley which is 18 feet wide or less; provided said vehicle is parked to deliver goods or services.

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

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

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

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

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

69.08 PERSONS WITH DISABILITIES PARKING.

The following regulations shall apply to the establishment and use of persons with disabilities parking spaces:

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

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

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

- A. Use by an operator of a vehicle not displaying a persons with disabilities parking permit;
- B. Use by an operator of a vehicle displaying a persons with disabilities parking permit but not being used by a person issued a permit or being transported in accordance with Section 321L.2[1b] of the *Code of Iowa*;
- C. Use by a vehicle in violation of the rules adopted under Section 321L.8 of the *Code of Iowa*.

3. Wheelchair Parking Cones. No person shall use or interfere with a wheelchair parking cone in violation of the following:

A. A person issued a persons with disabilities parking permit must comply with the requirements of Section 321L.2A[1] of the *Code of Iowa* when utilizing a wheelchair parking cone.

B. A person shall not interfere with a wheelchair parking cone which is properly placed under the provisions of Section 321L.2A[1] of the *Code of Iowa*.

69.09 TRUCK PARKING.

No person shall park a truck, truck tractor, semi-trailer, or trailer in any portion of the City, except in areas specifically designated by the Mayor and Council. For the purpose of this section, truck, truck tractor, semi-trailer or trailer is defined as any motor vehicle which weighs in excess of six thousand pounds and includes any semi-tractor, semi-trailer, or any combination thereof. Provided, however, nothing in this section shall be construed to prohibit the parking of any such vehicle for a reasonable amount of time for the purpose of loading or unloading.

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

69.10 SNOW REMOVAL.

No person shall park or allow a vehicle to remain parked on a public street in the City from the time it begins to snow until such time as the streets have been cleared of accumulated snow from curb to curb (or from all of the traveled portion of the roadway for those streets which do not have curbs) or 48 hours, whichever time is the shorter. Vehicles shall be removed immediately once it begins to snow. The Public Works Director is also empowered to end the prohibition on parking prior to the expiration of the 48-hour period if the Director determines that the streets have been cleared. The Public Works Director shall notify the Police Chief when the parking prohibition has ended.

(Code of Iowa, 321.236[1])

69.11 TRAVEL TRAILERS AND MOTOR HOMES.

No person shall park a trailer, travel trailer, fifth wheel travel trailer, or motor home on any public street, alley or place for a period of time in excess of 24 hours.

69.12 CONTROLLED ACCESS FACILITIES.

Parking restrictions on controlled access facilities are as specified in Chapter 140 of this Code of Ordinances.

CHAPTER 70

TRAFFIC CODE ENFORCEMENT PROCEDURES

70.01 Arrest or Citation

70.04 Parking Violations: Vehicle Unattended

70.02 Scheduled Violations

70.05 Presumption in Reference to Illegal Parking

70.03 Parking Violations: Alternate

70.06 Impounding Vehicles

70.01 ARREST OR CITATION.

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

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

(Code of Iowa, Sec. 805.6 & 321.485)

70.02 SCHEDULED VIOLATIONS.

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

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

70.03 PARKING VIOLATIONS: ALTERNATE.

Uncontested violations of parking restrictions imposed by this Code of Ordinances shall be charged upon a simple notice of a fine payable at the office of the City Clerk. The fine for each violation charged under a simple notice of a fine shall be in the amount of \$15.00 for all violations except snow removal parking violations and improper use of a persons with disabilities parking permit. If such fine is not paid within 30 days, it shall be increased by \$5.00 and increased by \$5.00 for each additional thirty days past due. The fine for snow removal parking violations is \$25.00. If such fine is not paid within 30 days, it shall be increased by \$5.00 and increased by \$5.00 for each additional thirty days past due. The fine for improper use of a persons with disabilities parking permit is \$100.00. If such fine is not paid within 30 days, it shall be increased by \$5.00 and increased by \$5.00 for each additional thirty days past due.

(Ord. 2021-05 - Mar. 21 Supp.)

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

70.04 PARKING VIOLATIONS: VEHICLE UNATTENDED.

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

70.05 PRESUMPTION IN REFERENCE TO ILLEGAL PARKING.

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

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

70.06 IMPOUNDING VEHICLES.

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

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

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

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

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

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

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

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

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

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

CHAPTER 75

ALL-TERRAIN VEHICLES AND SNOWMOBILES

75.01 Purpose

75.05 Operation of All-Terrain Vehicles

75.02 Definitions

75.06 Negligence

75.03 General Regulations

75.07 Accident Reports

75.04 Operation of Snowmobiles

75.01 PURPOSE.

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

75.02 DEFINITIONS.

For use in this chapter the following terms are defined:

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

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

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

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

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

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

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

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

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

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

4. "Snowmobile" means a motorized vehicle that weighs less than 1,000 pounds, that uses sled-type runners or skis, endless belt-type tread with a width of 48 inches or less, or any combination of runners, skis, or tread, and is designed for travel on snow or ice. "Snowmobile" does not include an all-terrain vehicle that has been altered or equipped with runners, skis, belt-type tracks, or treads.

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

75.03 GENERAL REGULATIONS.

No person shall operate an ATV, off-road motorcycle or off-road utility vehicle within the City in violation of Chapter 321I of

the *Code of Iowa* or a snowmobile within the City in violation of the provisions of Chapter 321G of the *Code of Iowa* or in violation of rules established by the Natural Resource Commission of the Department of Natural Resources governing their registration, equipment and manner of operation.

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

75.04 OPERATION OF SNOWMOBILES.

The operators of snowmobiles shall comply with the following restrictions as to where snowmobiles may be operated within the City:

1. Streets. Snowmobiles shall not be operated on City streets.

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

2. Exceptions. Snowmobiles may be operated on prohibited streets only under the following circumstances:

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

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

- B. Direct Crossing. Snowmobiles may make a direct crossing of a prohibited street provided all of the following occur:

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

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

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

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

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

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

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

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

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

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

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

75.05 OPERATION OF ALL-TERRAIN VEHICLES.

The operators of ATVs shall comply with the following restrictions as to where ATVs may be operated within the City:

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

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

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

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

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

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

4. Parks and Other City Land. ATVs shall not be operated in any park, playground or upon any other City-owned property without the express permission of the City.

5. Sidewalk or Parking. ATVs shall not be operated upon the public sidewalk or that portion of the street located between the curb line and the sidewalk or property line commonly referred to as the "parking."

6. Direct Crossing. An all-terrain vehicle or off-road utility vehicle may make a direct crossing of a highway provided all of

the following occur:

(Code of Iowa, Sec. 321I.10[5])

A. The crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing.

B. The all-terrain vehicle or off-road utility vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway.

C. The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard.

D. In crossing a divided highway, the crossing is made only at an intersection of such highway with another public street or highway.

E. The crossing is made from a street, roadway, or highway designated as an all-terrain vehicle trail by any State agency, the County, or the City to a street, roadway, or highway designated as an all-terrain vehicle trail by any State agency, the County, or the City.

75.06 NEGLIGENCE.

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

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

75.07 ACCIDENT REPORTS.

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

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

CHAPTER 76

BICYCLE REGULATIONS

76.01 Scope of Regulations	76.08 Riding on Sidewalks
76.02 Traffic Code Applies	76.09 Towing
76.03 Double Riding Restricted	76.10 Improper Riding
76.04 Two Abreast Limit	76.11 Parking
76.05 Speed	76.12 Equipment Requirements
76.06 Emerging from Alley or Driveway	76.13 Special Penalty
76.07 Carrying Articles	

76.01 SCOPE OF REGULATIONS.

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

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

76.02 TRAFFIC CODE APPLIES.

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

(Code of Iowa, Sec. 321.234)

76.03 DOUBLE RIDING RESTRICTED.

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

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

76.04 TWO ABREAST LIMIT.

Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. All bicycles ridden on the roadway shall be kept to the right and shall be operated as

near as practicable to the right-hand edge of the roadway.

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

76.05 SPEED.

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

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

76.06 EMERGING FROM ALLEY OR DRIVEWAY.

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

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

76.07 CARRYING ARTICLES.

No person operating a bicycle shall carry any package, bundle or article that prevents the rider from keeping at least one hand upon the handlebars.

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

76.08 RIDING ON SIDEWALKS.

The following provisions apply to riding bicycles on sidewalks:

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

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

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

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

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

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

76.09 TOWING.

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

76.10 IMPROPER RIDING.

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

76.11 PARKING.

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

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

76.12 EQUIPMENT REQUIREMENTS.

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

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

(Code of Iowa, Sec. 321.397)

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

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

76.13 SPECIAL PENALTY.

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

ABANDONED VEHICLES

80.01 Definitions	80.06 Disposal of Abandoned Vehicles
80.02 Authority to Take Possession of Abandoned Vehicles	80.07 Disposal of Totally Inoperable Vehicles
80.03 Notice by Mail	80.08 Proceeds from Sales
80.04 Notification in Newspaper	80.09 Duties of Demolisher
80.05 Fees for Impoundment	

80.01 DEFINITIONS.

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

(Code of Iowa, Sec. 321.89[1] & Sec. 321.90)

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

A. A vehicle that has been left unattended on public property for more than 24 hours and lacks current registration plates or two or more wheels or other parts which renders the vehicle totally inoperable.

B. A vehicle that has remained illegally on public property for more than 24 hours.

C. A vehicle that has been unlawfully parked or placed on private property without the consent of the owner or person in control of the property for more than 24 hours.

D. A vehicle that has been legally impounded by order of a police authority and has not been reclaimed for a period of 10 days. However, a police authority may declare the vehicle abandoned within the 10-day period by commencing the notification process.

E. Any vehicle parked on the highway determined by a police authority to create a hazard to other vehicle traffic.

F. A vehicle that has been impounded pursuant to Section 321J.4B of the *Code of Iowa* by order of the court and whose owner has not paid the impoundment fees after notification by the person or agency responsible for carrying out the impoundment order.

2. "Demolisher" means a person licensed under Chapter 321H of the *Code of Iowa* whose business it is to convert a vehicle to junk, processed scrap or scrap metal, or otherwise to wreck, or dismantle vehicles.

3. "Garage keeper" means any operator of a parking place or establishment, motor vehicle storage facility, or establishment for the servicing, repair, or maintenance of motor vehicles.

4. "Police authority" means the Iowa State Patrol or any law enforcement agency of a county or city.

80.02 AUTHORITY TO TAKE POSSESSION OF ABANDONED VEHICLES.

A police authority, upon the authority's own initiative or upon the request of any other authority having the duties of control of highways or traffic, shall take into custody an abandoned vehicle on public property and may take into custody any abandoned vehicle on private property. The police authority may employ its own personnel, equipment, and facilities or hire a private entity, equipment, and facilities for the purpose of removing, preserving, storing, or disposing of abandoned vehicles. A property owner or other person in control of private property may employ a private entity that is a garage keeper to dispose of an abandoned vehicle, and the private entity may take into custody the abandoned vehicle without a police authority's initiative. If a police authority employs a private entity to dispose of abandoned vehicles, the police authority shall provide the private entity with the names and addresses of the registered owners, all lienholders of record, and any other known claimant to the vehicle or the personal property found in the vehicle.

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

80.03 NOTICE BY MAIL.

The police authority or private entity that takes into custody an abandoned vehicle shall notify, within 20 days, by certified mail, the last known registered owner of the vehicle, all lienholders of record, and any other known claimant to the vehicle or to personal property found in the vehicle, addressed to the parties' last known addresses of record, that the abandoned vehicle has been taken into custody. Notice shall be deemed given when mailed. The notice shall describe the year, make, model and vehicle identification number of the vehicle, describe the personal property found in the vehicle, set forth the location of the facility where the vehicle is being held, and inform the persons receiving the notice of their right to reclaim the vehicle and personal property within 10 days after the effective date of the notice upon payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody and upon payment of the costs of the notice. The notice shall also state that the failure of the owner, lienholders or claimants to exercise their right to reclaim the vehicle or personal property within the time provided shall be deemed a waiver by the owner, lienholders and claimants of all right, title, claim and interest in the vehicle or personal property and that failure to reclaim the vehicle or personal property is deemed consent to the sale of the vehicle at a public auction or disposal of the vehicle to a demolisher and to disposal of the personal property by sale or destruction. If the abandoned vehicle was taken into custody by a private entity without a police authority's initiative, the notice shall state that the private entity may claim a garage keeper's lien as described in Section

321.90 of the *Code of Iowa*, and may proceed to sell or dispose of the vehicle. If the abandoned vehicle was taken into custody by a police authority or by a private entity hired by a police authority, the notice shall state that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or property by the police authority or private entity or of the assessment of fees and charges provided by this section may ask for an evidentiary hearing before the police authority to contest those matters. If the persons receiving notice do not ask for a hearing or exercise their right to reclaim the vehicle or personal property within the 10-day reclaiming period, the owner, lienholders or claimants shall no longer have any right, title, claim, or interest in or to the vehicle or the personal property. A court in any case in law or equity shall not recognize any right, title, claim, or interest of the owner, lienholders or claimants after the expiration of the 10-day reclaiming period.

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

80.04 NOTIFICATION IN NEWSPAPER.

If it is impossible to determine with reasonable certainty the identity and addresses of the last registered owner and all lienholders, notice by one publication in one newspaper of general circulation in the area where the vehicle was abandoned shall be sufficient to meet all requirements of notice under Section 80.03. The published notice may contain multiple listings of abandoned vehicles and personal property but shall be published within the same time requirements and contain the same information as prescribed for mailed notice in Section 80.03.

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

80.05 FEES FOR IMPOUNDMENT.

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

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

80.06 DISPOSAL OF ABANDONED VEHICLES.

If an abandoned vehicle has not been reclaimed as provided herein, the police authority or private entity shall make a determination as to whether or not the motor vehicle should be sold for use upon the highways, and shall dispose of the motor vehicle in accordance with State law.

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

80.07 DISPOSAL OF TOTALLY INOPERABLE VEHICLES.

The City or any person upon whose property or in whose possession is found any abandoned motor vehicle, or any person being the owner of a motor vehicle whose title certificate is faulty, lost or destroyed, may dispose of such motor vehicle to a demolisher for junk, without a title and without notification procedures, if such motor vehicle lacks an engine or two or more wheels or other structural part which renders the vehicle totally inoperable. The police authority shall give the applicant a certificate of authority. The applicant shall then apply to the County Treasurer for a junking certificate and shall surrender the certificate of authority in lieu of the certificate of title.

(Code of Iowa, Sec. 321.90[2e])

80.08 PROCEEDS FROM SALES.

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

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

80.09 DUTIES OF DEMOLISHER.

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

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

CHAPTER 81

RAILROAD REGULATIONS

81.01 Definitions

81.03 Crossing Maintenance

81.02 Obstructing Streets

81.04 Speed

81.01 DEFINITIONS.

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

1. "Operator" means any individual, partnership, corporation or other association that owns, operates, drives, or controls

a railroad train.

2. "Railroad train" means an engine or locomotive, with or without cars coupled thereto, operated upon rails.

(Code of Iowa, Sec. 321.1)

81.02 OBSTRUCTING STREETS.

Operators shall not operate any train in such a manner as to prevent vehicular use of any highway, street or alley for a period of time in excess of 10 minutes except:

(Code of Iowa, Sec. 327G.32)

1. Comply with Signals. When necessary to comply with signals affecting the safety of the movement of trains.
2. Avoid Striking. When necessary to avoid striking any object or person on the track.
3. Disabled. When the train is disabled.
4. Safety Regulations. When necessary to comply with governmental safety regulations including, but not limited to, speed ordinances and speed regulations.
5. In Motion. When the train is in motion except while engaged in switching operations.
6. No Traffic. When there is no vehicular traffic waiting to use the crossing.

An employee is not guilty of a violation of this section if the employee's action was necessary to comply with the direct order or instructions of a railroad corporation or its supervisors. Guilt is then with the railroad corporation.

81.03 CROSSING MAINTENANCE.

Operators shall construct and maintain good, sufficient, and safe crossings over any street traversed by their rails.

(*Bourett vs. Chicago & N.W. Ry.* 152 Iowa 579, 132 N.W. 973 [1943])

(Code of Iowa, Sec. 364.11)

81.04 SPEED.

It is unlawful to operate any railroad train through any street crossing within the platted areas of the City at a speed greater than 25 miles per hour.

(*Girl vs. United States R. Admin.*, 194 Iowa 1382, 189 N.W. 834, [1923])

CHAPTER 90

WATER SERVICE SYSTEM

90.01 Definitions	90.11 Installation of Water Service Pipe
90.02 Superintendent's Duties	90.12 Responsibility for Water Service Pipe
90.03 Mandatory Connections	90.13 Failure to Maintain
90.04 Abandoned Connections	90.14 Curb Valve
90.05 Permit	90.15 Interior Valve
90.06 Connection Charge	90.16 Inspection and Approval
90.07 Compliance with Plumbing Code	90.17 Completion by the City
90.08 Plumber Required	90.18 Shutting Off Water Supply
90.09 Excavations	90.19 Operation of Curb Valve and Hydrants
90.10 Tapping Mains	

90.01 DEFINITIONS.

The following terms are defined for use in the chapters in this Code of Ordinances pertaining to the Water Service System:

1. "Combined service account" means a customer service account for the provision of two or more utility services.
2. "Customer" means, in addition to any person receiving water service from the City, the owner of the property served, and as between such parties the duties, responsibilities, liabilities and obligations hereinafter imposed shall be joint and several.
3. "Superintendent" means the Superintendent of the City water system or any duly authorized assistant, agent or representative.
4. "Water main" means a water supply pipe provided for public or community use.
5. "Water service pipe" means the pipe from the water main to the building served.

6. "Water system" or "water works" means all public facilities for securing, collecting, storing, pumping, treating, and distributing water.

90.02 SUPERINTENDENT'S DUTIES.

The Superintendent shall supervise the installation of water service pipes and their connection to the water main and enforce all regulations pertaining to water services in the City in accordance with this chapter. This chapter shall apply to all replacements of existing water service pipes as well as to new ones. The Superintendent shall make such rules, not in conflict with the provisions of this chapter, as may be needed for the detailed operation of the water system, subject to the approval of the Council. In the event of an emergency the Superintendent may make temporary rules for the protection of the system until due consideration by the Council may be had.

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

90.03 MANDATORY CONNECTIONS.

All residences and business establishments within the City limits intended or used for human habitation, occupancy or use shall be connected to the public water system.

90.04 ABANDONED CONNECTIONS.

When an existing water service is abandoned or a service is renewed with a new tap in the main, all abandoned connections with the mains shall be turned off at the corporation stop and made absolutely watertight.

90.05 PERMIT.

Before any person makes a connection with the public water system, a written permit must be obtained from the City. The application for the permit shall include a legal description of the property, the name of the property owner, the name and address of the person who will do the work, and the general uses of the water. If the proposed work meets all the requirements of this chapter and if all fees required under this chapter have been paid, the permit shall be issued. Work under any permit must be completed within 60 days after the permit is issued, except that when such time period is inequitable or unfair due to conditions beyond the control of the person making the application, an extension of time within which to complete the work may be granted. The permit may be revoked at any time for any violation of these chapters.

90.06 CONNECTION CHARGE.

Before any permit is issued the person who makes the application shall pay a connection charge in the amount of \$600.00 to reimburse the City for costs borne by the City in making water service available to the property served. The Council shall have the discretion to waive these fees by resolution under such circumstances as they deem to be in the City's interests. The Council shall have the discretion to waive this fee by ordinance under such circumstances as they deem to be in the City's interests.

(Code of Iowa, Sec. 384.84)

90.07 COMPLIANCE WITH PLUMBING CODE.

The installation of any water service pipe and any connection with the water system shall comply with all pertinent and applicable provisions, whether regulatory, procedural or enforcement provisions, of the *International Plumbing Code*.

90.08 PLUMBER REQUIRED.

All installations of water service pipes and connections to the water system shall be made by a State-licensed plumber.

90.09 EXCAVATIONS.

All trench work, excavation, and backfilling required in making a connection shall be performed in accordance with the provisions of the *International Plumbing Code* and the provisions of Chapter 135 of this Code of Ordinances.

90.10 TAPPING MAINS.

All taps into water mains shall be made by or under the direct supervision of the Superintendent and in accordance with the following:

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

1. Independent Services. No more than one house, building, or premises shall be supplied from one tap unless special written permission is obtained from the Superintendent and unless provision is made so that each house, building, or premises may be shut off independently of the other.

2. Sizes and Location of Taps. All mains six inches or less in diameter shall receive no larger than a three-fourths inch tap. All mains of over six inches in diameter shall receive no larger than a one-inch tap. Where a larger connection than a one-inch tap is desired, two or more small taps or saddles shall be used, as the Superintendent shall order. All taps in the mains shall be made in the top half of the pipe, at least 18 inches apart. No main shall be tapped nearer than two feet of the joint in the main.

3. Corporation Stop. A brass corporation stop, of the pattern and weight approved by the Superintendent, shall be inserted in every tap in the main. The corporation stop in the main shall be of the same size as the service pipe.

4. Location Record. An accurate and dimensional sketch showing the exact location of the tap shall be filed with the Superintendent in such form as the Superintendent shall require.

90.11 INSTALLATION OF WATER SERVICE PIPE.

Water service pipes from the main to the meter setting shall be Type K copper. The use of any other pipe material for the service line shall first be approved by the Superintendent. Pipe must be laid sufficiently waving, and to such depth, as to

prevent rupture from settlement or freezing.

90.12 RESPONSIBILITY FOR WATER SERVICE PIPE.

All costs and expenses incident to the installation, connection, and maintenance of the water service pipe from the main to the building served shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation or maintenance of said water service pipe.

90.13 FAILURE TO MAINTAIN.

When any portion of the water service pipe which is the responsibility of the property owner becomes defective or creates a nuisance and the owner fails to correct such nuisance, the City may do so and assess the costs thereof to the property.

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

90.14 CURB VALVE.

There shall be installed within the public right-of-way a main shut-off valve on the water service pipe of a pattern approved by the Superintendent. The shut-off valve shall be constructed to be visible and even with the pavement or ground.

90.15 INTERIOR VALVE.

There shall be installed a shut-off valve on every service pipe inside the building as close to the entrance of the pipe within the building as possible and so located that the water can be shut off conveniently. Where one service pipe supplies more than one customer within the building, there shall be separate valves for each such customer so that service may be shut off for one without interfering with service to the others.

90.16 INSPECTION AND APPROVAL.

All water service pipes and their connections to the water system must be inspected and approved in writing by the Superintendent before they are covered, and the Superintendent shall keep a record of such approvals. If the Superintendent refuses to approve the work, the plumber or property owner must proceed immediately to correct the work. Every person who uses or intends to use the municipal water system shall permit the Superintendent to enter the premises to inspect or make necessary alterations or repairs at all reasonable hours and on proof of authority.

90.17 COMPLETION BY THE CITY.

Should any excavation be left open or only partly refilled for 24 hours after the water service pipe is installed and connected with the water system, or should the work be improperly done, the City shall have the right to finish or correct the work, and the Council shall assess the costs to the property owner or the plumber. If the plumber is assessed, the plumber must pay the costs before receiving another permit. If the property owner is assessed, such assessment may be collected with and in the same manner as general property taxes.

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

90.18 SHUTTING OFF WATER SUPPLY.

The Superintendent may shut off the supply of water to any customer because of any violation of the regulations contained in these Water Service System chapters that is not being contested in good faith. The supply shall not be turned on again until all violations have been corrected and the Superintendent has ordered the water to be turned on.

90.19 OPERATION OF CURB VALVE AND HYDRANTS.

It is unlawful for any person except the Superintendent to turn water on at the curb valve, and no person, unless specifically authorized by the City, shall open or attempt to draw water from any fire hydrant for any purpose whatsoever.

CHAPTER 91

WATER METERS

- | | |
|---|-------------------------|
| 91.01 Purpose | 91.06 Meter Costs |
| 91.02 Water Use Metered | 91.07 Meter Repairs |
| 91.03 Fire Sprinkler Systems; Exception | 91.08 Right of Entry |
| 91.04 Location of Meters | 91.09 Irrigation Meters |
| 91.05 Meter Setting | |

91.01 PURPOSE.

The purpose of this chapter is to encourage the conservation of water and facilitate the equitable distribution of charges for water service among customers.

91.02 WATER USE METERED.

All water furnished customers shall be measured through meters furnished by the City and installed by a plumber.

91.03 FIRE SPRINKLER SYSTEMS; EXCEPTION.

Fire sprinkler systems may be connected to water mains by direct connection without meters under the direct supervision of the Superintendent. No other open, unmetered connection shall be incorporated in the system, and there shall be no valves except a main control valve at the entrance to the building which must be sealed open.

91.04 LOCATION OF METERS.

All meters shall be so located that they are easily accessible to meter readers and repairmen and protected from freezing.

91.05 METER SETTING.

The property owner shall provide all necessary piping and fittings for proper setting of the meter including a valve on the discharge side of the meter. Meter pits may be used only upon approval of the Superintendent and shall be of a design and construction approved by the Superintendent.

91.06 METER COSTS.

The full cost of any meter larger than a 5/8-inch meter shall be paid to the City by the property owner or customer prior to the installation of any such meter by the City or, at the sole option of the City, the property owner or customer may be required to purchase and install such meter in accordance with requirements established by the City.

91.07 METER REPAIRS.

Whenever a water meter owned by the City is found to be out of order the Superintendent shall have it repaired. If it is found that damage to the meter has occurred due to the carelessness or negligence of the customer or property owner, or the meter is not owned by the City, then the property owner shall be liable for the cost of repairs.

91.08 RIGHT OF ENTRY.

The Superintendent shall be permitted to enter the premises of any customer at any reasonable time to read, remove, or change a meter.

91.09 IRRIGATION METERS.

An irrigation meter may also be installed to measure water that is not disposed of through the public sanitary sewer system. The water measured by an irrigation meter may include water for swimming pools, watering yards, watering gardens or other similar uses. The following regulations apply to irrigation meters.

1. Meters shall be registered by and purchased from the City at the City's cost, plus \$25.00. The expense to install, maintain and replace the meter will be the property owner's responsibility.
2. Prior to installation of the irrigation meter, the Superintendent shall review and determine whether the meter meets the guidelines set forth, including location and use of the meter.
3. There will be two installation methods allowed for the irrigation meter:
 - A. Inside the property - Type II meter.
 - (1) The irrigation meter must be installed within two feet of and parallel to the main meter. The meter must be installed parallel to the floor with the arrow of the meter being the direction of the flow of the water to the outside.
 - (2) Shut off valves must be installed within one foot both in front of and behind meter. Water lines must be valved separately from main system and lead directly outside.
 - B. Outside the property - Type III meter.
 - (1) The irrigation meter must be attached to an existing outside faucet in series with the main system. The distance and location of meter from faucet shall be approved by the Superintendent. The arrow of the meter shall be in the direction of flow of water from the house to the hose.
 - (2) The meter needs to be accessible to the meter reader while in use and shall not be removed and stored in garage, etc.
4. When the connection of the irrigation meter is to an underground irrigation system, a back flow preventer must be installed between the irrigation system and the irrigation meter. The back flow prevention device must be approved by the Superintendent prior to installation. After initial approval, the back flow preventer must be inspected and certified annually on or before the anniversary of installation. The certification must be submitted to the City annually to continue service. Failure to certify back flow preventer may result in service being discontinued without further notice. Service will not be restored until certification and all outstanding bills are brought up to date or other arrangements are made with the City and Superintendent. A fee of \$20.00 will be charged prior to reconnection in the event of service interruption. No irrigation systems shall be installed in the public right-of-way.
5. Billing for a Type II meter user shall be:
 - A. Water. Gallons from main meter plus gallons from irrigation meter.
 - B. Sewer. Gallons from main meter only.
6. Billing for a Type III meter user shall be:
 - A. Water. Gallons from main meter only.
 - B. Sewer. Gallons from main meter minus gallons from irrigation meter.

WATER RATES

- | | |
|---------------------------------|--|
| 92.01 Service Charges | 92.07 Lien for Nonpayment |
| 92.02 Rates For Service | 92.08 Lien Exemption |
| 92.03 Rates Outside the City | 92.09 Lien Notice |
| 92.04 Water Improvement Fees | 92.10 Temporary Vacancy |
| 92.05 Billing for Water Service | 92.11 Rates Outside The City Exemption |
| 92.06 Service Discontinued | |

92.01 SERVICE CHARGES.

Each customer shall pay for water service and water improvement fees provided by the City based upon use of water as determined by meters provided for in Chapter 91. The water improvement fees shall be implemented at first in phases. Each location, building, premises or connection shall be considered a separate and distinct customer whether owned or controlled by the same person or not.

(Code of Iowa, Sec. 384.84)

92.02 RATES FOR SERVICE.

Water service shall be furnished at the following monthly rates within the City:

(Code of Iowa, Sec. 384.84)

Effective Date	First 2,000 Gallons Used Per Month	Over 2,000 Gallons Used Per Month
7/1/2019	\$21.23	\$4.84
7/1/2020	\$22.29	\$5.08
7/1/2021	\$23.40	\$5.33
7/1/2022	\$24.57	\$5.60
7/1/2023	\$25.80	\$5.88
7/1/2024	\$27.09	\$6.17

92.03 RATES OUTSIDE THE CITY.

Water service shall be provided to any customer located outside the corporate limits of the City which the City has agreed to serve at the following rates:

Effective Date	First 2,000 Gallons Used Per Month	Over 2,000 Gallons Used Per Month
7/1/2019	\$56.14	\$12.81
7/1/2020	\$61.75	\$14.09
7/1/2021	\$67.93	\$15.50
7/1/2022	\$74.72	\$17.02
7/1/2023	\$82.20	\$18.75
7/1/2024	\$90.42	\$20.63

92.04 WATER IMPROVEMENT FEES.

Water improvement fees shall be imposed at the following rates per gallon for users within and outside the City:

Schedule	Water Capital Improvement Fee/Gallon
1-Jul-20	\$0.002
1-Jul-21	\$0.002
1-Jul-22	\$0.002
1-Jul-23	\$0.002
1-Jul-24	\$0.002

(Ord. 2020-05 - Mar. 21 Supp.)

92.05 BILLING FOR WATER SERVICE.

Water service shall be billed as part of a combined service account, payable in accordance with the following:

(Code of Iowa, Sec. 384.84)

1. Bills Issued. The Clerk shall prepare and issue bills for combined service accounts on or before the first day of each month.
2. Bills Payable. Bills for combined service accounts shall be due and payable at the office of the Clerk by the fifteenth day of each month.
3. Late Payment Penalty. Bills not paid when due shall be considered delinquent. A one-time late payment penalty of 10 percent of the amount due for water and sewer charges shall be added to each delinquent bill. The late payment penalty shall not apply to the delinquent solid waste fees.

92.06 SERVICE DISCONTINUED.

Water service to delinquent customers shall be discontinued or disconnected in accordance with the following:

(Code of Iowa, Sec. 384.84)

1. Notice. The Clerk shall notify each delinquent customer that service will be discontinued or disconnected if payment of the combined service account, including late payment charges, is not received by the date specified in the notice of delinquency. Such notice shall be sent by ordinary mail to the customer in whose name the delinquent charges were incurred and shall inform the customer of the nature of the delinquency and afford the customer the opportunity for a hearing prior to the discontinuance or disconnection.
2. Notice to Landlords. If the customer is a tenant, and if the owner or landlord of the property or premises has made a written request for notice, the notice of delinquency shall also be given to the owner or landlord. If the customer is a tenant and requests a change of name for service under the account, such request shall be sent to the owner or landlord of the property if the owner or landlord has made a written request for notice of any change of name for service under the account to the rental property.
3. Hearing. If a hearing is requested by noon of the day preceding the shut off, the Clerk shall conduct an informal hearing and shall make a determination as to whether the discontinuance or disconnection is justified. The customer has the right to appeal the Clerk's decision to the Council, and if the Council finds that discontinuance or disconnection is justified, then such discontinuance or disconnection shall be made, unless payment has been received.
4. Fees. A fee of \$25.00 shall be charged before service is restored to a delinquent customer. No fee shall be charged for the usual or customary trips in the regular changes in occupancies of property.

92.07 LIEN FOR NONPAYMENT.

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

(Code of Iowa, Sec. 384.84)

92.08 LIEN EXEMPTION.

(Code of Iowa, Sec. 384.84)

1. Water Service Exemption. The lien for nonpayment shall not apply to charges for water service to a residential or commercial rental property where water service is separately metered and the rates or charges for the water service are paid directly to the City by the tenant, if the landlord gives written notice to the City that the property is residential or commercial rental property and that the tenant is liable for the rates or charges. The City may require a deposit not exceeding the usual cost of 90 days of such services to be paid to the City. When the tenant moves from the rental property, the City shall refund the deposit if all service charges are paid in full. The lien exemption does not apply to delinquent charges for repairs related to any of the services.
2. Other Service Exemption. The lien for nonpayment shall also not apply to the charges for any of the services of sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal for a residential rental property where the charge is paid directly to the City by the tenant, if the landlord gives written notice to the City that the property is residential rental property and that the tenant is liable for the rates or charges for such service. The City may require a deposit not exceeding the usual cost of 90 days of such services to be paid to the City. When the tenant moves from the rental property, the City shall refund the deposit if all service charges are paid in full. The lien exemption does not apply to delinquent charges for repairs related to any of the services.
3. Written Notice. The landlord's written notice shall contain the name of the tenant responsible for charges, the address of the residential or commercial rental property that the tenant is to occupy, and the date that the occupancy begins. Upon receipt, the City shall acknowledge the notice and deposit. A change in tenant for a residential rental property shall require a new written notice to be given to the City within 30 business days of the change in tenant. A change in tenant for a commercial rental property shall require a new written notice to be given to the City within 10 business days of the change in tenant. A change in the ownership of the residential rental property shall require written notice of such change to be given to the City within 30 business days of the completion of the change of ownership. A change in the ownership of the commercial rental property shall require written notice of such change to be given to the City within 10 business days of the

completion of the change of ownership.

4. Mobile Homes, Modular Homes, and Manufactured Homes. A lien for nonpayment of utility services described in Subsections 1 and 2 of this section shall not be placed upon a premises that is a mobile home, modular home, or manufactured home if the mobile home, modular home, or manufactured home is owned by a tenant of and located in a mobile home park or manufactured home community and the mobile home park or manufactured home community owner or manager is the account holder, unless the lease agreement specifies that the tenant is responsible for payment of a portion of the rates or charges billed to the account holder.

92.09 LIEN NOTICE.

A lien for delinquent water service charges shall not be certified to the County Treasurer unless prior written notice of intent to certify a lien is given to the customer in whose name the delinquent charges were incurred. If the customer is a tenant and if the owner or landlord of the property or premises has made a written request for notice, the notice shall also be given to the owner or landlord. The notice shall be sent to the appropriate persons by ordinary mail not less than 30 days prior to certification of the lien to the County Treasurer.

(Code of Iowa, Sec. 384.84)

92.10 TEMPORARY VACANCY.

A property owner may request water service be temporarily discontinued and shut off at the curb valve when the property is expected to be vacant for an extended period of time. There shall be a \$25.00 fee collected for shutting the water off at the curb valve and a \$25.00 fee for restoring service. During a period when service is temporarily discontinued as provided herein there shall be no minimum service charge. The City will not drain pipes or pull meters for temporary vacancies.

92.11 RATES OUTSIDE THE CITY EXEMPTION.

The properties listed under this section are exempt from Section 03 "Rates Outside the City." For water service billing purposes, these properties shall be subject to Section 02 "Rates for Service."

Exempt Properties:

1. 425 4th Avenue
2. 2684 Brookview Lane
3. 2680 Brookview Lane
4. 2676 Brookview Lane
5. 2672 Brookview Lane
6. 2668 Brookview Lane
7. 2664 Brookview Lane

(Section 92.11 - Ord. 2021-06 - Mar. 21 Supp.)

CHAPTER 95

SANITARY SEWER SYSTEM

- | | |
|---------------------------------|--------------------------------|
| 95.01 Purpose | 95.06 Service Outside the City |
| 95.02 Definitions | 95.07 Right of Entry |
| 95.03 Superintendent | 95.08 Use of Easements |
| 95.04 Prohibited Acts | 95.09 Special Penalties |
| 95.05 Sewer Connection Required | |

95.01 PURPOSE.

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

95.02 DEFINITIONS.

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

1. "B.O.D." (denoting Biochemical Oxygen Demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees C, expressed in milligrams per liter or parts per million.
2. "Building drain" means that part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (one and one-half meters) outside the inner face of the building wall.

3. "Building sewer" means that part of the horizontal piping from the building wall to its connection with the main sewer or the primary treatment portion of an on-site wastewater treatment and disposal system conveying the drainage of one building site.

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

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

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

7. "Industrial wastes" means the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

8. "Inspector" means the person duly authorized by the Council to inspect and approve the installation of building sewers and their connections to the public sewer system; and to inspect such sewage as may be discharged therefrom.

9. "Natural outlet" means any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

10. "On-site wastewater treatment and disposal system" means all equipment and devices necessary for proper conduction, collection, storage, treatment, and disposal of wastewater from four or fewer dwelling units or other facilities serving the equivalent of 15 persons (1,500 gpd) or less.

11. "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

12. "Public sewer" means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

13. "Sanitary sewage" means sewage discharging from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories, or institutions, and free from storm, surface water, and industrial waste.

14. "Sanitary sewer" means a sewer that carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

15. "Sewage" means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

16. "Sewage treatment plant" means any arrangement of devices and structures used for treating sewage.

17. "Sewage works" or "sewage system" means all facilities for collecting, pumping, treating, and disposing of sewage.

18. "Sewer" means a pipe or conduit for carrying sewage.

19. "Sewer service charges" means any and all charges, rates or fees levied against and payable by customers, as consideration for the servicing of said customers by said sewer system.

20. "Slug" means any discharge of water, sewage, or industrial waste that in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation.

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

22. "Superintendent" means the Director of Public Works and Utilities of the City or any authorized deputy, agent, or representative.

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

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

95.03 SUPERINTENDENT.

The Superintendent shall exercise the following powers and duties:

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

1. Operation and Maintenance. Operate and maintain the City sewage system.

2. Inspection and Tests. Conduct necessary inspections and tests to assure compliance with the provisions of these Sanitary Sewer chapters.

3. Records. Maintain a complete and accurate record of all sewers, sewage connections and manholes constructed showing the location and grades thereof.

95.04 PROHIBITED ACTS.

No person shall do, or allow, any of the following:

1. Damage Sewer System. Maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with

any structure, appurtenance, or equipment that is a part of the sewer system.

(Code of Iowa, Sec. 716.1)

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

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

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

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

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

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

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

95.05 SEWER CONNECTION REQUIRED.

The owners of any houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley or right-of-way in which there is now located, or may in the future be located, a public sanitary or combined sewer, are hereby required to install, at such owner's expense, suitable toilet facilities therein and a building sewer connecting such facilities directly with the proper public sewer, and to maintain the same all in accordance with the provisions of these Sanitary Sewer chapters, such compliance to be completed within 60 days after date of official notice from the City to do so provided that said public sewer is located within 200 feet of the property line of such owner and is of such design as to receive and convey by gravity such sewage as may be conveyed to it. Billing for sanitary sewer service will begin the date of official notice to connect to the public sewer.

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

(IAC, 567-69.1[3])

95.06 SERVICE OUTSIDE THE CITY.

There shall be no sewer service connections made outside the City limits without annexation.

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

95.07 RIGHT OF ENTRY.

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

95.08 USE OF EASEMENTS.

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

95.09 SPECIAL PENALTIES.

The following special penalty provisions shall apply to violations of these Sanitary Sewer chapters:

1. Notice of Violation. Any person found to be violating any provision of these chapters except Subsections 1, 3, and 4 of Section 95.04, shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

2. Continuing Violations. Any person who shall continue any violation beyond the time limit provided for in Subsection 1 hereof shall be in violation of this Code of Ordinances. Each day in which any such violation shall continue shall be deemed a separate offense.

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

BUILDING SEWERS AND CONNECTIONS

96.01 Permit	96.06 Sewer Tap
96.02 Connection Charge	96.07 Inspection Required
96.03 Plumber Required	96.08 Property Owner's Responsibility
96.04 Excavations	96.09 Abatement of Violations
96.05 Connection Requirements	

96.01 PERMIT.

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

96.02 CONNECTION CHARGE.

Before any permit is issued the person who makes the application shall pay a connection charge to reimburse the City for costs borne by the City in making sewer service available to the property served in accordance with the following.

1. Single-family dwelling – \$500.00
2. Duplex – \$800.00
3. Each additional dwelling unit – \$250.00
4. Commercial and Industrial – \$500.00

The Council shall have the discretion to waive these fees by resolution under such circumstances as they deem to be in the City's interests.

96.03 PLUMBER REQUIRED.

All installations of building sewers and connections to the public sewer shall be made by a State-licensed plumber.

96.04 EXCAVATIONS.

All trench work, excavation, and backfilling required for the installation of a building sewer shall be performed in accordance with the provisions of the *International Plumbing Code* and the provisions of Chapter 135 of this Code of Ordinances.

96.05 CONNECTION REQUIREMENTS.

The installation of the building sewer and its connection to the public sewer shall conform to the requirements of the *International Plumbing Code*, the laws of the State and other applicable rules and regulations of the City.

96.06 SEWER TAP.

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

96.07 INSPECTION REQUIRED.

No building sewer shall be covered, concealed or put into use until it has been tested, inspected and accepted as prescribed in the *International Plumbing Code*.

96.08 PROPERTY OWNER'S RESPONSIBILITY.

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

96.09 ABATEMENT OF VIOLATIONS.

Building sewers, whether located upon the private property of any owner or in the public right-of-way, which are constructed or maintained in violation of any of the requirements of this chapter shall be deemed a nuisance and the same shall be abated by the City in the manner provided for the abatement of nuisances.

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

USE OF PUBLIC SEWERS

97.01 Storm Water	97.05 Restricted Discharges; Powers of Superintendent
97.02 Surface Waters Exception	97.06 Special Facilities
97.03 Prohibited Discharges	97.07 Control Manholes
97.04 Restricted Discharges	97.08 Testing of Wastes

97.01 STORM WATER.

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

97.02 SURFACE WATERS EXCEPTION.

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

97.03 PROHIBITED DISCHARGES.

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

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

A. Any waters or wastes: (i) having a five-day biochemical oxygen demand greater than 300 parts per million by weight; or (ii) containing more than 350 parts per million by weight of suspended solids; or (iii) having an average daily flow greater than two percent of the average sewage flow of the City, shall be subject to the review of the Superintendent.

B. Where necessary in the opinion of the Superintendent, the owner shall provide, at the owner's expense, such preliminary treatment as may be necessary to: (i) reduce the biochemical oxygen demand to 300 parts per million by weight; or (ii) reduce the suspended solids to 350 parts per million by weight; or (iii) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and no construction of such facilities shall be commenced until said approvals are obtained in writing.

97.04 RESTRICTED DISCHARGES.

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

1. High Temperature. Any liquid or vapor having a temperature higher than 150 degrees F (65 degrees C).
2. Fat, Oil, Grease. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 milligrams per liter or 600 milligrams per liter of dispersed or other soluble matter.

3. Viscous Substances. Water or wastes containing substances that may solidify or become viscous at temperatures between 32 degrees F and 150 degrees F (0 degrees to 65 degrees C).
4. Garbage. Any garbage that has not been properly shredded, that is, to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.
5. Acids. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solution whether neutralized or not.
6. Toxic or Objectionable Wastes. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
7. Odor or Taste. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits that may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of State, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
8. Radioactive Wastes. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or federal regulations.
9. Excess Alkalinity. Any waters or wastes having a pH in excess of 9.5.
10. Unusual Wastes. Materials that exert or cause:
 - A. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - B. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - C. Unusual B.O.D., chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - D. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
11. Noxious or Malodorous Gases. Any noxious or malodorous gas or other substance that, either singly or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.
12. Damaging Substances. Any waters, wastes, materials, or substances that react with water or wastes in the sewer system to release noxious gases, develop color of undesirable intensity, form suspended solids in objectionable concentration or create any other condition deleterious to structures and treatment processes.
13. Untreatable Wastes. Waters or wastes containing substances that are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

97.05 RESTRICTED DISCHARGES; POWERS OF SUPERINTENDENT.

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

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

97.06 SPECIAL FACILITIES.

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

97.07 CONTROL MANHOLES.

When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be

installed by the owner at the owner's expense, and shall be maintained by the owner so as to be safe and accessible at all times.

97.08 TESTING OF WASTES.

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

CHAPTER 98

ON-SITE WASTEWATER SYSTEMS

98.01 When Prohibited	98.05 Discharge Restrictions
98.02 When Required	98.06 Maintenance of System
98.03 Compliance with Regulations	98.07 Systems Abandoned
98.04 Permit Required	98.08 Disposal of Septage

98.01 WHEN PROHIBITED.

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

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

98.02 WHEN REQUIRED.

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

(IAC, 567-69.1[3])

98.03 COMPLIANCE WITH REGULATIONS.

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

(IAC, 567-69.1[3 & 4])

98.04 PERMIT REQUIRED.

No person shall install or alter an on-site wastewater treatment and disposal system without first obtaining a permit from the County Board of Health.

98.05 DISCHARGE RESTRICTIONS.

It is unlawful to discharge any wastewater from an on-site wastewater treatment and disposal system (except under an NPDES permit) to any ditch, stream, pond, lake, natural or artificial waterway, drain tile or to the surface of the ground.

(IAC, 567-69.1[3])

98.06 MAINTENANCE OF SYSTEM.

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

98.07 SYSTEMS ABANDONED.

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

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

98.08 DISPOSAL OF SEPTAGE.

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

CHAPTER 99

SEWER SERVICE CHARGES

- | | |
|--------------------------------------|------------------------------------|
| 99.01 Sewer Service Charges Required | 99.05 Private Water Systems |
| 99.02 Rate | 99.06 Payment of Bills |
| 99.03 Rate Outside the City | 99.07 Lien for Nonpayment |
| 99.04 Sewer Improvement Fee | 99.08 Special Agreements Permitted |

99.01 SEWER SERVICE CHARGES REQUIRED.

Every customer shall pay to the City sewer service fees and sewer improvement fees as hereinafter provided.

99.02 RATE.

Each customer shall pay sewer service charges for the use of and for the service supplied by the municipal sanitary sewer system within the City as follows:

Effective Date	First 2,000 Gallons Used Per Month	Over 2,000 Gallons Used Per Month
7/1/2019	\$20.99	\$6.16
7/1/2020	\$22.04	\$6.47
7/1/2021	\$23.14	\$6.80
7/1/2022	\$24.29	\$7.14
7/1/2023	\$25.51	\$7.49
7/1/2024	\$26.78	\$7.87

99.03 RATE OUTSIDE THE CITY.

Each customer shall pay sewer service charges for the use of and for the service supplied by the municipal sanitary sewer system outside the corporate limits of the City at the following rates:

Effective Date	First 2,000 Gallons Used Per Month	Over 2,000 Gallons Used Per Month
7/1/2019	\$52.95	\$15.56
7/1/2020	\$58.25	\$17.11
7/1/2021	\$64.07	\$18.82
7/1/2022	\$70.48	\$20.71
7/1/2023	\$77.53	\$22.78
7/1/2024	\$85.28	\$25.06

99.04 SEWER IMPROVEMENT FEE.

A sewer improvement fee shall be imposed at the rate of \$0.0005 per gallon.

99.05 PRIVATE WATER SYSTEMS.

Customers whose premises are served by a private water system shall pay sewer charges based upon the water used as determined by the City either by an estimate agreed to by the customer or by metering the water system at the customer's expense. Any negotiated or agreed-upon sales or charges shall be subject to approval of the Council.

(Code of Iowa, Sec. 384.84)

99.06 PAYMENT OF BILLS.

All sewer service charges are due and payable under the same terms and conditions provided for payment of a combined service account as contained in Section 92.05 of this Code of Ordinances. Sewer service may be discontinued or disconnected in accordance with the provisions contained in Section 92.06 if the combined service account becomes delinquent, and the provisions contained in Section 92.09 relating to lien notices shall also apply in the event of a delinquent account.

99.07 LIEN FOR NONPAYMENT.

Except as provided for in Section 92.08 of this Code of Ordinances, the owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for sewer service charges to the premises. Sewer service charges remaining unpaid and delinquent shall constitute a lien upon the property or premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

99.08 SPECIAL AGREEMENTS PERMITTED.

No statement in these chapters shall be construed as preventing a special agreement, arrangement, or contract between the Council, and any industrial concern whereby an industrial waste of unusual strength or character may be accepted subject to special conditions, rate, and cost as established by the Council.

CHAPTER 100

BENEFITED DISTRICTS

100.01 Purpose	100.04 West Service Area Benefited Sewer District
100.02 Intent	100.05 District Connection Fees
100.03 Procedure	

100.01 PURPOSE.

The City has determined the necessity of establishing a policy and a procedure to be utilized to recover the cost of designing and constructing major sanitary sewer facilities and major water main facilities in those instances in which a significant number of the properties to be benefited by such facilities are not sufficiently developed to permit the recovery of those costs through the special assessment process as provided in Chapter 384, Division IV of the *Code of Iowa*. The City hereby declares its intent to utilize connection fees, as herein provided, to recover the costs of designing and constructing such major sanitary sewer facilities and major water main facilities from property owners who connect to such facilities subsequent to their construction.

100.02 INTENT.

It is the intent of this chapter to set forth the method of recovery of proportional cost shares from those property owners who connect their properties to major sanitary sewer facilities and major water main facilities subsequent to their construction, so that in the event that all property, other than street and road right-of-way, which lies within the benefited district is connected to the major sanitary sewer facilities and major water main facilities during their expected useful life, then those properties shall bear, in the aggregate, up to 100 percent of the cost for designing and constructing such facilities, including legal, administrative, and interest expenses associated therewith.

100.03 PROCEDURE.

1. In the event the Council determines the necessity of constructing a major sanitary sewer facility or major water main facility, and determines that the utilization of a connection fee is the most equitable manner in which to recover the City's costs associated therewith, the Council shall cause a "Notice of Public Hearing on the Proposed Adoption of an Ordinance to Establish a Benefited District and a Connection Fee" to be published in a newspaper of general circulation within the City as hereinafter provided. In addition to indicating the date, time and place of the public hearing, the notice shall:

- A. Indicate the nature and extent of the major sanitary sewer facility or facilities, or major water main facility or facilities, under consideration for construction, as well as the estimated cost or costs for the design and construction of same;
- B. Identify by general description the proposed benefited district to be served by the major sanitary sewer facility or facilities, or major water main facility or facilities; and
- C. Set forth the proposed schedule of connection fees to be paid by property owners within the benefited district who connect to said facilities, expressed in dollars per acre of land area served or such other method as the City determines to be equitable for the benefited district.

The notice shall state that the proposed connection fee ordinance is on file, along with a plat of the area to be served, and both are available for public inspection in the office of the Clerk. The notice shall be published not more than 45 days and not less than 20 days prior to the scheduled date of the public hearing, and shall be mailed to each property owner within the benefited district as shown by the records of the County Auditor.

2. At the public hearing, the owners of property within the proposed benefited district shall be heard and may offer comments or objections as to:

- A. The necessity for the project;
- B. The calculation of the area benefited by the proposed major sanitary sewer facilities or major water main facilities;
- C. The estimated cost of the proposed facilities; and
- D. The proposed connection fee.

3. Upon concluding the hearing, the Council shall rule upon the objections presented during the hearing and may consider the adoption of the proposed connection fee ordinance. Upon consideration of the proposed connection fee ordinance, the Council may:

- A. Adopt the ordinance as proposed;

B. Delete elements or portions of the proposed major sanitary sewer facilities and major water main facilities from the proposed project and the properties served thereby from the benefited district proposed; or

C. Amend the ordinance to revise the connection fee schedule.

4. The connection fee ordinance may provide, at the Council's discretion, that single family residences within the benefited district, in existence or under construction upon the effective date of the ordinance, and located within the corporate limits of the City, are eligible for connection to the major sanitary sewer facility or major water main facility. In that event, the ordinance shall include the following provisions:

A. The owners of residences on parcels of less than one acre in size located within the City may connect such residences to the major sanitary sewer facility or major water main facility upon approval of their application for connection, payment of the connection fee for the parcel, and construction, at the owner's expense, of appropriate connection structures, as determined necessary by the City.

B. The owners of residences on parcels in excess of one acre in size located within the City may connect such residences to the major sanitary sewer facility or major water main facility upon approval of their application for connection, division of said parcel into a residence parcel and a remainder parcel, payment of the connection fee for the residence parcel, and construction, at the owner's expense, of appropriate connection structures, as determined necessary by the City. The connection fee for the remainder parcel shall be payable at such time as the remainder parcel shall be connected to the major sanitary sewer facility or major water main facility. For purposes of this chapter, a parcel may be divided once. For purposes of this section, division of the property into a residence parcel and a remainder parcel may be accomplished by submitting a drawing showing a graphical depiction of the two parcels including dimensions accurate to within a distance of one foot, a legal description of the entire parcel and a legal description of the residence parcel with such accuracy as to allow the City to determine a reasonable description of the remainder parcel. For purposes of this section, the division of property does not require a subdivision of the property or a plat of survey.

The connection fee ordinance may also provide, at the Council's discretion, that sanitary sewer service or water service can be provided to recreational and park facilities and to commercial and industrial parcels and facilities, in the same manner and under the same procedures set forth in this section for single-family residences within the benefited district. All other property located within the corporate limits of the City and within a benefited district shall be eligible for connection to the major sanitary sewer facility or major water main facility upon approval of an application for connection by the owner thereof, as hereinafter provided, and payment of the connection fee for such property, provided such property has been appropriately subdivided for development, and, where applicable, all sanitary sewer improvements and/or water main improvements necessary to serve said property have been constructed, at the owner's expense, and accepted by the City.

5. After adoption, publication and recording by the Clerk of a connection fee ordinance for a benefited district, all owners of those properties within the benefited district whose properties are eligible for connection, and who propose to connect such properties directly or indirectly to the major sanitary sewer facility or water main facility, shall make application to the City for such connection. The submittal of construction plans to the City for sanitary sewer improvements and/or water main improvements on property being subdivided for development shall constitute an application to the City for purposes of this chapter. The sewer connection fee or water connection fee shall be due and payable at the time application is made to the City for connection to the major sanitary sewer facility or major water main facility. No connection shall be made to a major sanitary sewer facility or major water main facility until such application has been approved and until the required connection fee has been paid. The sewer connection fee and/or water connection fee required by this section shall be paid before the City will approve the final plat of property subject to the connection fee.

6. The sewer connection fee or water connection fee shall be in an amount equal to the maximum acre area of contiguous property, or fraction thereof, within the benefited district under common ownership which can be lawfully served through such proposed connection, multiplied by the per-acre connection fee or such other fee basis as determined for the benefited district established in the connection fee ordinance for that benefited district. The connection fee ordinance may provide for a graduated connection fee, with annual interest adjustments, such that property owners who connect in later years pay interest on the connection fee for their property. The rate of interest applicable to the connection fee established in each benefited district shall not exceed the rate of interest applicable to special assessments pursuant to Chapter 74A and Section 384.60(3) of the *Code of Iowa* in effect on the date that the connection fee was established for that district by enactment of a connection fee ordinance.

7. Property outside of the benefited district would be eligible for connection to a major sanitary sewer facility or major water main facility only upon the approval of an application for connection by the owner thereof, a determination by the City that sufficient capacity exists in the major sanitary sewer facility or major water main facility to serve such area outside of the boundaries of the benefited district and following payment of a fee calculated on the same basis as if the property were located within the benefited district. Without approval of the City and payment of the applicable fee, no property outside of the benefited district may connect to the major sanitary sewer facility or major water main facility constructed to serve the benefited district. The City may waive the requirement for payment of the applicable fee.

8. The sewer connection fee or water connection fee required by this chapter shall be due and payable to the City and is in addition to, and not in lieu of, any other fees for connection required under the plumbing code or other provisions of this Code of Ordinances.

9. In the event any property owner connects his or her property within a benefited district or property outside a benefited district connecting to a major sanitary sewer facility or major water main facility for which a benefited distribution has been established to a major sanitary sewer facility or major water main facility without having made application therefor or without

having received approval thereof or without having paid the required connection fee established by a connection fee ordinance, the City shall be entitled to disconnect such private sewer connection or water connection until such time as the property owner has made and received approval of the application, and has paid the required connection fee.

100.04 WEST SERVICE AREA BENEFITED SEWER DISTRICT.

The West Service Area Benefited Sewer Connection Fee District is hereby established consisting of a tract of land in Sections 27, 28, 32, 33 and 34, Township 78 North, Range 27 West of the 5th Principal Meridian, Dallas County, Iowa, as graphically depicted on Exhibit A attached to this chapter and made a part hereof, and more particularly described as follows:

Commencing at the point of intersection of the center of the right-of-way of Hazel Street and the north line of the Northeast Quarter of the Southeast Quarter (NE¼ SE¼) of Section 28, Township 78 North, Range 27 West of the 5th Principal Meridian; thence east along the north line of the Northeast Quarter of the Southeast Quarter (NE¼ SE¼) of said Section 28 to the East Quarter (E¼) corner of said Section 28; thence south along the east line of the Northeast Quarter (NE¼) of said Section 28 to the southwest corner of Lot 2 Replat of Traxler's Subdivision Amended Plat, said point also being the northwest corner of Parcel B of the North One-half of the Southwest Quarter (N½ SW¼) of Section 27, Township 78 North, Range 27 West; thence easterly along the northerly line of said Parcel B North One-half of the Southwest Quarter (N½ SW¼) of said Section 27 to the west right-of-way line of Richland Road; thence southerly along the west right-of-way line of Richland Road to the south line of said Section 27; thence east along the north line of Section 34, Township 78 North, Range 27 West to the North Quarter (N¼) corner of said Section 34; thence south along the east line of the Northeast Quarter of the Northwest Quarter (NE¼ NW¼) of said Section 34 to the southeast corner of the Northeast Quarter of the Northwest Quarter (NE¼ NW¼) of said Section 34; thence east along the north line of the Southwest Quarter of the Northeast Quarter (SW¼ NE¼) of said Section 34 to the northeast corner of the Southwest Quarter of the Northeast Quarter (SW¼ NE¼) of said Section 34; thence south along the east line of the Southwest Quarter of the Northeast Quarter (SW¼ NE¼) of said Section 34 to the southeast corner of the Southwest Quarter of the Northeast Quarter (SW¼ NE¼) of said Section 34; thence west along the south line of the Southwest Quarter of the Northeast Quarter (SW¼ NE¼) of said Section 34 to the Center of said Section 34; thence southwesterly to a point on the west line of the Northeast Quarter of the Southwest Quarter (NE¼ SW¼) of said Section 34, said point being a distance of 700 feet south of the northwest corner of the Northeast Quarter of the Southeast Quarter (NE¼ SE¼) of said Section 34; thence southwesterly to the southwest corner of said Section 34; thence west along the south line of Section 33, Township 78 North, Range 27 West of the 5th Principal Meridian to the southwest corner of said Section 33; thence northwesterly to the northwest corner of the Southeast Quarter of the Southeast Quarter (SE¼ SE¼) of Section 32, Township 78 North, Range 27 West; thence north along the west line of the Northeast Quarter of the Southeast Quarter (NE¼ SE¼) of said Section 32 to the northwest corner of the Northeast Quarter of the Southeast Quarter (NE¼ SE¼) of said Section 32; thence northeasterly to a point on the east line of said Section 32, said point being a distance of 913.2 feet south of the northeast corner of the Southeast Quarter of the Northeast Quarter (SE¼ NE¼) of said Section 32; thence northeasterly to a point in the Southwest Quarter of the Northwest Quarter (SW¼ NW¼) of Section 33, Township 78 North, Range 27 West, said point being a distance of 660 feet north of the south line and 660 feet east of the west line of the Southwest Quarter of the Northwest Quarter (SW¼ NW¼) of said Section 33; thence northerly along a line parallel to and 660 feet east of the west line of the Northwest Quarter (NW¼) of said Section 33 to a point on the north line of said Section 33; thence northerly along a line parallel to and 660 feet easterly of the west line of the Southwest Quarter of the Southwest Quarter (SW¼ SW¼) of Section 28, Township 78 North, Range 27 West to a point on the north line of the Southwest Quarter of the Southwest Quarter (SW¼ SW¼) of said Section 28; thence northerly along a line located parallel to and 660 feet easterly of the west line of the Northwest Quarter of the Southwest Quarter (NW¼ SW¼) of said Section 39, a distance of 660 feet; thence east along a line parallel to and 660 feet northerly of the south line of the Northwest Quarter of the Southwest Quarter (NW¼ SW¼) of said Section 28 to a point on the east line of the Northwest Quarter of the Southwest Quarter (NW¼ SW¼) of said Section 28, said point being a distance of 660 feet northerly of the southeast corner of the Northwest Quarter of the Southwest Quarter (NW¼ SW¼) of said Section 34; thence northeasterly across the Northeast Quarter of the Southwest Quarter (NE¼ SW¼) of said Section 28 to the northwest corner, Lot 3 Weigel Addition Plat 4; thence south along the west line of said Lot 3 to the southwest corner of said Lot 3; thence easterly along the north line of Lot 2 Weigel Addition Plat 4 to the northeast corner of said Lot 2; thence easterly along the north line of Lot 1 Weigel Addition Plat 4 to the northeast corner of said Lot 1; thence continuing easterly to the center of the right-of-way of Hazel Street; thence northerly along the centerline of Hazel Street to the point of beginning, except Crestview Estates.

100.05 DISTRICT CONNECTION FEES.

Connection fees are hereby established and shall be imposed upon owners of properties within the West Service Area Sanitary Sewer Connection Fee District, pursuant to Van Meter Ordinance No. 175, at the time of application to connect properties to said sewer facilities as follows:

1. The per acre connection fee shall be annually adjusted as of July 1 of each year according to the following schedule:

Effective Date	Connection Fee (\$/Acre)
July 1, 2019	\$2,475.00
July 1, 2020	\$2,550.00
July 1, 2021	\$2,625.00

After July 1, 2021, connection fee shall be the prior year's fee plus \$75.00

2. The above established connection fee schedule shall also apply to any properties outside of the West Service Area Sanitary Sewer Connection Fee District which uses or derives benefit from any of the sewer facilities constructed to serve the West Service Area Sanitary Sewer Connection Fee District. The appropriate fee shall be imposed at the time of determination that a benefit is derived by the property. The Council shall have the discretion to waive these fees by ordinance under such circumstances as they deem to be in the City's interests.

3. The above established connection fee schedule shall not apply to any properties within the West Service Area Sanitary Sewer Connection Fee District which does not use or derive any benefit from the sewer facilities constructed for the West Service Area Sanitary Sewer Connection Fee District.

4. The determination that a property is to be connected to the sewer facilities shall occur, and the appropriate connection fee shall be paid, prior to the time of release of a final plat for recordation, issuance of a building permit or issuance of a plumbing permit, whichever occurs first.

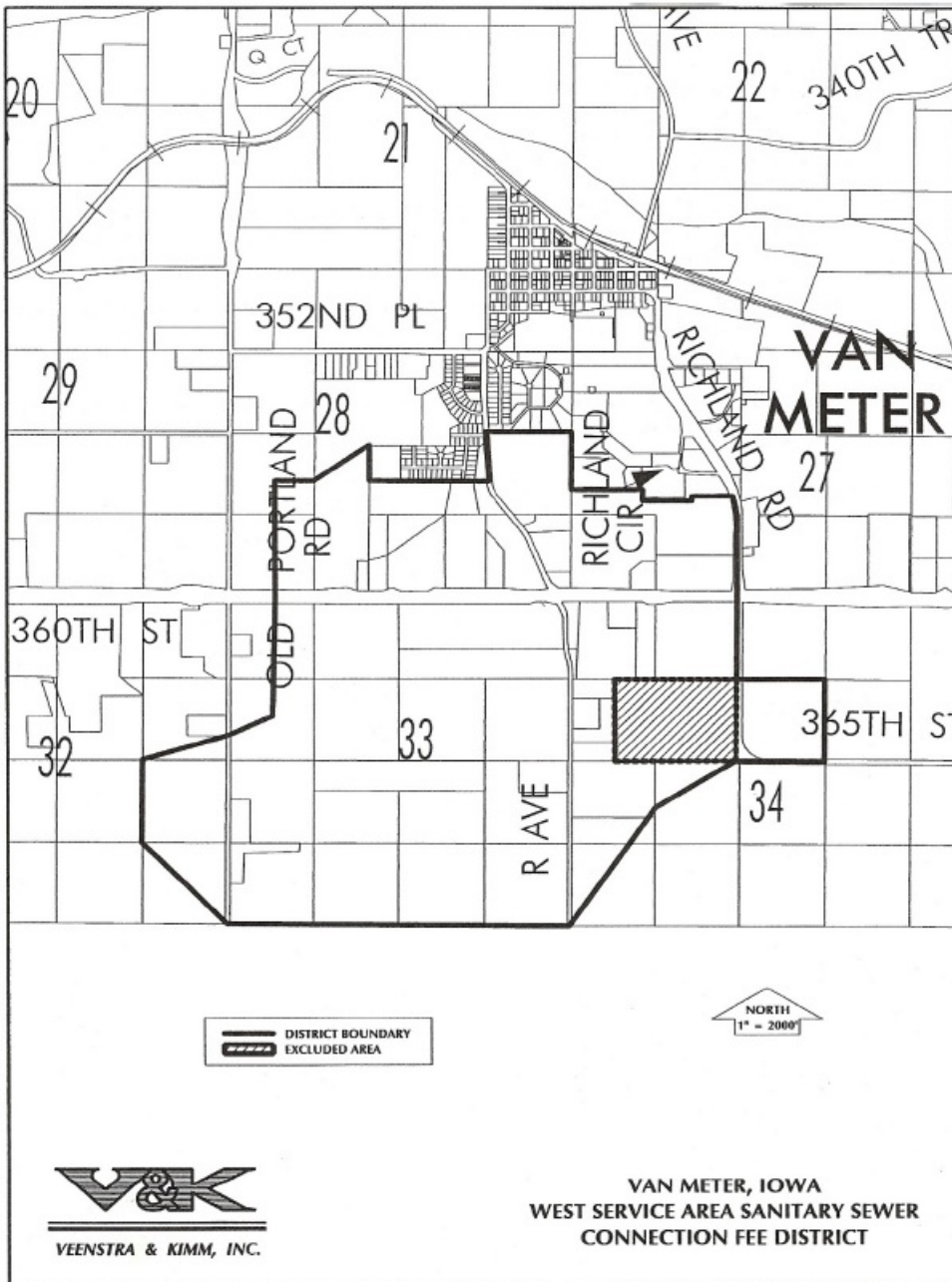
5. The per acre connection fee shall be imposed on the gross area of any final plat and shall not exclude areas set aside for streets, public right-of-way or for any other purpose.

6. Any-single family residence existing or under construction upon the effective date of Ordinance No. 181 located upon a parcel in excess of one acre may apply for connection upon payment of a single one-acre connection fee. Payment of a single one-acre connection fee shall be applicable only to the single residence. Any future development of said parcel shall necessitate a revised application for connection and payment of the appropriate connection fee. At the discretion of the City this provision may be extended to any single-family residence constructed after said effective date.

7. The City shall be responsible for the design and construction of the primary trunk sewers to serve the West Service Area Sanitary Sewer Connection Fee District. Other sewers required to provide sewer service to individual properties within the connection fee district, including smaller trunk sewers, shall not be the responsibility of the City to design or construct under the provisions of the West Service Area Sanitary Sewer Connection Fee District.

EXHIBIT A

EXHIBIT A



CHAPTER 101

STORMWATER MANAGEMENT UTILITY

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|---|---------------------------------------|
| 101.01 Purpose | 101.06 Rate Appeal |
| 101.02 Definitions | 101.07 Exemptions From Charges |
| 101.03 Stormwater Service Charges Required | 101.08 Billing for Stormwater Service |
| 101.04 Effective Date of Stormwater Service Charges | 101.09 Collections and Liens |
| 101.05 Basic Rate | 101.10 Annual Revision of Rates |

101.01 PURPOSE.

The purpose of this chapter is to establish a stormwater utility which shall be responsible for stormwater management within the corporate boundaries of the City of Van Meter and shall provide for the management, protection, control, regulation, use and enhancement of stormwater management systems and facilities.

101.02 DEFINITIONS.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. "Bonds" means revenue bonds, notes, loans or any other debt obligations issued or incurred to finance the cost of construction.
2. "Customers of the stormwater utility" include all persons, properties, and entities served by and/or benefiting from the utility's acquisition, management, maintenance, extension and improvement of the public stormwater management systems and facilities.
3. "Director" means the director of the stormwater management utility.
4. "Dwelling unit" means a singular unit or apartment providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.
5. "Duplex/condo dwelling" means a building containing only two (2) dwelling units and designed for and occupied exclusively by not more than two (2) families. In the application of stormwater service charge rates, duplex/condo dwelling properties shall be treated as two (2) single-family dwellings.
6. "Equivalent residential unit" or "ERU" means the average impervious area of residential developed property per dwelling unit located within the City as periodically determined and established as provided in this chapter, which has been determined by the City to be 3,500 square feet of impervious surface area.
7. "Exempt property" includes properties as outlined in Section VII of this chapter. All other properties shall be subject to the stormwater utility fees.
8. "Multiple-family dwelling" means a building or portion thereof containing three (3) or more dwelling units designed for or occupied by three (3) or more families. In the application of stormwater service charge rates, each multiple-family dwelling unit shall be treated as one single family dwelling.
9. "Operating budget" means the annual operating budget for the stormwater management utility adopted by the City Council for the succeeding fiscal year.
10. "Revenues" means all rates, fees, assessments, rentals or other charges or other income received by the utility, in connection with the management and operation of the system, including amounts received from the investment or deposit of moneys in any fund or account and any amounts contributed by the City, all as calculated in accordance with sound accounting practice.
11. "Single-family dwelling" means a building containing only one (1) dwelling unit and designed for and occupied exclusively for residence purposes by only one (1) family.
12. "Stormwater drainage system" means the system of publicly or privately owned or operated rivers, creeks, ditches, drainage channels, pipes, basins, street gutters, and lakes within the City through which or into which stormwater runoff, surface water, or subsurface water is conveyed or deposited.
13. "Stormwater management utility" or "utility" means the enterprise fund utility created by this chapter to operate, maintain and improve the system and for such other purposes as stated in this chapter.
14. "Townhome dwelling" means a dwelling unit which is detached or attached horizontally and not vertically to one of more other dwelling units, wherein the land or lot beneath each dwelling may be individually owned in common by a townhome association. In the application of stormwater service charge rates, each townhome dwelling shall be treated as one single-family dwelling.
15. "User" means any person owning, operating, or otherwise responsible for property within the City which directly or indirectly discharges stormwater or surface or subsurface waters to any portion of the stormwater management system, including direct or indirect discharges to the City's stormwater drainage system, or which is directly or indirectly protected by the City's flood protection system or stormwater drainage system. The term "user" means any person responsible for the direct or indirect discharge of stormwater or surface or subsurface waters to the City's stormwater drainage system.

101.03 STORMWATER SERVICE CHARGES REQUIRED.

Every customer whose premises is served by a connection with the stormwater management system and facilities of the City of Van Meter, either directly or indirectly, shall pay to the City stormwater service charges hereinafter established and specific for the purpose of contributing towards the cost of construction, maintenance and operation of the stormwater management systems and facilities.

101.04 EFFECTIVE DATE OF STORMWATER SERVICE CHARGES.

Stormwater service charges shall accrue beginning July 1, 2021 and shall be billed monthly thereafter to all customers.

101.05 BASIC RATE.

Except as hereinafter noted, each customer whose property lies within the corporate limits of the City shall pay to the City, as a part of the customers combined utility services account with the City of Van Meter, at the same time payment for other City utilities are made, the following charges per Equivalent Residential Unit (ERU) associated with the customer's property:

1. Undeveloped. A flat storm sewer availability charge at the rate of \$0.00 per month.

2. Residential. A storm sewer availability charge will be based on the following schedule:

Fiscal Year 2021/2022 - \$0.00 per month.

3. Commercial/industrial. A storm sewer availability charge will be based on the following schedule:

Fiscal Year 2021/2022 - \$0.00 per ERU per month up to a maximum of 65 ERUs.

The monthly rate may be adjusted as a result of the annual review of rates as detailed in Section 101.10 of this chapter; the Council may choose to adjust the monthly ERU rate as necessary. Such rate adjustments shall be approved by ordinance of the City Council. The number of Equivalent Residential Unit (ERU) on each property shall be calculated by the City Engineer based on the most recent aerial photography available to the City of Van Meter and/or impervious surface data as prepared by a licensed engineer or surveyor for the property. Stormwater fee billing will begin upon water meter installation.

101.06 RATE APPEALS.

Any customer who believes the provisions of this chapter have been applied in error may appeal in the following manner:

1. An appeal must be filed in writing with the City of Van Meter City Administrator. In the case of service charge appeals, the appeal shall include a survey prepared by a registered Iowa land surveyor or professional engineer containing information on the total property area, the impervious surface area and any other features or conditions which influence the hydrologic response on the property to rainfall events.

2. Using the information provided by the appellant, the City Administrator shall conduct a technical review of the conditions on the property and respond to the appeal in writing within thirty (30) days.

3. In response to an appeal, the City Administrator may adjust the stormwater service charge applicable to a property in conformance with the general purpose and intent of this chapter.

4. A decision of the City Administrator which is adverse to an appellant may be further appealed to the City Council within thirty (30) days of receipt of notice of the adverse decision. Notice of the appeal shall be served on the City Council by the appellant, stating the grounds for the appeal. The City Council shall schedule a public hearing within thirty (30) days. All decisions of the City Council shall be served on the appellant by registered mail, sent to the billing address of the appellant.

5. All decisions of the City Council shall be final.

101.07 EXEMPTIONS FROM CHARGES.

Exemptions from charges are those permitted as follows:

1. City, State, and Federal roads, bridges, highways, streets, rights-of-way, sidewalks, and pathways;

2. City owned facilities including but not limited to parks, buildings, open spaces, and parking lots;

3. Railroad right-of-way (tracks);

4. A subdivided lot until a substantially completed structure or other surface improvements have been constructed on the lot; and

5. If a written request is made, in special conditions the City Administrator of the City of Van Meter may grant fee payment and collection variances after determining that granting the variance would be in the City's best interest, will improve efficiency, safety, and is practical. Upon the granting of any variance, the City Administrator shall file notice with the City Council giving reason(s) for the variance.

101.08 BILLING FOR STORMWATER SERVICE.

All stormwater service charges are due and payable under the same terms and conditions provided for payment of a water service account as contained in Section 92.05 of this Code of Ordinances. Service may be discontinued in accordance with the provisions contained in Section 92.06 of this Code of Ordinances. Agreement relating to the lien notices shall also apply in the event of a delinquent account. If a property does not have a water service, billing will be through the City Clerk's office or an alternate method.

101.09 COLLECTIONS AND LIENS.

The owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for stormwater service charges to the premises. Stormwater service charges remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the City Clerk to the County Treasurer for collection in the same manner as property taxes. Property owner may file for exemption for a tax lien as provided in Section 92.08.

101.10 ANNUAL REVISION OF RATES.

The City will review the stormwater service charges at least annually and revise the stormwater service charges as necessary to ensure that such charges as herein established and specified generate adequate revenues to pay the costs of maintenance and operation (including replacement and debt service) of a stormwater management system and facilities and that the stormwater service charges continue to provide for the proportional distribution of maintenance and operation costs (including replacement costs and debt service) for a stormwater management system and facilities among the users and user classes. The liability of a stormwater service user to pay for charges as provided in this chapter shall not be contingent, however, upon any such review or revision.

STREAM BUFFER PROTECTION AND MANAGEMENT

102.01 Purpose	102.05 Buffer Management and Maintenance
102.02 Definitions	102.06 Stream Buffer Management Plan
102.03 Applicability	102.07 Enforcement
102.04 Stream Buffer Design	102.08 Exceptions

102.01 PURPOSE.

1. The purpose of this chapter is to establish minimum requirements for the design of buffers to protect the streams, wetlands, and floodplains of Van Meter; to protect the water quality of watercourses, reservoirs, lakes, and other significant water resources within Van Meter; to protect Van Meter's riparian and aquatic ecosystems; and to provide for the environmentally sound use of Van Meter's land resources.

2. Buffers adjacent to stream systems provide numerous environmental protection and resource management benefits that can include the following:

- A. Restoring and maintaining the chemical, physical, and biological integrity of the water resources.
- B. Reducing pollutants delivered from urban stormwater.
- C. Reducing erosion and sediment entering the stream.
- D. Allow for stabilization of stream banks.
- E. Providing infiltration of stormwater runoff.
- F. Maintaining base flow of streams.
- G. Contributing the organic matter that is a source of food and energy for the aquatic ecosystem.
- H. Providing tree canopy to shade streams and promote desirable aquatic organisms.
- I. Providing riparian wildlife habitat.
- J. Furnishing scenic value and recreational opportunity.
- K. Protecting the public from flooding, property damage and loss.
- L. Providing sustainable, natural vegetation.

3. It is the desire of the City to protect and maintain the native vegetation in riparian and wetland areas by implementing specifications for the establishment and protection of vegetation along all stream systems within our jurisdictional authority.

102.02 DEFINITIONS.

1. "Active channel" is the area of the stream channel that is subject to frequent flows (approximately once per one and a half years) and that includes the portion of the channel below the floodplain.
2. "Best management practices (BMP's)" means a schedule of activities, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. Common BMPs are described in the Iowa Storm Water Management Manual and SUDAS. The BMPs covered are not meant to be a comprehensive list of acceptable BMPs.
3. "Buffer" is a vegetative area, including trees, shrubs, and herbaceous vegetation, that exists or is established to protect a stream system, lake, or reservoir area. Alteration of this natural area is strictly limited.
4. "Iowa DNR method" is a 50-foot-wide undisturbed buffer on each side of the near-stream zone (the stream's belt width), which is defined as the corridor where the stream flows measured between the outsides of opposing meander bends. (Reference: Drawing 1. Riparian Buffering, on Page 7 of the River Restoration Toolbox Practice Guide 3: Riparian Buffering, dated April 2018, and prepared by the Iowa Department of Natural Resources.)
5. "Floodway" are mapped streams within the boundaries of the City of Van Meter that are identified as "floodway" on the City's Flood Insurance Rate Map.
6. "Native vegetation" refers to vegetation originating naturally in this region of the State. Native vegetation is not to be confused with all existing vegetation.
7. "No floodway" are mapped streams within the boundaries of the City of Van Meter with no floodway identified on the effective Flood Insurance Rate Maps or as may be officially established by a licensed engineer.
8. "Streams" are perennial and intermittent watercourses identified through site inspection and United States Geological Survey (USGS) maps and further defined and categorized as follows:

A. Type I streams are defined as perennial streams shown as solid blue lines on the United State Geological Survey seven and one half minutes series topological map and have a drainage area of greater than 50 acres.

B. Type II streams are defined as intermittent streams shown as dashed blue lines on the United States Geological Survey seven and one-half minutes series topological map and have a drainage area of greater than 50 acres.

C. Type III streams are defined as intermittent streams or natural channels which are not shown on the United States Geological Survey seven and one-half minutes series topological map as either blue or dashed blue lines which have drainage areas of greater than 50 acres.

9. "Stream bank" is the area between the stream channel and the break in the stream bank slope or the highest point of the stream channel.

10. "Stream channel" is part of the watercourse either naturally or artificially created that contains an intermittent or perennial base flow of groundwater origin. Base flows of groundwater origin can be distinguished by any of the following physical indicators:

A. Hydrophytic vegetation, hydric soil, or other hydrologic indicators in the area(s) where groundwater enters the stream channel in the vicinity of the stream headwaters, channel bed, or channel banks.

B. Flowing water not directly related to a storm event.

C. Historical records of a local high groundwater table, such as well and stream gauge records.

11. "SUDAS" means the current Standard Urban Design and Specifications Manual, as locally amended, that specifies the stormwater guidelines and stormwater controls deemed by SUDAS to meet the goals of the U.S. Environmental Protection Agencies NPDES permit program administered by the Iowa Department of Natural Resources.

12. "Wetland" is defined as areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

102.03 APPLICABILITY.

This chapter shall apply to proposed improvements associated with all land development activity requiring a site plan, construction drawings, or subdivision on property containing a stream, near a stream, or drainage swale draining greater than 50 acres. These requirements are in addition to, and do not replace or supersede, any other applicable buffer requirements established by other regulatory avenues.

102.04 STREAM BUFFER DESIGN.

1. A stream buffer for a stream system shall consist of a native vegetative strip of land extending along both sides of a stream and its adjacent wetlands, floodplain, or slopes. The stream buffer width shall be adjusted to include contiguous sensitive areas, such as steep slopes or erodible soils, where development or disturbance may adversely affect water quality, streams, wetlands, or other water bodies.

2. The required base width for all buffers shall be determined based on the type of stream being protected, as specified in TABLE I of this chapter below:

TABLE I. Required Minimum Stream Buffer Width	
Stream	Required Width
Streams with Floodway	Floodway plus 50 feet on each side of floodway boundary
Type I or Type II Streams with No Floodway	Iowa DNR Method
Type III Streams	30 feet on each side of stream channel centerline

3. A comprehensive map of all existing stream buffer areas within the jurisdiction of the City of Van Meter has been established and is on file with the City Clerk.

4. The City Engineer or his/her designee may consider buffer design modifications in unique cases of topography or other hardship provided that the project can meet the goals outline in the purpose and intent of this chapter.

5. A stream buffer shall not be required for the portions of a stream that are less than 150 feet in length due to the stream having been previously enclosed within a pipe or box structure.

6. Impervious surfaces, septic systems and all associated equipment are prohibited within the buffer.

7. Dominant vegetation shall consist of existing or seeded/planted native trees, shrubs, perennial grasses and forbs suited to the soil and hydrology of the site and the intended purpose. No single species shall make up more than 50% of the total number of species planted. Turf grass (lawn) is not permitted.

8. Overland flow through the stream buffer area will be maintained as sheet flow.

102.05 BUFFER MANAGEMENT AND MAINTENANCE.

1. The stream buffer, including wetlands and floodplains, shall be managed to enhance and maximize the unique value of these resources. Management includes specific limitations on alteration of the natural conditions of these resources. All buffer areas should be left in a natural state and not mowed, trimmed, fertilized, or irrigated except to provide optimal plant establishment and maintenance. Weed control should be limited to legal requirements for eradication of noxious plants or for establishment of desirable plants. Maintenance shall normally consist of restoring natural or native plantings and following recommended practices of maintenance after establishment. Weeds and debris shall be removed as necessary. Fallen trees should be left to increase habitat for wildlife.

2. The City of Van Meter will only be responsible for the management and maintenance of City-owned stream buffers.

3. Management and maintenance of privately-owned stream buffers shall be subject to drainage area and development goals and management plan shall be developed by the owner. The requirements for a stream buffer management plan are outlined in Section 102.06.

4. At the full discretion of the City, any stream buffer may be required to be deeded to the City as part of the final plat or site plan approval process, and/or park land dedication requirement. In special circumstances, the City may accept a permanent easement for the purpose of protecting the land in and around the established stream buffer and impose any and all restrictions as determined in this chapter.

5. Temporary or permanent access easements may need to be developed during the site plan or subdivision process, if the buffer is not yet contiguous to another point of access or to otherwise ensure adequate access is provided to all areas of the buffer as necessary to perform maintenance.

6. Encroachment onto public lands is a form of trespass. The erection of structures or modifications to natural areas on public lands that have been set aside for natural resource conservation and/or public use are considered encroachments. The unauthorized placement of natural or manmade materials on or within City owned or managed property is prohibited. The unauthorized construction or placement of any structures or other "improvements" on or within City property and the unauthorized alteration (i.e. mowing) of City property in anyway is also prohibited.

7. The following structures, practices, and activities are permitted in the stream buffer, with specific design or maintenance features, subject to the review of the City of Van Meter:

- A. Roads, bridges, paths, and utilities.
- B. The right-of-way should be the minimum width needed to allow for maintenance access and installation.
- C. The angle of the crossing shall be as close to perpendicular as feasible to the stream or buffer in order to minimize clearing requirements.
- D. Stream restoration projects, facilities and activities approved by the City of Van Meter are permitted within the buffer.
- E. Water quality monitoring and stream gauging are permitted within the stream buffer, as approved by the City of Van Meter.

8. The following practices and activities are prohibited within the buffer, except with approval by the City of Van Meter:

- A. Clearing of existing vegetation.
- B. Grading, stripping, or other soil disturbing practices.
- C. Filling or dumping.
- D. Draining the buffer area by ditching, underdrains, or other systems.
- E. Use, storage, or application of pesticides, except for the spot spraying of noxious weeds or nonnative species consistent with recommendations of the Dallas Soil and Water Conservation District.

9. All plans prepared for recording and all right-of-way plans shall clearly:

- A. Show the extent of any stream buffer on the subject property.
- B. Label the stream buffer.
- C. Provide a note to reference any stream buffer stating: "There shall be no clearing, grading, construction or disturbance of vegetation except as permitted by the City of Van Meter."

10. The dedication of a stream buffer area in any form to the City of Van Meter shall not be interpreted to mean that this automatically conveys to the general public the right of access to this area.

102.06 STREAM BUFFER MANAGEMENT PLAN.

1. A plan approved by the City of Van Meter is required in all situations where the ownership of a stream buffer is private.

2. The plan shall contain an informative, conceptual, and schematic representation of the proposed development activity by means of maps, graphs, charts, or other written or drawn documents so as to enable an informed decision regarding the proposed development activity.

3. A buffer plan shall be submitted in conjunction with the required grading plan for any development, and the buffer

should be clearly delineated on the final grading plan.

4. Boundary markers will be installed by the applicant prior to commencing clearing and grading operations. Markers will be placed at the outside edge of the buffer prior to the start of any activity adjacent to the buffer. Markers shall be clearly visible and shall be spaced at a maximum of 100 feet. The markers may be joined by marking tape or fencing.

5. The plan shall contain the following specific information:

A. A location or vicinity map to include maximum two feet contour intervals and scale of no greater than one-inch equals 100 feet.

B. Field delineated streams, springs, seeps, bodies of water, wetlands, and waterway buffer.

C. Stream buffer ownership information and information on the entity responsible for buffer maintenance.

D. The location and general measurements of established stream buffer and maintenance easements.

E. A list of prohibited activities, uses, or items within the buffer.

F. Language addressing the existing and planned vegetation maintenance within the buffer.

G. A general maintenance timeline of the stream buffer.

H. Information explaining the location and right of access for stream buffer maintenance including maintenance access points and routes.

I. Information on easement or access rights in and around stream buffer.

6. The plan shall be developed by an Iowa licensed professional engineer, Iowa licensed landscape architect, or representative from the Dallas Soil & Water Conservation District.

7. The plan shall outline the maintenance procedures established by the owner, to ensure the proper management of the stream buffer.

8. If a maintenance procedure consists of a controlled burn, an approved burn plan for the native areas shall also be included in the management plan. The burn plan shall be approved by the City and Dallas County Air Quality prior to any burning activities. If, at a later date, the owner of the management plan decides to use controlled burning as a management tool, they may develop a burn plan and seek City approval.

102.07 ENFORCEMENT.

1. The City Engineer or his/her designee is authorized and empowered to enforce the requirements of this chapter in accordance with the procedures of this section.

2. If, upon inspection or investigation, the City Engineer or his/her designee is of the opinion that any person has violated any provision of this chapter, he/she shall with reasonable promptness issue a notice of the violations identified while conducting an inspection or investigation. Each notice shall be in writing and shall describe the nature of the violation, including a reference to the provision within this chapter that has been violated. In addition, the notice shall set a reasonable time for the abatement and correction of the violation.

3. If the property owner fails to take corrective action, following notice prescribed for the service of civil process by the Iowa Rules of Civil Procedure, the City may do so by its own crews or by persons under its hire and assess against the property owner the City's cost therefore. The cost shall include the salaries and benefits earned by the City employees during such corrective action, a charge for City machinery used and such other costs and expenses as the City actually incurred. To the extent allowed by Iowa law, such costs and expenses may be assessed against the property owner and collected in the same manner as a property tax.

4. Unless another penalty is expressly provided by this chapter for any particular provision or section, any person violating any provision of this chapter or any rule or regulation adopted herein by reference shall be subject to a civil penalty as set forth in Section 3.03 of this Code of Ordinances.

5. Each day that a municipal infraction occurs and/or is permitted to exist constitutes a separate offense.

102.08 EXCEPTIONS.

Exemption of these activities does not constitute an exemption of any other activity proposed on a property:

1. Any existing use that does not change use, zoning district or size is exempt from requirements but shall meet the requirements for compliance for any new development requiring a site plan or subdivision.

2. A perpendicular stream crossing by a driveway, street, or utility lines.

3. A street or driveway where buffer intrusion is the only option to provide access to a property.

4. Paved and unpaved trails and paths for public use.

5. Public water supply intake or public wastewater outfall structures.

6. Public access facilities that must be on the water including boat ramps, docks, foot trails leading directly to the river, fishing platforms and overlooks.

7. Utility lines and easements running parallel with the stream, except that all easements (permanent and construction) and clearing and grading shall recognize the sensitivity of the streams and use best management practices to limit and repair the disturbance within the buffer area. This includes such impervious cover necessary for the operation and maintenance of the utility, including but not limited to manholes, vents and valve structures.

8. Land development activities within a dedicated street right-of-way existing as of the effective date of this chapter.

9. Minor land disturbing for the intent of emergency erosion control and bank stabilization activities (i.e. for the purposes of corrective maintenance; measures for health, safety and welfare; post storm; or other disaster relief) if City of Van Meter is notified about the activity and the disturbance area is less than 5,000 square feet.

(Ch. 102 - Ord. 2021-04 - Mar. 21 Supp.)

CHAPTER 105

SOLID WASTE CONTROL

105.01 Purpose	105.07 Littering Prohibited
105.02 Definitions	105.08 Toxic and Hazardous Waste
105.03 Sanitary Disposal Required	105.09 Waste Storage Containers
105.04 Health and Fire Hazard	105.10 Prohibited Practices
105.05 Open Burning Restricted	105.11 Recycling Program
105.06 Separation of Yard Waste Required	105.12 Sanitary Landfill

105.01 PURPOSE.

The purpose of the chapters in this Code of Ordinances pertaining to Solid Waste Control and Collection is to provide for the sanitary storage, collection, and disposal of solid waste and, thereby, to protect the citizens of the City from such hazards to their health, safety and welfare as may result from the uncontrolled disposal of solid waste.

105.02 DEFINITIONS.

For use in these chapters the following terms are defined:

1. "Bulky waste" means material with a weight or volume greater than that allowed for containers but not including construction debris.
2. "Collector" means any person authorized to gather solid waste from public and private places.
3. "Construction debris" means waste building materials resulting from construction, remodeling, repair or demolition operations.
4. "Discard" means to place, cause to be placed, throw, deposit, or drop.

(Code of Iowa, Sec. 455B.361[1])

5. "Dwelling unit" means any room or group of rooms located within a structure and forming a single habitable unit with facilities that are used or are intended to be used for living, sleeping, cooking, and eating.

6. "Garbage" means all solid and semisolid, putrescible animal and vegetable waste resulting from the handling, preparing, cooking, storing, serving and consuming of food or of material intended for use as food, and all offal, excluding useful industrial by-products, and includes all such substances from all public and private establishments and from all residences.

(IAC, 567-100.2)

7. "Landscape waste" means any vegetable or plant waste except garbage. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, and yard trimmings.

(IAC, 567-20.2[455B])

8. "Litter" means any garbage, rubbish, trash, refuse, waste materials, or debris not exceeding 10 pounds in weight or 15 cubic feet in volume. Litter includes but is not limited to empty beverage containers, cigarette butts, food waste packaging, other food or candy wrappers, handbills, empty cartons, or boxes.

(Code of Iowa, Sec. 455B.361[2])

9. "Owner" means, in addition to the record titleholder, any person residing in, renting, leasing, occupying, operating or transacting business in any premises, and as between such parties the duties, responsibilities, liabilities and obligations hereinafter imposed shall be joint and several.

10. "Refuse" means putrescible and non-putrescible waste, including but not limited to garbage, rubbish, ashes,

incinerator residues, street cleanings, market and industrial solid waste and sewage treatment waste in dry or semisolid form.

(IAC, 567-100.2)

11. "Residential premises" means a single-family dwelling and any multiple-family dwelling up to and including two separate dwelling units.

12. "Residential waste" means any refuse generated on the premises as a result of residential activities. The term includes landscape waste grown on the premises or deposited thereon by the elements, but excludes garbage, tires, trade wastes and any locally recyclable goods or plastics.

(IAC, 567-20.2[455B])

13. "Rubbish" means non-putrescible solid waste consisting of combustible and non-combustible waste, such as ashes, paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, or litter of any kind.

(IAC, 567-100.2)

14. "Sanitary disposal" means a method of treating solid waste so that it does not produce a hazard to the public health or safety or create a nuisance.

(IAC, 567-100.2)

15. "Sanitary disposal project" means all facilities and appurtenances (including all real and personal property connected with such facilities) that are acquired, purchased, constructed, reconstructed, equipped, improved, extended, maintained, or operated to facilitate the final disposition of solid waste without creating a significant hazard to the public health or safety, and which are approved by the Director of the State Department of Natural Resources. "Sanitary disposal project" does not include a pyrolysis or gasification facility as defined in Section 455B.301 of the *Code of Iowa*.

(Code of Iowa, Sec. 455B.301)

16. "Solid waste" means garbage, refuse, rubbish, and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities. Solid waste may include vehicles, as defined by Section 321.1 of the *Code of Iowa*. Solid waste does not include any of the following:

(Code of Iowa, Sec. 455B.301)

- A. Hazardous waste regulated under the Federal Resource Conservation and Recovery Act, 42 U.S.C. § 6921-6934.
- B. Hazardous waste as defined in Section 455B.411 of the *Code of Iowa*, except to the extent that rules allowing for the disposal of specific wastes have been adopted by the State Environmental Protection Commission.
- C. Source, special nuclear, or by-product material as defined in the Atomic Energy Act of 1954, as amended to January 1, 1979.
- D. Petroleum contaminated soil that has been remediated to acceptable State or federal standards.
- E. Steel slag which is a product resulting from the steel manufacturing process and is managed as an item of value in a controlled manner and not as a discarded material.
- F. Material that is legitimately recycled pursuant to Section 455D.4A of the *Code of Iowa*.
- G. Post-use polymers or recoverable feedstocks that are any of the following:
 - (1) Processed at a pyrolysis or gasification facility.
 - (2) Held at a pyrolysis or gasification facility prior to processing to ensure production is not interrupted.

17. "White goods" means air conditioners, (window and central), clothes dryers, clothes washers, dehumidifiers, dishwashers, furnaces, kitchen ranges, microwave ovens, ovens/stoves, refrigerators, freezers, thermostats and water heaters. A residential refrigerator/freezer is one that contains less than four pounds of refrigerant. All refrigerators, air conditioners, and dehumidifiers used in a typical family home fall in this category.

(Code of Iowa, Sec. 455B.301)

105.03 SANITARY DISPOSAL REQUIRED.

It is the duty of each owner to provide for the sanitary disposal of all refuse accumulating on the owner's premises before it becomes a nuisance. Any such accumulation remaining on any premises for a period of more than 30 days shall be deemed a nuisance and the City may proceed to abate such nuisances in accordance with the provisions of Chapter 50 or by initiating proper action in district court.

(Code of Iowa, Ch. 657)

105.04 HEALTH AND FIRE HAZARD.

It is unlawful for any person to permit to accumulate on any premises, improved or vacant, or on any public place, such quantities of solid waste that constitute a health, sanitation or fire hazard.

105.05 OPEN BURNING RESTRICTED.

No person shall allow, cause or permit open burning of combustible materials where the products of combustion are emitted into the open air without passing through a chimney or stack without first obtaining a permit and conducting such burning in accordance with the *International Fire Code*.

105.06 SEPARATION OF YARD WASTE REQUIRED.

All yard waste shall be separated by the owner or occupant from all other solid waste accumulated on the premises and shall be composted on the premises or placed in bags or bundles and set out for collection. Bags of grass and leaves shall not weigh more than 35 pounds. Brush shall be placed in boxes or bags not exceeding 35 pounds in weight or tied into bundles not exceeding three feet in length or 35 pounds in weight. As used in this section, "yard waste" means any debris such as grass clippings, leaves, garden waste, brush and trees. Yard waste does not include tree stumps.

105.07 LITTERING PROHIBITED.

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

(Code of Iowa, Sec. 455B.363)

105.08 TOXIC AND HAZARDOUS WASTE.

No person shall deposit in a solid waste container or otherwise offer for collection any toxic or hazardous waste. Such materials shall be transported and disposed of as prescribed by the Director of the State Department of Natural Resources. As used in this section, "toxic and hazardous waste" means waste materials, including (but not limited to) poisons, pesticides, herbicides, acids, caustics, pathological waste, flammable or explosive materials, and similar harmful waste that requires special handling and that must be disposed of in such a manner as to conserve the environment and protect the public health and safety.

(IAC, 567-100.2)

(IAC, 567-102.13[2] and 400-27.14[2])

105.09 WASTE STORAGE CONTAINERS.

Every person owning, managing, operating, leasing, or renting any premises, dwelling unit or any place where refuse accumulates shall provide and at all times maintain in good order and repair portable containers for refuse in accordance with the following:

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

A. Residential. Residential waste containers, whether they be reusable, portable containers or heavy-duty disposable garbage bags, shall be not more than 30 gallons in capacity, and shall be leakproof and waterproof. The total weight of any container and contents shall not exceed 35 pounds. Disposable containers shall be securely fastened, and reusable containers shall be fitted with a fly-tight lid which shall be kept in place except when depositing or removing the contents of the container. Reusable containers shall also be lightweight and of sturdy construction and have suitable lifting devices. In lieu of using such containers, customers may rent a 90-gallon reusable toter from the contractor.

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

2. Storage of Containers. Residential solid waste containers shall be stored upon the residential premises. Commercial solid waste containers shall be stored upon private property, unless the owner has been granted written permission from the City to use public property for such purposes. The storage site shall be well drained and fully accessible to collection equipment, public health personnel, and fire inspection personnel. All owners of residential and commercial premises shall be responsible for proper storage of all garbage and yard waste to prevent materials from being blown or scattered around neighboring yards and streets.

3. Location of Containers for Collection. Containers for the storage of solid waste awaiting collection shall be placed within five feet of curb or alley line by the owner or occupant of the premises served. No more than seven containers or bags or one 90-gallon toter shall be collected each week. Any additional containers or toters set out for collection shall be negotiated with the collector and any additional charge paid directly to the collector.

4. Nonconforming Containers. Solid waste placed in containers that are not in compliance with the provisions of this section will not be collected.

105.10 PROHIBITED PRACTICES.

It is unlawful for any person to:

1. Unlawful Use of Containers. Deposit refuse in any solid waste containers not owned by such person without the written consent of the owner of such containers.

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

3. Incinerators. Burn rubbish or garbage except in incinerators designed for high temperature operation, in which solid, semisolid, liquid, or gaseous combustible refuse is ignited and burned efficiently, and from which the solid residues contain little or no combustible material, as acceptable to the Environmental Protection Commission.

4. Scavenging. Take or collect any solid waste that has been placed out for collection on any premises, unless such person is an authorized solid waste collector.

105.11 RECYCLING PROGRAM.

The City shall provide for the collection of recyclable material in accordance with the provisions of the contract between the City and the collector. All recyclable material shall be separated and prepared for collection in accordance with the rules and regulations as established by the collector.

105.12 SANITARY LANDFILL.

The Council, by resolution, shall designate the official sanitary landfill for the disposal of solid waste generated within the City.

CHAPTER 106

COLLECTION OF SOLID WASTE

106.01 Collection Service	106.06 Right of Entry
106.02 Collection Vehicles	106.07 Contract Requirements
106.03 Loading	106.08 Collection Fees
106.04 Frequency of Collection	106.09 Lien for Nonpayment
106.05 Bulky Rubbish	

106.01 COLLECTION SERVICE.

The City shall provide by contract for the collection of all solid waste except bulky rubbish as provided in Section 106.05 within the City.

106.02 COLLECTION VEHICLES.

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

(IAC, 567-104.9[455B])

106.03 LOADING.

Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak, or spill therefrom, and shall be covered to prevent blowing or loss of material. Where spillage does occur, the material shall be picked up immediately by the collector or transporter and returned to the vehicle or container and the area properly cleaned.

106.04 FREQUENCY OF COLLECTION.

All solid waste shall be collected from residential premises at least once each week and from commercial, industrial and institutional premises as frequently as may be necessary, but not less than once each week.

106.05 BULKY RUBBISH.

Bulky rubbish which is too large or heavy to be collected in the normal manner of other solid waste may be collected by the collector upon request in accordance with the contract with the collector. It is the responsibility of the customer to negotiate the collection and charge for bulky rubbish, white goods, tires, batteries, used motor oil and other such special items.

106.06 RIGHT OF ENTRY.

Solid waste collectors are hereby authorized to enter upon private property for the purpose of collecting solid waste, as required by this chapter; however, solid waste collectors shall not enter dwelling units or other residential buildings.

106.07 CONTRACT REQUIREMENTS.

No person shall engage in the business of collecting, transporting, processing or disposing of solid waste for the City without first entering into a contract with the City. This section does not prohibit an owner from transporting solid waste accumulating upon premises owned, occupied or used by such owner, provided such refuse is disposed of properly in an approved sanitary disposal project. Furthermore, a contract is not required for the removal, hauling, or disposal of earth and rock material from grading or excavation activities, provided that all such materials are conveyed in tight vehicles, trucks or receptacles so constructed and maintained that none of the material being transported is spilled upon any public right-of-way.

106.08 COLLECTION FEES.

The collection and disposal of solid waste as provided by this chapter are declared to be beneficial to the property served or eligible to be served and there shall be levied and collected fees for the same, in accordance with the following:

2017 Ordinance	Service	Per Yard
Residential	\$17.96	
Extra Residential Solid Waste Cart Rental	\$7.70	
Extra Residential Recycling Cart Rental	\$5.50	
Extra Bag Sticker		
Bulky Item Sticker		
Commercial Light Use 1X/Week	\$26.61	
Commercial Light Use 2X/Week	\$53.50	
Commercial Heavy Use 1X/Week	\$37.08	\$6.32
Commercial Heavy Use 2X/Week	\$74.09	\$6.32

Rate Change July 1, 2020	Service	Per Yard
Residential	\$18.50	
Extra Residential Solid Waste Cart Rental	\$7.93	
Extra Residential Recycling Cart Rental	\$5.67	
Extra Bag Sticker		
Bulky Item Sticker		
Commercial Light Use 1X/Week	\$27.41	
Commercial Light Use 2X/Week	\$55.11	
Commercial Heavy Use 1X/Week	\$38.19	\$6.51
Commercial Heavy Use 2X/Week	\$76.31	\$6.51

Rate Change July 1, 2021	Service	Per Yard
Residential	\$19.05	
Extra Residential Solid Waste Cart Rental	\$8.17	
Extra Residential Recycling Cart Rental	\$5.83	
Extra Bag Sticker		
Bulky Item Sticker		
Commercial Light Use 1X/Week	\$28.23	
Commercial Light Use 2X/Week	\$56.76	
Commercial Heavy Use 1X/Week	\$39.33	\$6.71
Commercial Heavy Use 2X/Week	\$78.60	\$6.71

1. Residential Fee. The residential fee shall include curbside recycling for each residential premises and for each dwelling unit of a multiple-family dwelling not utilizing a bulk storage container.

2. Commercial Fees. The fees for commercial, industrial and institutional premises shall be in accordance with the following:

A. The light commercial or industrial uses shall apply to premises utilizing standard curbside collection of containers or bags which shall not include curbside recycling.

B. The heavy commercial or industrial use shall apply to industrial and institutional premises utilizing bulk storage containers.

3. Payment of Bills. All fees are due and payable under the same terms and conditions provided for payment of a combined service account as contained in Section 92.05 of this Code of Ordinances. Solid waste collection service may be discontinued in accordance with the provisions contained in Section 92.06 if the combined service account becomes delinquent, and the provisions contained in Section 92.09 relating to lien notices shall also apply in the event of a delinquent account.

106.09 LIEN FOR NONPAYMENT.

Except as provided for in Section 92.08 of this Code of Ordinances, the owner of the premises served and any lessee or tenant thereof are jointly and severally liable for fees for solid waste collection and disposal. Fees remaining unpaid and delinquent shall constitute a lien upon the property or premises served and shall be certified by the Clerk to the County

Treasurer for collection in the same manner as property taxes.

(Code of Iowa, Sec. 384.84)

CHAPTER 110

NATURAL GAS FRANCHISE

110.01 Franchise Granted	110.08 Relocation Reimbursement
110.02 Rights and Privileges	110.09 Indemnification
110.03 Pipes and Mains	110.10 Information
110.04 Construction and Maintenance	110.11 Applicable Regulations
110.05 Excavations	110.12 Franchise Fee
110.06 Utility Easements	110.13 Termination
110.07 Relocation Not Required	

110.01 FRANCHISE GRANTED.

There is hereby granted to MidAmerican Energy Company, an Iowa corporation (hereinafter called "Company"), and to its successors and assigns the right and franchise to acquire, construct, erect, maintain and operate in the City a gas distribution system, to furnish natural gas along, under and upon the right-of-way, streets, avenues, alleys and public places to serve customers within and without the City and to furnish and sell natural gas to the City and its inhabitants. The Company is granted the right to exercise powers of eminent domain, subject to City Council approval upon application by the Company. The franchise shall be effective for a 25-year period from and after the effective date of the ordinance codified in this chapter. †⁴

Notes

⁴ †**EDITOR'S NOTE:** Ordinance No. 250, adopting a natural gas franchise for the City, was passed and adopted on June 8, 2015.

110.02 RIGHTS AND PRIVILEGES.

The rights and privileges hereby granted are subject to the restrictions and limitations of Chapter 364 of the *Code of Iowa*, or as subsequently amended or changed.

110.03 PIPES AND MAINS.

Company shall have the right to excavate in any public street for the purpose of laying, relaying, repairing or extending gas pipes, mains, conduits, and other facilities provided that the same shall be so placed as not to unreasonably interfere with any above or below-ground utility services or facilities which have been or may hereafter be located by or under authority of the City.

110.04 CONSTRUCTION AND MAINTENANCE.

The Company shall, excluding facilities located in private easements (whether titled in Company exclusively or in Company and other entities), in accordance with Iowa law including Company's tariff on file with and made effective by the Iowa Utilities Board as may subsequently be amended ("Tariff") at its cost and expense, locate and relocate its existing facilities or equipment in, on, over or under any public street or alley in the City in such a manner as the City may reasonably require for the purposes of facilitating the construction, reconstruction, maintenance or repair of the street or alley. Relocation expenses for other hard surfaces, including pedestrian and non-motorized vehicle pathways, will be paid by the City. If the City has a reasonable alternative route for the street, alley or public improvements or an alternative construction method, which would not cause the relocation of the Company installations, the City shall select said alternative route, or construction method. The City shall be responsible for surveying and staking the right-of-way for City projects that require the Company to relocate Company facilities. If requested the City shall provide, at no cost to the Company, copies of its relocation plan and profile and cross section drawings. If vegetation or tree removal must be completed by the City as part of the City's project and are necessary, whether or not utility facilities must be relocated, the City at its own cost shall be responsible for said removals. If the timing of the tree removals does not coincide with the Company facilities relocation schedule and Company must remove vegetation or trees that are included in the City's portion of the project, the City shall either remove the vegetation or trees at its cost or reimburse the Company for the expenses incurred to remove said trees or vegetation. If project funds from a source other than the City are available to pay for the relocation of utility facilities, the City shall attempt to secure said funds and provide them to the Company to compensate the Company for the costs of relocation.

110.05 EXCAVATIONS.

In making excavations in any streets, avenues, alleys and public places for the installation of gas pipes, conduits or apparatus, Company shall not unreasonably obstruct the use of the streets and shall replace the surface, restoring it to the

condition as existed immediately prior to excavation. Company agrees any replacement of road surface shall conform to current City code regarding its depth and composition. The Company shall not be required to restore or modify public right-of-way, sidewalks or other areas in or adjacent to the Company project to a condition superior to its immediate previously existing condition or to a condition exceeding its previously existing condition to the extent any alterations are required for the City to comply with City, State or federal rules, regulations or laws.

110.06 UTILITY EASEMENTS.

Vacating a street, avenue, alley, public ground or public right-of-way shall not deprive the Company of its right to operate and maintain existing facilities on, below, above, or beneath the vacated property. Prior to the City abandoning or vacating any street, avenue, alley or public ground where the Company has gas lines, mains or facilities, the City shall provide Company with not less than 60 days' advance notice of the City's proposed action and, upon request grant the Company a utility easement covering existing and future facilities and activities. If the City fails to grant the Company a utility easement for said facilities prior to abandoning or vacating a street, avenue, alley or public ground, the City shall at its cost and expense obtain easements for the existing Company facilities.

110.07 RELOCATION NOT REQUIRED.

The Company shall not be required to relocate, at its cost and expense, Company facilities in the public right-of-way that have been relocated at Company expense at the direction of the City in the previous 10 years.

110.08 RELOCATION REIMBURSEMENT.

Pursuant to relocation of Company facilities as may be required here under, if the City orders or requests the Company to relocate its existing facilities or equipment in order to directly or indirectly facilitate the project of a commercial or private developer or other non-public entity, City shall reimburse or the City shall require the developer or non-public entity to reimburse the Company for the cost of such relocation as a precondition to relocation. The Company shall not be required to relocate in order to facilitate such private project at its expense.

110.09 INDEMNIFICATION.

The Company shall indemnify and save harmless the City from any and all claims, suits, losses, damages, costs or expenses, on account of injury or damage to any person or property, to the extent caused or occasioned by the Company's negligence in construction, reconstruction, excavation, operation or maintenance of the natural gas facilities authorized by this franchise; provided, however, that the Company shall not be obligated to defend, indemnify and save harmless the City for any costs or damages to the extent arising from the negligence of the City, its officers, employees or agents.

110.10 INFORMATION.

Upon reasonable request, the Company shall provide the City, on a project specific basis, information indicating the horizontal location, relative to boundaries of the right-of-way, of all equipment which it owns or over which it has control that is located in the public right-of-way, including documents, maps and other information in paper or electronic or other forms ("Information"). The Company and City recognize the Information may in whole or part be considered a confidential record under State or federal law or both. Upon receipt of a request from a third party for information concerning information about the Company's facilities within the City, the City will promptly submit same to Company. If the Company believes any of the information requested constitutes a trade secret which may otherwise be protected from public disclosure by State or federal law, or otherwise exempt from disclosure under the provisions of the Freedom of Information Act, the Federal Energy Regulatory Commission Critical Energy Infrastructure requirements pursuant to 18 CFR 388.112 and 388.113, or Chapter 22 of the *Code of Iowa*, as such statutes and regulations may be amended from time to time, then the Company shall provide the City with a written explanation of the basis for such assertion of confidentiality or exemption from disclosure within 10 days.

110.11 APPLICABLE REGULATIONS.

The Company shall extend its mains and pipes and operate, and maintain the system in accordance with the applicable regulations of the Iowa Utilities Board or its successors and Iowa law. During the term of the franchise, the Company shall furnish natural gas in the quantity and quality consistent and in accordance with the applicable regulations of the Iowa Utilities Board the Company's tariff made effective by the Iowa Utilities Board or its successors and Iowa law. All reasonable and proper police regulations shall be adopted and enforced by the City for the protection of the facilities of Company.

110.12 FRANCHISE FEE.

There is hereby imposed upon the customers a franchise fee of five percent upon the gross receipts, minus uncollectible accounts, generated from sales of natural gas and distribution service, pursuant to the Tariff, by the Company to the City. The Franchise fee shall be remitted by the Company to the City on or before the last business day of the calendar quarter following the close of the calendar quarter following the close of the calendar quarter in which the franchise fee is charged.

1. The City recognizes the administrative burden collecting franchise fees imposes upon the Company and the Company requires lead time to commence collecting said franchise fees. The Company will commence collecting franchise fees on or before the first Company billing cycle of the first calendar month following 90 days of receipt of information required of the City to implement the franchise fee, including the City's documentation of customer classes subject to or exempted from City-imposed franchise fee. The City shall provide the information and data required in a form and format acceptable to the Company. The Company will, if requested by the City, provide the City with a list of premises considered by the Company to be within the corporate limits of the City.

2. The City shall be solely responsible for identifying customer classes subject to or exempt from paying the City imposed franchise fee. The City shall be solely responsible for notifying Company of its corporate limits, including, over time, annexations or other alterations thereto, and customer classes that it wishes to subject to, or to the extent permitted by law, exempt from paying the franchise fee. The City shall provide to the Company, by certified mail, copies of annexation

ordinances in a timely manner to ensure appropriate franchise fee collection from customers within the corporate limits of the City. The Company shall have no obligation to collect franchise fees from customers in annexed areas until and unless such ordinances have been provided to the Company by certified mail. The Company shall commence collecting franchise fees in the annexed areas no sooner than 60 days after receiving annexation ordinances from the City.

3. The City agrees to modify the level of franchise fees imposed only once in any 24-month period. Any such ordinance exempting classes of customers, increasing, decreasing, modifying or eliminating the franchise fee shall become effective, and billings reflecting the change shall commence on an agreed upon date which is not less than 60 days following written notice to the Company by certified mail. The Company shall not be required to implement such new ordinance unless and until it determines that it has received appropriate official documentation of final action by the City Council.

4. The City shall indemnify the Company from claims of any nature arising out of or related to the imposition and collection of the franchise fee. In addition, the Company shall not be liable for collecting franchise fees from any customer originally or subsequently identified, or incorrectly identified, by the City as being subject to the franchise fee or being subject to a different level of franchise fees or being exempt from the imposition of franchise fees.

5. The Company shall remit franchise fee revenues to the City no more frequently than on or before the last business day of the month following each quarter as follows.

January, February and March

April, May and June

July, August and September, and

October, November and December

MidAmerican shall provide City with notice at least 30 days in advance of any changes made in this collection schedule, including any alterations in the calendar quarters or any other changes in the remittance periods.

6. The City recognizes that the costs of franchise fee administration are not charged directly to the City and agrees it shall, if required by the Company, reimburse the Company for any initial or ongoing costs incurred by the Company in collecting franchise fees that Company in its sole opinion deems to be in excess of typical costs of franchise fee administration.

7. The Company shall not, under any circumstances be required to return or refund any franchise fees that have been collected from City customers and remitted to the City. In the event the Company is required to provide data or information in defense of the City's imposition of franchise fees or the Company is required to assist the City in identifying customers or calculating any franchise fee refunds for groups of or individual customers, the City shall reimburse the Company for the expenses incurred by the Company to provide such data or information.

8. The obligation to collect and remit the fee imposed by this chapter is modified or repealed if:

A. Any other person is authorized to sell natural gas at retail to City consumers and the City imposes a franchise fee or its lawful equivalent at zero or a lesser rate than provided in this ordinance, in which case the obligation of Company to collect and remit franchise fee shall be modified to zero or the lesser rate.

B. The City adds additional territory by annexation or consolidation and is unable or unwilling to impose the franchise fee upon all persons selling natural gas at retail to consumers within the additional territory, in which case the franchise fee imposed on the revenue from sales by Company in the additional territory shall be zero or equal to that of the lowest fee being paid by any other retail seller of natural gas within the City.

C. Legislation is enacted by the Iowa General Assembly or the Supreme Court of Iowa issues a final ruling regarding franchise fees or the Iowa Utilities Board issues a final non-appealable order (collectively, "final franchise fee action") that modifies, but does not repeal, the ability of the City to impose a franchise fee or the ability of Company to collect from City customers and remit franchise fees to City. Within 60 days of final franchise fee action, the City shall notify Company and the parties shall meet to determine whether this ordinance can be revised, and, if so, how to revise the franchise fee on a continuing basis to meet revised legal requirements. After final franchise fee action and until passage by the City of revisions to the franchise fee ordinance, Company may temporarily discontinue collection and remittance of the franchise fee if in its sole opinion it believes it is required to do so in order to comply with revised legal requirements.

9. The other provisions of this chapter to the contrary notwithstanding, the Company shall be completely relieved of its obligation to collect and remit to the City the franchise fee as, effective as the date specified below with no liability therefor under each of any of the following circumstances as determined to exist in the sole discretion of Company:

A. Any of the imposition, collection or remittance of a franchise fee is ruled to be unlawful by the Supreme Court of Iowa, effective as of the date of such ruling or as may be specified by that Court.

B. The Iowa General Assembly enacts legislation making imposition, collection or remittance of a franchise fee unlawful, effective as of the date lawfully specified by the General Assembly.

C. The Iowa Utilities Board, or its successor agency, denies the Company the right to impose, collect or remit a franchise fee provided such denial is affirmed by the Supreme Court of Iowa, effective as of the date of the final agency order from which the appeal is taken.

10. Upon implementation of a franchise fee the City shall not, pursuant to Chapter 480A.6 of the *Code of Iowa*, impose or charge Company right of way management fees for permits for Company construction, maintenance, repairs, excavation, pavement cutting or inspections of Company work sites and projects or related matters.

110.13 TERMINATION.

Either City or Company ("party") may terminate the franchise if the other party shall be materially in breach of its provisions. Upon the occurrence of a material breach, the non-breaching party shall provide the breaching party with notification by certified mail specifying the alleged breach. The breaching party shall have 60 days to cure the breach, unless it notifies the non-breaching party, and the parties agree upon a shorter or longer period for cure. If the breach is not cured within the cure period, the non-breaching party may terminate the franchise. A party shall not be considered to be in breach of the franchise if it has operated in compliance with State or federal law. A party shall not be considered to have breached the franchise if the alleged breach is the result of the actions of a third party or the other party.

CHAPTER 111

ELECTRIC FRANCHISE

111.01 Franchise Granted	111.08 Relocation Not Required
111.02 Rights and Privileges	111.09 Indemnification
111.03 Poles and Wires	111.10 Information Provided by Company
111.04 Pruning and Removal of Trees	111.11 Applicable Regulations
111.05 Construction and Maintenance	111.12 Franchise Fee
111.06 Excavations	111.13 Termination
111.07 Vacated Property	

111.01 FRANCHISE GRANTED.

There is hereby granted to MidAmerican Energy Company, an Iowa corporation, hereinafter called "Company," and its successors and assigns, the right and nonexclusive franchise to acquire, construct, erect, maintain and operate in the City a system for the transmission and distribution of electric energy and communications signals along, under, over and upon the streets, avenues, rights of way and alleys to serve customers within the City, and to furnish and sell electric energy to the City and its inhabitants. The Company is granted the right to exercise powers of eminent domain, subject to City Council approval. This franchise shall be effective for a 25-year period from and after the effective date of the ordinance codified in this chapter. †⁵

Notes

⁵ † **EDITOR'S NOTE:** Ordinance No. 249, adopting a natural gas franchise for the City, was passed and adopted on June 8, 2015.

111.02 RIGHTS AND PRIVILEGES.

The rights and privileges hereby granted are subject to the restrictions and limitations of Chapter 364 of the Code of Iowa.

111.03 POLES AND WIRES.

The Company shall have the right to erect all necessary poles and to place thereon the necessary wires, fixtures and accessories as well as to excavate and bury conductors for the distribution of electric energy and communications signals in and through the City, but all said conduits and poles shall be placed as not to unreasonably interfere with any above and below-ground utility services or facilities which have been or may hereafter be located by or under authority of the City.

111.04 PRUNING AND REMOVAL OF TREES.

The Company is authorized and empowered to prune or remove at Company expense any trees or vegetation extending into any street, alley or public grounds to maintain electric reliability, safety, to restore utility service and to prevent interference with the wires and facilities of the Company. Any such pruning and removal shall be done in accordance with current nationally accepted safety and utility industry standards and federal and State law, rules and regulations.

111.05 CONSTRUCTION AND MAINTENANCE.

The Company shall, excluding facilities located in private easements (whether titled in Company exclusively or in Company and other entities), in accordance with Iowa law including Company's tariff on file with and made effective by the Iowa Utilities Board as may subsequently be amended ("Tariff"), at its cost and expense, locate and relocate its existing facilities or equipment located in, on, over or under the right-of-way of any public street or alley in the City in such a manner as the City may reasonably require for the purposes of facilitating the construction, reconstruction, maintenance or repair of the street or alley of such street or alley. The City and the Company shall work together to develop a suitable alternative route or construction method so as to eliminate or minimize the cost and expense to the company of relocation of company installations. The City shall be responsible for surveying and staking the right-of-way for City projects that require the

Company to relocate Company facilities. If requested, the City shall provide, at no cost to the Company, copies of the relocation plan and profile and cross section drawings. If tree removals must be completed by the City as part of the City's project and are necessary whether or not utility facilities must be relocated, the City at its own cost shall be responsible for said removals. If the timing of the tree removals does not coincide with the Company facilities relocation schedule and the Company must remove trees that are included in the City's portion of the project, the City shall either remove the trees or reimburse the Company for the expenses incurred to remove said trees. If project funds from a source other than the City are available to pay for the relocation of utility facilities, the City may attempt to secure said funds and provide them to the Company to compensate the Company for the costs of relocation.

111.06 EXCAVATIONS.

In making excavations in any public right-of-way and other public places for the installation, maintenance or repair of conductor, conduits or the erection of poles and wires or other appliances, the Company shall not unreasonably obstruct the use of the streets or public places, and shall restore the surface to the condition as existed prior to the Company work. The Company shall not be required to restore or modify public right-of-way, sidewalks or other areas in or adjacent to the Company project to a condition superior to its immediate previously existing condition or to a condition required for the City to comply with City, State or federal rules, regulations or law. Company agrees any replacement of road surface shall conform to current City code regarding its depth and composition.

111.07 VACATED PROPERTY.

Vacating a street, avenue, alley, public ground or public right-of-way shall not deprive the Company of its right to operate and maintain existing facilities on, below, above, or beneath the vacated property. Prior to the City abandoning or vacating any street, avenue, alley or public ground where the Company has electric facilities in the vicinity, the City shall provide Company with not less than 60 days' advance notice of the City's proposed action and, upon request grant the Company a utility easement covering existing and future facilities and activities. If the City fails to grant the Company a utility easement for said facilities prior to abandoning or vacating a street, avenue, alley or public ground, the City shall at its cost and expense obtain easements for existing Company facilities.

111.08 RELOCATION NOT REQUIRED.

The Company shall not be required to relocate, at its cost and expense, Company facilities in the public right-of-way that have been relocated at Company expense at the direction of the City in the previous 10 years. Pursuant to relocation of Company facilities as may be required in this chapter, if the City orders or requests the Company to relocate its existing facilities or equipment in order to facilitate the project of a commercial or private developer or other non-public entity, the City shall reimburse or the City shall require the developer or non-public entity to reimburse the Company for the cost of such relocation as a precondition to relocation of its existing facilities or equipment. The Company shall not be required to relocate in order to facilitate such private project at its expense.

111.09 INDEMNIFICATION.

The Company shall indemnify and save harmless the City from any and all claims, suits, losses, damages, costs or expenses, on account of injury or damage to any person or property, to the extent caused or occasioned by the Company's negligence in construction, reconstruction, excavation, operation or maintenance of the electric facilities authorized by this franchise; provided, however, the Company shall not be obligated to defend, indemnify and save harmless the City for any costs or damages to the extent arising from the negligence of the City, its officers, employees or agents.

111.10 INFORMATION PROVIDED BY COMPANY.

Upon reasonable request, the Company shall provide the City, on a project specific basis, information indicating the horizontal location, relative to boundaries of the right of way, of all equipment which it owns or over which it has control that is located in the public right of way, including documents, maps and other information in paper or electronic or other forms ("information"). The Company and City recognize the information may in whole or part be considered a confidential record under State or federal law or both. Upon receipt of a request from a third party for information concerning information about the Company's facilities within the City, the City will promptly submit same to Company. If the Company believes any of the information requested constitutes a trade secret which may otherwise be protected from public disclosure by State or federal law, or otherwise exempt from disclosure under the provisions of the Freedom of Information Act, the Federal Energy Regulatory Commission Critical Energy Infrastructure requirements pursuant to 18 CFR 388.112 and 388.113, or Chapter 22 of the *Code of Iowa*, as such statutes and regulations may be amended from time to time, then the Company shall provide the City with a written explanation of the basis for such assertion of confidentiality or exemption from disclosure within 10 days.

111.11 APPLICABLE REGULATIONS.

The Company shall construct, operate and maintain its facilities in accordance with the applicable regulations of the Iowa Utilities Board or its successors and Iowa law. During the term of the franchise, the Company shall furnish electric energy in the quantity and quality consistent with and in accordance with the applicable regulations of the Iowa Utilities Board, the Company's tariff and made effective by the Iowa Utilities Board or its successors and Iowa law.

111.12 FRANCHISE FEE.

There is hereby imposed upon the customers a franchise fee of five percent upon the gross receipts, minus uncollectible accounts, generated from sales of electricity and distribution service, pursuant to the Tariff, by the Company to City. The franchise fee shall be remitted by the Company to the City on or before the last business day of the calendar quarter following the close of the calendar quarter in which the franchise fee is charged

1. The City agrees to modify the level of franchise fees imposed only once in any 24-month period. Any such ordinance exempting classes of customers, increasing, decreasing, modifying or eliminating the franchise fee shall become effective,

and billings reflecting the change shall commence on an agreed upon date which is not less than 60 days following written notice to the Company by certified mail. The Company shall not be required to implement such new ordinance unless and until it determines that it has received appropriate official documentation of final action by the City Council.

2. The City recognizes the administrative burden collecting franchise fees imposes upon the Company and the Company requires lead time to commence collecting said franchise fees. The Company will commence collecting franchise fees on or before the first Company billing cycle of the first calendar month following 90 days of receipt of information required of the City to implement the franchise fee, including the City's documentation of customer classes subject to or exempted from City-imposed franchise fee. The City shall provide the information and data required in a form and format acceptable to the Company. The Company will, if requested by the City, provide the City with a list of premises considered by the Company to be within the corporate limits of the City.

3. The City shall be solely responsible for identifying customer classes subject to or exempt from paying the City imposed franchise fee. The City shall be solely responsible for notifying Company of its corporate limits, including, over time, annexations or other alterations thereto, and customer classes that it wishes to subject to, or to the extent permitted by law, exempt from paying the franchise fee. The City shall provide to the Company, by certified mail, copies of annexation ordinances in a timely manner to ensure appropriate franchise fee collection from customers within the corporate limits of the City. The Company shall have no obligation to collect franchise fees from customers in annexed areas until and unless such ordinances have been provided to the Company by certified mail. The Company shall commence collecting franchise fees in the annexed areas no sooner than 60 days after receiving annexation ordinances from the City.

4. The City shall indemnify the Company from claims of any nature arising out of or related to the imposition and collection of the franchise fee. In addition, the Company shall not be liable for collecting franchise fees from any customer originally or subsequently identified, or incorrectly identified, by the City as being subject to the franchise fee or being subject to a different level of franchise fees or being exempt from the imposition of franchise fees.

5. Tire Company shall remit franchise fee revenues to the City no more frequently than on or before the last business day of the month following each quarter as follows.

January, February and March

April, May and June

July, August and September, and

October, November and December

The Company shall provide City with notice at least 30 days in advance of any changes made in this collection schedule, including any alterations in the calendar quarters or any other changes in the remittance periods.

6. The City recognizes that the costs of franchise fee administration are not charged directly to the City and agrees it shall, if required by the Company, reimburse the Company for any initial or ongoing costs incurred by the Company in collecting franchise fees that Company in its sole opinion deems to be in excess of typical costs of franchise fee administration.

7. The Company shall not, under any circumstances be required to return or refund any franchise fees that have been collected from City customers and remitted to the City. In the event the Company is required to provide data or information in defense of the City's imposition of franchise fees or the Company is required to assist the City in identifying customers or calculating any franchise fee refunds for groups of or individual customers the City shall reimburse the Company for the expenses incurred by the Company to provide such data or information.

8. The obligation to collect and remit the fee imposed by this chapter is modified or repealed if:

A. Any other person is authorized to sell electricity at retail to City consumers and the City imposes a franchise fee or its lawful equivalent at zero or a lesser rate than provided in this ordinance, in which case the obligation of Company to collect and remit franchise fee shall be modified to zero or the lesser rate.

B. The City adds additional territory by annexation or consolidation and is unable or unwilling to impose the franchise fee upon all persons selling electricity at retail to consumers within the additional territory, in which case the franchise fee imposed on the revenue from sales by Company in the additional territory shall be zero or equal to that of the lowest fee being paid by any other retail seller of electricity within the City.

C. Legislation is enacted by the Iowa General Assembly or the Supreme Court of Iowa issues a final ruling regarding franchise fees or the Iowa Utilities Board issues a final non-appealable order (collectively, "final franchise fee action") that modifies, but does not repeal, the ability of the City to impose a franchise fee or the ability of Company to collect from City customers and remit franchise fees to City. Within 60 days of final franchise fee action, the City shall notify Company and the parties shall meet to determine whether this ordinance can be revised, and, if so, how to revise the franchise fee on a continuing basis to meet revised legal requirements. After final franchise fee action and until passage by the City of revisions to the franchise fee ordinance, Company may temporarily discontinue collection and remittance of the franchise fee if in its sole opinion it believes it is required to do so in order to comply with revised legal requirements.

9. The other provisions of this chapter to the contrary notwithstanding, the Company shall be completely relieved of its obligation to collect and remit to the City the franchise fee as, effective as the date specified below with no liability therefor under each of any of the following circumstances as determined to exist in the sole discretion of Company:

A. Any of the imposition, collection or remittance of a franchise fee is ruled to be unlawful by the Supreme Court of Iowa, effective as of the date of such ruling or as may be specified by that Court.

B. The Iowa General Assembly enacts legislation making imposition, collection or remittance of a franchise fee unlawful, effective as of the date lawfully specified by the General Assembly.

C. The Iowa Utilities Board, or its successor agency, denies the Company the right to impose, collect or remit a franchise fee provided such denial is affirmed by the Supreme Court of Iowa, effective as of the date of the final agency order from which the appeal is taken.

10. The City shall not, pursuant to Chapter 480A.6 of the *Code of Iowa*, impose or charge right of way management fees upon the Company or fees for permits for Company construction, maintenance, repairs, excavation, pavement cutting or inspections of Company work sites and projects or related matters.

111.13 TERMINATION.

Either City or Company ("party") may terminate this franchise if the other party shall be materially in breach of its provisions. Upon the occurrence of a material breach, the non-breaching party shall provide the breaching party with notification by certified mail specifying the alleged breach. The breaching party shall have 60 days to cure the breach, unless it notifies the non-breaching party, and the parties agree upon a longer period for cure. If the breach is not cured within the cure period, the non-breaching party may terminate the franchise. A party shall not be considered to be in breach of the franchise if it has operated in compliance with State or federal law. A party shall not be considered to have breached the franchise if the alleged breach is the result of the actions of a third party or the other party.

CHAPTER 115

CEMETERY

115.01 Definition	115.04 Sale of Interment Rights
115.02 Public Works Department	115.05 Rules and Regulations
115.03 Records	

115.01 DEFINITION.

The term "cemetery" means the Van Meter Cemetery, which is a municipal cemetery under the provisions of Chapter 523I of the *Code of Iowa* and which shall be operated under the provisions of Chapter 523I of the *Code of Iowa* and this chapter.

(Code of Iowa, Sec. 523I.501)

115.02 PUBLIC WORKS DEPARTMENT.

The Public Works Department shall operate and maintain the cemetery in accordance with the rules and regulations therefor and under the direction of the Council.

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

115.03 RECORDS.

It is the duty of the Clerk to make and keep complete records identifying the owners of all interment rights sold by the cemetery and historical information regarding any transfers of ownership. The records shall include all of the following:

(Code of Iowa, Sec. 523I.311)

1. Sales or Transfers of Interment Rights.

- A. The name and last known address of each owner or previous owner of interment rights.
- B. The date of each purchase or transfer of interment rights.
- C. A unique numeric or alphanumeric identifier that identifies the location of each interment space sold by the cemetery.

2. Interments.

- A. The date the remains are interred.
- B. The name, date of birth and date of death of the decedent interred, if those facts can be conveniently obtained.
- C. A unique numeric or alphanumeric identifier that identifies the location of each interment space where the remains are interred.

115.04 SALE OF INTERMENT RIGHTS.

The sale or transfer of interment rights in the cemetery shall be evidenced by a certificate of interment rights or other instrument evidencing the conveyance of exclusive rights of interment upon payment in full of the purchase price. The agreement for interment rights shall disclose all information required by Chapter 523I of the *Code of Iowa*. The payment of all fees and charges shall be made at the office of the Clerk where receipts will be issued for all amounts paid. Said fees

and charges shall be based upon the charges as established by the Council.

(Code of Iowa, Sec. 523I.310)

115.05 RULES AND REGULATIONS.

Rules and regulations for the cemetery may be adopted, and may be amended from time to time, by resolution of the Council and may cover such things as the use, care, control, management, restrictions and protection of the cemetery as necessary for the proper conduct of the business of the cemetery. The rules shall specify the cemetery's obligations in the event that interment spaces, memorials or memorializations are damaged or defaced by acts of vandalism. Any veteran, as defined in Section 35.1 of the *Code of Iowa*, or a resident of the State who served in the armed forces of the United States, completed a minimum aggregate of ninety days of active Federal service and was discharged under honorable conditions, who is a landowner or who lives within the City shall be allowed to purchase an interment space and to be interred within the cemetery.

(Code of Iowa, Sec. 523I.304)

CHAPTER 120

LIQUOR LICENSES AND WINE AND BEER PERMITS

120.01 License or Permit Required

120.04 Action by Council

120.02 General Prohibition

120.05 Prohibited Sales and Acts

120.03 Investigation

120.06 Amusement Devices

120.01 LICENSE OR PERMIT REQUIRED.

No person shall manufacture for sale, import, sell, or offer or keep for sale, alcoholic liquor, wine, or beer without first securing a liquor control license, wine permit, or beer permit in accordance with the provisions of Chapter 123 of the *Code of Iowa*.

(Code of Iowa, Sec. 123.22, 123.122 & 123.171)

120.02 GENERAL PROHIBITION.

It is unlawful to manufacture for sale, sell, offer or keep for sale, possess or transport alcoholic liquor, wine or beer except upon the terms, conditions, limitations, and restrictions enumerated in Chapter 123 of the *Code of Iowa*, and a license or permit may be suspended or revoked or a civil penalty may be imposed for a violation thereof.

(Code of Iowa, Sec. 123.2, 123.39 & 123.50)

120.03 INVESTIGATION.

Upon receipt of an application for a liquor license, wine or beer permit, the Clerk may forward it to the Police Chief, who shall then conduct an investigation and submit a written report as to the truth of the facts averred in the application. The Fire Chief may also inspect the premises to determine if they conform to the requirements of the City. The Council shall not approve an application for a license or permit for any premises that does not conform to the applicable law and ordinances, resolutions, and regulations of the City.

(Code of Iowa, Sec. 123.30)

120.04 ACTION BY COUNCIL.

The Council shall either approve or disapprove the issuance of a liquor control license, a retail wine permit, or a retail beer permit and shall endorse its approval or disapproval on the application, and thereafter the application, necessary fee and bond, if required, shall be forwarded to the Alcoholic Beverages Division of the State Department of Commerce for such further action as is provided by law.

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

120.05 PROHIBITED SALES AND ACTS.

A person holding a liquor license or retail wine or beer permit and the person's agents or employees shall not do any of the following:

1. Sell, dispense, or give to any intoxicated person, or one simulating intoxication, any alcoholic beverage.

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

2. Sell or dispense any alcoholic beverage on the premises covered by the license or permit, or permit its consumption thereon between the hours of 2:00 a.m. and 6:00 a.m. on a weekday, and between the hours of 2:00 a.m. on Sunday and 6:00 a.m. on the following Monday; however, a holder of a liquor control license or retail wine or beer permit granted the privilege of selling alcoholic liquor, wine, or beer on Sunday may sell or dispense alcoholic liquor, wine, or beer between the hours of 8:00 a.m. on Sunday and 2:00 a.m. of the following Monday, and further provided that a holder of any class of liquor control license or the holder of a class "B" beer permit may sell or dispense alcoholic liquor, wine, or beer for consumption on the premises between the hours of 8:00 a.m. on Sunday and 2:00 a.m. on Monday when that Monday is New Year's Day and beer for consumption off the premises between the hours of 8:00 a.m. on Sunday and 2:00 a.m. on the

following Monday when that Sunday is the day before New Year's Day.

(Code of Iowa, Sec. 123.49[2b] & 123.150)

3. Sell alcoholic beverages to any person on credit, except with a bona fide credit card. This provision does not apply to sales by a club to its members, to sales by a hotel or motel to bona fide registered guests or to retail sales by the managing entity of a convention center, civic center, or events center.

(Code of Iowa, Sec. 123.49[2c])

4. Employ a person under 18 years of age in the sale or serving of alcoholic beverages for consumption on the premises where sold.

(Code of Iowa, Sec. 123.49[2f])

5. In the case of a retail wine or beer permittee, knowingly allow the mixing or adding of alcohol or any alcoholic beverage to wine, beer, or any other beverage in or about the permittee's place of business.

(Code of Iowa, Sec. 123.49[2i])

6. Knowingly permit any gambling, except in accordance with Iowa law, or knowingly permit any solicitation for immoral purposes, or immoral or disorderly conduct on the premises covered by the license or permit.

(Code of Iowa, Sec. 123.49[2a])

7. Knowingly permit or engage in any criminal activity on the premises covered by the license or permit.

(Code of Iowa, Sec. 123.49[2j])

8. Keep on premises covered by a liquor control license any alcoholic liquor in any container except the original package purchased from the Alcoholic Beverages Division of the State Department of Commerce and except mixed drinks or cocktails mixed on the premises for immediate consumption. However, mixed drinks or cocktails that are mixed on the premises and are not for immediate consumption may be consumed on the licensed premises, subject to rules adopted by the Alcoholic Beverages Division.

(Code of Iowa, Sec. 123.49[2d])

9. Reuse for packaging alcoholic liquor or wine any container or receptacle used originally for packaging alcoholic liquor or wine; or adulterate, by the addition of any substance, the contents or remaining contents of an original package of an alcoholic liquor or wine; or knowingly possess any original package that has been reused or adulterated.

(Code of Iowa, Sec. 123.49[2e])

10. Allow any person other than the licensee, permittee, or employees of the licensee or permittee to use or keep on the licensed premises any alcoholic liquor in any bottle or other container that is designed for the transporting of such beverages, except as allowed by State law.

(Code of Iowa, Sec. 123.49[2g])

11. Sell, give, possess, or otherwise supply a machine that is used to vaporize an alcoholic beverage for the purpose of being consumed in a vaporized form.

(Code of Iowa, Sec. 123.49[21])

12. Permit or allow any person under 21 years of age to remain upon licensed premises unless over 50 percent of the dollar volume of the business establishment comes from the sale and serving of prepared foods. This provision does not apply to holders of a class "C" beer permit only.

120.06 AMUSEMENT DEVICES.

The following provisions pertain to electrical or mechanical amusement devices possessed and used in accordance with Chapter 99B of the *Code of Iowa*. (Said devices are allowed only in premises with a liquor control license or beer permit, as specifically authorized in said Chapter 99B.)

(Code of Iowa, Sec. 99B.57)

1. As used in this section, "registered electrical or mechanical amusement device" means an electrical or mechanical device required to be registered with the Iowa Department of Inspection and Appeals, as provided in Section 99B.53 of the *Code of Iowa*.

2. It is unlawful for any person under the age of 21 to participate in the operation of a registered electrical or mechanical amusement device.

3. It is unlawful for any person owning or leasing a registered electrical or mechanical amusement device, or an employee of a person owning or leasing a registered electrical or mechanical amusement device, to knowingly allow a person under the age of 21 to participate in the operation of a registered electrical or mechanical amusement device.

4. It is unlawful for any person to knowingly participate in the operation of a registered electrical or mechanical amusement device with a person under the age of 21.

CHAPTER 121

CIGARETTE AND TOBACCO PERMITS

121.01 Definitions	121.06 Refunds
121.02 Permit Required	121.07 Persons Under Legal Age
121.03 Application	121.08 Self-Service Sales Prohibited
121.04 Fees	121.09 Permit Revocation
121.05 Issuance and Expiration	

121.01 DEFINITIONS.

For use in this chapter the following terms are defined:

(Code of Iowa, Sec. 453A.1)

1. "Alternative nicotine product" means a product, not consisting of or containing tobacco, that provides for the ingestion into the body of nicotine, whether by chewing, absorbing, dissolving, inhaling, snorting, or sniffing, or by any other means. "Alternative nicotine product" does not include cigarettes, tobacco products, or vapor products, or a product that is regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.

2. "Cigarette" means any roll for smoking made wholly or in part of tobacco, or any substitute for tobacco, irrespective of size or shape and irrespective of tobacco or any substitute for tobacco being flavored, adulterated, or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material. However, cigarette shall not be construed to include cigars.

3. "Place of business" means any place where cigarettes, tobacco products, alternative nicotine products, or vapor products are sold, stored, or kept for the purpose of sale or consumption by a retailer.

4. "Retailer" means every person who sells, distributes or offers for sale for consumption, or possesses for the purpose of sale for consumption, cigarettes, alternative nicotine products, or vapor products, irrespective of the quantity or amount or the number of sales, or who engages in the business of selling tobacco, tobacco products, alternative nicotine products, or vapor products to ultimate consumers.

5. "Self-service display" means any manner of product display, placement, or storage from which a person purchasing the product may take possession of the product, prior to purchase, without assistance from the retailer or employee of the retailer, in removing the product from a restricted access location.

6. "Tobacco products" means the following: cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco; snuff; cavendish; plug and twist tobacco; fine-cut and other chewing tobaccos; shorts or refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or for both chewing and smoking, but does not mean cigarettes.

7. "Vapor product" means any noncombustible product, which may or may not contain nicotine, that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from a solution or other substance. "Vapor product" includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device, and any cartridge or other container of a solution or other substance, which may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. "Vapor product" does not include a product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.

121.02 PERMIT REQUIRED.

1. Retail Cigarette Permits. It is unlawful for any person, other than a holder of a retail permit, to sell cigarettes, alternative nicotine products, or vapor products at retail and no retailer shall distribute, sell, or solicit the sale of any cigarettes, alternative nicotine products, or vapor products within the City without a valid permit for each place of business. The permit shall, at all times, be publicly displayed at the place of business so as to be easily seen by the public and the persons authorized to inspect the place of business.

(Code of Iowa, Sec. 453A.13)

2. Retail Tobacco Permits. It is unlawful for any person to engage in the business of a retailer of tobacco, tobacco products, alternative nicotine products, or vapor products at any place of business without first having received a permit as a retailer for each place of business owned or operated by the retailer.

(Code of Iowa, Sec. 453A.47A)

A retailer who holds a retail cigarette permit is not required to also obtain a retail tobacco permit. However, if a retailer only holds a retail cigarette permit and that permit is suspended, revoked, or expired, the retailer shall not sell any tobacco,

tobacco products, alternative nicotine products, or vapor products, during such time.

121.03 APPLICATION.

A completed application on forms furnished by the State Department of Revenue or on forms made available or approved by the Department and accompanied by the required fee shall be filed with the Clerk. Renewal applications shall be filed at least five days prior to the last regular meeting of the Council in June. If a renewal application is not timely filed, and a special Council meeting is called to act on the application, the costs of such special meeting shall be paid by the applicant.

(Code of Iowa, Sec. 453A.13 & 453A.47A)

121.04 FEES.

The fee for a retail cigarette or tobacco permit shall be as follows:

(Code of Iowa, Sec. 453A.13 & 453A.47A)

FOR PERMITS GRANTED DURING:	FEE:
July, August or September	\$ 75.00
October, November or December	\$ 56.25
January, February or March	\$ 37.50
April, May or June	\$ 18.75

121.05 ISSUANCE AND EXPIRATION.

Upon proper application and payment of the required fee, a permit shall be issued. Each permit issued shall describe clearly the place of business for which it is issued and shall be nonassignable. All permits expire on June 30 of each year. The Clerk shall submit a duplicate of any application for a permit to the Alcoholic Beverages Division of the Department of Commerce within 30 days of issuance of a permit.

121.06 REFUNDS.

A retailer may surrender an unrevoked permit and receive a refund from the City, except during April, May, or June, in accordance with the schedule of refunds as provided in Section 453A.13 or 453A.47A of the *Code of Iowa*.

(Code of Iowa, 453A.13 & 453A.47A)

121.07 PERSONS UNDER LEGAL AGE.

No person shall sell, give, or otherwise supply any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes to any person under 18 years of age. The provision of this section includes prohibiting a minor from purchasing tobacco, tobacco products, alternative nicotine products, vapor products, and cigarettes from a vending machine. If a retailer or employee of a retailer violates the provisions of this section, the Council shall, after written notice and hearing, and in addition to the other penalties fixed for such violation, assess the following:

1. For a first violation, the retailer shall be assessed a civil penalty in the amount of \$300.00. Failure to pay the civil penalty as ordered under this subsection shall result in automatic suspension of the permit for a period of 14 days.
2. For a second violation within a period of two years, the retailer shall be assessed a civil penalty in the amount of \$1,500.00 or the retailer's permit shall be suspended for a period of 30 days. The retailer may select its preference in the penalty to be applied under this subsection.
3. For a third violation within a period of three years, the retailer shall be assessed a civil penalty in the amount of \$1,500.00 and the retailer's permit shall be suspended for a period of 30 days.
4. For a fourth violation within a period of three years, the retailer shall be assessed a civil penalty in the amount of \$1,500.00 and the retailer's permit shall be suspended for a period of 60 days.
5. For a fifth violation within a period of four years, the retailer's permit shall be revoked.

The Clerk shall give 10 days' written notice to the retailer by mailing a copy of the notice to the place of business as it appears on the application for a permit. The notice shall state the reason for the contemplated action and the time and place at which the retailer may appear and be heard.

(Code of Iowa, Sec. 453A.2, 453A.22 and 453A.36[6])

121.08 SELF-SERVICE SALES PROHIBITED.

Except for the sale of cigarettes through a cigarette vending machine as provided in Section 453A.36[6] of the *Code of Iowa*, a retailer shall not sell or offer for sale tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes through the use of a self-service display.

(Code of Iowa, Sec. 453A.36A)

121.09 PERMIT REVOCATION.

Following a written notice and an opportunity for a hearing, as provided by the *Code of Iowa*, the Council may also revoke a permit issued pursuant to this chapter for a violation of Division I of Chapter 453A of the *Code of Iowa* or any rule adopted

thereunder. If a permit is revoked, a new permit shall not be issued to the permit holder for any place of business, or to any other person for the place of business at which the violation occurred, until one year has expired from the date of revocation, unless good cause to the contrary is shown to the Council. The Clerk shall report the revocation or suspension of a retail permit to the Alcoholic Beverages Division of the Department of Commerce within 30 days of the revocation or suspension.

(Code of Iowa, Sec. 453A.22)

CHAPTER 122

PEDDLERS, SOLICITORS, AND TRANSIENT MERCHANTS

122.01 Purpose	122.10 Time Restriction
122.02 Definitions	122.11 Revocation of License
122.03 License Required	122.12 Hearing
122.04 Application for License	122.13 Record and Determination
122.05 License Fees	122.14 Appeal
122.06 Bond Required	122.15 Effect of Revocation
122.07 License Issued	122.16 License Exemptions
122.08 Display of License	122.17 Charitable and Nonprofit Organizations
122.09 License Not Transferable	

122.01 PURPOSE.

The purpose of this chapter is to protect residents of the City against fraud, unfair competition, and intrusion into the privacy of their homes by licensing and regulating peddlers, solicitors, and transient merchants.

122.02 DEFINITIONS.

For use in this chapter the following terms are defined:

1. "Peddler" means any person carrying goods or merchandise who sells or offers for sale for immediate delivery such goods or merchandise from house to house or upon the public street.
2. "Solicitor" means any person who solicits or attempts to solicit from house to house or upon the public street any contribution or donation or any order for goods, services, subscriptions or merchandise to be delivered at a future date.
3. "Transient merchant" means any person who engages in a temporary or itinerant merchandising business and in the course of such business hires, leases or occupies any building or structure whatsoever, or who operates out of a vehicle that is parked anywhere within the City limits. Temporary association with a local merchant, dealer, trader or auctioneer, or conduct of such transient business in connection with, as a part of, or in the name of any local merchant, dealer, trader, or auctioneer does not exempt any person from being considered a transient merchant.

122.03 LICENSE REQUIRED.

Any person engaging in peddling, soliciting or in the business of a transient merchant in the City without first obtaining a license as herein provided is in violation of this chapter.

122.04 APPLICATION FOR LICENSE.

An application in writing shall be filed with the Clerk for a license under this chapter. Such application shall set forth the applicant's name, permanent and local address, and business address if any. The application shall also set forth the applicant's employer, if any, and the employer's address, the nature of the applicant's business, the last three places of such business and the length of time sought to be covered by the license. An application fee of \$25.00 shall be paid at the time of filing such application to cover the cost of investigating the facts stated therein.

122.05 LICENSE FEES.

The following license fees shall be paid to the Clerk prior to the issuance of any license.

1. Solicitors. In addition to the application fee for each person actually soliciting (principal or agent), a fee for the principal of \$10.00 per year.
2. Peddlers or Transient Merchants.
 - A. For one day \$ 25.00
 - B. For one week \$ 30.00
 - C. For up to six (6) months \$ 30.00
 - D. For one year or major part thereof \$ 30.00

122.06 BOND REQUIRED.

Before a license under this chapter is issued to a transient merchant, an applicant shall provide to the Clerk evidence that the applicant has filed a bond with the Secretary of State in accordance with Chapter 9C of the *Code of Iowa*.

122.07 LICENSE ISSUED.

If the Clerk finds the application is completed in conformance with the requirements of this chapter, the facts stated therein are found to be correct, and the license fee paid, a license shall be issued immediately.

122.08 DISPLAY OF LICENSE.

Each solicitor or peddler shall keep such license in possession at all times while doing business in the City and shall, upon the request of prospective customers, exhibit the license as evidence of compliance with all requirements of this chapter. Each transient merchant shall display publicly such merchant's license in the merchant's place of business.

122.09 LICENSE NOT TRANSFERABLE.

Licenses issued under the provisions of this chapter are not transferable in any situation and are to be applicable only to the person filing the application.

122.10 TIME RESTRICTION.

All peddler's and solicitor's licenses shall provide that said licenses are in force and effect only between the hours of 8:00 a.m. and 6:00 p.m.

122.11 REVOCATION OF LICENSE.

Following a written notice and an opportunity for a hearing, the Clerk may revoke any license issued pursuant to this chapter for the following reasons:

1. Fraudulent Statements. The licensee has made fraudulent statements in the application for the license or in the conduct of the business.
2. Violation of Law. The licensee has violated this chapter or has otherwise conducted the business in an unlawful manner.
3. Endangered Public Welfare, Health, or Safety. The licensee has conducted the business in such manner as to endanger the public welfare, safety, order, or morals.

The Clerk shall send the written notice to the licensee at the licensee's local address. The notice shall contain particulars of the complaints against the licensee, the ordinance provisions or State statutes allegedly violated, and the date, time, and place for hearing on the matter.

122.12 HEARING.

The Clerk shall conduct a hearing at which both the licensee and any complainants shall be present to determine the truth of the facts alleged in the complaint and notice. Should the licensee, or authorized representative, fail to appear without good cause, the Clerk may proceed to a determination of the complaint.

122.13 RECORD AND DETERMINATION.

The Clerk shall make and record findings of fact and conclusions of law, and shall revoke a license only when upon review of the entire record the Clerk finds clear and convincing evidence of substantial violation of this chapter or State law.

122.14 APPEAL.

If the Clerk revokes or refuses to issue a license, the Clerk shall make a part of the record the reasons for such revocation or refusal. The licensee, or the applicant, shall have a right to a hearing before the Council at its next regular meeting. The Council may reverse, modify, or affirm the decision of the Clerk by a majority vote of the Council members present and the Clerk shall carry out the decision of the Council.

122.15 EFFECT OF REVOCATION.

Revocation of any license shall bar the licensee from being eligible for any license under this chapter for a period of one year from the date of the revocation.

122.16 LICENSE EXEMPTIONS.

The following are excluded from the application of this chapter.

1. Newspapers. Persons delivering, collecting for, or selling subscriptions to newspapers.
2. Club Members. Members of local civic and service clubs, Boy Scout, Girl Scout, 4-H Clubs, Future Farmers of America, and similar organizations.
3. Local Residents and Farmers. Local residents and farmers who offer for sale their own products.
4. Students. Students representing the Van Meter School District conducting projects sponsored by organizations recognized by the school.
5. Route Sales. Route delivery persons who only incidentally solicit additional business or make special sales.
6. Resale or Institutional Use. Persons customarily calling on businesses or institutions for the purposes of selling products for resale or institutional use.

122.17 CHARITABLE AND NONPROFIT ORGANIZATIONS.

Authorized representatives of charitable or nonprofit organizations operating under the provisions of Chapter 504 of the *Code of Iowa* desiring to solicit money or to distribute literature are exempt from the operation of Sections 122.04 and 122.05. All such organizations are required to submit in writing to the Clerk the name and purpose of the cause for which such activities are sought, names and addresses of the officers and directors of the organization, the period during which

such activities are to be carried on, and whether any commissions, fees or wages are to be charged by the solicitor and the amount thereof. If the Clerk finds that the organization is a bona fide charity or nonprofit organization, the Clerk shall issue, free of charge, a license containing the above information to the applicant. In the event the Clerk denies the exemption, the authorized representatives of the organization may appeal the decision to the Council, as provided in Section 122.14 of this chapter.

CHAPTER 123

HOUSE MOVERS

123.01 House Mover Defined	123.07 Permit Issued
123.02 Permit Required	123.08 Public Safety
123.03 Application	123.09 Time Limit
123.04 Bond Required	123.10 Removal by City
123.05 Insurance Required	123.11 Protect Pavement
123.06 Permit Fee	123.12 Overhead Wires

123.01 HOUSE MOVER DEFINED.

A "house mover" means any person who undertakes to move a building or similar structure upon, over or across public streets or property when the building or structure is of such size that it requires the use of skids, jacks, dollies, or any other specialized moving equipment.

123.02 PERMIT REQUIRED.

It is unlawful for any person to engage in the activity of house mover as herein defined without a valid permit from the City for each house, building or similar structure to be moved. Buildings of less than 100 square feet are exempt from the provisions of this chapter.

123.03 APPLICATION.

Application for a house mover's permit shall be made in writing to the Clerk. The application shall include:

1. Name and Address. The applicant's full name and address and, if a corporation, the names and addresses of its principal officers.
2. Building Location. An accurate description of the present location and future site of the building or similar structure to be moved.
3. Routing Plan. A routing plan approved by the Police Chief, street superintendent, and public utility officials. The route approved shall be the shortest route compatible with the greatest public convenience and safety.

123.04 BOND REQUIRED.

The applicant shall post with the Clerk a penal bond in the minimum sum of \$5,000.00 issued by a surety company authorized to issue such bonds in the State. The bond shall guarantee the permittee's payment for any damage done to the City or to public property, and payment of all costs incurred by the City in the course of moving the building or structure.

123.05 INSURANCE REQUIRED.

Each applicant shall also file a certificate of insurance indicating that the applicant is carrying public liability insurance in effect for the duration of the permit covering the applicant and all agents and employees for the following minimum amounts:

1. \$1,000,000.00 per incident
2. \$2,000,000.00 aggregate

123.06 PERMIT FEE.

A permit fee of \$25.00 shall be payable at the time of filing the application with the Clerk. A separate permit shall be required for each house, building or similar structure to be moved.

123.07 PERMIT ISSUED.

Upon approval of the application, filing of bond and insurance certificate, and payment of the required fee, the Clerk shall issue a permit.

123.08 PUBLIC SAFETY.

At all times when a building or similar structure is in motion upon any street, alley, sidewalk or public property, the permittee shall maintain flag persons at the closest intersections or other possible channels of traffic to the sides, behind and ahead of the building or structure. At all times when the building or structure is at rest upon any street, alley, sidewalk or public property the permittee shall maintain adequate warning signs or lights at the intersections or channels of traffic to the sides, behind and ahead of the building or structure.

123.09 TIME LIMIT.

No house mover shall permit or allow a building or similar structure to remain upon any street or other public way for a period of more than 12 hours without having first secured the written approval of the City.

123.10 REMOVAL BY CITY.

In the event any building or similar structure is found to be in violation of Section 23.09, the City is authorized to remove such building or structure and assess the costs thereof against the permit holder and the surety on the permit holder's bond.

123.11 PROTECT PAVEMENT.

It is unlawful to move any house or building of any kind over any pavement, unless the wheels or rollers upon which the house or building is moved are at least one inch in width for each 1,000 pounds of weight of such building. If there is any question as to the weight of a house or building, the estimate of the City as to such weight shall be final.

123.12 OVERHEAD WIRES.

The holder of any permit to move a building shall see that all telephone, cable television and electric wires and poles are removed when necessary and replaced in good order, and shall be liable for the costs of the same.

CHAPTER 135

STREET USE AND MAINTENANCE

135.01 Removal of Warning Devices

135.07 Burning Prohibited

135.02 Obstructing or Defacing

135.08 Excavations

135.03 Placing Debris On

135.09 Property Owner's Responsibility for Maintenance

135.04 Traveling on Barricaded Street or Alley

135.10 Failure to Maintain

135.05 Use for Business Purposes

135.11 Dumping of Snow

135.06 Washing Vehicles

135.12 Driveway Culverts

135.01 REMOVAL OF WARNING DEVICES.

It is unlawful for a person to willfully remove, throw down, destroy or carry away from any street or alley any lamp, obstruction, guard or other article or things, or extinguish any lamp or other light, erected or placed thereupon for the purpose of guarding or enclosing unsafe or dangerous places in said street or alley without the consent of the person in control thereof.

(Code of Iowa, Sec. 716.1)

135.02 OBSTRUCTING OR DEFACING.

It is unlawful for any person to obstruct, deface or injure any street or alley in any manner.

(Code of Iowa, Sec. 716.1)

135.03 PLACING DEBRIS ON.

It is unlawful for any person to throw or deposit on any street or alley any glass, glass bottle, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, leaves, grass or any other debris likely to be washed into the storm sewer and clog the storm sewer, or any substance likely to injure any person, animal or vehicle.

(Code of Iowa, Sec. 321.369)

135.04 TRAVELING ON BARRICADED STREET OR ALLEY.

It is unlawful for any person to travel or operate any vehicle on any street or alley temporarily closed by barricades, lights, signs, or flares placed thereon by the authority or permission of any City official, police officer or member of the Fire Department.

135.05 USE FOR BUSINESS PURPOSES.

It is unlawful to park, store or place, temporarily or permanently, any machinery or junk or any other goods, wares, and merchandise of any kind upon any street or alley for the purpose of storage, exhibition, sale or offering same for sale, without permission of the Council.

135.06 WASHING VEHICLES.

It is unlawful for any person to use any public sidewalk, street, or alley for the purpose of washing or cleaning any automobile, truck equipment, or any vehicle of any kind when such work is done for hire or as a business. This does not prevent any person from washing or cleaning his or her own vehicle or equipment when it is lawfully parked in the street or alley.

135.07 BURNING PROHIBITED.

No person shall burn any trash, leaves, rubbish, or other combustible material in any curb and gutter or on any paved or surfaced street or alley.

135.08 EXCAVATIONS.

No person shall dig, excavate, or in any manner disturb any street, parking or alley except in accordance with the following:

1. Permit Required. No excavation shall be commenced without first obtaining a permit. A written application for such permit shall be filed with the City and shall contain the following:

- A. An exact description of the property, by lot and street number, in front of or along which it is desired to excavate.
- B. A statement of the purpose, for whom and by whom the excavation is to be made.
- C. The person responsible for the refilling of said excavation and restoration of the street or alley surface.
- D. Date of commencement of the work and estimated completion date.

2. Public Convenience. Streets and alleys shall be opened in the manner that will cause the least inconvenience to the public and admit the uninterrupted passage of water along the gutter on the street.

3. Barricades, Fencing and Lighting. Adequate barricades, fencing and warning lights meeting standards specified by the City shall be so placed as to protect the public from hazard. Any costs incurred by the City in providing or maintaining adequate barricades, fencing or warning lights shall be paid to the City by the permit holder/property owner.

4. Bond Required. The applicant shall post with the City a penal bond in the minimum sum of \$1,000.00 issued by a surety company authorized to issue such bonds in the State. The bond shall guarantee the permittee's payment for any damage done to the City or to public property, and payment of all costs incurred by the City in the course of administration of this section. In lieu of a surety bond, a cash deposit of \$1,000.00 may be filed with the City.

5. Insurance Required. The insurance to be maintained by the applicant shall be written as follows:

A. Worker's Compensation and Employers Liability Insurance as prescribed by Iowa law in minimum amounts shown below covering Employers Liability:

Bodily Injury by Accident	\$500,000.00 each accident
Bodily Injury by Disease	\$500,000.00 each accident
Bodily Injury by Disease	\$500,000.00 policy limit

B. Commercial General Liability Insurance, combined single limits shown below, covering Bodily Injury, Property Damage and Personal Injury:

General Aggregate Limit	\$2,000,000.00
Products – Completed Operations Aggregate Limit	\$2,000,000.00
Personal and Advertising Injury Limit	\$1,000,000.00
Each Occurrence Limit	\$1,000,000.00
Fire Damage Limit (any one fire)	\$50,000.00
Medical Damage Limit (any one person)	\$ 5,000.00

C. The insurance must include the following features:

(1) Coverage for all premises and operations. The policy shall be endorsed to provide the aggregate per project endorsement.

(2) Personal and advertising injury.

(3) Operations by independent contractors.

(4) Contractual liability coverage.

(5) Coverage for property damage underground or damaged by explosion or collapse (XCU).

D. Automobile liability insurance, covering all owned, non-owned, hired and leased vehicles with a minimum combined single limit for Bodily Injury and Property Damage of \$1,000,000.00 per accident. Insurance must include contractual liability.

E. Umbrella/excess insurance. The limits specified may be satisfied with a combination of primary and umbrella/excess insurance.

F. Additional insured. The applicant shall include the City as additional insured on all policies except worker's compensation as respects all work performed for the jurisdiction.

G. Insurance certificates. Each policy noted above shall be issued by an insurance company authorized to write such insurance in the State of Iowa and shall be reasonably acceptable to the City. These insurance policies shall not be canceled without at least 10 days' prior written notice to the City. A properly executed certificate of insurance showing evidence of these insurance requirements shall be delivered to City prior to commencement of activity.

6. Restoration of Public Property. Streets, sidewalks, alleys and other public property disturbed in the course of the work shall be restored to the condition of the property prior to the commencement of the work, or in a manner satisfactory to the

City, at the expense of the permit holder/property owner.

7. Inspection. All work shall be subject to inspection by the City. Backfill shall not be deemed completed, and no resurfacing of any improved street or alley surface shall begin, until such backfill is inspected and approved by the City. The permit holder/property owner shall provide the City with notice at least 24 hours prior to the time when inspection of backfill is desired.

8. Completion by the City. Should any excavation in any street or alley be discontinued or left open and unfinished for a period of 24 hours after the approved completion date, or in the event the work is improperly done, the City has the right to finish or correct the excavation work and charge any expenses for such work to the permit holder/property owner.

9. Responsibility for Costs. All costs and expenses incident to the excavation shall be borne by the permit holder and/or property owner. The permit holder and owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by such excavation.

10. Notification. At least 48 hours prior to the commencement of the excavation, excluding Saturdays, Sundays and legal holidays, the person performing the excavation shall contact the Statewide Notification Center and provide the center with the information required under Section 480.4 of the *Code of Iowa*.

11. Permit Fee. A permit fee of \$25.00 shall be payable at the time of filing the application with the City. A separate permit shall be required for each excavation.

12. Permit Issued. Upon approval of the application, filing of bond and insurance certificate, and payment of any required fees, a permit shall be issued.

13. Permit Exemption. Utility companies are exempt from the permit application requirement of this section. They shall, however, comply with all other pertinent provisions and shall post with the City a yearly bond.

135.09 PROPERTY OWNER'S RESPONSIBILITY FOR MAINTENANCE.

The abutting property owner shall maintain all property outside the lot and property lines and inside the curb lines upon public streets and shall keep such area in a safe condition, free from nuisances, obstructions, and hazards. In the absence of a curb, such property shall extend from the property line to that portion of the public street used or improved for vehicular purposes. The abutting property owner shall not be required to remove diseased trees or dead wood on the publicly owned property or right-of-way. Maintenance includes, but is not limited to, timely mowing, trimming trees and shrubs, and picking up litter and debris. The abutting property owner may be liable for damages caused by failure to maintain the publicly owned property or right-of-way. †⁶

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

Notes

⁶ †**EDITOR'S NOTE:** See also Section 136.04 relating to property owner's responsibility for maintenance of sidewalks.

135.10 FAILURE TO MAINTAIN.

If the abutting property owner does not perform an action required under the above section within a reasonable time, the City may perform the required action and assess the cost against the abutting property for collection in the same manner as a property tax.

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

135.11 DUMPING OF SNOW.

It is unlawful for any person to throw, push, or place or cause to be thrown, pushed or placed, any ice or snow from private property, sidewalks, or driveways onto the traveled way of a street or alley so as to obstruct gutters, or impede the passage of vehicles upon the street or alley or to create a hazardous condition therein; except where, in the cleaning of large commercial drives in the business district it is absolutely necessary to move the snow onto the street or alley temporarily, such accumulation shall be removed promptly by the property owner or agent. Arrangements for the prompt removal of such accumulations shall be made prior to moving the snow.

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

135.12 DRIVEWAY CULVERTS.

The property owner shall, at the owner's expense, install any culvert deemed necessary under any driveway or any other access to the owner's property, and before installing a culvert, permission must first be obtained from the City. In the event repairs are needed at any time with respect to culverts, it shall be the responsibility of the property owner to make such repairs, and, in the event the owner fails to do so, the City shall have the right to make the repairs. If the property owner fails to reimburse the City for the cost of said repairs, the cost shall be certified to the County Treasurer and specially assessed against the property as by law provided.

SIDEWALK REGULATIONS

136.01 Purpose	136.10 Failure to Repair or Barricade
136.02 Definitions	136.11 Interference with Sidewalk Improvements
136.03 Removal of Snow, Ice, and Accumulations	136.12 Encroaching Steps
136.04 Property Owner's Responsibility for Maintenance	136.13 Openings and Enclosures
136.05 City May Order Repairs	136.14 Fires or Fuel on Sidewalks
136.06 Sidewalk Construction Ordered	136.15 Debris on Sidewalks
136.07 Permit Required	136.16 Merchandise Display
136.08 Sidewalk Standards	136.17 Sales Stands
136.09 Barricades and Warning Lights	

136.01 PURPOSE.

The purpose of this chapter is to enhance safe passage by citizens on sidewalks, to place the responsibility for the maintenance, repair, replacement, or reconstruction of sidewalks upon the abutting property owner and to minimize the liability of the City.

136.02 DEFINITIONS.

For use in this chapter the following terms are defined:

1. "Owner" means the person owning the fee title to property abutting any sidewalk and includes any contract purchaser for purposes of notification required herein. For all other purposes, "owner" includes the lessee, if any.
2. "Sidewalk" means all permanent public walks in business, residential or suburban areas.
3. "Sidewalk improvements" means the construction, reconstruction, repair, replacement, or removal, of a public sidewalk and/or the excavating, filling or depositing of material in the public right-of-way in connection therewith.

136.03 REMOVAL OF SNOW, ICE, AND ACCUMULATIONS.

The abutting property owner shall remove snow, ice, and accumulations promptly from sidewalks. If a property owner does not remove snow, ice, or accumulations within 48 hours after such accumulation, the City may do so and assess the costs against the property owner for collection in the same manner as a property tax. The abutting property owner may be liable for damages caused by failure to remove snow, ice, and accumulations promptly from the sidewalk.

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

136.04 PROPERTY OWNER'S RESPONSIBILITY FOR MAINTENANCE.

The abutting property owner shall maintain in a safe and hazard-free condition any sidewalk outside the lot and property lines and inside the curb lines or, in the absence of a curb, any sidewalk between the property line and that portion of the public street used or improved for vehicular purposes. The abutting property owner may be liable for damages caused by failure to maintain the sidewalk.

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

136.05 CITY MAY ORDER REPAIRS.

If the abutting property owner does not maintain sidewalks as required, the Council may serve notice on such owner, by certified mail, requiring the owner to repair, replace or reconstruct sidewalks within a reasonable time and if such action is not completed within the time stated in the notice, the Council may require the work to be done and assess the costs against the abutting property for collection in the same manner as a property tax.

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

136.06 SIDEWALK CONSTRUCTION ORDERED.

The Council may order the construction of permanent sidewalks upon any street or court in the City and may specially assess the cost of such improvement to abutting property owners in accordance with the provisions of Chapter 384 of the *Code of Iowa*.

(Code of Iowa, Sec. 384.38)

136.07 PERMIT REQUIRED.

No person shall remove, reconstruct, or install a sidewalk unless such person has obtained a permit from the City and has agreed in writing that said removal, reconstruction, or installation will comply with all ordinances and requirements of the City for such work. A written application for such permit shall be filed with the City.

136.08 SIDEWALK STANDARDS.

Sidewalks repaired, replaced, or constructed under the provisions of this chapter shall be constructed in accordance with the Standard Sidewalk Specifications adopted by resolution of the Council and on file in the office of the Clerk.

136.09 BARRICADES AND WARNING LIGHTS.

Whenever any material of any kind is deposited on any street, avenue, highway, passageway or alley when sidewalk

improvements are being made or when any sidewalk is in a dangerous condition, it shall be the duty of all persons having an interest therein, either as the contractor or the owner, agent, or lessee of the property in front of or along which such material may be deposited, or such dangerous condition exists, to put in conspicuous places at each end of such sidewalk and at each end of any pile of material deposited in the street, a sufficient number of approved warning lights or flares, and to keep them lighted during the entire night and to erect sufficient barricades both at night and in the daytime to secure the same. The party or parties using the street for any of the purposes specified in this chapter shall be liable for all injuries or damage to persons or property arising from any wrongful act or negligence of the party or parties, or their agents or employees or for any misuse of the privileges conferred by this chapter or of any failure to comply with provisions hereof.

136.10 FAILURE TO REPAIR OR BARRICADE.

It is the duty of the owner of the property abutting the sidewalk, or the owner's contractor or agent, to notify the City immediately in the event of failure or inability to make necessary sidewalk improvements or to install or erect necessary barricades as required by this chapter.

136.11 INTERFERENCE WITH SIDEWALK IMPROVEMENTS.

No person shall knowingly or willfully drive any vehicle upon any portion of any sidewalk or approach thereto while in the process of being improved or upon any portion of any completed sidewalk or approach thereto, or shall remove or destroy any part or all of any sidewalk or approach thereto, or shall remove, destroy, mar or deface any sidewalk at any time or destroy, mar, remove or deface any notice provided by this chapter.

136.12 ENCROACHING STEPS.

It is unlawful for a person to erect or maintain any stairs or steps to any building upon any part of any sidewalk without permission by resolution of the Council.

136.13 OPENINGS AND ENCLOSURES.

It is unlawful for a person to:

1. Stairs and Railings. Construct or build a stairway or passageway to any cellar or basement by occupying any part of the sidewalk, or to enclose any portion of a sidewalk with a railing without permission by resolution of the Council.
2. Openings. Keep open any cellar door, grating, or cover to any vault on any sidewalk except while in actual use with adequate guards to protect the public.
3. Protect Openings. Neglect to properly protect or barricade all openings on or within six feet of any sidewalk.

136.14 FIRES OR FUEL ON SIDEWALKS.

It is unlawful for a person to make a fire of any kind on any sidewalk or to place or allow any fuel to remain upon any sidewalk.

136.15 DEBRIS ON SIDEWALKS.

It is unlawful for a person to throw or deposit on any sidewalk any glass, nails, glass bottle, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or any substance likely to injure any person, animal, or vehicle.

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

136.16 MERCHANDISE DISPLAY.

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

136.17 SALES STANDS.

It is unlawful for a person to erect or keep any vending machine or stand for the sale of fruit, vegetables or other substances or commodities on any sidewalk without first obtaining a written permit from the Council.

CHAPTER 137

VACATION AND DISPOSAL OF STREETS

- | | |
|---------------------------------------|--|
| 137.01 Power to Vacate | 137.04 Findings Required |
| 137.02 Planning and Zoning Commission | 137.05 Disposal of Vacated Streets or Alleys |
| 137.03 Notice of Vacation Hearing | 137.06 Disposal by Gift Limited |

137.01 POWER TO VACATE.

When, in the judgment of the Council, it would be in the best interest of the City to vacate a street, alley, portion thereof, or any public grounds, the Council may do so by ordinance in accordance with the provisions of this chapter.

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

137.02 PLANNING AND ZONING COMMISSION.

Any proposal to vacate a street, alley, portion thereof, or any public grounds shall be referred by the Council to the Planning and Zoning Commission for its study and recommendation prior to further consideration by the Council. The

CHAPTER 138

STREET GRADES

138.01 Established Grades

138.02 Record Maintained

138.01 ESTABLISHED GRADES.

The grades of all streets, alleys and sidewalks, which have been heretofore established by ordinance, are hereby confirmed, ratified, and established as official grades.

138.02 RECORD MAINTAINED.

The Clerk shall maintain a record of all established grades and furnish information concerning such grades upon request.

EDITOR'S NOTE			
The following ordinances not codified herein, and specifically saved from repeal, have been adopted establishing street and/or sidewalk grades and remain in full force and effect.			
ORDINANCE NO.	ADOPTED	ORDINANCE NO.	ADOPTED

CHAPTER 139

NAMING OF STREETS

139.01 Naming New Streets

139.04 Official Street Name Map

139.02 Changing Name of Street

139.05 Revision of Street Name Map

139.03 Recording Street Names

139.01 NAMING NEW STREETS.

New streets shall be assigned names in accordance with the following:

1. Extension of Existing Street. Streets added to the City that are natural extensions of existing streets shall be assigned the name of the existing street.
2. Resolution. All street names, except streets named as a part of a subdivision or platting procedure, shall be named by resolution.

3. Planning and Zoning Commission. Proposed street names shall be referred to the Planning and Zoning Commission for review and recommendation.

139.02 CHANGING NAME OF STREET.

The Council may, by resolution, change the name of a street.

139.03 RECORDING STREET NAMES.

Following official action naming or changing the name of a street, the Clerk shall file a copy thereof with the County Recorder, County Auditor and County Assessor.

(Code of Iowa, Sec. 354.26)

139.04 OFFICIAL STREET NAME MAP.

Streets within the City are named as shown on the Official Street Name Map, which is hereby adopted by reference and declared to be a part of this chapter. The Official Street Name Map shall be identified by the signature of the Mayor, and bearing the seal of the City under the following words: "This is to certify that this is the Official Street Name Map referred to in Section 139.04 of the Code of Ordinances of Van Meter, Iowa."

139.05 REVISION OF STREET NAME MAP.

If in accordance with the provisions of this chapter, changes are made in street names, such changes shall be entered on the Official Street Name Map promptly after the change has been approved by the Council with an entry on the Official Street Name Map as follows: "On (date), by official action of the City Council, the following changes were made in the Official Street Name Map: (brief description)," which entry shall be signed by the Mayor and attested by the Clerk.

CHAPTER 140

CONTROLLED ACCESS FACILITIES

140.01 Exercise of Police Power

140.04 Access Controls Imposed

140.02 Definition

140.05 Unlawful Use of Controlled Access Facility

140.03 Right of Access Limited

140.06 Parking Restricted

140.01 EXERCISE OF POLICE POWER.

This chapter shall be deemed an exercise of the police power of the City under Chapter 306A, *Code of Iowa*, for the preservation of the public peace, health, safety and for the promotion of the general welfare.

(Code of Iowa, Sec. 306A.1)

140.02 DEFINITION.

The term "controlled access facility" means a highway or street especially designed for through traffic, and over, from or to which owners or occupants of abutting land or other persons have no right or easement or only a controlled right or easement of access, light, air, or view by reason of the fact that their property abuts upon such controlled access facility or for any other reason.

(Code of Iowa, Sec. 306A.2)

140.03 RIGHT OF ACCESS LIMITED.

No person has any right of ingress or egress to or from abutting lands onto or across any controlled access facility, except at such designated points at which access is permitted.

(Code of Iowa, Sec. 306A.4)

140.04 ACCESS CONTROLS IMPOSED.

There are hereby fixed and established controlled access facilities within the City, described as follows:

(Code of Iowa, Sec. 306A.3)

1. Project No. 293-17-68-25. On the Primary Road System extension improvement, Project No. 293-17-68-25, Primary Road No. Iowa 293 (R-16) within the City, described as follows:

On the west side beginning at F-90 on the East Corporate Limits, thence northerly 479' and on both sides to Elm Street; on both sides of Elm Street from East Street to Wilson Street, thence northerly along Wilson Street to Grant Street, thence westerly along Grant Street to West Street.

regulating access to and from Iowa 293 (R-16) from F-90 to West Street and to and from the abutting properties along the highway or street all in accordance with the plans for such improvement identified as Project No. 293-17-68-25, on file in the office of the Clerk.

140.05 UNLAWFUL USE OF CONTROLLED ACCESS FACILITY.

It is unlawful for any person to:

(Code of Iowa, Sec. 306A.3 and 321.366)

1. Cross Dividing Line. Drive a vehicle over, upon, or across any curb, central dividing section, or other separation or dividing line on such controlled access facilities.
2. Turns. Make a left turn or a semicircular or U-turn except through an opening provided for that purpose in the dividing curb section, separation, or line.
3. Use of Lanes. Drive any vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation, section, or line.
4. Enter Facility. Drive any vehicle into the controlled access facility from a local service road except through an opening provided for that purpose in the dividing curb or dividing section or dividing line that separates such service road from the controlled access facility property.

140.06 PARKING RESTRICTED.

The parking of vehicles on or along controlled access facilities is restricted as follows:

1. Parking is prohibited on the following streets as noted:
 - A. West side of Lakeview.
 - B. East side of Meyer Court.
 - C. North side of Division.
 - D. West side of Park Street.
 - E. Either side of East Street.
 - F. Either side of Elm Street.
 - G. Either side of Main Street.
 - H. East side of Van Buren.
 - I. North side of Feller Curve.
 - J. East side of Tracy.
 - K. Either side of Hazel.
 - L. Either side of the cul-de-sac of Circle Estates.
 - M. North side of Kelsey.
 - N. East side of Long.
 - O. North side of Kaitlin.
 - P. North side of Bulldog.
 - Q. East side of Winston Circle.
 - R. Interior island of Mason Circle.
 - S. East side of Jerry Circle.
 - T. East side of Webster Circle.
 - U. Interior island of Alex Circle.
2. Parking is prohibited on the west side of Mills Street from the Raccoon River to Elm Street, and on both sides of Elm Street from Mills Street to Wilson Street, thence northerly on Wilson Street to Main Street.
3. A single line of parallel parking is permitted on each side on Wilson Street from Main Street to Grant Street, and on Grant Street from Wilson Street to West Street, with the following restrictions at intersections:
 - A. Parking is permitted on the primary road extension a distance of 55 feet in advance of the near crosswalks, and a distance of 22 feet beyond the far crosswalk.
 - B. Parking is prohibited on all minor street approaches for a distance of 35 feet in advance of the stop signs. Parking is prohibited on the exit sides of the minor streets for a distance of 35 feet beyond the far crosswalks.

CHAPTER 145

MANUFACTURED AND MOBILE HOMES

SOURCE OF CONTAMINATION	REQUIRED MINIMUM LATERAL DISTANCE FROM WELL AS HORIZONTAL ON THE GROUND SURFACE, IN FEET	
	Deep Well ¹	Shallow Well ¹
WASTEWATER STRUCTURES:		
Point of Discharge to Ground Surface		
Sanitary and industrial discharges	400	400
Water treatment plant wastes	50	50
Well house floor drains	5	5
Sewers and Drains²		
Sanitary and storm sewers, drains	0 – 25 feet: prohibited 25 – 75 feet if water main pipe 75 – 200 feet if sanitary sewer pipe	0 – 25 feet: prohibited 25 – 75 feet if water main pipe 75 – 200 feet if sanitary sewer main pipe
Sewer force mains	0 – 75 feet: prohibited 75 – 400 feet if water main pipe 400 – 1,000 feet if sanitary sewer pipe	0 – 75 feet: prohibited 75 – 400 feet if water main pipe 400 – 1,000 feet if sanitary sewer main pipe
Water plant treatment process wastes that are treated onsite	0 – 5 feet: prohibited 5 – 50 feet if sanitary sewer pipe	0 – 5 feet: prohibited 5 – 50 feet if sanitary sewer main pipe
Water plant wastes to sanitary sewer	0 – 25 feet: prohibited 25 – 75 feet if water main pipe 75 – 200 feet if sanitary sewer pipe	0 – 25 feet: prohibited 25 – 75 feet if water main pipe 75 – 200 feet if sanitary sewer main pipe
Well house floor drains to sewers	0 – 25 feet: prohibited 25 – 75 feet if water main pipe 75 – 200 feet if sanitary sewer pipe	0 – 25 feet: prohibited 25 – 75 feet if water main pipe 75 – 200 feet if sanitary sewer main pipe
Well house floor drains to surface	0 – 5 feet: prohibited 5 – 50 feet if sanitary sewer pipe	0 – 5 feet: prohibited 5 – 50 feet if sanitary sewer main pipe
Land Disposal of Treated Wastes		
Irrigation of wastewater	200	400
Land application of solid wastes ³	200	400
Other		
Cesspools and earth pit privies	200	400
Concrete vaults and septic tanks	100	200
Lagoons	400	1,000
Mechanical wastewater treatment plants	200	400
Soil absorption fields	200	400
CHEMICALS:		
Chemical application to ground surface	100	200
Chemical & mineral storage above ground	100	200
Chemical & mineral storage on or under ground	200	400
Transmission pipelines (such as fertilizer, liquid petroleum, or anhydrous ammonia)	200	400
ANIMALS:		
Animal pasturage	50	50
Animal enclosure	200	400
Earthen silage storage trench or pit	100	200

Animal Wastes		
Land application of liquid or slurry	200	400
Land application of solids	200	400
Solids stockpile	200	400
Storage basin or lagoon	400	1,000
Storage tank	200	400
MISCELLANEOUS:		
Basements, pits, sumps	10	10
Cemeteries	200	200
Cisterns	50	100
Flowing streams or other surface water bodies	50	50
GHEX loop boreholes	200	200
Railroads	100	200
Private wells	200	400
Solid waste landfills and disposal sites ⁴	1,000	1,000

¹ Deep and shallow wells, as defined in IAC 567-40.2(455B): A deep well is a well located and constructed in such a manner that there is a continuous layer of low permeability soil or rock at least five feet thick located at least 25 feet below the normal ground surface and above the aquifer from which water is to be drawn. A shallow well is a well located and constructed in such a manner that there is not a continuous layer of low permeability soil or rock (or equivalent retarding mechanism acceptable to the department) at least five feet thick, the top of which is located at least 25 feet below the normal ground surface and above the aquifer from which water is to be drawn.

² The separation distances are dependent upon two factors: the type of piping that is in the existing sewer or drain, as noted in the table, and that the piping was properly installed in accordance with the standards.

³ Solid wastes are those derived from the treatment of water or wastewater. Certain types of solid wastes from water treatment processes may be land-applied within the separation distance on an individual, case-by-case basis.

⁴ Solid waste means garbage, refuse, rubbish, and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities.

CHAPTER 150

TREES

150.01 Definition	150.04 Trimming Trees to Be Supervised
150.02 Planting Prohibited	150.05 Disease Control
150.03 Duty to Trim Trees	150.06 Inspection and Removal

150.01 DEFINITION.

For use in this chapter, "parking" means that part of the street, avenue, or highway in the City not covered by sidewalk and lying between the lot line and the curb line or, on unpaved streets, that part of the street, avenue, or highway lying between the lot line and that portion of the street usually traveled by vehicular traffic.

150.02 PLANTING PROHIBITED.

No trees shall be planted in any parking or street.

150.03 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 15 feet above the surface of the street and eight feet above the sidewalks. If the abutting property owner fails to trim the trees, the City may serve notice on the abutting property owner requiring that such action be taken within five days. If such action is not taken within that time, the City may perform the required action and assess the costs against the abutting property for collection in the same manner as a property tax.

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

150.04 TRIMMING TREES TO BE SUPERVISED.

Except as allowed in Section 150.03, it is unlawful for any person to trim or cut any tree in a street or public place unless the work is done under the supervision of the City.

150.05 DISEASE CONTROL.

Any dead, diseased, or damaged tree or shrub that may harbor serious insect or disease pests or disease injurious to

other trees is hereby declared to be a nuisance.

150.06 INSPECTION AND REMOVAL.

The Council shall inspect or cause to be inspected any trees or shrubs in the City reported or suspected to be dead, diseased or damaged, and such trees and shrubs shall be subject to the following:

1. City Property. If it is determined that any such condition exists on any public property, including the strip between the curb and the lot line of private property, the Council may cause such condition to be corrected by treatment or removal. The Council may also order the removal of any trees on the streets of the City which interfere with the making of improvements or with travel thereon.

2. Private Property. If it is determined with reasonable certainty that any such condition exists on private property and that danger to other trees or to adjoining property or passing motorists or pedestrians is imminent, the Council shall notify by certified mail the owner, occupant or person in charge of such property to correct such condition by treatment or removal within 14 days of said notification. If such owner, occupant, or person in charge of said property fails to comply within 14 days of receipt of notice, the Council may cause the condition to be corrected and the cost assessed against the property.

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

CHAPTER 155

ADOPTION OF CODES

155.01 Administrative Provisions

155.04 Renovation Projects

155.02 Adoption of Codes

155.05 Definitions

155.03 Conflict with State Laws

155.01 ADMINISTRATIVE PROVISIONS.

Administration of this chapter shall be as provided in this section and in the following sections for the several codes named herein, to provide procedures for local enforcement of such codes. The Building Official shall be appointed by the Mayor, subject to approval of the Council, for the enforcement of the codes adopted herein and such other ordinances as shall be assigned to said official, and the Building Official shall also perform such other duties as may be required by the Mayor and Council. The Building Official shall be accountable for the issuance of all applicable permits under this chapter and shall have the power to render interpretations of this chapter and to adopt and enforce rules and regulations supplemental to this chapter, subject to approval by the Council, as said official deems necessary in order to clarify the application of the provisions of this chapter. Such rules, regulations and interpretations shall be in conformity with the intent and purpose of this chapter.

155.02 ADOPTION OF CODES.

Pursuant to published notice and public hearing, as required by law, the following codes are hereby adopted, and the same are by this reference incorporated herein as fully and completely as if set forth in full herein.

1. The 2017 Edition of the *National Electrical Code* and its Appendices. An official copy of such code is on file in the office of the Building Official.

2. The *International Fire Code and Appendix Chapters*, 2009 Edition, as published by the National Fire Protection Association.

A. Sec. 101.1. Title. Insert "Van Meter, Iowa."

B. Sec. 109.3. Penalties. Insert "Violation of the Code is a municipal infraction subject to the penalty set out in Chapter 3 of the Code of Ordinances of the City of Van Meter, Iowa."

C. Sec. 111.4. Stop work. Insert "Violation of the Code is a municipal infraction subject to the penalty set out in Chapter 3 of the Code of Ordinances of the City of Van Meter, Iowa."

3. The *Life Safety Code and Annex A & B*, 2006 Edition, as published by the National Fire Protection Association.

4. The *International Energy Conservation Code and Appendix Chapters*, 2006 Edition, as published by the International Code Council.

A. Sec. 101.1. Title. Insert "Van Meter, Iowa."

5. The *International Existing Building Code and Appendix Chapters*, 2006 Edition, as published by the International Code Council.

A. Sec. 101.2. Title. Insert "Van Meter, Iowa."

B. Sec. 108.2. Permit fees. Delete after "established," and insert "for the various disciplines herein adopted."

155.03 CONFLICT WITH STATE LAWS.

Nothing in this chapter shall be construed to be in conflict with State laws. In the event of such conflict, the State law shall

prevail.

155.04 RENOVATION PROJECTS.

For renovation projects subject to the requirements of this chapter, and in the Building Official's sole discretion, the Building Official shall have discretion to waive certain requirements of this chapter. The only requirements that may be waived are minor technical building code violations that do not constitute a life safety hazard if:

1. The Building Official finds a requirement to be technically infeasible; or
2. The building owner demonstrates that the building met the applicable requirements which existed under the Code at the time of its initial construction.

A waiver shall include an agreement that the property owner indemnify and hold the City harmless for any claim, cause, damage and/or injury arising in favor of any party concerning these violations, such agreement to be recorded and binding to all successor owners of the property.

155.05 DEFINITIONS.

The City Administrator is the designated Building and Zoning Administrator throughout the building code chapters.

CHAPTER 156

BUILDING CODE

156.01 Short Title	156.31 Subsection R310.5 Amended; Emergency Escape Windows Under Decks and Porches
156.02 Adoption of Building Code	156.32 Subsection R311.7.5.1 Amended; Risers
156.03 Amendments, Modification, Additions and Deletions	156.33 Subsection R311.7.8.2 Addition; Continuity
156.04 Referenced Codes; Amendments, Modifications, Additions and Deletions	156.34 Subsection R313.1 Amended; Townhouse Automatic Fire Sprinkler Systems
156.05 Deletions	156.35 Subsection R313.2 Amended; One-and Two-Family Dwellings Automatic Fire Systems
156.06 Subsections 101.1 and R101.1 Amended; Title	156.36 Subsection R403.1.4.1; Amended; Frost Protection
156.07 Subsection 101.4.6 Amended and R101.3.1 Addition; Energy	156.37 Subsection R404.1 Amended; Concrete and Masonry Foundation Walls
156.08 Subsections 103.1 and R103.1 Amended; Creation of Enforcement Agency	156.38 Subsections 1807.1.5.1 and R404.1.2.2.3 Addition; Foundation Walls for Conventional Light Frame Wood Construction
156.09 Subsection 104.11 Addition; Alternate Materials, Methods and Equipment	156.39 Section R405 Addition; Foundation Drainage
156.10 Subsections 105.1 and R105.1 Addition; (Permits) Required	156.40 Subsection R506.2.4 Addition; Reinforcement Support
156.11 Subsections 105.2 and R105.2 Amended; Work Exempt from Permit	156.41 Subsection 907.2.11 Amended; Single and Multiple-Station Smoke Alarms
156.12 Subsections 105.5 and R105.5 Amended; Expiration	156.42 Subsection M1403.2 Amended; Foundations and Supports
156.13 Subsections 105.6.1 and R105.6.1 Addition; Revocation of Permit	156.43 Subsection P2603.5 Amended; Freezing
156.14 Subsections 109.2.1 and R108.2.1 Addition; Plan Review Fees	156.44 Subsection P2603.5.1 Amended; Sewer Depth
156.15 Subsections 109.4 and R108.6 Addition; Work Commencing Before Permit Issuance	156.45 Subsection 1007.2 Addition; Continuity and Components

156.16 Subsection R110.1 Amended; Use and Occupancy	156.46 Section 1008 Addition; Doors, Gates and Turnstiles
156.17 Section 112 and R111 Addition; Underground Utility Installation	
	156.47 Subsection 1012.4 Addition; (Handrail) Continuity
156.18 Section R202 Amended; Definitions	156.48 Subsection 1027.5 Addition; Access to a Public Way
156.19 Table R301.2(1) Amended; Climatic and Geographic Design Criteria	156.49 Subsection 1029.3 Amended; (Emergency Escape and Rescue) Maximum Height from Floor
156.20 Subsection R302.1 Amended; Exterior Walls	156.50 Subsection 1029.5; Window Wells
156.21 Subsection Table R302.1 Amended; Exterior Walls	156.51 Chapter 13 Energy Efficiency and Chapter 11 [RE] Amended; Energy Efficiency
156.22 Subsection R302.2 Amended; Townhouses	
156.23 Subsection R302.2A Addition; Townhouses	156.52 Table 1405.2 Addition; Minimum Thickness of Weather Coverings
156.24 R302.3 Amended; Two-Family Dwellings	
156.25 Subsection R302.6 Amended; Dwelling and Garage Fire Separation	156.53 Subsection 1405.14 Addition; Vinyl Siding
	156.54 Subsection 1608.2 Amended; Ground Snow Loads
156.26 Subsection Table R302.6 Amended; Dwelling and Garage Separation	156.55 Section 1612 Amended; Flood Loads
	156.56 Subsection 1809.5 Addition; Frost Protection
156.27 Subsection R303.3 Amended; Bathrooms	156.57 Appendix G Adopted; Swimming Pools, Spas and Hot Tubs
156.28 Subsection 406.3.4 Amended; Separation	
156.29 Subsection R310.1 Amended; Emergency Escape and Rescue Required	156.58 Subsection 3109.2 and AG102 Definition Amended Swimming Pool
156.30 Subsections 1029.4 and R310.1.4 Amended; Operational Constraints	156.59 Section 3401.3 Amended; Compliance

156.01 SHORT TITLE.

This chapter shall be known as the Van Meter Building Code, and may be cited as such, and may be referred to herein as this chapter

156.02 ADOPTION OF BUILDING CODE.

Pursuant to published notice as required by law, the *International Building Code 2012 Edition*; and the *International Residential Building Code 2012 Edition*, published by the International Code Council, Inc., is adopted in full except for such portions as may be hereinafter deleted, modified or amended. A copy of the *International Building Code 2012 Edition* as adopted, a copy of the *International Residential Code 2012 Edition* as adopted and a copy of this chapter are on file in the office of the Code Official.

156.03 AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETIONS.

The International Building Code, 2012 Edition (hereinafter known as the IBC), and the *International Residential Code, 2012 Edition* (hereinafter known as the IRC), are amended as hereinafter set out in Sections 156.04 through 156.59.

156.04 REFERENCED CODES; AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETIONS.

The remaining sections in this chapter represent amendments to the requirements contained in the IBC and IRC.

In the event requirements of this code conflict with applicable State and federal requirements, the more stringent shall apply except that all references to flood hazard construction shall be coordinated in concurrence with Van Meter NFIP.

156.05 DELETIONS.

The following is deleted from the IRC and is of no force or effect in this chapter:

Subsection 501.3. Fire protection of floors

Part VIII - Electrical

156.06 SUBSECTIONS 101.1 AND R101.1 AMENDED; TITLE.

Subsections 101.1, Title, of the IBC and R101.1, Title, of the IRC, are hereby deleted and there is enacted in lieu thereof the following subsections:

Subsection 101.1 Title. These regulations shall be known as the Van Meter Building Code, hereinafter known as "this code."

Subsection R 101.1 Title. These provisions shall be known as the Van Meter Residential Code for One- and Two-Family Dwellings, and shall be cited as such and will be referred to herein as “this code.”

156.07 SUBSECTION 101.4.6 AMENDED AND R101.3.1 ADDITION; ENERGY.

Subsection 101.4.6, Energy, of the IBC, is hereby amended by deleting said subsection and inserting in lieu thereof the following subsection and Subsection R101.3.1, Intent, of the IRC, is hereby established by adding the following subsection:

Subsection 101.4.6 Energy and Subsection R101.3.1 Intent. The provisions of the International Energy Code as currently adopted and amended by the Iowa State Building Code Bureau shall apply to all matters governing the design and construction of buildings for energy efficiency. Administration shall be as prescribed in “this code” and these regulations shall be known as the Van Meter Energy Code. Construction or work for which a permit is required shall be subject to inspections and the Building Official may make or cause to be made the requested inspections. The Building Official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability. Any portion that does not comply shall be corrected and such portion shall not be covered or concealed until authorized by the Building Official.

156.08 SUBSECTIONS 103.1 AND R103.1 AMENDED; CREATION OF ENFORCEMENT AGENCY.

Subsection 103.1, Creation of enforcement agency, of the IBC and R103.1, Creation of enforcement agency, of the IRC, are hereby amended by adding the following paragraph:

Subsections 103.1 and R103.1 Building and Zoning Administrator. The term Building Official is intended to also mean the Building and Zoning Administrator, who shall be designated by the Planning & Building Director and shall hereinafter be referred to as Code Official and his or her representatives or designees, who are herewith delegated the same powers, authorities, duties and responsibilities as designated for the Code Official. The Code Official when so appointed, shall be responsible for the enforcement of the Building Code; the Mechanical Code; the Housing Code; the Plumbing Code; the Gas Code, the Energy Code, the Electrical Code, the Zoning Code and the Fire Prevention Code of the City. The Code Official shall have authority to file a complaint in any court of competent jurisdiction charging a person with the violation of these Codes. The Code Official shall have whatever additional duties the Director of Planning & Building may prescribe.

156.09 SUBSECTION 104.11 ADDITION; ALTERNATE MATERIALS, METHODS AND EQUIPMENT.

Subsections 104.11.3, Plumbing and Fuel Gas, of the IBC, is hereby established by adding the following subsection:

Subsection 104.11. Alternate materials, methods and equipment, of the IBC is hereby amended by adding the following subsection and exception:

Subsection 104.11.3 – Iowa State Plumbing Code The Iowa State Plumbing Code consisting of the Uniform Plumbing Code, as prepared and edited by the International Association of Plumbing and Mechanical Officials, as amended and currently adopted by the State of Iowa Department of Public Health, is hereby approved as an alternate equivalent method for complete plumbing and fuel gas systems.

Subsection 104.11.3, Administration exception 1 Administrative regulations shall be as prescribed in the International Plumbing Code, 2012 Edition and international Fuel Gas Code, 2012 Edition, as adopted and amended.

156.10 SUBSECTIONS 105.1 AND R105.1 ADDITION; (PERMITS) REQUIRED.

Subsections 105.1, Required, of the IBC and R105.1, Required, of the IRC, are hereby amended by adding the following to said subsections:

Subsections 105.1 and R105.1 Platting required. A building permit shall not be issued unless the land upon which the proposed work is to be done is platted pursuant to the provisions of the subdivision regulations. A building permit shall not be issued permitting the construction of any building or other structure on any lot designated on any plat as an outlot, without such lot being replatted in accordance with the provisions of the subdivision regulations. Such platting may be waived by the City Council if that body determines that no portion of the land is needed for public purposes or if that portion needed for public purposes, as determined by the Council, is dedicated to the City; provided further, that such platting may be waived by the Zoning Administrator if the requested building permit is for one of the following purposes:

1. Any accessory structure or addition for a one- or two-family residence;
2. The removal, repair or alteration of a structure on unplatted premises, provided that there is no change in the use classifications of such structure;
3. The term “alteration” shall be deemed to mean any change or modification of a structure that does not serve to increase the size of the original structure by more than ten percent.

156.11 SUBSECTIONS 105.2 AND R105.2 AMENDED; WORK EXEMPT FROM PERMIT.

Subsections 105.2, Work exempt from permit, of the IBC and R105.2, Work exempt from permit, of the IRC are hereby amended by deleting the following items and adding a sentence to said subsections as follows:

Subsections 105.2 and R105.2 Work Exempt From Permit

Subsection 105.2 Building - Item #1 Detached structures not exceeding 120 square feet - Delete

Subsection 105.2 Building - Item #2 Fences not over 7 feet high - Delete

Subsection 105.2 Building - Item #6 Sidewalks and driveways - Delete

Subsection 105.2 Building - Item #9 Prefabricated swimming pools - Delete

Subsection 105.2 Building - Item #10 Shade cloth structures - Delete

Subsection R105.2 Building - Item #1 Detached structures not exceeding 200 square feet - Delete

Subsection R105.2 Building - Item # 2 Fences not over 7 feet high - Delete

Subsection R105.2 Building - Item #5 Sidewalks and driveways - Delete

Subsection R105.2 Building - Item #7 Prefabricated swimming pools - Delete

Subsection R105.2 Building - Item #10 Decks not exceeding 200 square feet - Delete

Exemption from permit requirements of this chapter shall not preclude requirements for permitting of plumbing, electrical and mechanical installations and systems or compliance with Van Meter Code of Ordinances.

156.12 SUBSECTIONS 105.5 AND R105.5 AMENDED; EXPIRATION.

Subsections 105.5, Expiration, of the IBC and R105.5, Expiration, of the IRC, are hereby amended by deleting said subsections and inserting in lieu thereof the following:

Subsections 105.5 and R105.5 12-Month Expiration. Every permit issued under the provisions of this Code shall expire 12 months from the date of issue, unless the application is accompanied by a construction schedule of specific longer duration, in which instance the permit may be issued for the term of the construction schedule, with approval of the Code Official. If the work has not been completed by the expiration date of the permit, no further work shall be done until the permit shall have been renewed by the owner or his or her agent and by payment of the renewal fee as established by Resolution of the City Council, and provided no changes have been made in plans or location. Upon approval, permits may be extended for no more than two periods not exceeding 180 days each.

156.13 SUBSECTIONS 105.6.1 AND R105.6.1 ADDITION; REVOCATION OF PERMIT.

Subsections 105.6.1 Revocation of Permit, of the IBC and R105.6.1, Revocation of Permit, of the IRC, are hereby established by adding the following subsections:

Subsections 105.6.1 and R105.6.1 Revocation of Permit. It is the responsibility of the permit holder to schedule the required inspections and obtain final approval. Failure to schedule the required inspections and receive approval of work authorized by the permit before covering said work or at completion shall result in revocation of the permit and void any associated approvals granted by the City. This failure shall also equate to working without a permit in violation of City ordinance and no future permits shall be issued to any person or company who has outstanding violations of this code or any other laws or ordinances of the City. Failure to contact the City for any inspection or follow-up prior to expiration of a permit shall be deemed a violation of this code section. Failure to contact the City for any inspection or follow-up prior to expiration of a Temporary Certificate of Occupancy shall also be deemed a violation of this code section. Allowing occupancy of a structure, for which a person or company holds a building permit, prior to or without a valid Certificate of Occupancy (temporary or final) shall be deemed a violation of this code section and no future permits shall be issued to any person or company who has outstanding violations of this code or any other laws or ordinances of the City.

156.14 SUBSECTIONS 109.2.1 AND R108.2.1 ADDITION; PLAN REVIEW FEES.

Subsections 109.2.1, Plan review fees, of the IBC, and R108.2.1, Plan review fees, of the IRC, are hereby established by adding the following subsections:

Subsections 109.2.1 and R108.2.1 Plan review fees. Fees for all plan reviews shall be as set forth and established by resolution of the City Council. All such fees shall be paid in accordance with the terms and requirements of such resolution or as the same may be amended by the City Council from time to time.

156.15 SUBSECTIONS 109.4 AND R108.6 ADDITION; WORK COMMENCING BEFORE PERMIT ISSUANCE.

Subsections 109.4, Work commencing before permit issuance, of the IBC, and R108.6, Work commencing before permit issuance, of the IRC, are hereby established by adding the following sentence after said subsections:

Subsections 109.4 and R108.6 Work commencing before permit issuance. Said fee shall be 100 percent of the usual permit fee in addition to the required permit fees.

156.16 SUBSECTION R110.1 AMENDED; USE AND OCCUPANCY.

Subsection R110.1, Use and occupancy, of the IRC, is hereby amended by deleting exception #2 - Accessory buildings or structures.

156.17 SECTION 112 AND R111 ADDITION; UNDERGROUND UTILITY INSTALLATION.

Subsections 112.4, Service Utilities, of the IBC, and R111.4, Service Utilities, of the IRC, are hereby established by adding the following subsections:

Subsections 112.4 and R111.4 Underground utility installation. All electrical service lines not exceeding four hundred eighty volts and all telephone and cablevision service lines, as well as other utility lines serving any new building or structure, including signs and billboards, requiring permanent electrical service shall be placed underground unless a waiver from such is approved by the City Engineer.

The provisions of this section shall not apply to existing buildings or additions to such buildings. Nothing in this section shall be deemed to apply to temporary service when defined as such by the utility company.

156.18 SECTION R202 AMENDED; DEFINITIONS.

Section 202, Definitions, of the IBC, and Section R202 Definitions, of the IRC, are hereby amended by deleting the definition of accessory structure, swimming pool and townhouse and inserting in lieu thereof the following:

Section 202 Swimming Pool. Any structure intended for swimming, recreational bathing or wading that is capable of containing water over 24 inches deep. This includes in-ground, above-ground and on-ground pools; hot tubs; spas and fixed-in-place wading pools, but excludes manmade lakes or ponds created through the collection of storm water or drainage runoff.

Section R202 Accessory Structure. Accessory structures shall be defined as and shall conform to applicable zoning requirements and shall include but not be limited to structures and equipment with a fixed location on the ground, including wind energy systems, generators and equipment shelters.

Section R202 Townhouse. A single-family dwelling unit constructed in groups of three or more attached units in which each unit extends from foundation to roof. Townhouse groups of more than twelve units shall have a yard or public way on at least two sides.

156.19 TABLE R301.2(1) AMENDED; CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA.

Table R301.2(1), Climatic and Geographic Design Criteria, of the IRC, is hereby amended by modifying said table as follows:

Table R301.2(1), Climatic and Geographic Design Criteria

Ground Snow Load	Wind Design	Seismic Design Category	Subject To Damage From	Winter	Flood Hazards						
Speed MPH	Topographic Effects	Weathering	Frost Line Depth	Termite	Design Temp	Ice Barrier Req'd.	NFIP Adoption	Air Freezing Index	Mean Annual Temp.		
30 PSF	90	NO	A	Severe	42"	No	-5° F	Yes	16-May-83	1833	48.6

156.20 SUBSECTION R302.1 AMENDED; EXTERIOR WALLS.

Subsection R302.1, Exterior walls, of the IRC, is hereby amended by deleting all exceptions and inserting in lieu thereof the following exception:

Subsection R302.1 Exterior walls exception #1. Accessory structures less than 10 feet from a dwelling and/or less than three feet from a property line shall be provided with five-eighths-inch "X" fire code sheetrock or equivalent throughout the interior, including the walls and ceiling. Any accessory structure opening(s) in wall(s) parallel to and less than 10 feet from dwelling unit wall(s) shall be fire rated in accordance with this code.

156.21 SUBSECTION TABLE R302.1 AMENDED; EXTERIOR WALLS.

Table R302.1, Exterior Walls, of the IRC, is hereby amended by modifying said table as follows:

Table R302.1(1), Exterior Walls

Exterior Wall Element	Minimum Fire-Resistance Rating	Minimum Fire Separation Distance	
Walls	(Fire-resistance rated)	1 hour with exposure from both sides per ASTM E 119 or UL 263	< 3 feet
(Not fire-resistance rated)	0 hours	= 3 feet	
Projections	(Fire-resistance rated)	1 hour on the underside	2 feet
(Not fire-resistance rated)	0 hours	= 2 feet	
Openings	Not allowed	N/A	< 3 feet
25% Maximum Wall Area	0 hours	3 feet	
Unlimited	0 hours	5 feet	
Penetrations	All	Comply with Section R302.4	< 3 feet
None required	3 feet		

156.22 SUBSECTION R302.2 AMENDED; TOWNHOUSES.

Subsection R302.2, Townhouses, of the IRC, is hereby amended by deleting said subsection and inserting in lieu thereof the following (exception and subsequent subsections remains unchanged):

Subsection R302.2 Townhouses. Each sprinklered townhouse shall be considered a separate building and shall be separated by fire-resistance-rated wall assemblies meeting the requirements of section R302.1 for exterior walls. All townhouse groups of more than twelve attached units in which each unit does not have a yard or public way on at least two sides shall be sprinklered.

156.23 SUBSECTION R302.2A ADDITION; TOWNHOUSES.

Subsection R302.2, Townhouses, of the IRC, is hereby established by adding the following subsection and exception:

Subsection R302.2 Townhouses. Each non-sprinklered townhouse shall be considered a separate building and shall be separated by fire-resistance-rated wall assemblies meeting the requirements of Section R302.1 for exterior walls. All townhouse groups of more than twelve attached units in which each unit does not have a yard or public way on at least two sides shall be sprinklered.

Exception: A common 2-hour fire-resistance-rated wall assembly tested in accordance with ASTM E 119 or UL 263 is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against exterior walls and the underside of the roof sheathing. Electrical installations shall be installed in accordance with the Van Meter Electrical Code. Penetrations of electrical outlet boxes shall be in accordance with Section R302.4.

156.24 R302.3 AMENDED; TWO-FAMILY DWELLINGS.

Subsection R302.3 Two-family dwellings, of the IRC, is hereby amended by deleting said subsection and inserting in lieu thereof the following and deleting exception 2:

R302.3 Two-family dwellings. For purposes of fire-resistive separation, two-family dwelling units shall be considered as townhouses and shall be constructed in accordance with R302.2

Exception 2 deleted

156.25 SUBSECTION R302.6 AMENDED; DWELLING AND GARAGE FIRE SEPARATION.

Subsection R302.6, Dwelling/garage fire separation, of the IRC, is hereby amended by deleting said subsection and inserting in lieu thereof the following subsection:

Subsection R302.6 Dwelling/garage fire separation. The garage shall be separated throughout as required by Table R302.6. Openings in garage walls shall comply with section R302.5.

156.26 SUBSECTION TABLE R302.6 AMENDED; DWELLING AND GARAGE SEPARATION.

Table R302.6 Exterior Walls, of the IRC, is hereby amended by modifying said table as follows:

Table R302.6, Dwelling/Garage Separation

Separation	Material
From the residence & attics – common wall with garage	5/8-inch “X” fire code sheetrock or equivalent applied to the garage side
From all habitable rooms above the garage	5/8-inch “X” fire code sheetrock or equivalent – throughout garage
Structures supporting floor/ceiling assemblies used for separation required by this section	5/8-inch “X” fire code sheetrock or equivalent – throughout garage
Garages located less than 10 feet from a dwelling unit on the same lot	5/8-inch “X” fire code sheetrock or equivalent – throughout garage

156.27 SUBSECTION R303.3 AMENDED; BATHROOMS.

Subsection R303.3, Bathrooms, of the IRC, is hereby amended by deleting said subsection and inserting in lieu thereof the following subsection and also by adding the following exception:

Subsection R303.3 Bathrooms Bathrooms shall be provided with a mechanical ventilation system. The minimum ventilation rates shall be 50 cfm for intermittent ventilation or 20 cfm for continuous ventilation. Ventilation air from the space shall be exhausted directly to the outside.

Exception: Toilet rooms containing only a water closet and/or lavatory may be provided with a recirculating fan.

156.28 SUBSECTION 406.3.4 AMENDED; SEPARATION.

Subsection 406.3.4, Separation, of the IBC, is hereby amended by deleting subsection #1 and inserting in lieu thereof the

following:

Subsection 406.3.4 Separation #1. The private garage shall be separated from the dwelling unit and its attic area by means of minimum 5/8-inch type "X" fire code gypsum board or equivalent applied to the garage side. Where the separation is a floor-ceiling assembly, the structure supporting the separation shall also be protected by not less than 5/8-inch type "X" fire code gypsum board or equivalent throughout. Garages beneath habitable rooms shall be separated by not less than 5/8-inch type "X" fire code gypsum board or equivalent throughout. Door openings between a private garage and the dwelling unit shall be equipped with either solid wood doors or solid or honeycomb core steel doors not less than 1 3/8-inch thick, or doors in compliance with 716.5.3. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Doors shall be self-closing and self-latching.

156.29 SUBSECTION R310.1 AMENDED; EMERGENCY ESCAPE AND RESCUE REQUIRED.

Subsection R310.1, Emergency escape and rescue required, of the IRC, is hereby amended by deleting the first paragraph of said section and inserting in lieu thereof the following:

Subsection R310.1 Emergency escape and rescue required. Basements, habitable attics and every sleeping room shall have at least one openable emergency escape and rescue window or exterior door opening for emergency escape and rescue. Where basements contain one or more sleeping rooms, emergency egress and rescue openings shall be required in each sleeping room, but shall not be required in adjoining areas of the basement. Where a window is provided as a means of escape and rescue opening from a basement, it shall have a sill height of not more than 44 inches above the floor or landing. Where a landing is provided, the landing shall be not less than 36 inches wide, not less than 18 inches out from the exterior wall, and not more than 24 inches in height. The landing shall be permanently affixed to the floor below and the wall under the openable area of the window it serves. Where a door opening having a threshold below the adjacent ground elevation serves as an emergency escape and rescue opening and is provided with a bulkhead enclosure, the bulkhead enclosure shall comply with Section 310.3. Escape and rescue window openings with a finished sill height below the adjacent ground elevation shall be provided with a window well in accordance with Section R310.2.

156.30 SUBSECTIONS 1029.4 AND R310.1.4 AMENDED; OPERATIONAL CONSTRAINTS.

Subsections 1029.4, Operational Constraints, of the IBC and R310.1.4, Operational constraints, of the IRC, are hereby amended by adding a new sentence and exception following these subsections:

Subsections 1029.4 and R310.1.4 Operational Constraints. The net clear opening dimensions required by this section shall be obtained by the normal operation of the emergency escape and rescue opening from the inside and shall not require the removal of a sash or other component of the emergency escape and rescue opening.

Exception: Existing required emergency escape openings shall be maintained in accordance with the Van Meter Property Maintenance Code and may be replaced with the same size and type of window.

156.31 SUBSECTION R310.5 AMENDED; EMERGENCY ESCAPE WINDOWS UNDER DECKS AND PORCHES.

Subsection R310.5, Emergency escape windows under decks and porches, of the IRC, is hereby amended by adding a new sentence following this section:

Subsection R310.5 Emergency escape windows under decks and porches. Cantilever areas of all construction elements shall be regulated in accordance with this section.

156.32 SUBSECTION R311.7.5.1 AMENDED; RISERS.

Subsection R311.7.5.1, Riser height, of the IRC, is hereby amended by adding the following exceptions:

Subsection R311.7.5.1 Riserheight exception 2. The maximum riser height shall be 7 3/4 inches. The riser height shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch, except at the top or bottom riser of any interior stair where this dimension may deviate by a maximum of 1 inch. In no case shall the risers exceed the maximum height of 7 3/4 inches.

Subsection R311.7.5.1 Profile exception 3. The opening between adjacent treads is not limited on exterior stairs serving individual dwelling units.

156.33 SUBSECTION R311.7.8.2 ADDITION; CONTINUITY.

Subsection R311.7.8.2, Continuity, of the IRC, is hereby amended by adding the following exception:

Subsection R311.7. 8.2 Continuity exception 3. Handrails within a dwelling unit or serving an individual dwelling unit shall be permitted to be interrupted at one location in a straight stair when the rail terminates into a wall or ledge and is offset and immediately continues.

156.34 SUBSECTION R313.1 AMENDED; TOWNHOUSE AUTOMATIC FIRE SPRINKLER SYSTEMS.

Subsection R313.1 Townhouse automatic fire sprinkler system, of the IRC, is hereby amended by deleting said subsection and inserting the following in lieu thereof (exception remains unchanged):

Subsection R313.1 Townhouse automatic fire sprinkler systems. An automatic residential fire sprinkler system shall be installed in townhouses containing more than 12 dwelling units.

156.35 SUBSECTION R313.2 AMENDED; ONE- AND TWO-FAMILY DWELLINGS AUTOMATIC FIRE SYSTEMS.

Subsection R313.2 One- and two-family automatic fire sprinkler systems, of the IRC, is hereby amended by adding the following exception:

Subsection R313.2 One- and two-family automatic fire sprinkler systems exception 2. Dwelling units in which the gross square footage of the dwelling space(s), including all floor levels whether finished or unfinished and all basement areas whether finished or unfinished (exclusive of attached garage area), does not exceed 8,000 square feet.

156.36 SUBSECTION R403.1.4.1; AMENDED; FROST PROTECTION.

Subsection R403.1.4.1, of the IRC, is hereby amended by deleting all existing exceptions and inserting in lieu thereof the following:

Subsection R403.1.4.1 Frost protection exception 1. Detached garages of light frame wood construction of 1,010 square feet or less in size and detached garages of 400 square feet or less in size of other than light frame wood construction and more than 10 feet from a dwelling or attached garage may be provided with a floating slab which shall include a thickened slab edge of a minimum eight inches thick and tapered or squared from a width of six inches to 12 inches and have floors of Portland cement concrete not less than four inches thick. Garages areas shall have all sod and/or debris removed prior to installation of said floor.

156.37 SUBSECTION R404.1 AMENDED; CONCRETE AND MASONRY FOUNDATION WALLS.

Subsection R404.1, Concrete and masonry foundation walls, of the IRC, is hereby amended by adding the following paragraph:

Subsection R404.1 Concrete and masonry foundation walls lateral support Prior to backfill and prior to a poured in place floor slab to provide bottom lateral support the following may be provided (i) a full depth (minimum 1-1/2-inch) nominal 2-inch x four-inch keyway may be formed into the footings to secure the bottom of the foundation wall -or- (ii) 36-inch long vertical # 4 rebar may be embedded a minimum of six-inch into the footings not to exceed seven-foot o.c. spacing

156.38 SUBSECTIONS 1807.1.5.1 AND R404.1.2.2.3 ADDITION; FOUNDATION WALLS FOR CONVENTIONAL LIGHT FRAME WOOD CONSTRUCTION.

Subsections 1807.1.5.1, Foundation Walls For Conventional Light Frame Wood Construction, of the IBC and R404.1.2.2.3, Foundation Walls For Conventional Light Frame Wood Construction, of the IRC, are hereby established by adding the following subsections and table:

Subsections 1807.1.5.1 and R404.1.2.2.3 Foundation Walls For Conventional Light Frame Wood Construction. As an alternate to the requirements of respective codes the following Table 'Foundation Walls for Conventional Light Frame Construction' may be used:

Table - Foundation Walls for Conventional Light Frame Construction

Height of Foundation Wall (Net measured from top of basement slab to top of foundation wall)*	Thickness of Foundation Walls	Reinforcement Type and Placement Within Foundation Wall**	Reinforcement Type and Placement within Foundation Wall** (maximum 12-foot span between corners and supporting cross walls.)	Type of Mortar		
				Gross	Net	Masonry
8	7' 8"	7 1/2"	8"	Concrete	Masonry	Masonry
9	8' 8"	8"	See Chapter 18 IBC	Concrete	Masonry	Masonry
10	9' 8"	8"	See Chapter 18 IBC	Concrete	Masonry	Masonry

Unit

*Concrete floor slab to be nominal 4". If such floor slab is not provided prior to backfill, provide 1) 36" vertical #4 rebar embedded in the footing @ maximum 7' O.C. spacing -and/or- 2) full depth nominal 2" depth x 4" width keyway in footing

** All reinforcement bars shall meet ASTM A6175 grade 40 minimum and be deformed. Placement of bars shall be in center of wall and meet the provisions of 18, 19, and 21 of the International Building Code.

NOTE: Cast in place concrete shall have a compressive strength of 3,000 lbs. @ 28 days. Footings shall contain continuous reinforcement of 2 - 1/2" diameter rebar throughout. Placement of reinforcement and concrete shall meet the requirements of Chapter 19 of the International Building Code.

NOTE: Material used for backfilling shall be carefully placed granular soil of average or high permeability and shall be drained with an approved drainage system as prescribed in Section 1805.4 of the International Building Code. Where soils containing a high percentage of clay, fine silt or similar materials of low permeability or expansive soils are encountered or where backfill materials are not drained or an unusually high surcharge is to be placed adjacent to the wall, a specially designed wall shall be required.

Note: Foundation plate or sill anchorage may be installed in accordance with the respective codes as applicable.

156.39 SECTION R405 ADDITION; FOUNDATION DRAINAGE.

Section R405, Foundation Drainage, of the IRC, is hereby amended by adding a new subsection as follows:

Subsection R405.3 Sump Pumps. Footing drains and drainage systems shall be discharged to a sump pump plumbed to a discharge system separated from the sanitary sewer and in accordance with the standard specifications adopted by the City Council. Exceptions may be granted by the Code Official in accordance with said engineering standards.

156.40 SUBSECTION R506.2.4 ADDITION; REINFORCEMENT SUPPORT.

Subsection R506.2.4, of the IRC, Reinforcement support is hereby amended by addition of the following exception:

Subsection R506.2.4 Reinforcement support Exception 1. Non-structural slabs

156.41 SUBSECTION 907.2.11 AMENDED; SINGLE AND MULTIPLE-STATION SMOKE ALARMS.

Subsection 907.2.11, of the IBC, Single and Multiple-station smoke alarms is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 907.2.11 Single and Multiple-station smoke alarms. Listed single- and multiple-station smoke alarms complying with UL 217 shall be installed in accordance with provisions of this code and the household fire warning equipment provision of NFPA 72. Smoke alarms shall be addressable with sounder bases and tied into the building fire alarm system as a

supervisory signal only. Mini horns are not required if notification from a building fire alarm system is through the smoke alarms with sounder bases.

156.42 SUBSECTION M1403.2 AMENDED; FOUNDATIONS AND SUPPORTS.

Subsection M1403.2 Foundations and supports, of the IRC, is hereby amended by deleting said section and inserting in lieu thereof the following:

Subsection M1403.2 Foundation and supports. Foundations and supports for outdoor mechanical systems shall be raised at least one and one half inches above the finished grade and shall also conform to the manufacturer's installation instructions.

156.43 SUBSECTION P2603.5 AMENDED; FREEZING.

Subsection P2603.5 Freezing, of the IRC, is hereby amended by deleting the last sentence of said subsection and inserting in lieu thereof the following:

Subsection P2603.5 Freezing. Exterior water supply system piping shall be installed not less than 60 inches below grade.

156.44 SUBSECTION P2603.5.1 AMENDED; SEWER DEPTH.

Subsection P2603.5.1 Sewer Depth, of the IRC, is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection P2603.5.1 Sewer Depth. Building sewers shall be a minimum of 48 inches below grade.

156.45 SUBSECTION 1007.2 ADDITION; CONTINUITY AND COMPONENTS.

Subsection 1007.2, Continuity and Components, Of the IBC, is hereby amended by adding the following #11 to said subsection:

Subsection 1007.2 Continuity and Components #11. Components of exterior walking surfaces shall be hard surfaced.

156.46 SECTION 1008 ADDITION; DOORS, GATES AND TURNSTILES.

Section 1008, Doors, Gates and Turnstiles, of the IBC, is hereby amended by adding the following subsection:

Subsection 1008.1.6.1 Frost Protection. Exterior landings at doors shall be provided with frost protection.

156.47 SUBSECTION 1012.4 ADDITION; (HANDRAIL) CONTINUITY.

Subsection 1012.4, Continuity, of the IBC, is hereby amended by adding the following exception:

Subsection 1012.4 Continuity Exception 5. Handrails within a dwelling unit or serving an individual dwelling unit of groups R-2 and R-3 shall be permitted to be interrupted at one location in a straight stair when the rail terminates into a wall or ledge and is offset and immediately continues.

156.48 SUBSECTION 1027.5 ADDITION; ACCESS TO A PUBLIC WAY.

Subsection 1027.5, Access to a Public Way, of the IBC, is hereby amended by adding the following subsection:

Subsection 1027.5.1 Access to a Public Way. Components of exterior walking surfaces shall be hard surfaced.

156.49 SUBSECTION 1029.3 AMENDED; (EMERGENCY ESCAPE AND RESCUE) MAXIMUM HEIGHT FROM FLOOR.

Subsection 1029.3, Maximum Height From Floor, of the IBC, is hereby amended by adding the following exception:

Subsection 1029.3 Maximum Height From Floor Exception 1 Within individual units of Group R-2 and R-3 occupancies where a window is provided as a means of escape and rescue opening from a basement it shall have a sill height of not more than 44 inches above the floor or landing. Where a landing is provided the landing shall be not less than 36 inches wide, not less than 18 inches out from the exterior wall, and not more than 24 inches in height. The landing shall be permanently affixed to the floor below and the wall under the openable area of the window it serves.

156.50 SUBSECTION 1029.5; WINDOW WELLS.

Subsections 1029.5, Window Wells, of the IBC, is hereby amended by adding the following subsection:

Subsections 1029.5.3 Window Well Drainage. All window wells shall be provided with approved drainage.

156.51 CHAPTER 13 ENERGY EFFICIENCY AND CHAPTER 11 [RE] AMENDED; ENERGY EFFICIENCY.

Chapter 13, Energy Efficiency, of the IBC and Chapter 13 [RE], Energy Efficiency, of the IRC, are hereby amended by deleting said chapters and inserting in lieu thereof the following:

Chapter 13 Energy Efficiency (IBC) and Chapter 11 (IRC). The provisions of the International Energy Code as currently adopted and amended by the Iowa State Building Code Bureau shall apply to all matters governing the design and construction of buildings for energy efficiency. Administration shall be as prescribed in "this code" and these regulations shall be known as the Van Meter Energy Code.

156.52 TABLE 1405.2 ADDITION; MINIMUM THICKNESS OF WEATHER COVERINGS.

Table 1405.2, Minimum Thickness of Weather Coverings, of the IBC, is hereby amended by adding the following footnote:

Table 1405.2 Minimum Thickness of Weather Coverings Footnote f. Vinyl siding shall be provided with a weather-resistant sheathing paper.

156.53 SUBSECTION 1405.14 ADDITION; VINYL SIDING.

Subsection 1405.14, Vinyl Siding, of the IBC, is hereby amended by adding a new subsection as follows:

Subsection 1405.14.2 Water-Resistive Barrier Required. An approved water-resistive barrier shall be provided under all vinyl siding.

156.54 SUBSECTION 1608.2 AMENDED; GROUND SNOW LOADS.

Subsection 1608.2, Ground Snow Loads, of the IBC, is hereby amended by deleting said section and inserting in lieu thereof the following:

Subsection 1608.2 Ground Snow Load. The ground snow load to be used in determining the design snow load for roofs is hereby established at 30 pounds per square foot. Subsequent increases or decreases shall be allowed as otherwise provided in the building code, except that the minimum allowable flat roof snow load may be reduced to not less than 80 percent of the ground snow load.

156.55 SECTION 1612 AMENDED; FLOOD LOADS.

Section 1612, Flood Loads, of the IBC, is hereby amended by deleting said section and inserting in lieu thereof the following section:

Section 1612.1 General Floodplain Construction Standards. The following standards are established for construction occurring within the one-hundred-year flood elevation:

A. All structures shall:

1. Be adequately anchored to prevent flotation, collapse or lateral movement of the structure;
2. Be constructed with materials and utility equipment resistant to flood damage; and
3. Be constructed by methods and practices that minimize flood damage.

B. Residential buildings. All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one foot above the 100-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than one foot above the 100-year flood level and extend at such elevation at least eighteen feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers) may be allowed, subject to favorable consideration by the Code Official where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding.

C. Nonresidential buildings. All new or substantially improved nonresidential buildings shall have the first floor (including basement) elevated a minimum of one foot above the 100-year flood level, or together with attendant utility and sanitary systems, be floodproofed to such a level.

D. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood; that the structure, below the 100-year flood level, is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to mean sea level) to which any structures are floodproofed shall be maintained by the Code Official.

E. Mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements are that:

1. Over-the-top ties be provided at each of the four corners of the mobile home with two additional ties per side at intermediate locations for mobile homes 50 feet or more in length or one such tie for mobile homes less than 50 feet in length;

2. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points for mobile homes 50 feet in length;

3. All components of the anchoring system be capable of carrying a force of four thousand eight hundred pounds; and

4. Any additions to the mobile home be similarly anchored.

F. Mobile homes shall be placed on lots or pads elevated by means of compacted fill so that the lowest floor of the mobile home will be a minimum of one foot above the one-hundred-year flood level. In addition, the tie-down specification of Subsection E must be met and adequate surface drainage and access for a hauler must be provided.

G. New mobile homes, expansions to existing mobile homes and mobile home lots where the repair, reconstruction or improvement of the streets, utilities, and pads equals or exceeds 50 percent before the repair, reconstruction or improvement has commenced shall provide:

1. Lots or pads that have been elevated by means of compacted fill so that the lowest floor of mobile homes will be a minimum of one-foot above the one-hundred-year flood level;

2. Ground anchors for mobile homes.

H. Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one foot above the one-hundred-year flood level. Other material and equipment must either be similarly elevated or:

1. Not be subject to major flood damage and be anchored to prevent movement due to flood waters; or
2. Be readily removable from the area within the time available after flood warning.

Section 1612.2 Special Floodway Standards. The following standards are established for construction occurring within a designated floodway.

A. Structures, buildings and sanitary and utility systems, if permitted, shall meet the applicable general floodplain standards and shall be constructed or aligned to present the minimum possible resistance to flood flows.

B. Buildings, if permitted, shall have a low flood damage potential and shall not be for human habitation.

156.56 SUBSECTION 1809.5 ADDITION; FROST PROTECTION.

Subsection 1809.5, Frost Protection, of the IBC, is hereby amended by adding the following exception 4:

Exception 4. Detached garages, accessory to Group R-2 and R-3 occupancies, 1010 square feet or less in size of light frame wood construction and detached garages of 400 square feet or less in size of other than light frame wood construction and more than 10 feet from a dwelling or attached garage may be provided with a floating slab which shall include a thickened slab edge of a minimum eight inches thick and tapered or squared from a width of six inches to 12 inches and have floors of Portland cement concrete not less than four inches thick. Garage areas shall have all sod and/or debris removed prior to installation of said floor.

156.57 APPENDIX G ADOPTED; SWIMMING POOLS, SPAS AND HOT TUBS.

Appendix G, Swimming Pools, Spas and Hot Tubs, of the IRC, is hereby adopted by reference and shall be in full force and effect in this chapter.

156.58 SUBSECTION 3109.2 AND AG102 DEFINITION AMENDED; SWIMMING POOL.

Subsection 3109.2, Definition, of the IBC and AG102, Definitions, of the IRC, is hereby amended by deleting said definition and inserting in lieu thereof the following:

Swimming Pool. Any structure intended for swimming, recreational bathing or wading that is capable of containing water over 24 inches deep. This includes in-ground, above-ground and on-ground pools; hot tubs; spas and fixed-in-place wading pools, but excludes manmade lakes or ponds created through the collection of storm water or drainage runoff.

156.59 SECTION 3401.3 AMENDED; COMPLIANCE.

Section 3401.3, Compliance, of the IBC, is hereby amended by deleting said section and inserting in lieu thereof the following:

Section 3401.3 Compliance. Alterations, repairs, additions and changes of occupancy to existing structures shall comply with the provisions for alterations, repairs, additions and changes of occupancy in the Van Meter Fire Code, Van Meter Plumbing Code, Van Meter Fuel Gas Code, Van Meter Property Maintenance and Housing Code, Van Meter Mechanical Code, Van Meter Electrical Code, Van Meter Energy Code, Van Meter Residential Code and the Van Meter Zoning Code. The provisions of this code shall not be deemed to nullify or lessen any provisions of local, State or federal law.

CHAPTER 157

MECHANICAL CODE

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|---|--|
| 157.01 Short Title | 157.08 Subsection 106.1.1 Addition; Permit Acquisition |
| 157.02 Adoption of Mechanical Code | 157.09 Subsection 106.2 Addition; Permits Not Required |
| 157.03 Amendments, Modifications, Additions and Deletions | 157.10 Subsection 106.4.3 Amended; Expiration |
| | 157.11 Subsection 106.5.2 Amended; Schedule of Permit Fees |
| 157.04 Deletions | 157.12 Subsection 106.5.3 Amended; Fee Refunds |
| 157.05 Conflicts | 157.13 Subsection 108.4 Amended; Violation Penalties |
| 157.06 Subsection 101.1 Amended Title | 157.14 Subsection 108.5 Amended; Stop Work Order |
| 157.07 Subsection 103.1 Addition; General | 157.15 Subsection 1107.2 Amended; Refrigerant Piping |

157.01 SHORT TITLE.

This chapter shall be known as the Van Meter Mechanical Code, and may be cited as such, and may be referred to herein as this chapter

157.02 ADOPTION OF MECHANICAL CODE.

The *International Mechanical Code 2012 Edition*, published by the International Code Council, Inc., is adopted in full except for such portions as may be hereinafter deleted, modified or amended. A copy of the *International Mechanical Code 2012 Edition*, as adopted and a copy of this chapter are on file in the office of the Code Official.

157.03 AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETIONS.

The *International Mechanical Code, 2012 Edition* (hereinafter known as the IMC), is amended as hereinafter set out in Sections 157.04 through 157.15.

157.04 DELETIONS.

The following are deleted from the IMC and are of no force or effect in this chapter:

Subsection 106.4.4 Extensions, Section 109 Means of Appeal.

157.05 CONFLICTS.

In the event requirements of this code conflict with applicable State and federal requirements, the more stringent shall apply.

157.06 SUBSECTION 101.1 AMENDED; TITLE.

Subsection 101.1, Title, of the IMC, is hereby deleted and there is enacted in lieu thereof the following subsection:

Subsection 101.1 Title. These regulations shall be known as the Van Meter Mechanical Code, hereinafter known as "this code."

157.07 SUBSECTION 103.1 ADDITION; GENERAL.

Subsections 103.1, General, of the IMC, is hereby amended by adding the following paragraph to said subsection:

Subsection 103.1 Building and Zoning Administrator. The term Code Official is intended to also mean the Building and Zoning Administrator and his or her representatives or designees, who are herewith delegated the same powers, authorities, duties and responsibilities as designated for the Code Official.

157.08 SUBSECTION 106.1.1 ADDITION; PERMIT ACQUISITION.

Subsection 106.1.1 Permit acquisition, of the IMC, is hereby established by adding the following:

Subsection 106.1.1 Permit acquisition.

1. Permits are not transferable. Mechanical work performed under the provisions of this chapter must be done by a contractor meeting the licensing provisions as set forth by the State of Iowa Plumbing and Mechanical Systems Board in accordance with *Code of Iowa* Chapter 105. A responsible person or mechanical professional licensed by the State of Iowa Plumbing and Mechanical Systems Board as a "Master" may sign and obtain a permit for the contractor for which they are employed only when said responsible person or "Master" has provided proof of employment or written confirmation by said licensed contractor. Any permit required by the provisions of this code may be revoked by the Code Official upon the violation of any provision of this code.

2. A State of Iowa licensed mechanical contractor shall be allowed only to secure permits for himself or herself, or for a single firm or corporation. When a State of Iowa licensed mechanical contractor has secured such a permit, only the employees of such contractor when meeting the provisions of *Code of Iowa* Chapter 105 shall perform the work for which the permit was obtained.

3. For purposes of this section, an "employee" shall be one employed by the contractor, firm, or corporation for a wage or salary. A contractor may be required by the Code Official to show positive evidence as to the employee status of workers on the job. Such evidence shall be in the form of payroll and time records, canceled checks, or other such documents.

4. The contractor may also be required to show the agreement or contract pertaining to the work being questioned as evidence that said contractor is, in fact, the actual contractor for such work. Failure or refusal by the contractor to make available such employee or contractual records within 24 hours from demand therefor shall be grounds for immediate revocation of any permit for the work in question.

157.09 SUBSECTION 106.2 ADDITION; PERMITS NOT REQUIRED.

Subsection 106.2, Permits not required, of the IMC, is hereby amended by adding the following #9 to said subsection:

Subsection 106.2 Permits Not Required.

9. Replacement or relocation of existing house ventilation fans, bathroom exhaust, dryer vents, window air conditioners and extension of existing supply and return ductwork.

157.10 SUBSECTION 106.4.3 AMENDED; EXPIRATION.

Subsection 106.4.3 Expiration, of the IMC, is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 106.4.3 12-Month Expiration. Every permit issued under the provisions of this Code shall expire 12 months from the date of issue, unless the application is accompanied by a construction schedule of specific longer duration, in which instance the permit may be issued for the term of the construction schedule, with approval of the Code Official. If the work has not been completed by the expiration date of the permit, no further work shall be done until the permit shall have been renewed by the owner or his or her agent and by payment of the renewal fee as established by resolution of the City Council, and provided no changes have been made in plans or location. Upon approval, permits may be extended for no more than two periods not exceeding 180 days each.

157.11 SUBSECTION 106.5.2 AMENDED; SCHEDULE OF PERMIT FEES.

Subsection 106.5.2 Fee schedule, of the IMC, is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 106.5.2 Fee Schedule. Permits shall not be issued until the fees, as set forth and established by resolution of the City Council, have been paid to the City of Van Meter. An amended permit or a supplemental permit for additional construction shall not be issued until the permit fee(s) for the additional work has been paid.

157.12 SUBSECTION 106.5.3 AMENDED; FEE REFUNDS.

Subsection 106.5.3, Fee refunds, of the IMC, is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 106.5.3 Fee Refunds. The Code Official is authorized to establish a refund policy.

157.13 SUBSECTION 108.4 AMENDED; VIOLATION PENALTIES.

Subsection 108.4, Violation penalties, of the IMC, is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 108.4 Violation Penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, installs, alters or repairs mechanical work in violation of the approved construction documents or directive of the Code Official, or of a permit issued under the provisions of this code, shall be subject to penalties as prescribed by law.

157.14 SUBSECTION 108.5 AMENDED; STOP WORK ORDER.

Subsection 108.5, Stop Work Orders, of the IMC, is hereby amended by deleting the last sentence of said subsection and inserting in lieu thereof the following:

Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

157.15 SUBSECTION 1107.2 AMENDED; REFRIGERANT PIPING.

Subsection 1107.2, Refrigerant piping, of the IMC, is hereby amended by deleting the last sentence thereto.

CHAPTER 158

PROPERTY MAINTENANCE AND HOUSING CODE

158.01 Short Title	158.11 Subsection 103.6 Addition; Work Commencing Before Permit Issuance
158.02 Adoption of Property Maintenance Code	
158.03 Amendments, Modifications, Additions and Deletions	158.12 Subsection 103.7 Addition; Fee Refunds
158.04 Deletions	158.13 Subsection 302.4 Amended; Weeds
158.05 Conflicts	158.14 Subsection 304.14 Amended; Insect Screens
158.06 Section 101.1 Amended; Title	158.15 Subsection 403.5 Addition; Clothes Dryer Duct
158.07 Subsection 102.3 Amended; Application of Other Codes	158.16 Subsection 404.4.1 Amended; Room Area
158.08 Subsection 102.11 Addition; Housing Code	158.17 Subsection 602.3 Amended; Heat Supply
158.09 Subsection 103.1 Addition; General	158.18 Subsection 602.4 Amended; Occupiable Work Spaces
158.10 Subsection 103.5 Amended; Fees	158.19 Subsection 605.2 Addition; Receptacles

158.01 SHORT TITLE.

This chapter shall be known as the Van Meter Property Maintenance and Housing Code, and may be cited as such, and may be referred to herein as this chapter

158.02 ADOPTION OF PROPERTY MAINTENANCE CODE.

The *International Property Maintenance Code*, 2012 Edition; published by the International Code Council, Inc., is adopted in full except for such portions as may be hereinafter deleted, modified or amended. A copy of the *International Property Maintenance Code* 2012 Edition, as adopted and a copy of this chapter are on file in the office of the Code Official.

158.03 AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETIONS.

The International Property Maintenance Code, 2012 Edition (hereinafter known as the IPMC), is amended as hereinafter set out in Sections 158.04 through 158.19.

158.04 DELETIONS.

The following are deleted from the IPMC and are of no force or effect in this chapter:

Section - 111 Means Of Appeal.

158.05 CONFLICTS.

In the event requirements of this code conflict with applicable State and federal requirements, the more stringent shall apply.

158.06 SECTION 101.1 AMENDED; TITLE.

Subsection 101.1, Title, of the IPMC is hereby deleted and there is enacted in lieu thereof the following subsection:

Subsection 101.1 Title. These regulations shall be known as the Property Maintenance and Housing Code of the City of Van Meter, hereinafter known as "this code."

158.07 SUBSECTION 102.3 AMENDED; APPLICATION OF OTHER CODES.

Subsection 102.3 Application of other codes, of the IPMC, is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 102.3 Application of Other Codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions, as applicable, of the Van Meter Building Code, Van Meter Residential Code, Van Meter Mechanical Code, Van Meter Fuel Gas Code, Van Meter Plumbing Code, Van Meter Fire Code, the Van Meter Electrical Code and the Van Meter Zoning Code.

158.08 SUBSECTION 102.11 ADDITION; HOUSING CODE.

Subsection 102.11, Housing Code is hereby established by adding the following subsections:

102.11.1 Housing Code. In addition to provisions of the Property Maintenance Code of the City of Van Meter, this section shall be hereafter known as the City housing code and may be cited as such and will be referred to as such in this section.

102.11.2 Scope. The provisions of this section shall be deemed to apply to all dwellings or portions thereof used or designed or intended to be used for human habitation. All occupancies in existing buildings may be continued as provided in previously adopted Building Code(s) except such structures as are found to be substandard as defined in this code. Where any building or portion thereof is used or intended to be used as a combination apartment house-hotel, the provisions of this code shall apply to the separate portions as if they were separate buildings. Every rooming house or lodging house shall comply with all of the requirements of this code applicable to dwellings.

102.11.3 Dwellings--Definition. A dwelling is any house or building or portion thereof which is occupied in whole or in part as a home or residence of one or more human beings, either permanently or transiently. No part of a building hereafter constructed as or altered into a dwelling may be occupied in whole or in part for human habitation until the issuance of a certificate by the Code Official that such part of the dwelling conforms to requirements relative to dwellings hereafter erected. The certificate shall be issued within fourteen days after written application therefore if the dwelling at the date of such application shall be entitled thereto. Such certificate shall hereafter be known as an occupancy certificate.

102.11.4 Housing Inspector. The City Council may designate, by resolution, the Building and Zoning Administrator and his or her representatives or designees as housing inspectors, or, the City Council may, by resolution, approve certain qualified firms or persons who by training or experience are familiar with the provisions of this code to perform inspections of rental dwelling units in the City, to insure their compliance with this code. The inspectors appointed under the provisions of this section shall be charged with the responsibility of performing inspections of rental dwelling units in the City only, but shall not be charged with the duty of enforcing the provisions of this chapter. The Code Official shall be responsible for the enforcement of this chapter and may also make any inspections required under the provisions of this chapter.

102.11.5 Regular Inspections. Regular inspections of rental dwelling units shall be required every three years in the case of multiple-family dwellings and every five years in the case of unattached single-family rental units and duplexes.

102.11.6 Application for a Certificate. Every person, firm or corporation that offers for rent a dwelling or portion(s) thereof within the City shall submit to the Planning and Building Department, on forms provided, an application requesting an inspection certificate. Such application shall be accompanied by an inspection and application fee in an amount established by Council resolution. Upon receipt of such application, the City shall cause an inspection of the premises and, if the same comply with the provisions of this chapter, issue an inspection certificate. If the premises fail to comply, the housing inspector shall notify the applicant in writing, stating the reasons for such noncompliance.

102.11.7 Additional Inspections. In addition to the inspections required under Section 102.11.4, the City Inspector or inspectors are also empowered to make similar inspections of all rental units as frequently as may be necessary and may make inspection at any reasonable time on a written complaint submitted by the owner, tenant or other person concerned; the City will make special provisions in the case of elderly and handicapped persons in order to insure that their housing facilities are adequate.

102.11.8 Inspection Fees for Additional Inspections. When an inspection is made at the request of the owner, an inspection fee as provided in Section 102.11.6 shall be charged. If an inspection is made at the written request of a tenant and the dwelling is found to be in noncompliance, due to an omission of the owner, such owner shall be responsible for the re-inspection fee. No inspection shall be conducted at the request of a tenant unless the tenant has first submitted his complaint, in writing, to the landlord, no less than ninety-six hours before making such complaint to the City. If, after a written complaint by the tenant, the dwelling is found to comply, or if such noncompliance is due to conduct on the part of the tenant, the tenant shall be liable for the cost of such inspection. If such costs are not paid by the tenant within 30 days from date of billing, the City may initiate an action in law or in equity to recover the same, in which event the tenant shall be liable for reasonable attorney fees. No fee shall be charged to the owner for such inspection. In the event an inspection is initiated by the City or at the request of a person other than the owner or tenant, and if the building is found to be in

noncompliance, the owner shall be liable for such inspection fees. In the event that on the date of the inspection the building complies with the provisions of the housing code, no fee shall be charged. In the event that on the date of inspection a dwelling fails to comply with the provisions of the housing code, which necessitates additional inspections, the owner shall be liable for the cost of such re-inspections. All fees required under this chapter shall be paid prior to the issuance or renewal of the inspection certificate.

102.11.9 Entrance and Survey of Buildings. The building inspector and all inspectors and employees of the building department and such other persons as may be authorized by the City Council may, without fee, except as provided in Section 102.11.8, enter, examine, make necessary records and survey all rental dwellings within the City. If entry into the interior portion of a dwelling unit is required, 24 hours' notice to the tenant shall be given by the City. The owner or his agent or representative and the lessee and occupant of every rental dwelling and every person having the care and management of the same shall, at all reasonable times when required by such officers or persons, give them free access to such rental dwellings and premises. The owner of a rental dwelling, and his agents and employees, shall have right of access to such dwellings at reasonable times for the purpose of bringing about compliance with the provisions of this chapter or any order issued thereunder.

102.11.10 Inspection Certificate Required. From and after the first day of January, 1983, no person shall rent, lease, let, operate, or otherwise allow the occupancy of any dwelling unless such person holds a valid inspection certificate as is required by this chapter.

102.11.11 Reinspection. The inspection certificate issued under this chapter shall expire in three years after the original date of its issuance in the case of multiple-family dwellings, and in the case of single-family unattached dwellings and duplexes, it shall expire five years from the original date of its issuance, unless sooner revoked or suspended. The housing inspector shall inspect each such dwelling within 60 days prior to the expiration date of the certificate so that the Code Official may determine whether or not a new certificate shall be issued.

102.11.12 Issuance Duration Validation. If the dwelling and premises are found to comply with the requirements of this chapter, upon reinspection, the housing inspector shall issue a temporary inspection certificate. This certificate shall be valid for a period of thirty days from the date of inspection. It shall be presented to the Planning and Building Department within that period of time and, upon payment of the appropriate fees, the Code Official shall validate it.

102.11.13 Certificate Displayed--Transferability. Inspection certificates shall be transferable to succeeding owners. They shall be displayed by the owner for the tenant to examine before the dwelling may be rented, leased or otherwise occupied.

102.11.14 Notice on Sale of Dwelling. Every person holding an inspection certificate under this chapter shall give notice in writing to the Code Official within 96 hours after having sold, transferred, conveyed or otherwise disposed of his ownership, interest in or control of any dwelling. This notice shall include the name and address of the person succeeding to the ownership or control thereof.

102.11.15 Civil Liability. The owner of any dwelling or of any building or structure upon the same lot with a dwelling, or of the lot, or any violation of this chapter, or where a nuisance as herein defined exists, who has been guilty of such violation or of creating or knowingly permitting the existence of such violation, or any occupant who shall violate or assist in violating any provisions of this chapter, shall also jointly and severally for each such violation and each such nuisance be subject to a civil penalty of \$50.00 to be recovered for the use of the Planning and Building Department in a civil action brought in the name of the municipality by the Code Official. Such person or persons and also the premises shall be liable in such case for all costs, expenses and disbursements paid or incurred by the Planning and Building Department, including attorneys' fees, paid or incurred by the City, by any of the officers, agents or employees thereof, in the removal of any such nuisance or violation.

102.11.16 Additional Liability. Any person who, having been served with a notice or order to remove any such nuisance or violation, fails to proceed in good faith to comply with the notice or order within five days after such service, or continues to violate any provisions or requirements of this chapter in the respect named in such notice or order, shall also be subject to a civil penalty of \$100.00. For the recovery of such penalties, costs, expenses or disbursements, an action may be brought in a court of competent civil jurisdiction.

102.11.17 Action to Enjoin. In case any dwelling, building or structure is constructed, altered, converted or maintained in violation of any provisions of this chapter or of any order or notice of the Code Official, or in case a nuisance exists in any such dwelling, building or structure or upon the lot on which it is situated, the Code Official may institute any appropriate action or proceeding to prevent such unlawful construction, alteration, conversion or maintenance, to restrain, correct or abate such violation, nuisance, to prevent the occupation of the dwelling, building or structure, or to prevent any illegal act, conduct business in or about such dwelling or lot.

102.11.18 Injunction. In any such action or proceeding, the Code Official may by a petition duly verified setting forth the facts apply to the district court for an order granting the relief for which the action or proceeding is brought, or for an order enjoining any persons from doing or permitting to be done any work in or upon such dwelling, building, structure or lot, or from occupying or using the same for any purpose until the entry of final judgment or order.

102.11.19 Authority to Execute. In case any notice or order issued by such Code Official is not complied with, the Code Official may apply to the district court for an order authorizing him to execute and carry out the provisions of the notice or order, to correct any violation specified in the notice or order or to abate any nuisance in or about dwelling.

102.11.20 Eviction--Lease Termination. If the occupant of a dwelling fails to comply with the provisions of this chapter after due and proper notice from the Code Official or from the owner, such failure to comply shall be deemed sufficient cause for

the eviction of such occupant by the owner and for cancellation of his lease.

102.11.21 Duties of Occupant. It is unlawful for any tenant to deliberately or recklessly destroy, deface, damage or remove a part of the premises or to knowingly permit any other person to do so, or to remove, without permission of the landlord, any furniture or other items of personal property belonging to the land, or to cause damage resulting in noncompliance with the codes as adopted by the City of Van Meter.

102.11.22 Name and Address of Agent Filed. Every owner, agent or lessee of a dwelling may file with the Planning and Building Department a notice containing the name and address of an agent of such dwelling, for the purpose of receiving service of all notices required by this chapter and also a description of the property by street number or otherwise as the case may be, in such manner as will enable the Planning and Building Department easily to find the same. The name of the owner or lessee may be filed as agent for such purpose.

102.11.23 Notice of Actions. In any action brought by the Code Official in relation to a dwelling or injunction, vacation of the premises or abatement of nuisance, or to establish a lien thereon, or to recover a civil penalty, service of notice shall be in the manner provided by law for the service of original notices.

102.11.24 Rent Collections. Rent shall not be recoverable by the owner or lessee of any dwelling unit which does not comply with the provisions of this chapter for any period of occupancy which commences on or after the date that the City gives notice to the owner and tenant of the provisions of this section. Rent shall not thereupon be recoverable by the owner of such dwelling unit until the City gives written notice to the owner and occupant that such dwelling unit has been issued a valid inspection certificate as required by this chapter.

158.09 SUBSECTION 103.1 ADDITION; GENERAL.

Subsections 103.1, General, of the IPMC, is hereby amended by adding the following paragraph to said subsection:

Subsection 103.1 Building and Zoning Administrator. The term Code Official is intended to also mean the Building and Zoning Administrator and his or her representatives or designees, who are herewith delegated the same powers, authorities, duties and responsibilities as designated for the Code Official.

158.10 SUBSECTION 103.5 AMENDED; FEES.

Subsection 103.5, Fees, of the IPMC, is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 103.5 Schedule of Permit Fees. Permits and rental housing certificates shall not be issued until the fees, as set forth and established by resolution of the City Council, have been paid to the City of Van Meter. An amended permit or a supplemental permit for additional construction shall not be issued until the permit fee(s) for the additional work has been paid.

The permit fees shall be based upon the valuation of the proposed construction and shall be computed from tables set by resolution of the City Council, rental housing certificate fees shall be as established by resolution of the City Council.

158.11 SUBSECTION 103.6 ADDITION; WORK COMMENCING BEFORE PERMIT ISSUANCE.

Subsection 103.6, Work commencing before permit issuance, of the IPMC, is hereby established by adding the following subsection:

Subsection 103.6 Work Commencing Before Permit Issuance. Any person who commences any work under the provisions of this ordinance before obtaining the necessary permits shall be subject to 100 percent of the usual permit fee in addition to the required permit fees.

158.12 SUBSECTION 103.7 ADDITION; FEE REFUNDS.

Subsection 103.7, Fee refunds, of the IPMC, is hereby amended by established by adding the following subsection:

Subsection 103.7 Fee Refunds. The Code Official is authorized to establish a refund policy.

158.13 SUBSECTION 302.4 AMENDED; WEEDS.

Subsection 302.4, Weeds of the IPMC, is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 302.4 Weeds. Weeds and tall grasses shall be regulated as defined in the City of Van Meter Municipal Ordinance

158.14 SUBSECTION 304.14 AMENDED; INSECT SCREENS.

Subsection 303.14, Insect Screens, of the IPMC, is hereby amended by inserting the following dates and deleting a portion of the last sentence as follows:

Subsection 303.14 Insect Screens. (from date) April 1 (to date) October 31

Delete: and every screen door used for insect control shall have a self-closing device in good working condition

158.15 SUBSECTION 403.5 ADDITION; CLOTHES DRYER DUCT.

Subsection 403.5, Clothes dryer duct, of the IPMC, is hereby amended by adding the following subsection:

Subsection 403.5.1 Clothes Dryer Duct. Transition ducts, in rental dwelling units and buildings, used to connect the dryer to the exhaust duct system shall be a single length that is listed and labeled in accordance with UL 2158A. Transition ducts shall be a maximum of eight feet (2438 mm) in length and shall not be concealed within construction.

158.16 SUBSECTION 404.4.1 AMENDED; ROOM AREA.

Subsection 404.4.1, Room Area, of the IPMC, is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 404.4.1 Room Area. Every living room shall contain at least 120 square feet and every bedroom shall contain at least 70 square feet. Where more than two persons occupy a bedroom the required floor area shall be increased at the rate of 50 square feet for each occupant in excess of two.

158.17 SUBSECTION 602.3 AMENDED; HEAT SUPPLY.

Subsection 602.3, Heat supply, of the IPMC, is hereby amended by inserting the following dates:

Subsection 602.3 Heat Supply. (from date) September 15 (to date) May 15

158.18 SUBSECTION 602.4 AMENDED; OCCUPIABLE WORK SPACES.

Subsection 602.4, Occupiable work spaces, of the IPMC, is hereby amended by inserting the following dates:

Subsection 602.4 Occupiable Work Spaces. (from date) September 15 (to date) May 15

158.19 SUBSECTION 605.2 ADDITION; RECEPTACLES.

Subsection 605.2, receptacles, of the IPMC, is hereby amended by adding the following exception and subsequent subsection:

Exception #1. Effective July 15, 2013, a bathroom receptacle shall be required in dwelling units permitted or constructed prior to 1978.

Subsection 605.2.1 Receptacles. All 125-volt, single phase, 15- and 20- ampere receptacles, in rental dwelling units, within six feet of water sources shall be provided with ground fault circuit interrupter protection.

CHAPTER 159

PLUMBING CODE

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| 159.01 Short Title | 159.12 Subsection 106.6.2 Amended; Fee Schedule |
| 159.02 Adoption of Plumbing Code | 159.13 Subsection 106.6.3 Amended; Fee Refunds |
| 159.03 Amendments, Modifications, Additions and Deletions | 159.14 Subsection 108.4 Amended; Violation Penalties |
| | 159.15 Subsection 108.5 Amended; Stop Work Order |
| 159.04 Deletions | 159.16 Subsection 305.4 Amended; Freezing |
| 159.05 Referenced Codes; Conflicts | 159.17 Subsection 305.4.1 Amended; Sewer Depth |
| 159.06 Subsection 101.1 Amended; Title | 159.18 Section 410.3 Addition; Substitution |
| 159.07 Subsection 103.1 Addition; General | 159.19 Section 605 Addition; Materials, Joints and Connections |
| 159.08 Subsection 105.2 Addition; Alternate Materials, Methods and Equipment | |
| | 159.20 Section 703 Addition; Building Sewer |
| 159.09 Subsection 106.1.1 Addition; Permit Acquisition | 159.21 Subsection 715.1 Addition; Backwater Valves |
| 159.10 Subsection 106.5.3 Amended; Expiration | 159.22 Subsection 901.2.1 Addition; Venting Required |
| 159.11 Subsection 106.5.6 Amended; Retention of Construction Documents | 159.23 Subsection 903.1 Amended; Roof Extension |
| | 159.24 Subsection 1003.3 Amended; Grease Interceptors |

159.01 SHORT TITLE.

This chapter shall be known as the Van Meter Plumbing Code, and may be cited as such, and may be referred to herein as this chapter

159.02 ADOPTION OF PLUMBING CODE.

The *International Plumbing Code* 2012 Edition; published by the International Code Council, Inc., is adopted in full except for such portions as may be hereinafter deleted, modified or amended. A copy of the *International Plumbing Code* 2012 Edition, as adopted, and a copy of this chapter are on file in the office of the Code Official.

159.03 AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETIONS.

The *International Plumbing Code*, 2012 Edition (hereinafter known as the IPC), is amended as hereinafter set out in Sections 159.04 through 159.24.

159.04 DELETIONS.

The following are deleted from the IPC and are of no force or effect in this chapter:

Subsection 106.5.4 Extensions, Section 109 Means of Appeal.

159.05 REFERENCED CODES; CONFLICTS.

In the event requirements of this code conflict with applicable State and federal requirements, the more stringent shall apply.

159.06 SUBSECTION 101.1 AMENDED; TITLE.

Subsection 101.1, Title, of the IPC is hereby deleted and there is enacted in lieu thereof the following subsection:

Subsection 101.1 Title. These regulations shall be known as the Plumbing Code of the City of Van Meter, hereinafter known as "this code."

159.07 SUBSECTION 103.1 ADDITION; GENERAL.

Subsections 103.1, General, of the IPC, is hereby amended by adding the following paragraph to said subsection:

Subsection 103.1 Building and Zoning Administrator. The term Code Official is intended to also mean the Building and Zoning Administrator and his or her representatives or designees, who are herewith delegated the same powers, authorities, duties and responsibilities as designated for the Code Official.

159.08 SUBSECTION 105.2 ADDITION; ALTERNATE MATERIALS, METHODS AND EQUIPMENT.

Subsection 105.2, Alternate materials, methods and equipment, of the IPC, is hereby amended by adding the following subsection 105.2.1 and exception:

Subsection 105.2.1 Uniform Plumbing Code, as Currently Adopted Edition. The Uniform Plumbing Code, as prepared and edited by the International Association of Plumbing and Mechanical Officials, as currently adopted and amended by the Plumbing and Mechanical Systems Board, Iowa Department of Public Health, is hereby approved as an alternate equivalent method for complete plumbing systems.

Subsection 105.2.1 Administration Exception 1. Administrative regulations shall be as prescribed in the *International Plumbing Code*, 2012 Edition, as amended in this ordinance.

159.09 SUBSECTION 106.1.1 ADDITION; PERMIT ACQUISITION.

Subsection 106.1.1 Permit acquisition, of the IPC, is hereby established by adding the following:

Subsection 106.1.1 Permit Acquisition.

1. Permits are not transferable. Plumbing work performed under the provisions of this chapter must be done by a contractor meeting the licensing provisions as set forth by the State of Iowa Plumbing and Mechanical Systems Board in accordance with *Code of Iowa* Chapter 105. A plumber licensed by the State of Iowa Plumbing and Mechanical Systems Board as a "Master" may sign and obtain a permit for the contractor for which they are employed only when said "Master" has provided proof of employment by said licensed contractor. Any permit required by the provisions of this code may be revoked by the Code Official upon the violation of any provision of this code.
2. A State of Iowa licensed plumbing contractor shall be allowed only to secure permits for himself or herself, or for a single firm or corporation. When a State of Iowa licensed plumbing contractor has secured such a permit, only the employees of such contractor when meeting the provisions of *Code of Iowa* Chapter 105 shall perform the work for which the permit was obtained.
3. For purposes of this section, an "employee" shall be one employed by the contractor, firm or corporation for a wage or salary. A contractor may be required by the Code Official to show positive evidence as to the employee status of workers on the job. Such evidence shall be in the form of payroll and time records, canceled checks, or other such documents.
4. The contractor may also be required to show the agreement or contract pertaining to the work being questioned as evidence that said contractor is, in fact, the actual contractor for such work. Failure or refusal by the contractor to make available such employee or contractual records within 24 hours from demand therefor shall be grounds for immediate revocation of any permit for the work in question.
5. Homeowners (owner/occupants) qualifying for the homestead tax exemption may acquire permits for their principal residence (not an apartment) and appurtenant accessory structures for plumbing work, not to include connection within the public right-of-way to the public main of sewer, water and storm lines, after having passed the Van Meter Plumbing Homeowner's exam.

159.10 SUBSECTION 106.5.3 AMENDED; EXPIRATION.

Subsection 106.5.3 Expiration, of the IPC, is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 106.5.3 12-Month Expiration. Every permit issued under the provisions of this Code shall expire 12 months from the date of issue, unless the application is accompanied by a construction schedule of specific longer duration, in which instance the permit may be issued for the term of the construction schedule, with approval of the Code Official. If the work has not been completed by the expiration date of the permit, no further work shall be done until the permit shall have been renewed by the owner or his or her agent and by payment of the renewal fee as established by resolution of the City Council, and provided no changes have been made in plans or location. Upon approval, permits may be extended for no more than two periods not exceeding 180 days each.

159.11 SUBSECTION 106.5.6 AMENDED; RETENTION OF CONSTRUCTION DOCUMENTS.

Section 106.5.6, Retention of construction documents, of the IPC, is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 106.5.6 Retention of Construction Documents. One set of construction documents shall be retained by the Code Official until final approval of the work covered therein.

159.12 SUBSECTION 106.6.2 AMENDED; FEE SCHEDULE.

Subsection 106.6.2 Fee schedule, of the IPC, is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 106.6.2 Fee Schedule. Permits shall not be issued until the fees, as set forth and established by resolution of the City Council, have been paid to the City of Van Meter. An amended permit or a supplemental permit for additional construction shall not be issued until the permit fee(s) for the additional work has been paid.

159.13 SUBSECTION 106.6.3 AMENDED; FEE REFUNDS.

Subsection 106.6.3, Fee refunds, of the IPC, is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 106.6.3 Fee Refunds. The Code Official is authorized to establish a refund policy.

159.14 SUBSECTION 108.4 AMENDED; VIOLATION PENALTIES.

Subsection 108.4, Violation penalties, of the IPC, is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 108.4 Violation Penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, installs, alters or repairs plumbing work in violation of the approved construction documents or directive of the Code Official, or of a permit issued under the provisions of this code, shall be subject to penalties as prescribed by law.

159.15 SUBSECTION 108.5 AMENDED; STOP WORK ORDER.

Subsection 108.5, Stop Work Orders, of the IPC, is hereby amended by deleting the last sentence of said subsection and inserting in lieu thereof the following:

Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

159.16 SUBSECTION 305.4 AMENDED; FREEZING.

Subsection 305.4 Freezing, of the IPC, is hereby amended by deleting the last sentence of said subsection and inserting in lieu thereof the following:

Subsection 305.4 Freezing. Exterior water supply system piping shall be installed not less than 60 inches below grade.

159.17 SUBSECTION 305.4.1 AMENDED; SEWER DEPTH.

Subsection 305.4.1 Sewer Depth, of the IPC, is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 305.4.1 Sewer Depth. Building sewers shall be a minimum of 48 inches below grade.

159.18 SECTION 410.3 ADDITION; SUBSTITUTION.

Subsection 410.3 Substitution, of the IPC, is hereby amended by adding the following exception:

Subsection 410.3 Minimum Number of Fixtures Exception. Water coolers or bottled water dispensers in accessible locations and within accessible reach ranges may be substituted for the initial drinking fountain in business occupancies with an occupant load of not more than 30 and mercantile occupancies with an occupant load of not more than 100. (re: IBC chapter 11, T1902.1 and IPC T 403.1 footnote e)

159.19 SECTION 605 ADDITION; MATERIALS, JOINTS AND CONNECTIONS.

Section 605 Materials, joints and connections, of the IPC, is hereby amended by adding the following subsection:

Subsection 605.1.1 Underground Copper. Copper tube for underground piping shall have a weight of not less than type K.

159.20 SECTION 703 ADDITION; BUILDING SEWER.

Section 703 Building Sewer, of the IPC, is hereby amended by adding the following subsection:

Subsection 703.6 Minimum Building Sewer Size. The minimum diameter for a building sewer shall be four inches.

159.21 SUBSECTION 715.1 ADDITION; BACKWATER VALVES.

Subsection 715.1 Sewage Backflow, of the IPC, is hereby amended by adding the following:

Subsection 715.1 Sewage Backflow Exception 1. The requirements of this section shall apply when determined necessary by the Code Official based on local conditions.

159.22 SUBSECTION 901.2.1 ADDITION; VENTING REQUIRED.

Subsection 901.2.1 Venting Required, of the IPC, is hereby amended by adding the following exception:

Subsection 901.2.1 Venting Required Exception. A vent is not required on a three inch basement floor drain provided its

drain branches into the building drain on the sewer side at a distance of five feet or more from the base of the stack and the branch line to such floor drain is not more than 12 feet in length.

159.23 SUBSECTION 903.1 AMENDED; ROOF EXTENSION.

Subsection 903.1 Roof Extension, of the IPC, is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 903.1 Roof Extension. All open vent terminals which extend through a roof shall be terminated not less than six inches above the roof nor less than one foot from any vertical surface. Where a roof is used for any purpose other than weather protection, the vent extension(s) shall terminate not less than seven feet above the roof.

159.24 SUBSECTION 1003.3 AMENDED; GREASE INTERCEPTORS.

Subsection 1003.3 Grease Interceptors, of the IPC, is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 1003.3 Grease Interceptors. Grease Interceptors shall comply with the requirements of the adopted Van Meter Code of Ordinances Chapter 97.

CHAPTER 160

FUEL GAS CODE

160.01 Short Title	160.10 Subsection 106.5.6 Amended; Retention of Construction Documents
160.02 Adoption of Fuel Gas Code	
160.03 Amendments, Modifications, Additions and Deletions	160.11 Subsection 106.6.2 Amended; Fee Schedule
160.04 Deletions	160.12 Subsection 106.6.3 Amended; Fee Refunds
160.05 Referenced Codes; Conflicts	160.13 Subsection 108.4 Amended; Violation Penalties
160.06 Subsection 101.1 Amendments; Title	160.14 Subsection 108.5 Amended; Stop Work Order
160.07 Subsection 103.1 Additional; General	160.15 Subsection 403.10 Addition; Metallic Piping Joints and Fittings
160.08 Subsection 106.1.1 Addition; Permit Acquisition	
160.09 Subsection 106.5.3 Amended; Expiration	

160.01 SHORT TITLE.

This chapter shall be known as the Van Meter Fuel Gas Code, and may be cited as such, and may be referred to herein as this chapter.

160.02 ADOPTION OF FUEL GAS CODE.

The *International Fuel Gas Code* 2012 Edition; published by the International Code Council, Inc., is adopted in full except for such portions as may be hereinafter deleted, modified or amended. A copy of the *International Fuel Gas Code* 2012 Edition, as adopted and a copy of this chapter are on file in the office of the Code Official.

160.03 AMENDMENTS, MODIFICATIONS, ADDITIONS AND DELETIONS.

The *International Fuel Gas Code*, 2012 Edition (hereinafter known as the IFGC), is amended as hereinafter set out in Sections 160.04 through 160.15.

160.04 DELETIONS.

The following are deleted from the IFGC and are of no force or effect in this chapter:

Section 106.5.4 Extensions, Section 109 Means of Appeal.

160.05 REFERENCED CODES; CONFLICTS.

In the event requirements of this code conflict with applicable State and federal requirements, the more stringent shall apply.

160.06 SUBSECTION 101.1 AMENDED; TITLE.

Subsection 101.1, Title, of the IFGC, is hereby deleted and there is enacted in lieu thereof the following subsection:

Subsection 101.1 Title. These regulations shall be known as the Fuel Gas Code of the City of Van Meter, hereinafter known as "this code."

160.07 SUBSECTION 103.1 ADDITION; GENERAL.

Subsections 103.1, General, of the IFGC, is hereby amended by adding the following paragraph to said subsection:

Subsection 103.1 Building and Zoning Administrator. The term Code Official is intended to also mean the Building and Zoning Administrator and his or her representatives or designees, who are herewith delegated the same powers, authorities, duties and responsibilities as designated for the Code Official.

160.08 SUBSECTION 106.1.1 ADDITION; PERMIT ACQUISITION.

Subsection 106.1.1 Permit acquisition, of the IFGC, is hereby established by adding the following:

Subsection 106.1.1 Permit Acquisition.

1. Permits are not transferable. Fuel gas work performed under the provisions of this chapter must be done by a contractor meeting the licensing provisions as set forth by the State of Iowa Plumbing and Mechanical Systems Board in accordance with *Code of Iowa* Chapter 105. A responsible person or mechanical professional licensed by the State of Iowa Plumbing and Mechanical Systems Board as a “Master” may sign and obtain a permit for the contractor for which they are employed only when said responsible person or “Master” has provided proof of employment or written confirmation by said licensed contractor. Any permit required by the provisions of this code may be revoked by the Code Official upon the violation of any provision of this code.

2. A State of Iowa licensed mechanical contractor shall be allowed only to secure permits for himself or herself, or for a single firm or corporation. When a State of Iowa licensed mechanical contractor has secured such a permit, only the employees of such contractor when meeting the provisions of *Code of Iowa* Chapter 105 shall perform the work for which the permit was obtained.

3. For purposes of this section, an “employee” shall be one employed by the contractor, firm or corporation for a wage or salary. A contractor may be required by the Code Official to show positive evidence as to the employee status of workers on the job. Such evidence shall be in the form of payroll and time records, canceled checks, or other such documents.

4. The contractor may also be required to show the agreement or contract pertaining to the work being questioned as evidence that said contractor is, in fact, the actual contractor for such work. Failure or refusal by the contractor to make available such employee or contractual records within 24 hours from demand therefor shall be grounds for immediate revocation of any permit for the work in question.

160.09 SUBSECTION 106.5.3 AMENDED; EXPIRATION.

Subsection 106.5.3 Expiration, of the IFGC, is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 106.5.3 12-Month Expiration. Every permit issued under the provisions of this Code shall expire 12 months from the date of issue, unless the application is accompanied by a construction schedule of specific longer duration, in which instance the permit may be issued for the term of the construction schedule, with approval of the Code Official. If the work has not been completed by the expiration date of the permit, no further work shall be done until the permit shall have been renewed by the owner or his or her agent and by payment of the renewal fee as established by resolution of the City Council, and provided no changes have been made in plans or location. Upon approval, permits may be extended for no more than two periods not exceeding 180 days each.

160.10 SUBSECTION 106.5.6 AMENDED; RETENTION OF CONSTRUCTION DOCUMENTS.

Subsection 106.5.6, Retention of construction documents, of the IFGC, is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 106.5.6 Retention of Construction Documents. One set of construction documents shall be retained by the Code Official until final approval of the work covered therein.

160.11 SUBSECTION 106.6.2 AMENDED; FEE SCHEDULE.

Subsection 106.6.2 Fee schedule, of the IFGC, is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 106.6.2 Fee Schedule. Permits shall not be issued until the fees, as set forth and established by resolution of the City Council, have been paid to the City of Van Meter. An amended permit or a supplemental permit for additional construction shall not be issued until the permit fee(s) for the additional work has been paid.

160.12 SUBSECTION 106.6.3 AMENDED; FEE REFUNDS.

Subsection 106.6.3, Fee refunds, of the IFGC, is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 106.6.3 Fee Refunds. The Code Official is authorized to establish a refund policy.

160.13 SUBSECTION 108.4 AMENDED; VIOLATION PENALTIES.

Subsection 108.4, Violation penalties, of the IFGC, is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 108.4 Violation Penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, installs, alters or repairs fuel gas work in violation of the approved construction documents or directive of the Code Official, or of a permit issued under the provisions of this code, shall be subject to penalties as prescribed by law.

160.14 SUBSECTION 108.5 AMENDED; STOP WORK ORDER.

Subsection 108.5, Stop Work orders, of the IFGC, is hereby amended by deleting the last sentence of said subsection and inserting in lieu thereof the following:

Subsection 108.5 Stop Work Order. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be

subject to penalties as prescribed by law.

160.15 SUBSECTION 403.10 ADDITION; METALLIC PIPING JOINTS AND FITTINGS.

Subsection 403.10.1, Pipe joints, of the IFGC, is hereby amended by adding a new subsection as follows:

Subsection 403.10.1.1 Welded Pipe Joints. All joints of wrought iron or steel gas piping larger than two-inch standard iron pipe size and providing gas pressure of two PSIG or greater shall be welded steel. All welded joints shall comply with the State of Iowa requirements and work shall be performed by certified welders.

CHAPTER 161

RENTAL HOUSING CODE

161.01 Definitions	161.16 Vacated Immediately
161.02 Title and Purpose	161.17 Elimination of Defects
161.03 Scope	161.18 Defacing or Removal of Placard
161.04 Housing Code	161.19 Authority to Execute
161.05 Applications for Rental Housing Compliance Certificate	161.20 Action to Enjoin
	161.21 Injunction
161.06 Additional Inspections	161.22 Eviction; Lease Termination
161.07 Inspection Fees for Additional Inspections	161.23 Duties of Occupant
161.08 Entrance and Survey of Buildings	161.24 Notice of Actions
161.09 Rental Housing Compliance Certificate Required	161.25 Rent Collections
161.10 Issuance Duration Validation	161.26 City Liability
161.11 Certificate Displayed; Transferability	161.27 Violation Constitutes a Municipal Infraction
161.12 Notice on Sale of Dwelling Unit	161.28 Additional Liability
161.13 Name and Address of Agent Filed	161.29 Appeal
161.14 Emergency Orders	161.30 Prohibition on Retaliatory Evictions
161.15 Designation of Unfit Dwelling Unit; Condemnation	

161.01 DEFINITIONS.

For use in this chapter the following terms are defined:

1. "Apartment house" or "apartment building" means any building or portion thereof which is designed, rented, leased, let or hired out to be occupied or which is occupied as a two-family or multiple-family dwelling as defined in the Zoning Ordinance of the City.
2. "Building Inspector" means a person retained or employed by the City to enforce the provisions of this chapter. Such person shall be the Building Official appointed pursuant to Section 155.01 of this Code of Ordinances.
3. "Dwelling" means any house or building or portion thereof which is occupied in whole or part as a home or residence of one or more tenants, on a rental basis or in return for housing a tenant agrees to occupy and maintain the premises. The term encompasses a "dwelling" as defined in the Zoning Ordinance. Payment of utilities is not required under the terms of this chapter for a property to be considered a "dwelling" within the meaning of this chapter. No part of a building hereafter constructed or altered into a dwelling as described may be occupied in whole or in part for human habitation until the issuance of a rental housing compliance certificate by the City Building Inspector that such part of the dwelling conforms to the requirements of this chapter. A dwelling unit that is being rented for a period of 90 days or less in a single calendar year or a portion of such dwelling unit is exempt from this chapter.
4. "Dwelling unit" means one or more habitable rooms in a dwelling, apartment house or building which are occupied or which are intended or designed to be occupied by one family with facilities for living, sleeping, cooking or eating. The term encompasses a "dwelling unit" as defined in the Zoning Ordinance.
5. "Rental housing compliance certificate" means the certificate that is issued within 14 days after written application for a dwelling unit if the dwelling unit at the date of such application is entitled thereto.
6. "Tenant" means a person occupying a dwelling unit who pays, or has payments made on the individual's behalf, a stated payment at fixed intervals for the use of the dwelling unit. The term includes a person occupying a dwelling unit owned by another individual, who in return for housing agrees to occupy and maintain the premises. Payment of utilities is not required under the terms of this chapter for a person to be considered a "tenant" within the meaning of this chapter.

161.02 TITLE AND PURPOSE.

This chapter shall be known as the City of Van Meter Rental Housing Code. The purpose of this chapter is to ensure that rental housing facilities and the conditions of such facilities are of sufficient quality to protect and promote the health, safety and welfare of those persons utilizing such housing as well as the general public.

161.03 SCOPE.

The provisions of this chapter shall be deemed to apply to all dwellings as defined in this chapter or portions thereof used or designed or intended to be used for human habitation. All occupancies in existing buildings may be continued except in such structures that are found to be substandard as defined in this chapter. Where any building or portion thereof is used or intended to be used as a combination apartment house/hotel, the provisions of this chapter shall apply to the separate portions as if they were separate buildings. Every rooming house or lodging house shall comply with all of the requirements of this chapter applicable to dwellings.

161.04 HOUSING CODE.

The *International Property Maintenance Code*, 2012 Edition, as published by the International Code Council, adopted in Chapter 158 of this Code of Ordinances, shall constitute the City's Housing Code. In the event of an express conflict between the provisions of this chapter and such Housing Code, the provisions of this chapter shall apply.

161.05 APPLICATIONS FOR RENTAL HOUSING COMPLIANCE CERTIFICATE.

Every person that offers for rent a dwelling unit within the City shall submit to the Clerk, on forms provided by the City, an application requesting a rental housing compliance certificate. Such application shall be accompanied by a registration fee in an amount established by Council resolution. When inspections are due, the person that offers for rent a dwelling unit must contact the Building Inspector to schedule an inspection and at that time the inspection fee is due. If the premises fails to comply, the Building Inspector shall notify the applicant in writing, stating the reasons for such noncompliance. The landlord shall have 30 days after receipt of noncompliance to correct the deficiencies and schedule a re-inspection. Fees for re-inspection shall also be established by the Council resolution.

161.06 ADDITIONAL INSPECTIONS.

The Building Inspector is empowered to make inspections of all rental dwelling units as frequently or infrequently as may be necessary and may make inspection at any reasonable time on a written complaint submitted by the owner, tenant or other person concerning the dwelling unit.

161.07 INSPECTION FEES FOR ADDITIONAL INSPECTIONS.

1. When an inspection is made at the request of the owner, an inspection fee as provided in 161.05 shall be charged. If an inspection is made at the written request of a tenant and the dwelling unit is found to be in noncompliance due to an omission of the owner, such owner shall be responsible for the re-inspection fee. No inspection shall be conducted at the request of a tenant unless the tenant has first submitted the complaint in writing to the landlord no less than seven days before making such complaint to the Building Inspector. If, after a written complaint by the tenant, the dwelling unit is found to comply or if such noncompliance is due to conduct on the part of the tenant, the tenant shall be liable for the cost of such inspection. If such costs are not paid by the tenant within 30 days from the date of billing, the City may initiate an action at law or in equity to recover the same, in which event the tenant shall be liable for reasonable attorney fees incurred in the prosecution of the action. No fee shall be charged to the owner for such inspection.

2. In the event an inspection is initiated by the City or at the written request of a person other than the owner or tenant, and if the dwelling unit is found to be in noncompliance, the owner shall be liable for such inspection fees. No inspection shall be conducted at the request of a person other than the owner or tenant unless that person has first submitted the complaint in writing to the landlord no less than seven days before making such complaint to the Building Inspector. In the event that on the date of the inspection the dwelling unit complies with the provisions of this chapter, no fee shall be charged. In the event that on the date of inspection a dwelling unit fails to comply with the provisions of this chapter which necessitates additional inspections, the owner shall be liable for the cost of such re-inspection.

161.08 ENTRANCE AND SURVEY OF BUILDINGS.

The Building Inspector and any such other person as may be deemed necessary by the Building Inspector may, without fee except as provided in Section 161.07, enter, examine, make necessary records, and survey all dwelling units within the City. If entry into the interior portion of a dwelling unit is required, 72 hours' notice shall be given by the Building Inspector to the owner and tenant. The owner, owner's agent or representative, and the lessee and occupant of every dwelling unit and every person having the care and management of the same shall, at all reasonable times when required by the Building Inspector and such other person, give the Building Inspector and such other person free access to such dwelling unit and premises. The owner of a dwelling unit and owner's agents and employees shall have right of access to such dwelling units at reasonable times for the purpose of bringing about compliance with the provisions of this chapter or any order issued hereunder.

161.09 RENTAL HOUSING COMPLIANCE CERTIFICATE REQUIRED.

All owners of dwelling units shall register such dwelling units with the City Clerk. No person shall rent, lease, operate or otherwise allow the occupancy of any dwelling unit unless such person holds a Rental Housing Compliance Certificate as required by this chapter.

161.10 ISSUANCE DURATION VALIDATION.

If a dwelling unit fails to comply under Section 161.09 and if the dwelling unit and premises are found later to comply with the requirements of this chapter upon re-inspection, the Building Inspector shall issue a Rental Housing Compliance Certificate.

161.11 CERTIFICATE DISPLAYED; TRANSFERABILITY.

Rental Housing Compliance Certificates shall be transferable to succeeding owners. They shall be displayed by the owner for the tenant to examine before the dwelling unit may be rented, leased or otherwise occupied.

161.12 NOTICE ON SALE OF DWELLING UNIT.

Every person holding a Rental Housing Compliance Certificate under this chapter shall give notice in writing to the Building Inspector within 96 hours after having sold, transferred, conveyed or otherwise disposed of the ownership, interest in or control of any dwelling unit. This notice shall include the name and address of the person succeeding to the ownership or control thereof.

161.13 NAME AND ADDRESS OF AGENT FILED.

Every owner, agent or lessee of a dwelling unit shall file with the Clerk a notice containing the name and address of an agent of such dwelling unit for the purpose of receiving service of all notices required by this chapter.

161.14 EMERGENCY ORDERS.

Whenever the Building Inspector finds that an emergency exists which threatens immediately the public health, safety or welfare, the Building Inspector may issue an order reciting the existence of such an emergency and requiring that such action be taken as the Building Inspector deems necessary to meet the emergency. Notwithstanding the other provisions of this chapter, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately.

161.15 DESIGNATION OF UNFIT DWELLING UNIT; CONDEMNATION.

No person shall let to another for occupancy any dwelling unit for the purpose of living, inhabiting, sleeping, cooking or eating thereon which does not comply with the following requirements. Any dwelling unit which is found to have any of the following defects shall be condemned as unfit for human habitation and shall be so designated and placarded by the Building Inspector.

1. One which is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin infested that it creates a serious hazard to the health, safety or welfare of the occupants or the public.
2. One which lacks illumination, ventilation or sanitation facilities adequate to protect the health, safety or welfare of the occupants or of the public.
3. One which, because of its general condition or location is unsanitary or otherwise dangerous to the health, safety or welfare of the occupants or of the public.

161.16 VACATED IMMEDIATELY.

Any dwelling unit or any portion thereof condemned as unfit for human habitation and so designated and placarded by the Building Inspector shall be vacated immediately as ordered by the Building Inspector. The Building Inspector shall notify the Clerk of such action prior to placarding the dwelling unit.

161.17 ELIMINATION OF DEFECTS.

No dwelling unit or any portion thereof which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from and such placard is removed by the Building Inspector. The Building Inspector shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.

161.18 DEFACING OR REMOVAL OF PLACARD.

No person shall deface or remove the placard from any dwelling unit which has been condemned as unfit for human habitation and placarded as such, except as provided in this chapter.

161.19 AUTHORITY TO EXECUTE.

In case any notice or order issued by the City is not complied with, the Building Inspector may recommend that the City apply to the Iowa District Court for Dallas County to institute an action for an order authorizing the City to execute and carry out the provisions of the notice or order to correct any violation specified in the notice or order to abate any nuisance in or about the dwelling unit.

161.20 ACTION TO ENJOIN.

In case any dwelling unit, building or structure is constructed, altered, converted or maintained in violation of any provisions of this chapter or of any order or notice of the Building Inspector, or in case a nuisance exists in any such dwelling unit, building or structure or upon the lot on which it is situated, the City may cause the institution of any appropriate action or proceeding to prevent such unlawful construction, alteration, conversion or maintenance, to restrain, correct or abate such violation, or nuisance, or to prevent the occupation of the dwelling unit, building or structure, or to prevent any illegal act, or to prevent the conduct of business in or about such dwelling unit or lot.

161.21 INJUNCTION.

In any such action or proceeding, the Building Inspector may, by a statement duly verified setting forth the facts, request that the City apply to the Iowa District Court for Dallas County for an order granting the relief for which the action or proceeding is brought, or for an order enjoining any persons from doing or permitting to be done any work in or upon such dwelling unit, building, structure or lot, or from occupying or using the same for any purpose until the entry of final judgment or order.

161.22 EVICTION; LEASE TERMINATION.

If the occupant of a dwelling fails to comply with the provisions of this chapter after due and proper notice from the Building Inspector or from the owner, such failure to comply shall be deemed sufficient cause for the eviction of such occupant by the owner and for cancellation of the occupant's lease.

161.23 DUTIES OF OCCUPANT.

It is unlawful for any tenant to deliberately or recklessly destroy, deface, damage or remove a part of the premises or to

knowingly permit any other person to do so, or to remove without permission of the landlord any furniture or other items of personal property belonging to the landlord or owner or to cause damage resulting in noncompliance with this chapter.

161.24 NOTICE OF ACTIONS.

In any action brought by the City in relation to a dwelling unit or injunction, vacation of the premises, or abatement of nuisance or to establish a lien thereon, or to recover a civil penalty, service of notice shall be in the manner provided by law for the service of an original notice.

161.25 RENT COLLECTIONS.

Rent shall not be recoverable by the owner or lessee of any dwelling unit which does not comply with the provisions of this chapter until the City gives written notice to the owner and occupant that such dwelling unit has been issued a valid Rental Housing Compliance Certificate as required by this chapter.

161.26 CITY LIABILITY.

The City, its agents and employees are not liable for damages to a person or property as a result of any act or failure to act in the enforcement of this chapter. This chapter shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any equipment or structure regulated herein for damages to a person or property caused by its defects, nor shall the City, its agents or employees be held liable by reason of the registration, inspection, re-inspection, or approval authorized by this chapter.

161.27 VIOLATION CONSTITUTES A MUNICIPAL INFRACTION.

The owner of any dwelling unit or of any building or structure upon the same lot with a dwelling unit, or of the lot, which violates this chapter shall be guilty of a municipal infraction as defined in Chapter 3 of this Code of Ordinances. An owner who creates or knowingly permits the existence of such violation, or any tenant or occupant who shall violate or assist in violating any provisions of this chapter, shall also be jointly and severally liable for each such violation. Such person or persons and also the premises shall be liable in such case for all costs, expenses and disbursements paid or incurred by the Building Department, including attorneys' fees, paid or incurred by the City, by any of the officers, agents or employees thereof, in the removal of any such nuisance or violation.

161.28 ADDITIONAL LIABILITY.

Any person who, having been served with a notice or order to remove any such nuisance or violation, fails to proceed in good faith to comply with the notice or order within five days after such service, or continues to violate any provisions or requirements of this chapter or other provisions of this Code of Ordinances shall also be subject to a civil penalty of as set out in Section 161.27. For the recovery of such penalties, costs, expenses or disbursements, an action may be brought in a court of competent civil jurisdiction.

161.29 APPEAL.

Decisions of the Building Inspector may be appealed to the Housing Appeals Board. The Housing Appeals Board shall consist of the same members as the Board of Adjustment but which shall constitute a separate body. The Housing Appeals Board shall adopt rules and regulations to conduct their meetings and effectuate this chapter. Such rules shall include incorporation of *Code of Iowa* Chapter 21 requirements regarding open meetings but shall not include a requirement that notice be published unless otherwise required by State law. The Chair of the Board of Adjustment shall serve as the administrative officer of the Board and shall sit at all meetings and hearings as the presiding officer.

1. Any person claiming to be aggrieved by any notice or order served upon that person under this chapter may file with the City Clerk a written appeal, requesting a hearing before the Housing Appeals Board.

2. The appeal must be in writing and explicitly indicate which item on the notice or order of the Building Inspector the appellant is contesting. The appeal must be accompanied by a check made payable to the City Clerk in the sum of \$50.00, which fee is nonrefundable unless the Housing Appeals Board reverses the notice or decision of the Building Inspector in its entirety.

3. The appeal shall be filed within five days after a person has received a notice or order from the Building Inspector. A notice or order under this chapter shall advise the person of the opportunity to be heard, the manner in which appeals under this chapter are to be filed, the amount of the appeal fee, the right to produce witnesses on such person's own behalf, and the right to counsel.

4. After receiving an appeal filed under this chapter, the City Clerk shall immediately notify the presiding officer of the Housing Appeals Board. The presiding officer shall set the time, place, and date of hearing and notify the appellant, other members of the Board, and the Building Inspector of the details concerning such hearing. The presiding officer may change the time, place, and date for such hearing upon good cause shown.

5. At the hearing, the appellant shall be afforded an opportunity to be heard, have the right to produce witnesses, and be represented by counsel. The Housing Appeals Board shall also receive evidence from the Building Inspector. After receiving all relevant evidence to the specific issue identified in the appeal, the Housing Appeals Board shall submit to both the appellant and the Building Inspector the written ruling within three days of the hearing.

6. Until the ruling of the Housing Appeals Board has been received, all proceedings except a vacation order under this chapter shall be stayed.

7. Failure to appeal shall constitute a waiver of the appellant's rights and shall be considered an adjudication adverse to the appellant.

161.30 PROHIBITION ON RETALIATORY EVICTIONS.

No person shall maintain an action for eviction, threaten such an action or otherwise harass a tenant who occupies property owned by such person, or the person's principal or employer, as a result of a tenant's report of a violation of this chapter or a related provision of this Code of Ordinances to the Building Inspector, any City employee or City officer.

CHAPTER 162

FLOODPLAIN MANAGEMENT

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162.01 DEFINITIONS.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

1. "Appurtenant structure" means a structure which is on the same parcel of the property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.
2. "Base flood" means the flood having one percent chance of being equaled or exceeded in any given year (also commonly referred to as the "100-year flood").
3. "Base flood elevation" (BFE) means the elevation floodwaters would reach at a particular site during the occurrence of a base flood event.
4. "Basement" means any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see "lowest floor."
5. "Development" means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials. "Development" does not include minor projects or routine maintenance of existing buildings and facilities, as defined in this section. It also does not include gardening, plowing, and similar practices that do not involve filling or grading.
6. "Enclosed area below lowest floor" means the floor of the lowest enclosed area in a building when all the following criteria are met:
 - A. The enclosed area is designed to flood to equalize hydrostatic pressure during flood events with walls or openings that satisfy the provisions of 162.07(6)(A) of this chapter; and
 - B. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage; and
 - C. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one foot above the base flood elevation; and
 - D. The enclosed area is not a basement, as defined in this section.
7. "Existing construction" means any structure for which the start of construction commenced before the effective date of the first floodplain management regulations adopted by the community.
8. "Existing factory-built home park or subdivision" means a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the community.
9. "Expansion of existing factory-built home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
10. "Factory-built home" means any structure, designed for residential use which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this chapter factory-built homes include mobile homes, manufactured homes, and modular homes; and also includes recreational vehicles which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.

11. "Factory-built home park" means a parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.

12. "500-year flood" means a flood, the magnitude of which has a two-tenths percent chance of being equaled or exceeded in any given year or which, on average, will be equaled or exceeded at least once every 500 years.

13. "Flood" means a general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.

14. "Flood insurance rate map" (FIRM) means the official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.

15. "Flood insurance study" (FIS) means a report published by FEMA for a community issued along with the community's Flood Insurance Rate Map(s). The study contains such background data as the base flood discharge and water surface elevations that were used to prepare the FIRM.

16. "Floodplain" means any land area susceptible to being inundated by water as a result of a flood.

17. "Floodplain management" means an overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of floodplains, including but not limited to emergency preparedness plans, flood control works, floodproofing and floodplain management regulations.

18. "Flood proofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.

19. "Floodway" means the channel of a river or stream and those portions of the floodplains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one foot.

20. "Floodway fringe" means those portions of the special flood hazard area outside the floodway.

21. "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

22. "Historic structure" means any structure that is:

A. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;

B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (i) by an approved state program as determined by the Secretary of the Interior; or (ii) directly by the Secretary of the Interior in states without approved programs.

23. "Lowest floor" means the floor of the lowest enclosed area in a building including a basement except when the criteria listed in the definition of "enclosed area below lowest floor" are met.

24. "Maximum damage potential uses" means hospitals and like institutions; buildings or building complexes containing documents, data, or instruments of great public value; buildings or building complexes containing materials dangerous to the public or fuel storage facilities; power installations needed in emergency or other buildings or building complexes similar in nature or use.

25. "Minor projects" means small development activities (except for filling, grading and excavating) valued at less than \$500.00.

26. "New construction" (new buildings, factory-built home parks) means those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.

27. "New factory-built home park or subdivision" means a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the effective date of the first floodplain management regulations adopted by the community.

28. "Recreational vehicle" means a vehicle which is:

A. Built on a single chassis;

B. Four hundred (400) square feet or less when measured at the largest horizontal projection;

C. Designed to be self-propelled or permanently towable by a light duty truck; and

D. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

29. "Routine maintenance of existing buildings and facilities" means repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:

A. Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;

B. Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;

C. Basement sealing;

D. Repairing or replacing damaged or broken window panes;

E. Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.

30. "Special flood hazard area" (SFHA) means the land within a community subject to the base flood. This land is identified on the community's Flood Insurance Rate Map as Zone A, A1-30, AE, AH, AO, AR, and/or A99.

31. "Start of construction" includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

32. "Structure" means anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, storage tanks, grain storage facilities and/or other similar uses.

33. "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair.

34. "Substantial improvement" means any improvement to a structure which satisfies either of the following criteria:

A. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either: (i) before the start of construction of the improvement; or (ii) if the structure has been substantially damaged and is being restored, before the damage occurred.

B. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of a historic structure, provided the alteration will not preclude the structure's designation as a historic structure.

C. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after the effective date of the first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

35. "Variance" means a grant of relief by a community from the terms of the floodplain management regulations.

36. "Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations.

162.02 STATUTORY AUTHORITY, FINDINGS OF FACT AND PURPOSE.

1. The Legislature of the State of Iowa has, in Chapter 414 of the *Code of Iowa*, as amended, delegated the power to cities to enact zoning regulations to secure safety from flood and to promote health and the general welfare.

2. Findings of Fact.

A. The flood hazard areas of the City are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare of the community.

B. These flood losses, hazards, and related adverse effects are caused by: (i) the occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding; and (ii) the cumulative effect of obstructions on the floodplain causing increases in flood heights and

velocities.

C. This chapter relies upon engineering methodology for analyzing flood hazards which is consistent with the standards established by the Department of Natural Resources.

3. Statement of Purpose. It is the purpose of this chapter to protect and preserve the rights, privileges and property of the City and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing those flood losses described in Paragraph 2(A) of this section with provisions designed to:

A. Reserve sufficient floodplain area for the conveyance of flood flows so that flood heights and velocities will not be increased substantially.

B. Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities.

C. Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.

D. Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.

E. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

162.03 GENERAL PROVISIONS.

1. Lands to Which Chapter Applies. The provisions of this chapter shall apply to all lands within the jurisdiction of the City shown on the Official Floodplain Zoning Map as being within the boundaries of the Floodway, Floodway Fringe and General Floodplain (Overlay) districts, as established in this section.

2. Establishment of Official Floodplain Zoning Map. The Flood Insurance Rate Map (FIRM) for Dallas County and Incorporated Areas, City of Van Meter, Panels 19049C0340F, 0345F, dated December 7, 2018, which were prepared as part of the Flood Insurance Study for Dallas County, are hereby adopted by reference and declared to be the Official Floodplain Zoning Map. The flood profiles and all explanatory material contained with the Flood Insurance Study are also declared to be a part of this chapter.

3. Rules for Interpretation of District Boundaries. The boundaries of the zoning district areas shall be determined by scaling distances on the official Floodplain Zoning Map. When an interpretation is needed as to the exact location of a boundary, the Zoning Administrator shall make the necessary interpretation. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Zoning Administrator in the enforcement or administration of this chapter.

4. Compliance. No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations which apply to uses within the jurisdiction of this chapter.

5. Abrogation and Greater Restrictions. It is not intended by this chapter to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail. All other ordinances inconsistent with this chapter are hereby repealed to the extent of the inconsistency only.

6. Interpretation. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

7. Warning and Disclaimer of Liability. The standards required by this chapter are considered reasonable for regulatory purposes. This chapter does not imply that areas outside the designated Floodplain (Overlay) District areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

8. Severability. If any section, clause, provision or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

162.04 ADMINISTRATION.

1. Appointment, Duties and Responsibilities of Zoning Administrator.

A. The Zoning Administrator is hereby appointed to implement and administer the provisions of this chapter and will herein be referred to as the Administrator.

B. Duties and responsibilities of the Administrator shall include, but not necessarily be limited to the following:

(1) Review all floodplain development permit applications to assure that the provisions of this chapter will be satisfied.

(2) Review floodplain development applications to assure that all necessary permits have been obtained from federal, State and local governmental agencies including approval when required from the Department of Natural Resources for floodplain construction.

(3) Record and maintain a record of: (i) the elevation (in relation to North American Vertical Datum 1988) of the lowest

floor (including basement) of all new or substantially improved structures; or (ii) the elevation to which new or substantially improved structures have been floodproofed.

(4) Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.

(5) Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this chapter.

(6) Submit to the Federal Insurance Administrator an annual report concerning the community's participation, utilizing the annual report form supplied by the Federal Insurance Administrator.

(7) Notify the Federal Insurance Administration of any annexations or modifications to the community's boundaries.

(8) Review subdivision proposals to insure such proposals are consistent with the purpose of this chapter and advise the Dallas County Zoning Board of potential conflict.

(9) Maintain the accuracy of the community's Flood Insurance Rate Maps when:

a. Development placed within the Floodway (Overlay) District results in either of the following: (i) an increase in the Base Flood Elevations; or (ii) alteration to the floodway boundary;

b. Development placed in Zones A, AE, AH, and A1-30 that does not include a designated floodway that will cause a rise of more than one foot in the base elevation; or

c. Development relocates or alters the channel.

Within six months of the completion of the development, the applicant shall submit to FEMA all scientific and technical data necessary for a Letter of Map Revision.

(10) Perform site inspections to ensure compliance with the standards of this chapter.

(11) Forward all requests for Variances to the Board of Adjustment for consideration. Ensure all requests include the information ordinarily submitted with applications as well as any additional information deemed necessary to the Board of Adjustment.

2. Floodplain Development Permit.

A. Permit Required. A Floodplain Development Permit issued by the Administrator shall be secured prior to any floodplain development (any manmade change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations), including the placement of factory-built homes.

B. Application for Permit. Application shall be made on forms furnished by the Administrator and shall include the following:

(1) Description of the work to be covered by the permit for which application is to be made.

(2) Description of the land on which the proposed work is to be done (e.g., lot, block, track, street address or similar description) that will readily identify and locate the work to be done.

(3) Location and dimensions of all buildings and building additions.

(4) Indication of the use or occupancy for which the proposed work is intended.

(5) Elevation of the base flood.

(6) Elevation (in relation to North American Vertical Datum 1988 of the lowest floor (including basement) of buildings or of the level to which a building is to be floodproofed.

(7) For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.

(8) Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this chapter.

C. Action on Permit Application. The Administrator shall, within a reasonable time, make a determination as to whether the proposed floodplain development meets the applicable standards of this chapter and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefor. The Administrator shall not issue permits for variances except as directed by the County Board of Adjustment.

D. Construction and Use to Be as Provided in Application and Plans. Floodplain Development Permits based on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this chapter. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building floor elevations, flood proofing, or other flood protection measures were accomplished in compliance with the provisions of this chapter, prior to the use or occupancy of any structure.

162.05 ESTABLISHMENT OF FLOODPLAIN (OVERLAY) DISTRICTS.

The floodplain areas within the jurisdiction of the City are hereby divided into the following districts:

1. Floodway (Overlay) District (FW) – those areas identified as Floodway on the Official Floodplain Zoning Map.
2. Floodway Fringe (Overlay) District (FF) – those areas identified as Zone AE on the Official Floodplain Zoning Map but excluding those areas identified as Floodway.
3. General Floodplain (Overlay) District (GF) – those areas identified as Zone A on the Official Floodplain Zoning Map.

The boundaries shall be as shown on the Official Floodplain Zoning Map. Within these districts, all uses not allowed as permitted uses are prohibited unless a variance to the terms of this chapter is granted after due consideration by the Board of Adjustment.

162.06 FLOODWAY (OVERLAY) DISTRICT FW.

1. Permitted Uses. All uses within the Floodway District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet applicable performance standards of the Floodway District.

2. Performance Standards. No use shall be permitted in the Floodway District that would result in any increase in the base flood elevation. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

3. All Development. All uses within the Floodway District shall:

- A. Be consistent with the need to minimize flood damage.
- B. Use construction methods and practices that will minimize flood damage.
- C. Use construction materials and utility equipment that are resistant to flood damage.

No use shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch, or any other drainage facility or system.

4. Structures. Structures, buildings and sanitary and utility systems, if permitted, shall meet the applicable performance standards of the Floodway Fringe District and shall be constructed or aligned to present the minimum possible resistance to flood flows.

5. Buildings. Buildings, if permitted shall have a low flood damage potential and shall not be for human habitation.

6. Storage. Storage of equipment or materials that are buoyant, flammable, explosive, or injurious to human, animal, or plant life is prohibited. Storage of other material may be allowed if readily removable from the Floodway District within the time available after flood warning.

7. Watercourse Alterations. Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.

8. Fill. Any fill allowed in the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.

9. Pipeline Crossings. Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.

162.07 FLOODWAY FRINGE (OVERLAY) DISTRICT FF.

1. Permitted Uses. All uses within the Floodway Fringe District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet applicable performance standards of the Floodway Fringe District.

2. Performance Standards. All uses must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Where 100-year flood data has not been provided on the Flood Insurance Rate Map, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

3. All Structures. All structures shall:

- A. Be adequately anchored to prevent flotation, collapse or lateral movement of the structure.
- B. Use construction methods and practices that will minimize flood damage.
- C. Use construction materials and utility equipment that are resistant to flood damage.

4. Residential Structures. All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one foot above the base flood elevation. Construction shall be upon compacted fill which shall, at all points, be no lower than one foot above the base flood elevation and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers or extended foundations) may be allowed subject to favorable consideration by the Board of Adjustment, where existing topography, street grades, or

other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding. All new residential structures located in areas that would become isolated due to flooding of surrounding ground shall be provided with a means of access that will be passable by wheeled vehicles during the base flood. However, this criterion shall not apply where the Administrator determines there is sufficient flood warning time for the protection of life and property. When estimating flood warning time, consideration shall be given to the criteria listed in 567-75.2(3), Iowa Administrative Code.

5. Nonresidential Structures. All new or substantially improved nonresidential structures shall have the lowest floor (including basement) elevated a minimum of one foot above the base flood elevation, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood; and that the structure, below the base flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988 to which any structures are floodproofed shall be maintained by the Administrator.

6. All New and Substantially Improved Structures:

A. Fully enclosed areas below the "lowest floor" (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:

(1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

(2) The bottom of all openings shall be no higher than one foot above grade.

(3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

Such areas shall be used solely for parking of vehicles, building access and low damage potential storage.

B. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

C. New and substantially improved structures shall be constructed with electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities elevated or floodproofed to a minimum of one foot above the base flood elevation.

7. Factory-Built Homes.

A. All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one foot above the 100-year flood level.

B. All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. Anchorage systems may include, but are not limited to, use of over-the-top or frame ties to ground anchors as required by the State Building Code.

8. Utility and Sanitary Systems.

A. On-site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.

B. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one foot above the 100-year flood elevation.

C. New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one foot above the 100-year flood elevation.

D. Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.

9. Storage of Materials and Equipment. Storage of equipment and materials that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one foot above the base flood elevation. Other material and equipment must either be similarly elevated or: (i) not subject to major flood damage and anchored to prevent movement due to flood waters; or (ii) readily removable from the area within the time available after flood warning.

10. Flood Control Structures. Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum,

protection from the base flood with a minimum of three feet of design freeboard and shall provide for adequate interior drainage. In addition, the Department of Natural Resources shall approve structural flood control works.

11. Watercourse Alterations. Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, the Department of Natural Resources must approve such alterations or relocations.

12. Subdivision. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this chapter. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the base flood. Proposals for subdivisions greater than five acres or 50 lots (whichever is less) shall include base flood elevation data for those areas located within the Floodplain (Overlay) District.

13. Accessory Structures to Residential Uses.

A. Detached garages, sheds, and similar structures that are incidental to a residential use are exempt from the base flood elevation requirements where the following criteria are satisfied.

(1) The structure shall be designed to have low flood damage potential. Its size shall not exceed 600 square feet. Those portions of the structure located less than one foot above the BFE must be constructed of flood-resistant materials.

(2) The structure shall be used solely for low flood damage potential purposes such as vehicle parking and limited storage. The structure shall not be used for human habitation.

(3) The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.

(4) The structure shall be firmly anchored to resist flotation, collapse and lateral movement.

(5) The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the base flood elevation.

(6) The structure's walls shall include openings that satisfy the provisions of Subsection 6 of this section.

B. Exemption from the 100-year flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

14. Recreational Vehicles. Recreational vehicles are exempt from the requirements of Subsection 7 of this section regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.

A. The recreational vehicle shall be located on the site for less than 180 consecutive days; and

B. The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of Subsection 7 of this section regarding anchoring and elevation of factory-built homes.

15. Pipeline Crossings. Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

16. Maximum Damage Potential Uses. All new or substantially improved maximum damage potential uses shall have the lowest floor (including basement) elevated a minimum of one foot above the elevation of the 500-year flood, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood; and that the structure, below the base flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the Administrator. Where 0.2% chance flood elevation data has not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determinations.

162.08 GENERAL FLOODPLAIN (OVERLAY) DISTRICT GF.

1. Permitted Uses.

A. All uses within the General Floodplain District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet the applicable performance standards of the General Floodplain District.

B. Any uses which involve placement of structures, factory-built homes, fill or other obstructions, storage of materials or equipment, excavation or alteration of a watercourse shall be reviewed by the Department of Natural Resources to determine: (i) whether the land involved is either wholly or partly within the floodway or floodway fringe; and (ii) the base flood elevation. The applicant shall be responsible for providing the Department of Natural Resources with sufficient

technical information to make the determination.

C. Review by the Iowa Department of Natural Resources is not required for the proposed construction of new or replacement bridges or culverts where:

(1) The bridge or culvert is located on a stream that drains less than two square miles; and

(2) The bridge or culvert is not associated with a channel modification that constitutes a channel change as specified in 567-71.2(1)b, Iowa Administrative Code.

2. Performance Standards.

A. All uses, or portions thereof, to be located in the floodway as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway (Overlay) District, Section 162.06.

B. All uses, or portions thereof, to be located in the floodway fringe as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway Fringe (Overlay) District, Section 162.07.

162.09 APPOINTMENT AND DUTIES OF BOARD OF ADJUSTMENT.

1. Appointment and Duties of Board of Adjustment. A Board of Adjustment is hereby established which shall hear and decide appeals and requests for variances to the provisions of this chapter, and shall take any other action which is required of the Board.

2. Appeals. Where it is alleged there is any error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this chapter, the aggrieved party may appeal such action. The notice of appeal shall be filed with the Board of Adjustment and with the official from whom the appeal is taken and shall set forth the specific reason for the appeal. The official from whom the appeal is taken shall transmit to the Board of Adjustment all the documents constituting the record upon which the action appealed from was taken.

3. Variance. The Board of Adjustment may authorize upon request in specific cases such variances from the terms of this chapter that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship. Variances granted must meet the following applicable standards.

A. Variances shall only be granted upon: (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.

B. Variances shall not be issued within any designated floodway if any increase in flood levels during the 100-year flood would result. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

C. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

D. In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this chapter, the applicant shall be notified in writing over the signature of the Administrator that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage; and (ii) such construction increases risks to life and property.

E. All variances granted shall have the concurrence or approval of the Department of Natural Resources.

4. Hearings and Decisions of the Board of Adjustment.

A. Hearings. Upon the filing with the Board of Adjustment of an Appeal or a request for a Variance, the Board shall hold a public hearing. The Board shall fix a reasonable time for the hearing and give public notice thereof, as well as due notice to parties in interest. At the hearing, any party may appear in person or by agent or attorney and present written or oral evidence. The Board may require the appellant or applicant to provide such information as is reasonably deemed necessary and may request the technical assistance and/or evaluation of a professional engineer or other expert person or agency, including the Department of Natural Resources.

B. Decisions. The Board shall arrive at a decision on an Appeal or Variance within a reasonable time. In passing upon an Appeal, the Board may, so long as such action is in conformity with the provisions of this chapter, reverse or affirm, wholly or in part, or modify the order, requirement, decision, or determination appealed from, and it shall make its decision, in writing, setting forth the findings of fact and the reasons for its decision. In granting a Variance, the Board shall consider such factors as contained in this section and all other relevant sections of this chapter and may prescribe such conditions as contained in Paragraph D of this subsection.

C. Factors Upon Which the Decision of the Board of Adjustment Shall Be Based. In passing upon applications for Variances, the Board shall consider all relevant factors specified in other sections of this chapter and:

(1) The danger to life and property due to increased flood heights or velocities caused by encroachments.

(2) The danger that materials may be swept on to other land or downstream to the injury of others.

(3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

(4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

(5) The importance of the services provided by the proposed facility to the City.

(6) The requirements of the facility for a floodplain location.

(7) The availability of alternative locations not subject to flooding for the proposed use.

(8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

(9) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.

(10) The safety of access to the property in times of flood for ordinary and emergency vehicles.

(11) The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.

(12) The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.

(13) Such other factors which are relevant to the purpose of this chapter.

D. Conditions Attached to Variances. Upon consideration of the factors listed above, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose of this chapter. Such conditions may include, but not necessarily be limited to:

(1) Modification of waste disposal and water supply facilities.

(2) Limitation of periods of use and operation.

(3) Imposition of operational controls, sureties, and deed restrictions.

(4) Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this chapter.

(5) Floodproofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Board of Adjustment shall require that the applicant submit a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

E. Appeals to the Court. Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the office of the Board.

162.10 NONCONFORMING USES.

A structure or the use of a structure or premises which was lawful before the passage or amendment of the ordinance codified in this chapter, but which is not in conformity with the provisions of this chapter, may be continued subject to the following conditions:

1. If such use is discontinued for six consecutive months, any future use of the building premises shall conform to this chapter.

2. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.

3. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50 percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this chapter.

Except as provided in Subsection 2 of this section, any use which has been permitted as a Variance shall be considered a conforming use.

162.11 PENALTIES FOR VIOLATION.

Violations of the provisions of this chapter or failure to comply with any of the requirements (including violations of conditions and safeguards established in connection with grants of Variances) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 or imprisoned for not more than 30 days. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy violation.

162.12 AMENDMENTS.

The regulations and standards set forth in this chapter may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval of the Department of Natural Resources.

162.13 INTEGRATION WITH FEMA REGULATIONS.

The FEMA regulations provide certain definitions and interpretive guidance. To the extent provided by FEMA regulations, as amended from time to time, and Letter of Map Amendments (“LOMAs”) are incorporated herein as if set out in full.

CHAPTER 165

ZONING REGULATIONS

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165.01 TITLE.

1. Long Title. An Ordinance titled, “The Zoning Ordinance of the City of Van Meter, Iowa, to Repeal All Ordinances in Conflict Herewith; and Establishing Comprehensive Zoning Regulations for the City of Van Meter, Iowa, and Providing for the Administration, Enforcement, and Amendment Thereof,” has been adopted by the City, in accordance with the provisions of Chapter 414, of the *Code of Iowa*.

2. Short Title. Such Ordinance, which is codified in this chapter, shall be known and may be referred and cited as the “Van Meter Zoning Ordinance,” to the same effect as if the full title were stated. The map herein referred to and identified as “The Zoning District Map, Van Meter, Iowa,” and attendant explanatory matter thereon is hereby adopted and made a part of this Ordinance. (*See EDITOR’S NOTE at the end of this chapter for ordinances amending the zoning map.*)

165.02 PURPOSE AND GOALS.

1. Purpose. The zoning regulations and boundaries herein set forth are made in accordance with a comprehensive plan for the general welfare of the community, for the purpose of promoting a wholesome, serviceable, and attractive municipality, to protect both urban and rural development of the community, to promote aesthetics and natural beauty in the landscape, to preserve and create a more favorable environment in which to rear children and develop permanent good citizenship; and to conserve the value and encourage the most appropriate use of land throughout the community.

2. Goals. The specific goals of this chapter shall be, through the application of its regulations and boundaries to lessen congestion in the streets; secure safety from fire, panic, and other dangers; promote health, morals, and the general welfare; provide adequate light and air; prevent the overcrowding of land or buildings; avoid undue concentration of population.

165.03 INTERPRETATION AND DEFINITIONS.

In their interpretation and application the provisions of this chapter shall be held to be the minimum requirements. Where this chapter imposes a greater restriction than is imposed or required by other provisions of law or by other rules, regulations or ordinances, the provisions of this chapter shall control. For the purposes of this chapter, the words “used or occupied” shall be deemed also to include “designed, intended or arranged to be used or occupied.” The word “lot” includes the words “plot or parcel.” Additional words, phrases, and terms used herein are defined and interpreted as follows:

1. “Accessory use, building or structure” means a building, use, or structure subordinate to another building, use, or structure on the same lot which is of a nature customarily incidental to the principal use, building, or structure; and does not alter or change the character of the premises; and which is not used for human occupancy.

2. “Adult entertainment establishment” means a retail or service establishment which is characterized by an emphasis on specialized sexual activity and/or specified anatomical areas, including, but not limited to:

A. Any book store, video store, or other establishment in which a substantial portion of its stock and trade is devoted to printed matter or visual representation of specified sexual activities or specified anatomical areas.

B. Any movie theater offering movies or other displays, or any establishments offering coin operated devices, which emphasize specified sexual activities or specified anatomical areas.

C. Any cabaret, club, tavern, theater, or other establishment which offers any entertainment emphasizing specified sexual activities or specified anatomical areas, including (but not limited to) topless and/or bottomless dancers, exotic dancers, strippers, male or female impersonators or similar entertainment.

D. Any establishment offering massage or similar manipulation of the human body, unless such manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist or similar professional licensed by the State. This definition does not include massages or similar manipulation offered at an athletic club, health club, school, gymnasium, spa, or similar establishments.

3. "Alley" means a public way, other than a street, 20 feet or less in width providing a secondary means of access to abutting property.

4. "Agriculture" means the use of land and/or buildings for agricultural purposes, including farming, dairying, pasturage, and animal and poultry husbandry; and the necessary accessory uses for packing, treating, or storing the produce provided, the operation of such accessory uses shall be secondary to the normal agricultural activities.

5. "Animal hospital" means any building, or portion thereof, and attached fenced-in kennel area, designed or used for the care, observation, or treatment of domestic animals.

6. "Automobile repair" means the general repair, rebuilding, reconditioning of engines, motor vehicles, or trailers.

7. "Automobile or trailer sales area" means any area of land, building, or structure, where two or more motor vehicles, in running condition; or trailers fully capable of attachment to a motor vehicle are stored for display and sale.

8. "Automobile wrecking yard" means any area of land where two or more vehicles, not in running condition, or parts thereof, are stored in the open and are not being restored to operation; or any land, building, or structure used for wrecking or storing of such motor vehicles, or parts thereof.

9. "Basement" means a story having more than one-half of its floor-to-ceiling height below grade level. A basement shall not be counted as a story for the purpose of height regulations.

10. "Billboard" means any structure or portion thereof, situated on private property, used or intended for use for advertising purposes, or for public display of posters, painted signs, wall signs, or pictures which advertise a business, attraction, or manufacturing which is not carried on, in, or upon the premises upon which said illustration is located.

11. "Board" means the Board of Adjustment.

12. "Boarding house" means a building other than a hotel, and not open to transients, where, for compensation, meals and lodging are provided for three or more persons.

13. "Building" means any enclosed structure which is built for the support or shelter of human use activities, whether stationary or movable.

14. "Building, height of" means the vertical distance from the average natural grade at the front of the building to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.

15. "Building line": A line parallel to the front lot line over which no portion of the building may extend, and which is a distance from the front lot line equal to the depth of the front yard required for the district in which such lot is located.

16. "Building, main or principal" means a building in which is conducted the main or principal use of the lot on which said building is situated. Where a substantial part of an accessory building is attached to the principal building in a substantial manner, as by a roof, such accessory building shall be counted as a part of the principal building.

17. "Bulk stations" means buildings, structures, and tanks used for the storage and distribution of flammable liquids or liquefied petroleum products, where the aggregate capacity of all storage tanks is more than 12,000 gallons.

18. "Business" means the purchase, sale, barter, or exchange of goods, wares, merchandise or services, the maintenance or operation of offices, or amusement and recreational enterprises for profit.

19. "Carport" means a roofed structure providing space for the parking of motor vehicles and enclosed on not more than two sides. A carport attached to the principal building shall be considered as part of the principal building, and subject to all yard requirements therein.

20. "Clinic, medical or dental" means a building or buildings in which a group of physicians and/or dentists and their professional assistants are associated for the purpose of carrying on their professions.

21. "Club or lodge, private" means a non-profit association of persons who are bona-fide members paying dues; which owns, leases, or hires land, a building or portion thereof, the use of such premises being restricted to members and their guests.

22. "Commission" means the Van Meter, Iowa, Planning and Zoning Commission.

23. "Condominium" means a multiple dwelling consisting of at least three units with a fee title to each dwelling unit which

is held independently of the others and each unit having its own separate utilities and the remainder of the real estate is designed for common ownership solely by the owners of the separate dwelling units.

24. "Court" means an open, unobstructed, and unoccupied space other than a yard which is bounded on two or more sides by a building on the same lot.

25. "Curb level, grade" means the average elevation, where curb and gutter exists, of the highest point of the curb along the front line of the lot. Where no curbing exists, it is to be taken as the average elevation of the centerline of the paving along the front of the lot.

26. "Dwelling" means a building or portion thereof, used primarily as a place of abode for one or more human beings, but not including a tent, trailer, or mobile home, or hotels, motels, boarding houses, and tourist homes.

27. "Dwelling, single-family" means a building designed or used exclusively for occupancy by one family.

28. "Dwelling, two-family" means a building designed or used exclusively for occupancy by two families.

29. "Dwelling, multiple family" means a building, or portion thereof, containing three or more dwelling units.

30. "Dwelling unit" means a dwelling or a portion thereof, used for one family for living, and sleeping purposes, containing bathroom and cooking facilities. One or more persons occupy a single housekeeping unit and using common cooking facilities. Unless related by blood or marriage, no such family shall contain over three persons. Every additional group of three or fewer persons not related by blood or marriage living in said housekeeping unit shall be considered a separate family for the purpose of this chapter.

31. "Floodplain" means that continuous area, adjacent to a stream bed or other natural drainage channels or areas, that is low-lying and subject to periodic inundation by water.

32. "Floor area of building" means the sum of the gross horizontal areas of the several floors of a building and its accessory buildings on the same lot; except that in residential buildings, basement, and attic floor area not devoted to active use shall be excluded, but the area of roofed porches and roofed terraces shall be included. All dimensions shall be measured between exterior faces of walls.

33. "Garage, private" means any building or structure enclosed on more than two sides intended and used for the parking of the private motor vehicles of the families resident upon the premises.

34. "Garage, public" means any building where automotive vehicles are painted, repaired, rebuilt, reconstructed and/or stored for compensation.

35. "Home occupation" means any use conducted entirely within a dwelling and participated in solely by members of the family, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, and in connection with which there is no commodity sold upon the premises except those produced thereon. In no event shall a barber shop, salon, gift shop, or animal hospital be construed as a home occupation unless the individual has applied for and received a special use permit pursuant to Section 165.22(7)(A)(7) of this chapter for a special use permit to operate a barbershop or salon. Commodities incidental to the practice of cosmetology or barbering may be sold in the event a special use permit is granted.

36. "Hotel" means a building in which lodging is provided and offered to the public for compensation, and which is open to transient guests, in contradistinction to boarding or lodging houses.

37. "Junk yard" means an open area or fenced-in enclosure where waste, discarded, or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including (but not limited to) scrap iron and other metals, paper, rags, rubber tires, and bottles, but not including areas where such uses are conducted entirely within a completely enclosed building, or the processing of used, discarded, or salvaged materials are part of a manufacturing operation.

38. "Kennel" means any premises on which four or more dogs, six months or older, are kept for board, breeding or sale.

39. "Land use plan" means the comprehensive long-range plan for the desirable use of land within the community, as officially adopted and as amended from time to time by the Council; the purpose of the plan being, among other things, to serve as a guide to the zoning and progressive changes in zoning of land to meet changing needs, in the subdividing and use of undeveloped land and in the acquisition of land for such public purposes as streets, parks, schools, and other public buildings and uses.

40. "Lot" means a parcel of land, abutting on a street, whose area, in addition to the parts thereof occupied or hereafter to be occupied by a building, structure, and/or accessory buildings, is sufficient to provide the yards required by the regulations herein given.

41. "Lot, corner" means a lot abutting upon two or more streets at their intersection.

42. "Lot double-frontage" means a lot having a frontage on two or more non-intersecting streets, as distinguished from a corner lot.

43. "Lot interior" means a lot other than a corner lot.

44. "Lot area" means the horizontal area within the lot lines of the lot.

45. "Lot lines" means the lines bounding a lot.
46. "Lot of record" means a lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the legal description of which has been duly recorded.
47. "Lot depth" means the mean horizontal distance between the front and rear lot lines.
48. "Lot width" means the width of a lot measured at the building line and at right angles at its depth.
49. "Mobile home" means any vehicle used or maintained for use as a conveyance upon highways or public streets or waterways; so designed and constructed as to permit occupancy thereof as a dwelling unit or sleeping place for one or more persons whether attached or unattached to a permanent foundation.
50. "Mobile home park" means any lot or portion of a lot upon which two or more mobile homes occupied for dwelling or sleeping purposes are located regardless of whether or not a charge is made for such accommodation.
51. "Nonconforming use" means a building, structure, or premises lawfully occupied or under construction at the time of the enactment of the zoning regulations for the district in which it is located; also such use resulting from changes in zoning districts or in textual provisions made hereafter.
52. "Nursing or convalescent home" means a building or structure having accommodations and where care and room and board is provided for invalid, infirm, aged, convalescent, or physically disabled or injured persons, not including insane or other mental cases, inebriate or contagious cases.
53. "Parking area, public" means an open area, other than a street or alley, designed for use or used for the temporary parking of four or more motor vehicles when available for public use, whether free or for compensation, or as an accommodation for clients, or customers, paved with a dust preventative or hard surface.
54. "Parking space" means a permanently surfaced area of not less than 200 square feet either within a structure or in the open, inclusive of driveway or access drives, for the parking of a motor vehicle.
55. "Primary building face" means the side or sides of the building fronting on a street right-of-way, excluding any appurtenances such as projecting fins, columns, pilasters, canopies, marquees, showcases or decorations.
56. "Plat" means a map or chart indicating the subdivision or re-subdivision of land, intended to be duly filed for record.
57. "Row dwelling" means any one of at least three but no more than six attached dwellings in a continuous row, each such dwelling designed and erected as a unit on a separate lot and separated from one another by an approved wall or walls and each unit having its own separate utilities. (Also referred to as a "townhouse.")
58. "Satellite receiving antenna" means an accessory structure often called a "dish" or "earth station antenna" the purpose of which is to receive communication, including (but not limited to) radio and television or other signals from satellite and other extra-terrestrial sources whether affixed to the ground as a permanent structure, to the building, or a mobile unit such as a trailer or vehicle.
59. "Sign" means any structure or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public. Any non-illuminated or illuminated sign with non-moving, non-flashing, and non-rotating light conforming to the applicable standards set forth in the categories below is exempt from the general sign requirements of each zoning district. However, such sign must meet all other requirements described for its category:
- A. Directional/Informational Signs. Up to four free-standing on-premises signs per nonresidential lot with a maximum height of three feet and a total maximum sign area per lot not to exceed 32 square feet. One off-premises sign for an institutional use may be allowed by special permit from the Zoning Administrator.
 - B. Flags. Any official governmental flag, or flag displaying the recognized symbol of a non-profit organization.
 - C. Historical Marker. A marker, monument, plaque, or other type sign or notice located on public or private property which identifies documents or records an historical event pertaining to the structure on which it is located. One sign per building no larger than 12 square feet is permitted.
 - D. Incidental Signs. A sign pertaining to specific products services, or facilities available on the premise. A maximum of five signs per nonresidential lot with a total maximum of 32 square feet.
 - E. Institutional Signs. An on-premises sign pertaining to a medical, charitable, religious, educational, or civic institution with a maximum size of 40 square feet.
60. "Specified anatomical areas" means:
- A. Less than completely and opaquely covered human genitals, pubic region, buttocks, and female breasts below a point immediately above the top of the areola; and
 - B. Human male genitals in a discernible turgid state, even if completely and opaquely covered.
61. "Specified sexual activities" means:
- A. Human genitals in a state of sexual stimulation or arousal;
 - B. Acts of human masturbation, sexual intercourse or sodomy; and fondling or other erotic touching of human genitals,

pubic region, buttocks or female breasts.

62. "Story" means that portion of a building between the surface of any floor and the surface of the floor next above it, or if there is no floor above it the space between such floor and the ceiling next above it.

63. "Street" means a public or private thoroughfare, being a right-of-way of a required width, which affords a primary means of access to abutting property.

64. "Structure" means anything constructed or erected which requires location on the ground or attachment to something having a location on the ground, including satellite receiving antenna.

65. "Structural alteration" means any change in the supporting members of a building, including (but not limited to) bearing walls, load bearing partitions, columns, beams, or girders, or any substantial change in the exterior walls or roof, beyond ordinary repairs and maintenance.

66. "Yard" means an open space on the same lot with a building or structure open, unoccupied, and unobstructed by structures, except as otherwise provided in this chapter.

67. "Yard, front" means an open space extending across the full width of the lot and lying between the front lot line and the nearest line of the principal building, other than the usual projection of steps.

68. "Yard, rear" means an open space extending across the full width of the lot and lying between the rear lot line and the nearest line of the principal building, other than the usual projection of steps.

69. "Yard, side" means an open space extending from the front yard to the rear yard between a building and the side lot line.

165.04 GENERAL REGULATIONS.

1. Conformance. The regulations herein set forth shall be minimum regulations, applying uniformly to each class or kind of structure or land.

A. No land, building, or structure shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, or structurally altered which does not conform to the regulations of the district in which it is located.

B. No building or structure shall hereafter be erected or altered: (i) to exceed the height; (ii) to accommodate or house a greater number of families or persons; (iii) to occupy a greater percentage of lot area; (iv) to have less than minimum, in area or dimension, front yards, side yards, rear yards, or other open spaces; or (v) in any manner contrary to the provisions of this chapter.

C. No yard or lot existing at the time of passage of this chapter shall be changed in dimension or area to the extent that it no longer meets the requirements set forth herein. Yards or lots created after the effective date of the Zoning Ordinance shall meet at least the minimum requirements set forth herein.

D. Modular homes, manufactured homes, and mobile homes converted to real property and taxed as real estate, when placed on private property, shall have permanent frost depth footings of a perimeter foundation type or columns/piers and permanently anchored to prevent wind uplift and turnover, as specified in the Building Codes. The vertical space between the perimeter of the first floor and grade level shall be infilled with like material as utilized in site built construction with permanent frost depth footings and foundations.

E. A residence shall contain at least one entry on the street from which the property's address is determined. Such entry is not required to be the primary entry.

2. Nonconformance. Where, at the effective date of adoption or amendment of the Zoning Ordinance, lawful use of land structures, or buildings exist that are made no longer permissible under the terms of such Ordinance as enacted or amended, such use, structure, or building may continue so long as it remains otherwise lawful, subject to the following provisions:

A. No such nonconforming use shall be enlarged, increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of the Zoning Ordinance; nor may any building or structure be enlarged or altered in a way which increases or substitutes its nonconformity.

B. No such nonconforming use, structure or building shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of the Zoning Ordinance.

C. If any such nonconforming use of land ceases for any reason for a period of more than six months, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.

D. No such nonconforming structure, if destroyed by an act of God to an extent of more than 85 percent of its replacement cost at time of destruction, shall be reconstructed except in conformity with the provisions of this chapter.

E. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

F. Any building or structure devoted to a nonconforming use with a fair market value of less than \$500.00, as determined by the Board of Adjustment, may be continued to a period not to exceed three years after the enactment of the

regulations, whereupon such nonconforming use shall cease and thereafter such building or structure shall be removed or changed to a conforming use.

Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

3. Street Frontage. No lot shall contain any building used in whole or part for residence purposes unless such lot abuts on at least one street for at least the minimum width at the minimum front yard depth from the street.

4. Accessory Buildings. No accessory building structure or garage that exceeds six feet in height shall be erected, except as provided hereinafter:

A. Accessory buildings, including roof overhangs, shall be at least three feet from lot lines of adjoining lots in any R District. An accessory building within 60 feet of the front yard line shall have a full side yard between it and the side lot line. On a corner lot the accessory building shall conform with the setback regulations of the principal building.

B. Accessory buildings may be erected as part of the principal building or may be connected thereto by a breezeway or similar structure. Such connected accessory buildings shall be considered as part of the principal building for all yard requirements.

C. Accessory buildings shall be at least five feet from any other separate building or structure on the same lot.

D. Any accessory building, including a garage, located in any R District shall comply with the applicable front yard setback for the principal building.

E. Accessory buildings and structures which are constructed above the normal ground surface in any required yard area shall not occupy more than 30 percent of the yard area in which it is located; however, this regulation shall not be interpreted to prohibit the construction of a garage not to exceed 625 square feet of gross building area.

F. A garage accessory building in any R District shall not exceed 20 feet in height to the highest measured point of the garage accessory building. All other accessory buildings in a residential use in any R District shall not exceed 12 feet in height to the highest measured point of the accessory building, and no accessory building shall exceed the highest measured point of the main residential building or dwelling. Materials used for the roofing and siding of the accessory building must be the same material as that used for the main residential building or dwelling. If the siding of the main residential building or dwelling is brick, stucco, or a materials not available, not longer produced, the accessory building siding may be hard wood panel, lap siding, or simulated vinyl or steel lap siding with the same, blending or matching color to the main residential building or dwelling.

5. Corner Lots. For corner lots, platted or of record after the effective date of the Zoning Ordinance, the front yard regulation shall apply to both yards abutting a street right-of-way. The side yard setback on a reversed corner lot shall not be less than the front yard setback of the interior lot to the rear of said reversed corner lot.

6. Building Lines on Approved Plats. Whenever the plat of a land subdivision approved by the Planning Commission and on record in the office of the County Recorder shows a setback building line along the frontage for the purpose of creating a front yard or side street yard line, the building line thus shown shall apply along such frontage in place or any other yard line required in this chapter unless specific yard requirements in this chapter require a greater setback.

7. Division of Property by District Boundaries. When one parcel of property is divided into two or more portions by reason of different zoning district classifications, each of these portions shall be used independently of the others in respective zoning classification, and for the purpose of applying the regulations of this chapter, each portion shall be considered as if in separate and different ownership.

8. Number of Uses on One Lot. No lot shall contain more than one principal use.

9. Conversion of Dwelling. The conversion of any building into a dwelling, or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, shall be only within a district in which a new building for similar occupancy would be permitted under the zoning regulations, and only when the resulting occupancy will comply with the requirements governing new construction in such district with respect to minimum lot size, lot area per dwelling unit, dimensions of yards and other open spaces and off-street parking.

10. Minimum Floor Area. Excluding porches, garages, steps, or exterior walls, no dwelling shall contain less in square feet floor area than provided by the following schedules:

A. Single-family detached structures (floor area on ground level):

Number of Floors	Square Feet
1	800
2 or more	600

B. All other dwelling structures (square feet excluding all common areas and common walls):

Number of Bedrooms	Square Feet
0	420
1	520
2	600
3	730
4	870

11. Essential Services. Essential services, including (but not limited to) telephone or other communications, electric power, gas, water, and sewer lines or facilities, including attendant poles, tower, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or other distributing equipment, shall be permitted as authorized and regulated by law and other regulations of the City, it being the intent hereof to exempt such essential services from the application of the regulations.

12. Architectural Design and Treatment of Buildings. In order to maintain character, continuity and enhance physical appearance, the following standards shall apply to zoning districts C-0 (nonresidential uses), C-1, C-2, I-1 and I-2 unless noted otherwise in this chapter. In the event that any of the standards below conflict with other standards, regulations, or requirements of federal, State, County laws or regulations, or as outlined elsewhere within this City Code, the more restrictive regulation shall apply.

A. Façades. All principal and accessory buildings must be constructed so that the primary building face has as its covering natural materials, rather than simulated or synthetic materials. Natural materials include, but are not limited to, stone, stone facing, brick, wood, stucco, clay tile, ceramic tile, quarry tile, terra cotta, and cut stone. Rough-faced concrete block may be used for an exterior surface where concrete block is the only option because of existing structural conditions or requirements. Materials to be excluded include, but are not limited to, plain concrete block, plain precast, fiberglass, simulated brick and stone, vinyl siding, metal siding and Masonite panels. If the underlying building is constructed using either metal or concrete form walls, the metal or concrete portion of the external primary building face must be completely covered with natural materials.

B. Exclusions. This chapter excludes that portion of the primary building face that contains manufactured window frames, window glass, door frames and doors.

C. Awnings. Awnings are allowed on any building consistent with other City codes and requirements. Any awning extending over a public sidewalk or passageway shall require a building permit with a condition of issuance being the Zoning Administrator's determination that the proposed awning complies with the appropriate snow loading standard determined to be appropriate by said administrator.

D. Waiver of Requirements. Any one or more of the requirements set forth herein may be waived by the Planning and Zoning Commission for reasons of safety or engineering, as the Commission may determine. No waiver shall be authorized or permitted for relief from any of the requirements for reasons related primarily to the costs of compliance or aesthetic preferences. Any person seeking a waiver under this section shall submit a written application to the Commission which shall include a detailed description of the safety or engineering need for a waiver.

E. Exception. The provisions of this section shall be applicable in the BP-1 District, except the building façade materials allowed are those set forth in this paragraph. The exterior walls of each building shall be constructed of permanent durable architectural materials. The front façade and each façade facing a street shall incorporate brick, stone, architectural block, architectural concrete panels, architectural wood, architectural steel, glass, or similar materials in the design. Façade materials required for the front façade and street side façades shall be continued for not less than 20 feet on each side adjoining a front façade or street side façade. All other sides of the building shall be constructed and finished in an attractive manner in keeping with the generally accepted standards for a high quality commercial/industrial development. Unfaced concrete block and non-architectural steel shall not be permitted.

F. Exception. The provisions of this section shall not be applicable to any buildings located in an MU District.

13. Visibility at Intersection in Residential Districts. On a corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one-half and 10 feet above the centerline grades of the intersection streets in the area bounded by the street lines 40 feet from the point of intersection.

165.05 ESTABLISHMENT OF DISTRICTS AND BOUNDARIES.

For the purpose of this chapter, the City is hereby divided into the following districts:

A Agricultural

C-0 Commercial-Residential

C-1 General Commercial

C-2 CBD Commercial

CF Community Facility District

I-1 Light Industrial

- I-2 Heavy Industrial
- R-1 Single-Family
- R-2 Two-Family
- R-3 Multiple Family
- R-4 (Reserved)
- R-5 Planned Unit Development District
- BP-1 Business Park District
- MU Major Utility District

165.06 BOUNDARIES.

The boundaries of said districts are indicated upon the Official Zoning Map of the City, and said map and all notations, references, and other information shown thereon, shall be as much a part of this chapter as if the notations, references, and other matters set forth by said map were all fully described herein. In cases where the exact location of a district boundary is not clear as shown on the Official Zoning Map, the following rules shall be used in determining the location of said district boundary:

1. Boundaries indicated as approximately following the centerlines of streets, highways, alleys, or other public rights-of-way shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following City limits shall be construed as following such limit lines.
4. Boundaries indicated as following shore or bank lines of a river or body of water, shall be construed to follow such lines, and in the event of change in the shore line shall be construed as moving with the actual shore or bank line; boundaries indicated as following the centerline of streams, rivers, canals, or other bodies of water shall be construed to follow such centerlines.
5. Boundaries that are indicated approximately as dividing a parcel or lot of property shall be determined by the use of the scale appearing on the map.
6. Boundaries indicated as following railroad lines shall be construed to follow the right-of-way line on that side bordering against the more restrictive use.
7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, the Board of Adjustment shall interpret the district boundaries.

165.07 A AGRICULTURAL DISTRICT.

1. Intent. The agricultural district is intended and designed to preserve agricultural land from encroachment of urban land uses. Its further purposes are:
 - A. Facilitating adequate police, fire, and sanitary protection for residential uses.
 - B. Discouraging the scattering of commercial or industrial uses into outlying areas, resulting in excessive requirements and costs for public services.
2. Principal Permitted Uses.
 - A. Public parks, playgrounds, and recreation areas.
 - B. Publicly operated golf clubs, swimming pools, country clubs, or other similar recreation uses, provided that any principal or accessory building in connection therewith shall be located not less than 200 feet from any lot in an R District.
 - C. Public schools and educational facilities.
 - D. Cemeteries.
 - E. Farming, dairying, poultry husbandry and other allied agricultural operations.
 - F. Nursery and greenhouse, and buildings and structures necessary for the sale of their products, provided said buildings are located not less than 20 feet from any lot line.
 - G. Non-farm, single-family detached dwellings.
 - H. Farm dwellings, with all accessory buildings necessary to continue farming operation, provided that no building or confined feed lot, etc., other than a dwelling is located closer than 200 feet to any R District.
3. Accessory Uses.
 - A. Essential service facilities, including but not limited to poles, towers, pipes, vaults, and valves.
 - B. Picnic shelters, playground equipment, storage sheds, clubhouses, bath houses which shall not be used as

dwellings.

C. Buildings, structures, and uses accessory to agricultural uses such as roadside stands, selling produce grown on the premises, provided such roadside stands are located not less than 20 feet from a street or highway right-of-way line.

D. Private garages or parking areas.

E. Signs accessory to roadside stands shall be limited to two signs per lot with no sign being larger than 10 square feet in area and set back 10 feet from the right-of-way of a street or highway.

4. Area Regulations.

A. Lot Area. The minimum lot area shall be five acres.

B. Lot Width. The minimum lot width shall be 150 feet.

C. Yard Widths:

(1) The minimum front yard shall be 50 feet.

(2) The minimum rear yard shall be 50 feet.

(3) The minimum side yard being 50 feet; minimum on one side being 25 feet for residential and 50 feet on each side for other uses.

D. Building Height. The maximum building height shall be two and one-half stories, with a maximum height of 35 feet.

165.08 R-1 SINGLE-FAMILY RESIDENCE DISTRICT.

1. Single-Family Residential District is established as a district in which the principal use of land is for single-family dwellings, to which purpose the specific intent of this section is:

A. To encourage the continued construction and use of the area for single-family dwellings.

B. To prohibit commercial and industrial use of the land, and of any other use which would inhibit single-family development of the area.

C. To discourage any use which would generate heavier than normal traffic on minor residential streets.

2. Principal Permitted Uses.

A. Single-family dwellings.

B. Churches, temples, and accessory buildings.

C. Public libraries, museums, or similar community facilities.

D. Public parks, playgrounds, golf course and recreation areas, provided that no such use be operated primarily for gain.

E. Public and private schools.

3. Accessory Uses.

A. Private garage or carport.

B. Temporary buildings erected during the construction of a permitted use.

C. One sign not exceeding 10 square feet in area referring to the construction, lease, hire, or sale of a building, premises or subdivision lots, which sign shall refer to the property on which it is located, and shall be removed as soon as the premises area sold, leased or construction completed.

D. Church and school bulletin boards, not to exceed 40 square feet in area. Such bulletin boards shall be non-illuminated or indirectly lighted with non-moving, non-flashing, non-rotating white light.

E. One sign, non-illuminated, appurtenant to a home occupation or permitted use, not exceeding six square feet on any one side thereof and not more than two sides of such sign shall be used for advertising purposes; the bottom of the surface area of such sign shall not be more than 42 inches above the ground surface upon which is erect.

F. Professional office of a member of a recognized profession, provided that it is such person's primary residence, not more than one assistant shall be regularly employed therein, and no colleagues or associates shall use such office, and not more than one-half the area of one floor shall be used for such office.

4. Area Regulations.

A. Lot Area. The minimum lot area shall be 10,000 square feet. Where public sewer and water facilities are not available, the minimum area shall be 20,000 square feet.

B. Lot Width. The minimum lot width shall be 80 feet.

C. Yard Width. The minimum yard widths shall be as follows:

Use	Front Yard	Rear Yard	Side Yard
Single-family dwelling	35 feet	35 feet	10% of overall lot width for each side; 8 feet minimum
Single-family dwelling in single subdivision of more than 150 lots with approval of Council	30 feet	25 feet	7 feet per side; minimum 15 feet total
Other buildings	35 feet	45 feet	10% of overall lot width for each side; 8 feet minimum

D. Building Height. The maximum building height shall be two and one-half stories, with a principal building height maximum of 35 feet. Accessory buildings shall be a maximum 12 feet in height.

E. Minimum Single-Family Dwelling Dimensions. Neither the minimum overall width dimensions nor the overall depth dimension of a single-family dwelling shall be less than 20 feet.

165.09 R-2 TWO-FAMILY RESIDENCE DISTRICT.

1. The One- and Two-Family Residence District is established as one designed to provide for a medium density residential development. The specific intent of this section is:

- A. To encourage construction and use of the area for single- and two-family dwellings.
- B. To provide for medium density housing and the attendant rise in traffic on specific collector streets.
- C. To prohibit commercial and industrial use of the land, and of any other use which would inhibit residential orientation of the area.

2. Principal Permitted Uses.

- A. Any and all uses permitted under the R-1 classification.
- B. Single-family dwellings.
- C. Two-family dwellings.
- D. Conversion of one-family dwellings into two dwellings in accordance with all lot area, frontage and yard requirements set forth in this section.

3. Accessory Uses.

- A. Accessory uses permitted under the R-1 classification.
- B. Customary home occupations, conducted entirely and solely by resident occupants in their place of abode; and provided that not more than one-half of the area of one floor be utilized for such purpose; further providing that said occupations require no external or internal structural alterations, or the use of mechanical equipment not customarily used in dwellings. Customary home occupations to be determined by Board of Adjustment.
- C. Nursery schools, or child nurseries provided that the building be located not less than 20 feet from any other lot in any R district classification; provided that 30 square feet of usable interior floor space and 100 square feet of usable outdoor play space is provided for each child. The outdoor play space must be completely enclosed by a fence not less than four feet, nor more than six feet in height.

4. Area Regulations.

- A. Lot Area. The minimum lot area shall be 8,400 square feet for single-family dwellings and 12,500 square feet for a two-family dwelling.
- B. Lot Width. The minimum lot width shall be 66 feet for single-family dwellings and 90 feet for two-family dwellings.
- C. Yard Width. The minimum front yard shall be 35 feet, the minimum rear yard shall be 30 feet for a dwelling and 45 feet for any other building. For two-family dwellings the total side yard requirement shall be not less than 20 feet, with the least side minimum being eight feet. For all other buildings other than two-family dwellings, lots 80 feet or more for each side yard and lots greater than 80 feet wide shall have a side yard equal to or greater than 10 percent of the overall lot width, for each side yard.

D. Building Height. The maximum building height shall be two and one-half stories, with the principal building height maximum of 35 feet. Accessory building height maximum shall be 12 feet.

E. Minimum Dwelling Dimensions. Neither the minimum overall width dimension nor the overall depth dimension of a single-family dwelling shall be less than 20 feet.

165.10 R-3 MULTIPLE-FAMILY RESIDENCE DISTRICT.

1. The multiple-family residence district is intended to be basically residential in character, designed to:

- A. Stabilize and protect the essential characteristics of the district.
- B. Promote a suitable environment for family life.
- C. Permit certain commercial uses of a character unlikely to develop general concentration of traffic.

2. Permitted Uses.

- A. Any and all uses permitted under the R-2 classification.

B. Multi-family dwellings including row dwellings consisting of at least three and not more than six dwelling units in an attached, continuous row, and condominium dwellings consisting of at least three but not more than 12 dwelling units in one building or attached structure. Further, for row dwelling units (RDU) and condominium dwelling units (CDU) to qualify as a permitted use under the terms and provisions of this classification, each dwelling unit shall have separate facilities for gas, electricity, sewerage and water.

- C. Private clubs, lodges, or veterans organizations, excepting those holding beer permits or liquor licenses.
- D. Boarding houses.
- E. Hospitals, clinics, nursing and convalescent homes, excepting animal hospitals and clinics.
- F. Office of a doctor, dentist, osteopath, chiropractor, optometrist or similar profession.

G. Professional offices including but not limited to the following: law, engineering, architecture, accounting, bookkeeping, and similar uses.

3. Accessory Uses.

- A. Accessory uses permitted under the R-2 classification.
- B. Storage garages, where the lot is occupied by a multi-family dwelling.

C. Beauty parlor and barber shop when conducted as a home occupation solely by resident occupants in their place of abode and provided that not more than one-quarter of the area of one floor shall be used for that purpose. An indirectly lighted sign of not over one square foot in area and attached flat against the building shall be permitted.

D. One sign not exceeding 32 square feet in area which identifies and describes the property on which it is located. Moving, flashing, or rotating illuminated signs shall not be permitted.

4. Area Regulations.

- A. Lot Area. The minimum lot area shall be as follows:

Use	Minimum Lot Area
Single-family dwelling	8,400 square feet
Two-family dwelling	10,000 square feet, plus 2,500 square feet in excess of the 10,000 square foot minimum for each dwelling unit in excess of two dwelling units
Row dwelling; condominium	15,000 square feet; 20,000 square feet
Bi-attached Townhome	5,000 square feet for each townhome lot

- B. Lot Width. The minimum lot width shall be as follows:

Use	Minimum Lot Width
Single-family dwelling	75 feet
Two-family dwelling	90 feet
Row dwelling; condominium	20 feet per unit ; 75 feet
Bi-attached Townhome	40 feet per unit
All other buildings	100 feet

- C. Yard Width. The minimum yard widths shall be as follows

Use	Front Yard	Rear Yard	Side Yard
Row dwelling; condominium	30 feet	30 feet	10 feet each side

Bi-attached townhome	30 feet	25 feet	0 feet; 15 foot building separation required
Single-family dwelling	35 feet	30 feet	10 feet each side
Single-family dwellings in single subdivision of more than 150 lot with approval of Council	30 feet	25 feet	7 feet per side; minimum 15 feet total
All other uses	35 feet	30 feet	10 feet each side

D. Building Height. The maximum building height shall be three stories, with the principal building height maximum of 35 feet.

E. Emergency Access. There shall be at least a 10-foot width of unobstructed access to all sides of the structure from the nearest street in order to permit police, fire, and ambulance emergency access.

F. Minimum Dwelling – Dimensions. Neither the minimum overall width dimension nor the overall depth dimension of a single family dwelling shall be less than 20 feet.

165.11 R-4 RESERVED.

165.12 PLANNED UNIT DEVELOPMENT DISTRICT.

1. Intent. The Planned Unit Development District (P.U.D.) is intended and designed to promote and encourage development or redevelopment of tracts of lands on a planned, unified basis by allowing greater flexibility and diversification of land uses and building locations than the conventional single lot method provided in other sections of this ordinance. It is the intent of this section that the basic principles of good land use planning including an orderly and graded relationship between various types of uses be maintained and that the sound zoning standards as set forth, in this ordinance and statutes concerning population density, adequate light and air, recreation and open space, and building coverage be preserved. Although Planned Unit Development Districts may appear to deviate in certain respects from a literal interpretation of the Comprehensive Plan, regulations adapted to such unified planning and development are intended both to accomplish the purpose of zoning and other applicable regulations to an equivalent or higher degree than where such regulations are designed to control unscheduled development on individual lots, and to promote economical and efficient land use, and improved level of amenities, appropriate and harmonious variety, creative design and a better living environment.

2. Procedure.

A. The owner or owners of any tract of land comprising not less than ten (10) acres to permit construction of at least thirty-two (32) dwelling units, may submit to the City Council a petition requesting a change to the Planned Unit Development District zoning classification. Each petition shall be accompanied by five (5) copies of a development plan, which shall consist of a complete set of drawings and specifications for the proposed use and development of the entire tract of land. The development plan shall be referred to the Planning and Zoning Commission for study and report, including recommendation, to the City Council. The Planning and Zoning Commission shall review the conformity of the proposed development with the standards of the Comprehensive Plan, and with recognized principles of architectural design, land use planning and landscape architecture. The Commission may approve the plan as submitted or, before approval, may require that the applicant modify, alter, adjust, or amend the plan as the Commission deems necessary to the end that it preserves the intent and purpose of this ordinance to promote public health, safety, morals, and general welfare. The development plan as approved by the Commission shall then be reported to the City Council, whereupon the City Council may approve or disapprove said plan, after a public hearing, as reported or may require such changes thereto as it deems necessary to effectuate the intent and purpose of this ordinance.

B. If the Council approves the preliminary plan and request for rezoning, the applicant shall submit within 270 days, or longer period as may be allowed by the Council, five (5) copies of a final development plan for the entire tract of land shall be submitted to the Commission. The final development plan shall then be reviewed by the Commission, for compliance with the Planned Unit Development District standards and substantial compliance with the preliminary plan. The Commission's recommendations and report on the final development plan shall be referred to the Council for final approval. The Council shall review the final development plan and approve it if it complies with the standards of this section and is in substantial compliance with the preliminary development plan. The final development plan and final plat shall be approved by the Council and the final plat recorded with the County Auditor and Recorder before any building permit is issued.

C. The Council may make the approval of the development plan contingent upon the completion of construction and improvements within a reasonable period of time; provided, however, that in the determination of such period, the Council shall consider the scope and magnitude of the development project and any schedule of construction and improvements submitted by the developer. Failure to complete all construction and improvements within said period of time shall be deemed sufficient cause for the Council to rezone the unimproved property to the classification effective at the time of original submission of the development plan, unless an extension as recommended by the Commission and approved by the Council for due cause shown. Any proposed change in the development plan after approval by the Council shall be resubmitted and considered in the same manner as the original proposal. The term "unimproved" property shall mean all property situated within a stage or stages of the final development plan upon which the installation of improvements has not been commenced.

3. Plan Requirements. The development plan shall include, but is not limited to, the following required items:

A. If the proposed development includes common land which will not be dedicated to the City, and the proposed development will not be held in single ownership, proposed by-laws of an owner's association fully defining the functions, responsibilities and operating procedures of the association. The proposed by-laws shall include but not be limited to provisions:

- (1) Requiring membership in the association by all owners of property within the development;
- (2) Limiting the uses of the common property to those permitted by the final development;
- (3) Granting to each owner of property within the development the right to the use and enjoyment of the common property;
- (4) Placing the responsibility for operation and maintenance of the common property in the association;
- (5) Giving every owner of property within the development voting rights in the association;
- (6) If the development will combine rental and for sale units, stating the relationship between the renters and the owner's associations and the rights renters shall have to the use of the common land; and
- (7) The association must be established before properties are sold.

B. Covenants to run with the land, in favor of the City and all persons having a proprietary interest in any portion of the development premises, that the owner of the land or successors in interest will maintain all interior streets, parking areas, sidewalks, common land, parks and plantings which have not been dedicated to the City in compliance with the City ordinances.

C. Any additional agreements required by the Council at the time of preliminary plat approval.

D. Height and exterior design of typical proposed dwellings and the number of dwelling units in each.

E. A plat which shall show building lines; lots and/or blocks; common land, recreation areas, and parks, streets within or abutting the proposed development, existing and proposed easements; parking areas; walks, landscaping and planting areas; development stages and timing of each; and other applicable items required by the subdivision ordinance.

F. Proposed mitigation along the perimeter of the project for protection of adjoining properties, such as larger setbacks, buffer yards, landscaping, walls, fences or other screening, height limitations, architectural or site design, or other provisions.

G. Proposed phasing and timetable.

4. Standards. The land usage, minimum lot area, yard, height, and accessory uses shall be determined by the requirements set forth below, which shall prevail over conflicting requirements of this ordinance or the subdivision ordinance.

A. Residential properties shall be used only for residential purposes and the accessory uses as permitted by this section. Uses along project boundary lines shall not be in conflict with those allowed in adjoining or opposite property. To this end, the Commission may require, in the absence of an appropriate physical barrier, that uses of least intensity or a buffer of open space or screening be arranged along the borders of the project.

B. The following accessory uses shall be permitted on residential properties:

- (1) Private garage or carport.
- (2) Occupant storage and similar accessory uses.
- (3) Non-commercial recreational facilities.
- (4) Community facilities including municipal facilities, churches and schools.

C. Commercial uses, including business and professional offices, and retail convenience facilities designed to serve primarily occupants of the planned development may be permitted provided the following conditions are met:

- (1) The planned unit development shall provide for a total of at least one hundred and fifty (150) residential dwelling units.
- (2) Gross leasable floor area for commercial uses shall not exceed fifteen percent (15%) of the total development area.

D. The Council may require open space or screening be located along all or a portion of the development boundaries. The maximum height of any building located within the development shall be thirty-five (35) feet when adjacent to an "R-1" district.

E. All public streets, water mains, sanitary sewer and storm sewer facilities shall comply with appropriate ordinances and specifications of the City.

F. "Common land" as used in this section refers to land retained in private ownership for the use of the residents of the

development, or to land dedicated to the general public. The minimum requirement for any P.U.D shall comply with Van Meter Code of Ordinances 170.32 Park and Recreational Areas.

G. Spaces for off-street parking and loading shall be provided in accordance with the zoning requirements of the zoning district in which the P.U.D is constructed. Where a P.U.D is proposed and is contained within two or more zoning districts, parking requirements shall be determined by the City Council, but shall not be any less restrictive than the existing requirements of the zones in which the P.U.D is constructed. Parking lot design considerations shall be as follows:

(1) Parking shall be treated as an integral part of the development in scale, location and character.

(2) Parking shall be arranged to discourage through traffic.

(3) As appropriate, parking areas shall be screened from adjacent structures and streets with hedges, plantings, fences, earth berms, changes in grade, and/or similar buffers.

(4) Parking areas shall be designed to allow for drainage of surface water without erosion, flooding, and other inconveniences.

H. Signs on-site shall be subject to the provisions of the "C-1" classification.

I. No stage of a development shall contain less than thirty (30) dwelling units.

J. Developments or portions thereof which are being developed for sale or resale shall contain common land in area totaling not less than the minimum requirements of Van Meter Code of Ordinances 170.32 Park and Recreational Areas.

K. Existing trees shall be preserved whenever possible. The location of trees is to be considered in designing building location, underground services, and paved areas.

5. Development Controls. Although P.U.D.s are intended to promote and permit flexibility of design and thereby may involve modifications of conventional regulations or standards, certain requirements which are set forth below shall be applied to ensure that the development is compatible with the intent of this Code.

A. Surety may be required to ensure completion of recreational amenities provided in lieu of public facilities, or for mitigating elements such as screening or public improvements.

B. Except where the City agrees to other arrangements, a P.U.D shall be comprised of a single owner, or a group of owners acting as a partnership or corporation with each agreeing in advance to be bound by the conditions which will be effective in the P.U.D.

C. Only those uses that are approved and made a part of the plan, and subject to any conditions attached thereto, shall be permitted.

D. Height, setback, bulk and other requirements set out in the plan shall constitute the basic for and become the zoning requirements, provided that refinements may be made through the final plan approval if not defined as a substantial modification; in lack of any special provisions set out in the plan, the requirements of the most proximate zoning district, as defined by use, shall be applied.

E. Project phases shall be substantially and functionally self-contained and self-sustaining with regard to access, parking, utilities, required open space, screening and transitional element and other support features, and be capable of supporting required operation and maintenance activities; temporary provisions, such as turnarounds or access easements, may be required for this purpose; the initial phases generally should not be comprised of the most intensive portions of the P.U.D., unless the City concurs this the most feasible means of developing the property in terms of access, sewer service or similar physical constraints, or will permit earlier development of common amenities.

F. Attention shall be given to mitigation of existing or potential land use conflicts through proper orientation, open space setbacks, landscaping and screening, grading, traffic circulation and architectural compatibility. It is the intent of this Code to recognize that appropriate use of design techniques will provide the required mitigation, and thereby eliminate the need for certain conventional regulations or standards. As examples and not requirements: orienting views, access, and principal activities away from the land use needing protection, placing those least compatible activities farthest from the common boundary and those most compatible nearest, can create an effective buffer; setbacks in conjunction with landscaping can mitigate conflicts by providing a visual buffer, controlling pedestrian access, softening visual contrast by subduing the differences in architecture and bulk, and reducing heat, and dense landscaping can reduce the width of physical separation needed for such purposes; proper grading will control drainage, can alter views and subdue sound, and channel access; fences, walls and berms will channel access and control visual, sound and light pollution; proper architectural use of color, bulk, materials and shape will enhance compatibility and reduce contrast, although details added to the building for aesthetic purpose without consideration to form and surroundings may be detrimental rather than helpful; and proper design of pedestrianways, streets and points of access and proper location of parking areas, will reduce congestion and safety hazards, and help prevent introduction of noise, pollutants and other conflicts into areas with less intensive land use. Other techniques may also be used.

G. There shall be a minimum setback of 20 feet for any garage whose vehicular access faces the street.

H. Permanent care and maintenance of open space, recreation amenities and other common elements shall be provided in a legally binding form. If the common elements are to be maintained by a owners' association, the applicant shall file the proposed documents governing the association for review by legal counsel for compliance with the following

requirements at the time the final plat or site plan is filed.

(1) Membership shall be mandatory for each buyer of successive buyer of property within the development.

(2) The open space restrictions shall be in perpetuity, or automatically renewable, and shall not terminate, except by approval of both the owners' association and the City of Van Meter.

(3) The owners' association shall be responsible for liability insurance, local taxes and the maintenance of recreational and other facilities.

(4) Property owners shall pay their pro rata share of the cost or the assessment levied by the association shall become a lien on the property.

(5) The association shall be able to adjust the assessment to meet changes needed.

(6) No change in open space use or dissolution of owners' association shall occur without approval by the City of Van Meter.

6. Validity.

A. In the event the first development phase has not commenced within two years after the date of rezoning, or if subsequent phases are delayed more than two years beyond the indicated development schedule, the developer shall file appropriate information detailing the reasons for the delay with the City. The City Administrator shall review circumstances and prepare a report recommending appropriate action to be taken concerning the P.U.D. The Planning and Zoning Commission and City Council shall review the matter, and may continue the P.U.D. zoning with revised time limits; require that appropriate amendments be made or action taken, such amendments to comply with the procedures of this section if deemed substantial; continue the P.U.D. zoning for part of the area, with or without revised time limits, and initiate rezoning of the remainder to an appropriate district; or initiate rezoning of the entire parcel to an appropriate district, provided that the rezoning shall not be to a zone more restrictive than the applied immediately prior to the rezoning to P.U.D., except after comprehensive planning analysis. The Commission and Council may schedule such public hearings as deemed appropriate.

B. Approval of a final site plan or preliminary plat shall be deemed to commence development, provided that the permanent placement of construction materials shall have started and be proceeding without delay within two years after the date of site plan approval, and a final plat approved within one year after the date of preliminary plat approval in the event a site plan is not required. Failure to comply with this provision shall void the site plan and preliminary plat approvals, and make the P.U.D. subject to review as provided above.

C. The developer shall be responsible for compliance with all prescribed time limits without notice from the City.

(Section 165.12 – Ord. 2020-06 – Mar. 21 Supp.)

165.13 C-0 COMMERCIAL-RESIDENTIAL DISTRICT.

1. Intent. The commercial-residential district is intended to provide for the convenience shopping of persons living in neighboring residential areas and for general uses and activities of a retail and personal service character. Only those uses are permitted which are necessary to satisfy the local needs which occur so frequently as to require commercial facilities in proximity to residential areas. In addition, low-intensity business and professional offices are permitted.

2. Principal Permitted Uses.

A. Any and all uses permitted under the R-3 Classification.

B. Retail business or service establishments such as the following:

- (1) Confectionery stores
- (2) Delicatessens
- (3) Drug stores
- (4) Convenience grocery stores
- (5) Variety stores

C. Combinations of the above uses.

D. Business and professional offices supplying commodities or performing services primarily for residents of the neighborhood.

3. Permitted Accessory Uses.

A. Any and all accessory uses permitted under the R-3 Classification.

B. Storage of merchandise incidental to the principal use, but not to exceed 40 percent of the floor area used for such use.

C. On-site exterior signs, which shall be integral or attached to the building. No sign may project over any street line or extend more than six feet over any building line, whether attached thereto or to any other structure. In no case shall any

sign project more than four feet above the roof line or 18 inches from the building wall and must be at least seven feet above grade. The total area of all signs pertaining to the use of or business conducted in any building shall be no greater than 15 percent of the wall area on which they are located. If the sign is indirectly lighted, it shall be illuminated by artificial light reflecting from the sign face and the light source shall not be visible from any street right-of-way. Moving, flashing, or rotating illuminated signs shall not be permitted. Where the lot adjoins an R district, the exterior sign shall be attached flat against the building and shall not face the side of the adjacent lot located in the R district; however, this does not apply to the side of the building which is opposite that side adjoining the R district.

D. All exterior signs shall be attached flat against the building.

4. Area Regulations.

A. Lot Area. The minimum lot area shall be the same as that in the R-3 classification for dwelling units. No minimum requirements for any other permitted uses.

B. Lot Width. For a dwelling and any building containing any dwelling units, the minimum requirement shall be the same as that under the R-3 classification. There is no minimum requirement for other permitted uses.

C. Yard Width.

(1) The minimum front yard depth shall be 25 feet, the minimum rear yard depth that the front yard is increased over the 25 feet.

(2) The rear yard may be decreased proportionately, except that where the rear yard adjoins the side lot line of a lot in an R district, there shall be a minimum rear yard of 15 feet adjacent to said lot line.

(3) The side yard required for residential uses shall be the same as that for the R-3 classification. There shall be no minimum requirement for any other permitted uses, except when adjoining any R-1, R-2, R-3 district, or street right-of-way, in which case the side yard requirement shall be 15 feet.

D. Building Height. The maximum height shall be two and one-half stories, or 35 feet.

E. Off-Street Parking and Loading. Spaces for off-street parking and loading shall be provided in accordance with the provisions of Section 165.23(2) of this chapter.

165.14 C-1 DOWNTOWN COMMERCIAL DISTRICT.

1. Intent. The Downtown Commercial District is intended for the conduct of general business to which the public requires direct and frequent access. The regulations set forth in this section are meant to achieve the following purposes:

A. To protect commercial development against the establishment of uses which would create hazards, dust, odors, smoke or other objectionable influences or heavy trucking traffic.

B. To provide appropriate space for strengthening the economic base of the community.

C. To conserve the value of existing commercial buildings.

D. To encourage pedestrian movement in a developed downtown.

E. To encourage minimum development standards that will aid to unify the appearance of the district.

2. Applicability. The standards identified in this chapter shall apply in the following circumstances, and are subject to the site plan submittal and review procedure as identified in Chapter 167.04 of the Municipal Code:

A. New construction of a building(s);

B. Reconstruction of a building(s);

C. Addition and/or expansion to an existing building by 20% or more of the gross area of the existing building;

D. Remodeling of a building when the building permit value is \$25,000 or more. The value is for collective value of improvements and/or development and shall not be circumvented by applying for multiple permits under the established value.

E. The change of surface material type of an off-street parking area, including a material overlay process(es) and/or the expansion of a parking area, of any surface type, by more than 20% of the existing surface lot area.

3. Permitted Uses.

A. Private clubs, lodges, or veterans' organizations.

B. Hospitals, clinics, nursing, and convalescent homes.

C. Any retail business or service establishment, including but not limited to the following:

(1) Animal hospitals, veterinary clinics.

(2) Bank, savings, and loan associations.

(3) Barber shop or beauty parlor.

- (4) Clothing, sporting goods store.
- (5) Drugstore.
- (6) Florist shop.
- (7) Furniture, appliance store and repair. Grocery store or supermarket.
- (8) Hardware store, plumbing and heating.
- (9) Jewelry store.
- (10) Laundries and laundrettes.
- (11) Office building, business and professional.
- (12) Photographic studio, camera shop.
- (13) Printing shop.
- (14) Restaurant, drive-in restaurant.

(15) Tavern and night club, provided that it is not within three hundred (300) feet of an "R" district; church, school, or convalescent home.

D. Mixed use structure, commercial and residential where the residential use is secondary to the commercial use and where the residential use that is located on the ground floor is less than 40% of the ground floor area and is not located on the primary street façade of the ground floor. No residential occupancy shall be permitted until the commercial use of a lot within this district is complete and a certificate of occupancy is issued.

E. Any and all uses permitted under "C-0" classification.

F. An exception is allowed in this district to Section 165.04(8) of the Municipal Code, Number of Uses on One Lot. More than one principal use is allowable on one lot.

4. Accessory Uses.

A. Any and all accessory uses permitted under the "R-3" classification.

5. Signs.

A. No exterior attached sign may project over any street line or extend more than six (6) feet over any building line, whether attached thereto or to any other structure. In no case shall any sign project more than or eighteen (18) inches from the building wall and must be at least seven (7) feet above grade.

B. The total area of all signs pertaining to the use of or business conducted in any building shall be no greater than fifteen (15) percent of the wall area on which they are located.

C. Indirectly illuminated signs shall be illuminated by artificial light reflecting from the sign face and the light source shall not be visible from any street right-of-way.

D. Internally illuminated signs shall not be moving, rotating, flashing or strobe.

E. Message center signs can display a message in a stop position for a minimum of 5 seconds and then display then next message. The message cannot rotate, flash, strobe or scroll. The message center component shall not exceed 20% of the total sign area.

F. Where the lot adjoins an "R" district, the exterior sign shall be attached flat against the building and shall not face the side of the adjacent lot located in the "R" district; however, this does not apply to the side of the building which is opposite that side adjoining the "R" district.

G. A sign, free-standing, or ground (a sign which is supported by one or more uprights or braces in or upon the ground and not attached to any building or wall) shall not exceed thirty-two (32) square feet in area on each side and shall have a setback of fifteen (15) feet from the property line.

H. Signs Types – Prohibited.

(1) The following sign types shall not be permitted:

- a. Pole signs
- b. Above peak roof signs
- c. Off-premise signs

6. Area Regulations.

A. Lot Area. The minimum lot area shall be the same as that in the "R-3" classification for dwelling units; there is no minimum requirement for any other building. There shall be no minimum lot area for a mixed use, commercial and residential development.

B. Lot Width. There shall be no minimum lot width required.

C. Yard Width.

(1) The minimum front yard depth shall be twenty-five (25) feet, except as described below where the minimum setback shall be reduced to no less than the front yard depth of adjacent C-1 zoned properties.

a. Area One. Properties with frontage on Wilson Street located between Main Street and Grant Street.

b. Area Two. Properties with frontage on Grant Street between Wilson Street and West Street.

(2) The minimum rear yard depth shall be twenty-five (25) feet, except as described below where the minimum setback shall be reduced to no less than the rear yard depth of adjacent C-1 zoned properties.

a. Area One. Properties with frontage on Wilson Street located between Main Street and Grant Street.

b. Area Two. Properties with frontage on Grant Street between Wilson Street and West Street.

(3) For each one (1) foot that the front yard is increased over twenty-five (25) feet, the rear yard may be decreased proportionately, except that where the rear yard adjoins the side lot line of a lot in an "R" district, there shall be a minimum rear yard of ten (10) feet adjacent to said side lot line.

(4) The side yard required for residential uses shall be the same as that for the "R-3" classification. There shall be no minimum requirement for any permitted uses, except when adjoining any "R-1," "R-2," "R3" district, or street right-of-way, in which case it shall be fifteen (15) feet.

D. Building Height. The maximum height shall be three (3) stories, or forty-five (45) feet.

7. Off-Street Parking and Loading Requirements.

A. Parking lots should be effectively landscaped with trees and shrubs to reduce the visual impact of glare from headlights and parking lot lights and the view from public right-of-way and adjoining properties.

B. The parking space requirements listed in Section 165.34 and 165.35 Off-Street Loading and Off-Street Parking regulation in the City of Van Meter Zoning Ordinance shall be incorporated except for as follows:

(1) Properties south of Grant Street with frontage on Wilson, West, or Grant shall have no off-street parking minimum standards.

(2) Properties north of Grant Street with frontage on Wilson, West or Grant shall provide off-street parking at the minimum standard required to provide sufficient staff parking for the proposed business use as recommended by the City Engineer through a review of the proposed site plan.

(3) All mixed-use structures containing residential uses shall provide a minimum of one (1) off-street parking stall for each residential unit.

(4) Off-street parking requirements can be satisfied via shared parking agreements should off-street parking requirements be impossible to meet on the proposed lot. In such instances, shared parking agreements must be included with site plan submittals and shall be drafted in such a way that they run with the land.

C. Required parking spaces shall have a minimum size of nine (9) feet wide by eighteen (18) feet long exclusive of access drives, aisles, or ramps. The length of parking stalls may be reduced to sixteen and one-half (16 ½) feet including wheel stops if an additional one and one-half (1 ½) feet is provided for the overhang of wheels.

D. Parking spaces shall be oriented so that no vehicle is required to back directly into a street right-of-way.

E. All exterior parking light structures shall be designed in conjunction with the overall architectural theme of the project. Parking areas shall be designed to minimize headlights shining into residential properties.

F. Uses which predominately occur during different times may share parking if it can be demonstrated that collectively the minimum number of parking spaces is provided at all times.

G. Parking lots shall be located in the rear of all commercial uses or on the side. Parking located on the side is allowable in accordance with the following:

(1) The parking must not extend into the required front yard setback.

(2) A single parking aisle with parking on one side, which is adjacent to the building, and meets the minimum dimension of the City's parking space requirements, is allowable.

H. Parking areas shall be set back 5 feet from the property line and shall be landscaped with vegetation and or turf. This requirement can be waived where parking lots adjoin and have cross access agreements/easements.

8. General Provisions.

A. Chain link fences shall not be allowed. Fences shall not exceed 4-feet in height when located in the front yard setback and may not exceed 6-feet in height when located in the side or rear side yard.

B. Paving shall not be allowed over or through the City-owned right-of-way in front of any commercial use, except for

driveways providing access to an approved parking lot.

- C. Minimum off-street parking requirements must be contained entirely outside of the public right-of-way.
- D. All regular business must take place inside a structure, except for authorized outdoor dining or an authorized special/seasonal event permit.
- E. Multiple buildings are allowed on one zoning lot.
- F. Exterior storage of goods and equipment is not permitted.
- G. Only one driveway approach shall be permitted on each street frontage, of each premise. At locations where driveways are not shared with an adjoining property each driveway shall be placed in such a way as to not impede the visual clearance to access the public street.
- H. Service bays and drives, trash receptacles and dumpster areas shall be oriented in such a way that in the process of loading or unloading, no vehicle will block the passage of other vehicles on the service drive or extend into any other public or private street.
- I. A five feet wide as constructed or designated, accessible, pedestrian route shall be installed on each property to connect each building's primary access door with the public sidewalk located in the public street right-of-way. An accessible route may be designated with painted markings on parking lot pavement.

9. Design Guidelines.

- A. All attached or detached garages shall be placed towards the rear of a building except on a corner, where the side may also be allowed. These can be accessed via privately controlled lanes and alleyways.
- B. One story commercial buildings shall be constructed to appear of greater height in relation to the street. This can be achieved through the use of pitched roofs with dormers or gables facing the street, a higher parapet, and/or the use of an intermediate cornice line to separate the ground floor and the upper level.
- C. Driveway locations shall be spaced such that they are at least 5 feet from any adjacent driveway.
- D. Shared driveways are allowed.
- E. Accessory structures shall not be placed in such a manner that they extend in front of the rear building line of the primary structure.

10. Architectural Standards.

- A. The front façade, or any façade that directly abuts a public right-of-way including a street side yard of any building shall be at least fifty (50) percent brick or masonry stone.
- B. All sides of buildings visible from the public right-of-way shall be architecturally treated to produce an aesthetically pleasing façade that is compatible with surrounding buildings and cohesive as development block. Exterior materials of commercial quality shall include brick, stone masonry, stucco like exterior systems, pre-cast concrete wall panels, or other like material. Painted concrete block or flat poured concrete walls are not allowed unless the blocks include an architectural finish and an articulated pattern that varies the block sizes, horizontal face alignment, and/or the coursing and vertical joints.
- C. Exterior building walls may also be constructed of wood, fiber cement board, architectural concrete masonry units that contain variances in texture and/or integral color, vinyl, aluminum, or steel lap siding, or corrugated metal only when at least seventy-five (75) percent of the street façade is constructed of approved masonry. In cases where the structure is viewable from a public right-of-way or space the structure shall utilize the above materials on all building elevations. Smooth face concrete masonry units shall not be allowed.
- D. All rooftop mechanicals must be placed or screened in such a way that they are not visible from any public street, alleyway, or park. Rooflines should have the appearance of a flat structure. In instances where a peaked or gable roof is existing and will not be modified structurally, design elements shall be designed such that the roof appears to be flat and screened in such a way that the peak of the structure is not visible. This regulation shall apply to property as follows:

(1) Properties with frontage on Grant Street, Wilson Street and West Street.

- E. The front façade and street side façade of any new non-residential building shall be comprised of at least fifty (50) percent windows and doors at the ground level.
- F. Accessory structures shall be constructed of similar and/or complimentary materials as the primary structure and shall be required to be comprised of at least twenty-five (25) percent windows and doors at the ground level.
- G. Accessory structures that are not open for business to the public are exempt from the window and door requirements of Subparagraph E above provided they are placed between the rear of the primary building and rear yard setback and are not visible from the public street. The structure is subject to compliance with Subparagraph B above.
- H. All structures must be constructed on permanent foundations and may not be placed in a temporary manner.

11. Curbs and Curb Cuts. The number of curb cuts for any development shall be minimized to the greatest extent possible to provide for controlled ingress and egress.

A. All curbs shall be vertical curbs. No curb cut shall be greater than twenty-five (25) feet at the property line and thirty-five (35) feet at the curb line in accordance with the established City standards.

B. No curb cut for freight lanes shall be greater than thirty-five (35) feet at the property line and forty-five (45) feet at the curb line, unless an alternative curb cut width is approved by the Planning and Zoning Commission.

12. General Landscaping and Buffering Requirements.

A. No certificate of use shall be authorized unless all landscaping requirements are met. Existing, healthy plant material on site may be used as a credit towards fulfilling the landscaping requirements specified in this section.

B. Landscaping requirements are minimum standards and applicable to areas used for the parking of one or more vehicles to traverse back and forth to parking spaces, service bays, and loading/unloading areas. The landscaping requirements shall provide effective buffering of all vehicular use areas, including service bays, from neighboring buildings and from street view and shall serve to guide traffic.

C. Walls, fences, or other artificial screens to be used as buffers shall be shown in elevation and perspective. Proposed height and structural material to be used shall be clearly indicated on the site plan.

D. Landscape vegetation shall consist of species compatible with conditions in central Iowa.

E. Minimum requirements, trees:

(1) Two (2) trees or two (2) trees per three thousand (3,000) square feet of required open space, or

(2) Fifty (50) percent of the required trees maybe two (2) inch caliper and the remaining required trees may be eight (8) feet to ten (10) feet in height and one and one-half (1.5') inch caliper.

(3) The trees shall be balled or burlap stock.

(4) The minimum height for evergreens shall be six (6) feet and may be counted as 2-inch caliper for requirements.

(5) The trees must live for at least twelve (12) months after planting or be replaced by the landowner.

F. Minimum requirements, shrubs:

(1) One shrub shall be planted for every one-thousand (1,000) square feet of open space, but no less than three shrubs per lot.

G. Interior lot landscaping shall be provided by landscaped islands or medians within the vehicular area and shall be used to guide traffic and separate pedestrian walkways from vehicular traffic. One such landscaped island or median shall be placed for every twelve (12) parking spaces and shall be a minimum of sixty (60) square feet in area. Landscaped islands may be grouped or combined to meet interior landscape requirements provided the total square footage of any single grouping does not exceed one hundred-twenty (120) square feet.

(1) The use of ornamental shrubs and coniferous trees shall be encouraged.

(2) The ground cover of the island shall consist of grass and/or shrubs, excluding paving.

H. A landscape barrier shall be located between the common lot line and the service bay, loading, or unloading area, off-street parking, or other vehicular use area. The barrier shall be a minimum of six (6) feet in height consisting of a natural material such as ornamental fence, an earth berm or an opaque hedge or any combination thereof.

I. At a minimum, one tree shall be provided every twenty-five (25) linear feet. Such trees shall be located or grouped between the common lot line and the service bay, loading, or unloading area, off-street parking, or other vehicular use area.

J. The provisions of the subsection shall not apply when the proposed perimeter abuts an existing wall or durable landscape barrier on an abutting property, provided the barrier meets all applicable standards set out in this ordinance.

K. The perimeter(s) of the lot adjacent to public rights-of-way, shall include a strip of land of at least ten (10) feet in depth located between the right-of-way and the off-street parking or other vehicular use area(s), and shall be landscaped as follows:

(1) One (1) tree for every twenty-five (25) feet, or fraction thereof of lineal frontage. Such trees shall be located between the abutting right-of-way and the off-street parking or other vehicular use area.

(2) The vegetation is not required to be planted in a singular row and may be placed in a designed arrangement provided the full total of required shrubs is placed within the planting strip.

(3) A hedge, wall, earth berm, or other durable landscape barrier a minimum of three (3) feet in height shall be placed along the perimeter of such landscape strip. If said barrier consists of non-living material, one (1) shrub shall be planted every ten (10) feet and abutting the barrier.

(4) The remainder of the required landscape strip shall be planted with grass, ground cover or other landscape material, exclusive of paving.

(5) Ground cover plants shall form a solid mat or cover over the ground within a twelve (12) month period. Sod shall be employed when grass is used as a ground cover in Zone 1. Non-living material shall not be used as the primary ground

cover device but may be used in conjunction with living plant material to develop an ornamental landscaping effect.

(6) Non-living materials such as rocks, pebbles, sand, wood mulch or wood chips shall be placed at a minimum depth of three (3) inches and shall be used in conjunction with an appropriate landscape weed control fabric.

(Section 165.14 – Ord. 2021-07 – Mar. 21 Supp.)

165.15 C-2 CBD CENTRAL BUSINESS DISTRICT.

1. Intent. The C-2 District is intended to accommodate the variety of retail stores and related activities which occupy the prime area within the business district. No property shall be zoned C-2 unless it lies adjacent to property zoned C-2 commercial.

2. Principal Permitted Uses. Any and all uses permitted under the C-1 commercial classifications.

3. Accessory Uses. Any and all accessory uses permitted under the C-1 commercial classification.

4. Area Requirements.

A. Lot Area. No minimum.

B. Lot Width. No minimum.

C. Yard Width. No minimum, unless the side yard is adjacent to an R district, in which case the side yard shall be at least 15 feet.

D. Building Height. The maximum height shall be three stories or 45 feet.

165.16 C-3 COMMERCIAL DISTRICT.

1. Intent. The C-3 Commercial District is intended for the conduct of general business.

2. Principal Permitted Uses. Any and all uses permitted under the commercial classifications except that no residential use may be used in C-3 even if otherwise allowed under C-0, C-1, or C-2.

3. Accessory Uses. Any and all accessory uses permitted under the C-2 commercial classification.

4. Area Requirements.

A. Lot Area. No minimum.

B. Lot Width. No minimum.

C. Yard Width. No minimum, unless the side yard is adjacent to an R district, in which case the side yard shall be at least 15 feet.

D. Building Height. The maximum height shall be three stories or 45 feet.

165.17 CF COMMUNITY FACILITY DISTRICT.

1. Intent. The Community Facility District is intended to accommodate buildings used for general community based activities.

2. Permitted Uses.

A. Veterans organizations.

B. Recreation and community meeting space within a common facility.

3. Permitted Accessory Uses.

A. Exterior signs located along access drive adjacent to street right-of-way shall be a monument type sign.

B. All other exterior signs shall be attached against the building.

C. Pole-mounted wind energy conversion system with a maximum density of one system for each five acres, or fraction thereof.

4. Area Regulations.

A. Lot Area. The minimum lot area shall be four acres.

B. Lot Width. No minimum.

C. Yard Width. No minimum, unless a yard is adjacent to an R District, in which case the side yard shall be at least 25 feet; however, such minimum lot requirement shall not apply to any part of the property less than 50 feet in width.

D. Building Height. The maximum height shall be three stories, or 45 feet.

E. Off-Street Parking. Spaces for off-street parking shall be provided based on the projected use and occupancy of the building. The provisions of Section 165.23(2) of this chapter shall not be applicable for the CF District.

F. Wind Energy Conversion Systems. Maximum pole height: 80 feet; minimum distance from pole to property line: 30 feet except minimum distance to a property line adjoining a residential zoning district: 75 feet.

165.18 BP-1 BUSINESS PARK DISTRICT.

1. Intent. The Business Park District is intended for the conduct of business that is appropriately located within a large identified business area and for business that is generally in the service sector or intellectual property sector and does not require frequent access by the public. The regulations set forth in this section are meant to achieve the following:

- A. To provide appropriate space for strengthening the economic base of the community.
- B. To locate non-retail businesses not requiring direct public access in areas where suitable utilities and other resources are available.
- C. To provide an area within the community where businesses desiring a large business park setting can develop without conflicting residential or commercial uses.

2. Permitted Uses. The permitted uses within the district encompass a wide range of non-retail and non-manufacturing commercial enterprises with said uses focusing on the service sector including businesses providing services associated with data and intellectual property. Permitted uses shall include the following and businesses of a similar nature:

- A. Data processing centers.
- B. Transaction processing centers.
- C. Services sector office buildings.
- D. Banking support services.
- E. Non-retail support for retail business or service businesses.
- F. Professional office buildings.

3. Accessory Uses.

- A. On-site wells used for backup water supply.
- B. Standby power generators used for emergency power, provided such generators are equipped with appropriate sound dampening enclosures and mufflers.

C. Wind generators at a density of no more than one for every three acres; provided, no wind generator can be located within 200 feet of the exterior boundary of a parcel except no wind generator can be located within 300 feet of a residential zoning district. The height of the mounting pole for a wind generator may not exceed 120 feet, except with approval by the City Council.

- D. Fuel storage for standby generators.
- E. Electric substations used to support business operations.
- F. Exterior building security measures.

G. On-site exterior signs which shall be integral or attached to the building and shall not extend above any building line, shall not have a height of more than eight feet or length of more than 35 feet, or ground monument signs not exceeding six feet in height or 15 feet in length.

4. Area Regulations.

- A. Lot Area. The minimum area shall be 10 acres.
- B. Lot Width. There shall be no minimum required lot width, except no lot may have a width less than 25 percent of its longest dimension.
- C. Yard Width.
 - (1) The minimum front yard depth shall be 50 feet.
 - (2) The minimum rear yard depth shall be 50 feet.
 - (3) The minimum side yard depth shall be 25 feet on all sides other than the front and rear.

165.19 I-1 LIGHT INDUSTRIAL DISTRICT.

1. Intent. The Light Industrial District is established as a district permitting only those commercial uses as specified in the principal permitted uses under this section. It shall be the declared purpose of this classification to promote industrial enterprises and to discourage residential building and subdivisions in the light industrial zone. It is intended to provide for light manufacturing uses which are conducted primarily within an enclosed building, and of a non-nuisance character.

2. Principal Permitted Uses. The following commercial uses:

- A. Adult entertainment.
- B. Automobile, truck, trailer, motorcycle, bicycle, boat and farm implement, including sales, service, repair and accessory stores but not including wrecking, rebuilding or used parts yards.

- C. Locker plant for storage and retail only.
- D. Lumber yard - retail only.
- E. Printing shop.
- F. Restaurant, drive-in restaurant.
- G. Automobile, tractor, and farm machinery assembly and repair.
- H. Concrete mixing, concrete products manufacture.
- I. Contractors' equipment or storage yard.
- J. Creamery, dairy, ice cream manufacture, or bottling works.
- K. Custom shop for making articles or products sold at retail on the premises.
- L. Freight storage or warehouse, packing and crating, express, carting or hauling stations, trucking yard or terminal.
- M. Laboratories.

N. Manufacture, assembling, compounding, processing, packaging or comparable treatment of the following: small electrical equipment such as instruments, radios, phonographs, television, electronic tubes, coils, condensers, photographic equipment and other similar types of products.

3. Accessory Uses.

A. On-site exterior signs, which shall be integral or attached to the building. The total area of all signs pertaining to the use of or business conducted in any building shall be no greater than 15 percent of the building frontage per side of building. Such signs shall be non-illuminated or may be illuminated with non-moving, non-flashing and non-rotating light from a source not visible from the public right-of-way. Where the lot adjoins an R district, the exterior sign shall be attached flat against the building and shall not face the side of the adjacent lot located in the R district. A sign, pole (a sign wholly supported by a sign structure in the ground), shall have at least eight feet clearance between the bottom of the sign and the ground and shall not exceed 20 feet in height with a maximum of 50 square feet of sign area per side and shall have a setback of no less than two feet from the street right-of-way and may not extend over the public right-of-way. A sign, ground or free-standing (a sign which is supported by one or more uprights or braces in or upon the ground and not attached to any building or wall), shall not exceed 32 square feet in area on each side and shall have a setback of at least 20 feet from the street right-of-way.

- B. Accessory uses and structures customarily incidental to any principal permitted use.
- C. Accessory uses permitted in the C-2 District.

4. Required Conditions.

A. No use shall be permitted to be established or maintained which by reason of its nature or manner of operation is or may become hazardous, noxious, or offensive owing to the emission of odor, dust, smoke, cinders, gas, fumes, vibrations, refuse matter or water-carried waste.

B. Each adult entertainment establishment shall be located a minimum of 1,000 feet from any existing adult entertainment establishment.

C. Each adult entertainment establishment shall be located a minimum of 500 feet from any residentially-zoned area, church, school or park. Such measurements shall be a horizontal distance between the property line of the proposed adult entertainment establishment and the nearest residential zoning line or property line of any church, school or park.

5. Area Regulations.

- A. Lot Area. No minimum.
- B. Lot Width. No minimum.

C. Yard Widths. The minimum front yard width is 30 feet. The minimum rear yard width shall be 40 feet, unless the rear lot line adjoins a railroad right-of-way, in which case, none required. There shall be no minimum side yard, except adjacent to an R District, in which case, not less than 50 feet.

- D. Building Height. The maximum building height shall be three stories but not more than 50 feet.

165.20 I-2 HEAVY INDUSTRY DISTRICT.

1. Intent. The Heavy Industry District is established as a district in which the principal use of land is for heavy commercial and industrial establishments, which may create some nuisance and which are not properly associated with or compatible with residential, institutional, and commercial-service establishments. The intent of this section is to:

- A. Encourage the construction of and continued use of the land for heavy commercial and industrial purposes.
- B. Prohibit residential use of the land and to prohibit any other use which would substantially interfere with the development, continuation or expansion of commercial and industrial uses in the district.

C. Encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this section.

2. Principal Permitted Uses.

A. Uses permitted in the I-1 District, provided that no dwelling or dwelling unit is permitted except those for employees having duties in connection with any premises requiring them to live on said premises, including such families of such employees when living with them.

B. Any other use not otherwise prohibited by law; provided, however, the following uses shall be permitted subject to approval by the City Council after public hearing, and after report and recommendation by the Commission:

- (1) Acid manufacture.
- (2) Cement, lime, gypsum, or plaster of Paris manufacture.
- (3) Distillation of bones, coal tar, petroleum, refuse, grain, or wood.
- (4) Dump.
- (5) Drilling for or removal of oil, gas or other hydrocarbon substance.
- (6) Explosives manufacture or storage.
- (7) Fat rendering.
- (8) Fertilizer manufacture.
- (9) Garbage: offal or dead animal or fish reduction or dumping.
- (10) Gas manufacture.
- (11) Glue manufacture.
- (12) Grain elevators, grain drying or fee manufacture, provided that provisions are made for the recovery of the dust.
- (13) Foundry casting, lightweight non-ferrous metals.
- (14) Commercial swine and/or cattle feeding stations.
- (15) Junk yard, including automobile and truck wrecking.
- (16) Mineral extraction, including sand and gravel.
- (17) Petroleum or petroleum products refining.
- (18) Rubber goods manufacture.
- (19) Smelting of ores.
- (20) Stockyard or slaughter of animals, except poultry or rabbits.
- (21) Tannery.
- (22) Junk yard, provided all activities are conducted within a solid fenced enclosure.
- (23) Mining, sand and gravel pits.
- (24) Salvage yard, automobile, tractor or machinery wrecking and used parts yards, provided all activities are conducted in a closed building. The salvage yard shall be completely closed with a solid fence.

3. Accessory Uses.

- A. Signs used and permitted under the C-1 classification.
- B. Accessory uses incidental to a principal permitted use.

4. Required Conditions.

A. All principal or accessory structures housing a use permitted under the I-2 classification shall be located a minimum 200 feet from any R district.

B. The best practical means known for the disposal of refuse matter or water-carried waste, the abatement of obnoxious or offensive odor, dust, smoke, gas, noise, or similar nuisance shall be employed.

5. Area Requirements.

- A. Lot Area. No minimum.
- B. Lot Width. No minimum.
- C. Yard Widths.

(1) The minimum front yard shall be 30 feet.

(2) The minimum rear yard width shall be 40 feet, unless the rear lot line adjoins a railroad right-of-way, in which case none is required.

(3) There is no minimum required side yard, except adjacent to an R District, in which case not less than 200 feet as specified above.

D. Building Height. The maximum building height shall be 75 feet. For all building heights greater than 45 feet, the minimum yard width shall be increased one horizontal foot for each vertical foot in excess of 45 feet to the maximum allowed building height.

165.21 MU MAJOR UTILITY DISTRICT.

1. Intent. The Major Utility District is intended to provide suitable locations for major utilities facilities necessary for the providing of public or privately owned utility services to support business and residential uses in and adjacent to the City. The regulations set forth in this section are meant to achieve the following:

A. To provide appropriate space for municipal utility infrastructure facilities, including water treatment plants and wastewater treatment plants.

B. To provide appropriate space for major electrical substations.

C. To provide space for similar major utility facilities.

2. Permitted Uses. The permitted uses within the district encompass a range of major utility facilities necessary to provide services for business and residential development within and adjacent to the City. Permitted uses shall include the following and uses of a similar nature:

A. Water treatment plants.

B. Wastewater treatment plants.

C. Electrical substations.

3. Accessory Uses.

A. Standby power generators used for emergency power, provided such generators are equipped with appropriate sound dampening enclosures and mufflers.

B. Fuel storage for standby generators.

C. Security fencing and other means of providing site security.

D. On-site exterior signs which shall be integral or attached to the building and shall not extend above any building line, shall not have a height of more than two feet or a length of more than 20 feet, or ground or monument signs not exceeding four feet in height or eight feet in length.

E. The required, or advisable, warning signs attached to an exterior security fence or installed in a manner to provide the required notification.

4. Area Regulations.

A. Lot Area. The minimum area for a water treatment plant shall be one-half acre. The minimum area for all other uses shall be three acres.

B. Lot Width. There shall be no minimum required lot width.

C. Yard Depth.

(1) The minimum front yard depth for a water treatment plant shall be 30 feet. The minimum front yard depth for all other uses shall be 50 feet.

(2) The minimum rear yard depth for a water treatment plant shall be 30 feet. The minimum rear yard depth for all other uses shall be 50 feet.

(3) The minimum side yard depth shall be 10 feet on all sides other than the front and rear for a water treatment plant. The minimum side yard depth shall be 25 feet on all sides other than the front and rear for all other uses.

D. Building Height. The maximum building height shall be 45 feet.

E. Ancillary Systems Height. The maximum height for any ancillary system, not incorporated in a building shall be 80 feet.

165.22 EXCEPTIONS AND MODIFICATIONS.

1. Use of Existing Lots of Record. In any district where dwellings are permitted under the provisions of this chapter, a single-family dwelling may be located on any lot or plot of official record, recorded prior to the effective date of the Zoning Ordinance, irrespective of its area or width, provided, however:

A. The sum of the side yard widths of any such lot or plot shall not be less than 30 percent of the width of the lot, with

the least side width being a minimum 10 percent of the lot width.

B. The depth of the rear yard of any such lot need not exceed 20 percent of the depth of the lot, but in no case shall it be less than 20 feet.

C. When two or more lots or plots have continuous frontage under single ownership, such lots shall be considered buildable only in combinations which meet the area requirements of the district in which they are located.

2. Structures Permitted Above the Height Limit. The building height limitations set forth in prior sections of this chapter shall be modified as follows:

A. Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, stacks, tanks, water towers, ornamental towers, spires, radio or television towers, or necessary mechanical appurtenances may be erected to a height in accordance with existing or hereinafter adopted ordinances of the City.

B. Public, semi-public, or public service buildings, hospitals, sanatoriums, or schools, where permitted in a district, may be erected to a height not exceeding 45 feet. Churches and temples when permitted in a district may be erected to a height not exceeding 60 feet if the building is set back from each property line at least one foot for each two feet of additional building height above the height limit otherwise provided in the district in which the building is located.

3. Existing Double Frontage Lots. Buildings on through lots and extending from street to street shall provide the required front yard on both streets.

4. Computation of Rear and Side Yards. In computing the depth of a rear yard or the width of a side yard where the rear or side yard opens onto an alley, one-half of such alley may be assumed to be a portion of the yard.

5. Additional Yard Exceptions. Every part of a required yard shall be open to the sky unobstructed with any building or structure, except for a permitted accessory building in a rear yard, and except for ordinary projections not to exceed 24 inches, including roof overhang. In areas where some lots are developed with a front yard that is less than the minimum required for the district by this chapter or where some lots have been developed with a front yard greater than required by this chapter, the following rule shall apply: Any new building or addition in front thereof shall not be closer to the street right-of-way than the average of the front yard of the first building on each side within a distance of 200 feet measured from building to building, except as follows:

A. Building located entirely on the rear half of a lot shall not be counted.

B. No building shall be required to have a front yard greater than 50 feet.

C. If no building exists on one side of the lot within 200 feet, the minimum front yard shall be the same as that for the building on the other side.

6. Zoning of Annexed Areas. Any land annexed to the City after the effective date of the Zoning Ordinance shall be zoned an A District until the Commission and Council shall have studied the area and adopted a final zoning plan for the area in accordance with procedures set forth in this chapter. The final zoning plan shall be adopted within three months of date of annexation.

7. Special Use Permits.

A. The Council may, by special permit, after public hearing, authorize the location of any of the following buildings or uses in any district from which they are prohibited by this chapter. Notice of time and place of hearing shall be given to all persons owning and/or occupying property within 200 feet, excluding public right-of-way, of the proposed location at least 15 days in advance of hearing by special delivery letter, and to the remaining affected property owners at least 15 days prior to the hearing by placing notices in a paper of general circulation in the City.

(1) Any public building erected and used by any department of the City, Township, County, State or federal government.

(2) Airport or landing field.

(3) Community building or recreation field.

(4) Hospitals, non-profit fraternal institutions provided they are used solely for fraternal purposes, and institutions of an education, religious, philanthropic, or eleemosynary character, provided that the building shall be set back from all yard lines such distance as may be required by the City Council in said special use permit.

(5) Pre-schools.

(6) Public cemetery.

(7) Barber shop or salon.

(8) Bed and Breakfast or Recreation Lodge. "Bed and breakfast" means a single- or two-family residential dwelling which is owner occupied and operated and provides lodging with meals for compensation for a period not to exceed two weeks and which rents out no more than three guest rooms, with no more than two beds in each room. "Recreation lodge" means a building or establishment containing no more than three guest rooms where short term sleeping accommodation (not to exceed two weeks), or day use for indoor recreation events, with or without meals, are provided for compensation.

B. In the case of a barber shop or salon, the permit shall not be considered in the event the barber shop or salon employs or retains as an independent contractor, or shareholder any person other than the owner, joint-tenant, or tenant-in-common of the dwelling. In the case of a salon, the use permit shall be renewed on an annual basis at an annual cost of \$45.00. The special use permit is renewable only upon proof of the salon's license renewal on an annual basis. The special use permit is renewable for a barber shop on a biennial basis upon proof of the barber shop's license renewal at a cost of \$90.00 per biennium.

C. Before issuance of any special permit for any of the above buildings or uses, the Council shall refer the proposed application to the Commission, which shall be given 45 days in which to make a report regarding the effect of such proposed building or use upon the character of the neighborhood, traffic conditions, public utility facilities and other matters pertaining to the general welfare. No action shall be taken upon any application for a proposed building or use above referred to until and unless the report of the Commission has been filed, provided, however, that if no report is received from the Commission within 45 days, it shall be assumed that approval of the application has been given by the said Commission. Prior to the issuance of the special use permit by the City Clerk, the applicant shall pay the actual costs of publication and postage expenses incurred for the notices required by this section.

D. The special permit shall not be transferable to any subsequent or substitute owner. Further, the special permit issued may include time limits, and other conditions or safeguards deemed necessary or appropriate by the City Council. Violations of any of the conditions or safeguards herein shall be deemed a violation of this chapter and punishable under the provisions of this chapter. In addition, the special permit in connection with such violation shall be subject to revocation by the City Council.

8. Area Requirements. In any R district, where public water supply and public sanitary sewer is not accessible, the minimum lot area and frontage requirements shall be determined by the Council, in keeping with the general objectives of this chapter. In no case shall the minimum lot area be less than 20,000 square feet.

165.23 PARKING AND LOADING AREAS.

1. Off-Street Loading Space. In any district, every building or part hereafter erected, having a gross floor area of 4,000 square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building, at least one off-street loading space plus one additional such loading space for each 20,000 square feet or major fraction thereof of gross floor area so used in excess of 4,000 square feet. Each loading space shall be a minimum of 10 feet in width, 35 feet in length.

2. Off-Street Parking Area.

A. In all districts, except C-2 Commercial, space for off-street parking and storage of vehicles shall be provided in accordance with the following minimum schedules:

- (1) Automobile sales and service garage: 100 percent of gross floor area.
- (2) Bowling alleys: five spaces for each alley.
- (3) Churches and schools, funeral home, mortuary: one space for each five seats in the principal auditorium.
- (4) Dwelling: one and one-half spaces for each dwelling unit.
- (5) Hospitals and nursing homes: one space for each four beds.
- (6) Hotels, apartment hotels - one and one-half spaces for each unit.
- (7) Manufacturing plant: one space for each three employees.
- (8) Motels: one space for each unit.
- (9) Retail markets, supermarkets, etc. - 250 percent of gross floor area.
- (10) Any development in the BP-1 Zoning District - not less than one parking space for each employee based on the maximum number of employees projected to be present at any time, plus 20 percent, rounded to the nearest whole number; except for less than 25 employees the minimum number of parking stalls shall be five more than the maximum number of employees projected to be present at any time.
- (11) Any development in the MU Zoning District.

a. Any development where one or more vehicles are regularly present at the facility for more than one hour per day the development must provide four designated parking stalls, except if the maximum number of vehicles projected to be present at any time on the site is greater than three the minimum number of parking stalls shall be based on the maximum number of vehicles projected to be present at any time plus two stalls.

b. For any development where vehicles are not present on a regular basis for more than one hour per day, designated parking stalls are not required provided the maximum number of vehicles can be accommodated on a paved or granular surface with all vehicles being located a minimum of 10 feet from any property line.

B. All public or private parking areas shall be developed or maintained in accordance with the following requirements:

(1) No part, except entrance and exit, or any parking lot, shall be closer than five feet from any street right-of-way, alley line, or residential lot line.

(2) Any off-street parking area for five or more vehicles shall be hard surfaced with asphalt concrete or Portland cement concrete or other similar material of a permanent nature.

165.24 AMENDMENTS TO THE ZONING ORDINANCE.

1. Procedure. The regulations, restrictions and boundaries set forth in this chapter may from time to time be amended, supplemented, changed, or repealed, upon initial action by the Council, or upon application by the owner of the land involved, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least seven days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City, and in at least three conspicuous places within the City, one of which shall be the City Hall, one of which shall be upon the property in question, in the form of a sign approximately two feet square, posted in at least one location on each officially recorded lot or plot, along the front lot line of said lot or lots; and one of which shall be on a public bulletin board. When a proposed amendment affects the zoning classification of property, and in case a protest against such change is signed by the owners of 20 percent or more either of the area of the lots included in such proposed change, or of those lots or parcels of land within a 200 foot radius of the boundary lines of the proposed change, then such amendments shall not become effective except by the favorable vote of three-fourths of the City Council. No provision of this subsection should be construed to impact a change in requirements with regard to an existing zoning classification. In the case of additional or different requirements for an existing use, the only notice provided will be publication as required by *Code of Iowa* Section 414.4 as amended from time to time.

2. Filing Fees. Before any action shall be taken as provided in this part, the party or parties proposing a change in district regulations or boundaries shall have deposited with the City Clerk the sum of \$75.00 to cover the approximate costs of this procedure and under no conditions shall said sum or any part thereof be refunded for failure of said amendment to be enacted into law.

3. Rejection of Amendments. In the event any application seeking amendment of the Zoning Ordinance is submitted by the owner of the land involved and such application for amendment to the Zoning Ordinance is rejected by the Council, no application seeking amendment to the Zoning Ordinance as it affects the same real estate shall be considered by the Commission for 60 days from the date the Council rejects the previous application.

165.25 BOARD OF ADJUSTMENT.

1. Procedure.

A. Board Created. A Board of Adjustment is hereby established, which shall consist of five members. The terms of office of the members of the Board of Adjustment and the manner of their appointment shall be as provided by Statute.

B. Meetings. The meetings of the Board shall be held at the call of the Chairperson, and at such other times as the Board may determine. Such Chairperson or, in his absence, the acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Office of the Board and shall be a public record. The presence of three members shall be necessary to constitute a quorum.

C. Appeals. Appeals to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the inspector of buildings. Such appeal shall be taken within 10 days by filing with the inspector of buildings and with the Board a notice of appeal specifying the grounds thereof. The inspector of buildings shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from is taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the inspector of buildings certifies to the Board, after notice of appeal should have been filed with him, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application on notice to the inspector of buildings, and on due cause shown. The Board shall fix a reasonable time not to exceed 60 days for the hearing on the appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent, or by attorney. Before an appeal is filed with the Board of Adjustment, the appellant shall pay a fee of \$15.00 to be credited to the general fund of the City.

2. Powers and Duties of the Board. The Board shall have the following powers, and it shall be its duty:

A. To hear and decide appeals where it is alleged there is error in any order, requirements, decision, or determination made by the inspector of buildings in the enforcement of this chapter.

B. To grant a variation in the regulations when a property owner can show that his property was acquired in good faith and where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or where by reason of exceptional topographical conditions or other strict application of the terms of this chapter actually prohibits the use of this property in a manner reasonably similar to that of other property in the District, or where the Board is satisfied under the evidence before it, that the granting of such variation will alleviate a clearly demonstrable hardship; provided, however, that all variations granted under this clause shall be in harmony with the intended spirit and purpose of this chapter.

C. To permit the following exceptions to the district regulations set forth in this chapter, provided all exceptions shall by their design, construction and operation adequately safeguard the health, safety and welfare of the occupants of adjoining and surrounding property, shall not increase congestion in the public streets, shall not increase public danger of fire and

safety, and shall not diminish or impair established property values in surrounding areas:

(1) To permit erection and use of a building or the use of premises or vary the height and the regulations in any location for a public service corporation for public utility purposes or for purposes of public communication, which the Board determines is reasonably necessary for the public convenience or welfare.

(2) To permit the extension of a district where the boundary line of a district divides a lot in a single ownership as shown of record or by existing contract or purchase at the time of the passage of the Zoning Ordinance, but in no case shall such extensions of the district boundary line exceed 40 feet in any direction.

165.26 CERTIFICATE OF ZONING COMPLIANCE.

1. No land shall be occupied or used, and no building hereafter erected or structurally altered shall be occupied or used in whole or in part for any purpose whatsoever, until a certificate is issued by the Zoning Administrator, stating that the building and use comply with the provisions of this chapter.

2. No change of use shall be made in any building or part thereof, now or hereafter erected or structurally altered, without a permit being issued therefor by the Zoning Administrator. No permit shall be issued to make a change unless the changes are in conformity with the provisions of this chapter.

3. Nothing in this part shall prevent the continuance of a nonconforming use as hereinbefore authorized, unless a discontinuance is necessary for the safety of life or property.

4. Certificates for zoning compliance shall be applied for coincidentally with the application for a building permit, and shall be issued within 10 days after the lawful erection or alteration of the building is completed. A record of all certificates shall be kept on file in the office of the Zoning Administrator, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.

5. No permit for excavation for, or the erection or alteration of any building shall be issued before the application has been made for certificate of zoning compliance, and no building or premises shall be occupied until that certificate and permit is issued.

165.27 ADMINISTRATION.

1. Zoning Administrator. The City Council shall appoint a Zoning Administrator, who shall be charged with the responsibility of enforcement of this chapter. The Zoning Administrator shall have the following powers and duties:

A. To inspect and approve the zoning compliance application for conformance to the Zoning Ordinance, before the building permit is issued by the Building Department.

B. To report all zoning violations to the City Council, including a written report of the facts pertaining to such violation.

C. To attend all meetings of the Commission.

D. To act as Secretary of the Board of Adjustment and to carry out and enforce any decisions or determinations by such Board.

2. Plats. Each application for a building permit shall be accompanied by a plan in duplicate drawn to scale, showing the actual dimensions of the lot to be built upon, the size, shape and location of the building to be erected and such other information as may be necessary to provide for the enforcement of this chapter. The Zoning Enforcement Officer must approve such building permit applications for conformance to the Zoning Ordinance before a building permit can be issued.

165.28 ENFORCEMENT, VIOLATION AND PENALTIES.

1. Enforcement. The City Council shall enforce the provisions of this chapter through the proper legal channels, but may delegate the duty of administering it to such officials of the City as it may deem proper. Any person objecting to the ruling of any official on the administering of the provisions of this law shall have the right to appeal to the Board of Adjustment.

2. Violation and Penalties. In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or is proposed to be used in violation of this chapter or any amendment or supplement thereto, the City or adjacent or neighboring property owners who would be specially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate actions or proceedings to prevent, enjoin, abate or remove such lawful location, erection, construction, reconstruction, enlargement, change, maintenance or use. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this chapter, is guilty of a misdemeanor. Each day that a violation is permitted to exist constitutes a separate offense.

EDITOR'S NOTE

The following ordinances have been adopted amending the Official Zoning Map described in Section 165.01 of this chapter and have not been included as a part of this Code of Ordinances but have been specifically saved from repeal and are in full force and effect.

Ordinance No.	Date Adopted	Ordinance No.	Date Adopted
206	October 26, 2009		
208	January 11, 2010		

212	June 14, 2010		
214	August 11, 2010		
220	April 12, 2011		
227	July 9, 2012		
233	March 11, 2013		
240	September 9, 2013		
243	March 10, 2014		
244	March 10, 2014		
242	March 10, 2014		
252	June 2, 2016		
2018-01	July 23, 2018		
2018-02	October 8, 2018		
2018-03	October 8, 2018		
2019-01	July 8, 2019		
2019-02	September 9, 2019		
2020-03	May 28, 2020		
2020-04	June 8, 2020		
2020-07	July 13, 2020		

CHAPTER 166

MILL STREET GATEWAY CORRIDOR DISTRICT

166.01 Statement of Intent	166.09 Public Service Infrastructure
166.02 Abrogation and Greater Restrictions	166.10 Building Restrictions, Easements and Covenants
166.03 Interpretation of Standards	166.11 Development Standards
166.04 Title	166.12 Service Bays and Drive Areas
166.05 Site Plan Review	166.13 Curbs and Curb Cuts
166.06 Graphic Required	166.14 Lighting
166.07 Off-Street Parking and Loading Requirements	166.15 Fees
166.08 General Landscape and Buffer Requirements	166.16 Waiver of Requirements

166.01 STATEMENT OF INTENT.

It is the intent of the City that the Mill Street Gateway Corridor be developed in a manner that provides an appropriate aesthetic entrance to the City along its primary entrance of Mill Street. The Mill Street Gateway Corridor District provides for certain requirements for development within the district compatible with the intent of the City in establishing the Mill Street Gateway Corridor District. The Mill Street Gateway Corridor District is an overlay district and does not impact the underlying zoning district. The Mill Street Gateway Corridor District is intended to:

1. Provide development standards for the Mill Street Gateway to the City of Van Meter consistent with the goals and objectives of the adopted Comprehensive Land Use Plan.
2. Promote flexibility in design, placement of buildings, use of open space, pedestrian and vehicular circulation facilities, and off-street parking areas in a manner that will best utilize the potential of sites characterized by special nature of Mill Street area.
3. Provide for the enhancement of the natural setting through careful and sensitive placement of man-made facilities and plant materials.

Developers shall be encouraged to incorporate features with landscaping that add to aesthetics and visual attraction of the area.

166.02 ABROGATION AND GREATER RESTRICTIONS.

It is not the intention by this chapter to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, or ordinances, previously adopted or issued pursuant to law. However, in the Mill Street Gateway Corridor District wherever this chapter imposes greater restrictions, the provisions of this chapter shall govern.

166.03 INTERPRETATION OF STANDARDS.

In their interpretation and application, the provisions outlined in this chapter shall be interpreted and applied as minimum requirements. Where this chapter imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or ordinances, the provisions of this chapter shall control. This chapter shall not be deemed a limitation or repeal of any other power granted by the *Code of Iowa*.

166.04 TITLE.

This chapter shall be known as and referred to or cited as the "Mill Street Gateway Corridor District" of the City.

166.05 SITE PLAN REVIEW.

Site plan review for development in the Mill Street Gateway Corridor shall be in accordance with provisions of Chapter 167 of this Code of Ordinances. Prior to the submission of a site plan within the Mill Street Gateway Corridor District, a pre-application conference with the City Administrator is recommended.

166.06 GRAPHIC REQUIRED.

The applicant must also include graphic renderings that illustrate the proposed development. Copies shall also be submitted two weeks prior to the presentation date to all appropriate City designees. These rendered graphic illustrations shall be used to ensure the approved appearance of the project is completed and maintained.

166.07 OFF-STREET PARKING AND LOADING REQUIREMENTS.

Parking lots should be effectively landscaped with trees and shrubs to reduce the visual impact of glare from headlights and parking lot lights and the view from public right-of-way and adjoining properties.

1. The parking space requirements listed in Section 165.23 of this Code of Ordinances shall be incorporated.
2. Any additional parking spaces shall be oriented so that no vehicle is required to back directly into a street right-of-way.
3. All exterior parking light structures shall be designed in conjunction with the overall architectural theme of the project.
4. Required parking spaces shall have a minimum size of nine feet wide by 18 feet long exclusive of access drives, aisles or ramps. The length of parking stalls may be reduced to 16½ feet including wheel stops if an additional one and one-half feet is provided for the overhang of wheels.

166.08 GENERAL LANDSCAPE AND BUFFER REQUIREMENTS.

The landscaping requirements are minimum standards and applicable to areas used for the parking of one or more vehicles to traverse back and forth to parking spaces, service bays, and loading/unloading areas. The landscaping requirements shall provide effective buffering of all vehicular use areas, including service bays, from neighboring buildings and from street view and shall serve to guide traffic. Walls, fences or other artificial screens to be used as buffers shall be shown in elevation and perspective. Proposed height and structural material to be used shall be clearly indicated on the site plan.

1. Interior of Lot. Interior lot landscaping shall be provided by landscaped islands or medians within the vehicular area and shall be used to guide traffic and separate pedestrian walkways from vehicular traffic. One such landscaped island or median shall be placed for every 12 parking spaces and shall be a minimum of 60 square feet in area. Landscaped islands may be grouped or combined to meet interior landscape requirements provided the total square footage of any single grouping does not exceed 120 square feet. The use of ornamental shrubs and coniferous trees shall be encouraged. The ground cover of the island shall consist of grass and/or shrubs, excluding paving.

2. Perimeter of Lot Adjacent to Abutting Property. On the perimeter of the lot adjacent to abutting residential property, a continuous, unbroken barrier is required for the purpose of buffering service bays, loading and unloading areas, and off-street parking or other vehicular use areas exposed to abutting property.

A. The barrier shall be located between the common lot line and the service bay, loading or unloading area, off-street parking or other vehicular use area. The barrier shall be a minimum of six feet in height consisting of a natural material such as wood fence, an earth berm or an opaque hedge or any combination thereof. Additional buffer strip area may be required for developments greater than 25,000 square feet of building area.

B. At a minimum, one tree shall be provided every 50 linear feet. Such trees shall be located or grouped between the common lot line and the service bay, loading or unloading area, off-street parking or other vehicular use area. The developer is strongly encouraged to use appropriate landscaping techniques to ensure the overall character of the site is maintained.

C. The provisions of this subsection shall not apply when the proposed perimeter abuts an existing wall or durable landscape barrier on an abutting property, provided the barrier meets all applicable standards set out in this chapter.

3. Perimeter of Lots Adjacent to Public Right-of-Way. On the perimeter of the lot adjacent to public rights-of-way, a strip of land of at least 10 feet in depth located between the right-of-way and the off-street parking or other vehicular use area shall be landscaped to include one tree for every 50 feet or fraction thereof. Such trees shall be located between the abutting right-of-way and the off-street parking or other vehicular use area and shall be planted singularly or grouped in a planting area of at least 25 square feet. In addition, a hedge, wall, earth berm, or other durable landscape barrier a minimum of three feet in height shall be placed along the perimeter of such landscape strip. If said barrier consists of non-living material, one shrub shall be planted every 10 feet and abutting the barrier. The remainder of the required landscape strip shall be planted with grass, ground cover or other landscape material, exclusive of paving.

4. Visual Clearance. To insure landscaped areas do not constitute a driving hazard, safety triangle setback requirements

are as follows:

A. At access ways the sight triangle shall be formed by measuring 10 feet along the intersection of each side of the access way and the public right-of-way line and connecting these two points.

B. At street intersections the sight triangle shall be formed by measuring 35 feet along curb lines and connecting these points.

5. Installation of Landscape. All landscaping shall be installed in an appropriate manner in order to maintain the health and quality of plant material. No certificate of use shall be authorized unless all landscaping requirements are met.

6. Protection of Landscaped Areas. The placement of barrier curbs or wheel stops is required to protect all landscaped areas from vehicular damage.

7. Existing Plant Material. Existing, healthy plant material on site may be used as a credit towards fulfilling the landscaping requirements specified in this section.

8. Landscape Vegetation Standards. Landscape vegetation shall consist of species compatible with conditions in Central Iowa and shall meet the following standards. Landscaping to be used for screening purposes shall be illustrated in elevation and perspective as well as plan with the size and exact names of plants, shrubs or trees to be planted clearly indicated. On all site plans, the following requirements shall be met:

A. Minimum Requirements: two trees or two trees per 3,000 square feet of required open space, 50 percent two-inch caliper and the remaining eight feet to 10 feet in height and one and one-half-inch caliper. The trees shall be balled or burlap stock. The minimum height for evergreens shall be six feet and may be counted as two-inch caliper for requirements. The trees must live for at least 12 months after planting or be replaced by the landowner.

B. Minimum Requirements. One shrub shall be planted for every 1,000 square feet of open space, but no less than three shrubs per lot.

C. Enforcement. Landscaping plan to be submitted for approval as part of final site plan submittal. Landscaping plan is to show the following information:

- (1) Location of trees and shrubs.
- (2) Size and species of trees and shrubs.
- (3) Percentage of each size of tree.
- (4) Type of ground cover and form of maintenance.

D. Approval of landscaping in-place is to be requested by the developer at the time occupancy permit is requested. Any changes or deviation from the approved site plan landscape design shall be approved by the Zoning Administrator prior to installation. Landscaping materials shall be planted as each phase of a site is developed. Should completion of landscaping be delayed due to season of the year, a temporary occupancy permit may be issued if the developer posts a bond in the amount of the landscaping not completed. At the developer's option and at the time of site plan filing, the developer may submit a list of alternate or substitute species from the permitted or established list to be used should the preferred material not be available when needed and required.

E. Ground cover plants shall form a solid mat or cover over the ground within a 12-month period. Sod shall be employed when grass is used as a ground cover in Zone 1. Non-living material shall not be used as the primary ground cover device, but may be used in conjunction with living plant material to develop an ornamental landscaping effect. Non-living materials such as rocks, pebbles, sand, wood mulch or wood chips shall be placed at a minimum depth of three inches and shall be used in conjunction with an appropriate landscape weed control fabric.

166.09 PUBLIC SERVICE INFRASTRUCTURE.

Adequate facilities shall be provided to meet the needs of the proposed mixed use development with respect to: drainage of surface waters, detention of storm surface waters, including storm sewers, gutters, sanitary sewerage; flood protection and levees when appropriate; underground utilities; requirements set out in the Van Meter Zoning Ordinance and Subdivision Regulations; and any other provisions for public services necessary as determined by the City. No above ground electrical communication equipment may be located in any set back from a public street, and all above ground electrical and communications equipment must be screened from view by the general public by an opaque screen constructed of either wood or brick.

166.10 BUILDING RESTRICTIONS, EASEMENTS AND COVENANTS.

The developer of property owner shall with the approval of the City Council adopt building restrictions, easements and covenants pertaining to each parcel developed where the developer and the City deem appropriate.

166.11 DEVELOPMENT STANDARDS.

Each parcel shall be developed based upon a single Site Plan with buildings compatible in design and use of materials. The Site Plan shall contain, but not be limited to, parts such as an architectural project theme plan, landscape plan, master signage plan, water management plan, pedestrian and vehicular traffic plan and parking plan. All new developments shall be built in a cohesive and uniform manner creating a campus-like setting with all buildings and the overall site developed as a single or unified development. Any development shall have a minimum open green space of 20 percent.

166.12 SERVICE BAYS AND DRIVE AREAS.

The service bay drives, trash receptacles and dumpster areas located shall not face Mill Street and shall not face abutting residential property. The purpose of this is to mitigate the negative effect of such service areas, such as noise, odor, refuse, and visual pollution from residential development and for motor travelers entering the City.

1. All service bays, loading and unloading areas must be screened by an opaque fence of a height sufficient to adequately screen the bay or area from Mill Street and consisting of wood or brick. No service bays, loading or unloading areas, trash receptacles and dumpsters may be located in or face any set back from a public right-of-way. In cases where a substantial green space exists a landscape/berm screen can be provided, which must provide a 75 percent opaque view within 18 months. The majority of the landscape material shall be coniferous to provide a year-round screen.

2. Service bays and drives, trash receptacles and dumpster areas shall be oriented in such a way that in the process of loading or unloading, no vehicle will block the passage of other vehicles on the service drive or extend into any other public or private street.

166.13 CURBS AND CURB CUTS.

The number of curb cuts for any particular development shall be minimized to the greatest extent possible to provide for controlled ingress and egress within the Mill Street Gateway Corridor District.

1. All curbs shall be vertical curbs. No roll over curbs shall be permitted in the Mill Street Gateway Corridor District. No curb cut shall be greater than 25 feet at the property line and 35 feet at the curb line in accordance with the established City standards.

2. No curb cut for freight lanes shall be greater than 35 feet at the property line and 45 feet at the curb line, unless an alternative curb cut width is approved by the Planning and Zoning Commission.

166.14 LIGHTING.

The maximum height for any light fixture is 35 feet, except on the side or sides of a development abutting a residential use, in which case the maximum height of 25 feet shall be allowed.

1. All light structures shall be shaded or hooded and oriented inward so as to prevent intrusion into surrounding areas.

2. All lighting fixtures must be drawn to scale and submitted for review along with the project plans to allow for a uniform lighting plan in the area.

166.15 FEES.

Fees for development in the Mill Street Gateway Corridor District shall be: Site Plan Review, \$150.00; amendment to an approved highway Mill Street Mixed Use Development Corridor District Site Plan, based on a flat fee per amendment, \$250.00; and additions or renovations to development existing prior to the Highway Mill Street Mixed Use Development Corridor District, \$250.00.

166.16 WAIVER OF REQUIREMENTS.

Any one or more of the requirements set forth in this chapter may be waived by the Planning and Zoning Commission for reasons of safety or engineering, as the Commission may determine. No waiver shall be authorized or permitted for relief from any of the requirements of this chapter for reasons related primarily to the costs of compliance or aesthetic preferences. Any person seeking a waiver under this section shall submit a written application to the Commission which shall include a detailed description of the safety or engineering need for a waiver.

CHAPTER 167

SITE PLAN REGULATIONS

167.01 Site Plans	167.06 Multiple-Family Dwelling and Townhome Standards
167.02 Statement of Intent	167.07 Amendments to Approved Site Plans
167.03 Design Standards	167.08 Additional Requirements
167.04 Submittal and Review Procedure	167.09 Expiration of Approval
167.05 Site Plan Information	167.10 Fee for Site Plan Review

167.01 SITE PLANS.

Site plans are required whenever the owner of any property in the City undertakes new construction, reconstruction, expands an existing building by 20 or more percent of the area of the existing building, or remodels an existing building with a building permit value of \$25,000.00 or more (collectively "improvements" or "development"), except for the construction of single-family or two-family homes on existing platted lots. Site Plans are required for multiple-family dwellings and townhomes.

167.02 STATEMENT OF INTENT.

It is the intent and purpose of this chapter to establish a procedure which will enable the City to review certain proposed improvement to and development of property. The Site Plan shall be designed to reflect consideration for: (i) impacts to existing and proposed developments surrounding the site; (ii) impact on public rights-of-way, utilities, facilities, and services;

and (iii) impact to existing on-site conditions.

167.03 DESIGN STANDARDS.

Site Plans shall reflect the following standards of design which are necessary to insure the orderly and harmonious development of property in such manner as will safeguard property values and the public's health, safety and general welfare.

1. The design of the proposed improvements shall make adequate provisions for surface and subsurface drainage, for connections to water and sanitary sewer lines, each so designed as to neither overload existing public utility lines nor increase the danger of erosion, flooding, landslide, or other endangerment of adjoining or surrounding property.
2. The proposed development shall be designed with a proper regard to topography, surface drainage, natural drains and streams, wooded area, and other natural features which will lend themselves to proper, harmonious and attractive development of the site.
3. The proposed improvements shall be designed and located within the property in such manner as not to unduly diminish or impair the use and enjoyment of adjoining property, and to this end shall minimize the adverse effects on such adjoining property from automobile headlights, illumination of required perimeter yards, refuse containers, and impairment of light and air. Lighting, and its impact on adjacent property, shall be shown on the Site Plan. For the purpose of this section, the term "use and enjoyment of adjoining property" means the use and enjoyment presently being made of such adjoining property, unless such property is vacant. If vacant, the term "use and enjoyment of adjoining property" means those uses permitted under the zoning districts in which such adjoining property is located.
4. The proposed development shall have such entrances and exits upon adjacent streets and such internal traffic circulation pattern and will not unduly increase congestion on adjacent or surrounding public streets. Public streets are required in all multiple-family and townhouse developments. Any proposed development which will include a loading dock or truck entrance facing an exterior street must, as a part of the Site Plan approval process, conform to any and all requirements which may be established by the City with respect to the location of such loading dock or truck entrance.
5. The proposed development shall have such buffers, screen fences and landscaping and shall be designed, and the buildings and improvements located, in such a manner as to not unduly diminish or impair the use and enjoyment of adjoining or surrounding property.
6. The proposed development shall not duly increase the public danger of fire or diminish the public safety, and shall be designed to adequately safeguard the health, safety, and general welfare of the public and of persons residing and working in the development and in the adjoining or surrounding property.
7. The proposed development shall utilize stormwater management to limit the release from any site to no more than a five-year undeveloped release rate.
8. The proposed development shall conform to all applicable provisions of the *Code of Iowa*, as amended, and all applicable provisions of the Code of Ordinances, as amended.

167.04 SUBMITTAL AND REVIEW PROCEDURE. Site Plans shall be submitted to the City for review and approval.

1. Ten copies of the Site Plan shall be submitted to the City Clerk and two copies shall be submitted to the City Engineer who shall refer the Site Plan to the Planning and Zoning Commission (the "Commission") for comment and recommendation prior to action by the City Council. A Site Plan must be submitted no later than 15 days prior to a meeting of the Commission. Prior to an official submittal of the Site Plan for review by the Commission, an applicant may submit a concept and Site Plan for initial review by the City Engineer for comment.
2. The Clerk may refer the Site Plan to appropriate City departments and officials for their review and comment regarding the Site Plan's compliance with this Code of Ordinances, and its effects upon the City's municipal utilities and public street system. Any comments by any department or official will be forwarded to the Commission.
3. The Commission shall, after receiving a report from the City Engineer, review the Site Plan for conformity with the regulations and design and architectural standards of this chapter, and may confer with the applicant on changes deemed advisable in the Site Plan.
4. The Commission shall forward its recommendation to the City Council for approval, modification, or disapproval of the Site Plan within 45 days of the date of the submission of the Site Plan.
5. The Commission may, in its discretion, hold a public hearing on the Site Plan and prescribe the notice thereof and to whom such notice shall be given.
6. Upon receipt of the recommendations of the Commission or, if no recommendations are received within 45 days of the referral to the Commission, the Council shall proceed with its action on the Site Plan. The Council may approve the Site Plan, approve the Site Plan with modifications, or disapprove the Site Plan.
7. No building permit for any structure for which a Site Plan is required shall be issued until the Site Plan has been approved by the Council.

167.05 SITE PLAN INFORMATION.

The purpose of the Site Plan is to show all information needed to enable the City Engineer, City staff, the Commission, and the Council to determine if the proposed development meets the requirements of this chapter and other provisions of the Code of Ordinances.

1. Information Required. The Site Plan shall include the following information concerning the proposed development:

A. Names of all persons having an interest in the property, legal description of property, point of compass, scale, and date.

B. Applicant's name, address, project location, proposed land use and present zoning, location and names of adjoining subdivisions, the numbers of the adjoining lots therein and the names and addresses of adjoining landowners.

C. If the applicant is other than the legal owner, the applicant's interest shall be stated.

D. Name and address of persons who prepared the Site Plan.

2. Required Illustrations. The Site Plan shall clearly set forth the following information concerning the proposed development.

A. Property boundary lines, dimensions, and total area of the proposed development.

B. Existing and proposed contour lines of the proposed development and 50 feet beyond the boundaries of the proposed development at intervals of not more than two feet. If substantial topographic change is proposed, the existing topography of the development and of the surrounding area shall be illustrated on a separate map, and the proposed finished topography shown on the Site Plan.

C. The availability, location, size, and capacity of existing utilities, and of proposed utilities.

D. The proposed use of building materials, location, size, height, shape, use, elevation, building sign type, and illustration of all buildings or structures in the proposed development. Samples of building materials may be required for review at the Planning and Zoning meeting.

E. The total square footage of building floor areas, both individually and collectively in the proposed development.

F. Existing buildings, rights-of-way, public sidewalks, street improvements, utility easements, drainage courses, streams and wooded areas.

G. The number of dwelling units, offices, etc., planned for the site.

H. A vicinity sketch showing adjacent existing land uses within 500 feet of the property.

I. Location number, dimensions and design of off-street parking in the proposed development, including:

(1) Driveways, islands and planters.

(2) Striping and curbs.

(3) Loading facilities.

(4) Type and location of lighting.

(5) Surface treatment.

J. Open spaces, recreational areas, public sidewalks, walkways and Driveways, outside lighting, walls, fences, monuments, statues, and other manmade features to be used in the landscape of the proposed development.

K. Facilities for the collection and disposal of garbage and trash, and screening structures.

L. Walls, fences, or other artificial screens to be used as buffers shall be shown in elevation and perspective with proposed height and structural material indicated.

M. A Site Lighting Plan shall be provided, indicating the location, type, fixture height, power rating and shielding method of all existing and proposed lighting. A photometric plan shall be provided that details the horizontal illumination of the site and the vertical light trespass along the perimeter of the site.

N. Storm Water Management Plan shall be provided which shall include calculations of detention sizing and release rate control facilities.

O. Traffic considerations or utility capacities and all other considerations pertinent to the proposed use may be requested for illustration or statistical purposes.

P. Free standing identification signs; location, setback, dimensions, height and illustrations.

Q. Location and type of all plants, trees, ground cover to be used in the landscape. Landscaping to be used for screening purposes shall be illustrated with the size and exact names of plants, shrubs or trees to be planted clearly indicated. The planting location shall not adversely affect utility easements or service lines. On all Site Plans the following requirements shall be met.

R. Such additional information, drawings, or other materials necessary to describe a proposed project as may be requested by the City Engineer or Commission.

167.06 MULTIPLE-FAMILY DWELLING AND TOWNHOME STANDARDS.

Multiple-family and townhome projects shall be designed in compliance with certain standards which shall be set forth in

the presentation of the Site Plan.

1. The Site Plan shall provide the required parking stalls for each dwelling unit located in driveways and dedicated parking lot area, exclusive of parking provided in garages. The parking stall requirement shall be satisfied with no on-street parking.

2. The Site Plan must provide a distance of at least 23 feet from the property side of any sidewalk to any residence or garage face.

3. Sidewalks shall be required along both sides of all streets unless an alternate pedestrian access plan is approved that provides access to all residential dwelling units.

167.07 AMENDMENTS TO APPROVED SITE PLANS.

An approved Site Plan may be amended when there is any change in location, size, design, conformity or character of buildings and other improvements, provided that the amended Site Plan conforms to the provisions of this chapter and other provisions of the Code of Ordinances. An amended Site Plan shall be submitted to the City and reviewed by the Commission and approved by the City Council in the same manner as an original Site Plan.

167.08 ADDITIONAL REQUIREMENTS.

As part of the Site Plan approval process, the property owner may be required by the Council to install public utilities, including but not limited to, water lines, storm sewer, sanitary sewer, fire hydrants, and such other utilities as applicable to properly serve the proposed plan. The property owner may also be required by the Council to construction street paving and sidewalks as applicable to properly serve the proposed plan. Where required as part of a Site Plan approval, utilities, streets, and sidewalks shall be constructed in accord with the City's construction standards for those portions within the public right-of-way and to be dedicated to the City. Utilities, streets, and sidewalks may also be required to be constructed to the same specifications for those undedicated portions where such utilities and improvements may have a direct affect on the future safety, proper functioning and maintenance of those portions to be dedicated.

167.09 EXPIRATION OF APPROVAL.

All Site Plan approvals shall expire and terminate 365 days after the date of Council approval unless a building permit has been issued for the construction provided for in the Site Plan. The Council may, upon written request by the property owner, extend the time for the issuance of a building permit for 60 additional days. In the event the building construction provided for in a Site Plan expires or is cancelled, then such Site Plan approval shall thereupon terminate.

167.10 FEE FOR SITE PLAN REVIEW.

The fee for filing of a Site Plan shall be \$250.00 plus reimbursement to the City by the person submitting the Site Plan and any amended Site Plan for all costs incurred by the City including Engineers' cost.

CHAPTER 170

SUBDIVISION REGULATIONS

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170.01 TITLE.

These regulations shall be known as the "Subdivision Regulations of Van Meter, Iowa."

170.02 PURPOSE.

1. In the best interests of the City and to assist the subdivider in harmonizing his interests with those of the City, the following regulations are adopted in order that adherence to same will bring results that are beneficial to both parties. It is deemed necessary to establish minimum standards for the design and development of all new subdivisions in order to

eliminate piece-meal planning and to insure sound community growth and safe-guarding of the interests of the homeowner, the subdivider, and the local government.

2. It shall be the duty of the Commission to require that all regulations set forth in this chapter be complied with, before giving their approval. It is the purpose of this chapter to make regulations and requirements for the platting of land which the City Council deems necessary for the health, safety and general welfare of the citizens.

170.03 JURISDICTION.

In accordance with the provisions of Section 354.8 and 354.9 of the *Code of Iowa*, the ordinance codified in this chapter is adopted by the City, governing the subdivision of all lands within the corporate limits of the City and within two miles distance from the City's boundaries. Accordingly, all subdivisions or plats of survey located in the following areas are subject to review by the City Council of the City of Van Meter:

Areas in Township 78 North, Range 27 West of the 5th P.M., Dallas County, Iowa which are within 2 miles of the revised City Limits of Van Meter, Iowa.

S 1/2 SE 1/4 Section 8; S 1/2 Section 9; S 1/2 SW 1/4 Section 10; SW 1/4 SW 1/4 Section 13; SW 1/4 NE 1/4, NW 1/4 & S 1/2 all in Section 14; Section 15; Section 16; Section 17 except the NW 1/4 of the NW 1/4; SE 1/4 SE 1/4 Section 18; E 1/2 Section 19; Section 20; Section 21; Section 22; Section 23; W 1/2 and W 1/2 SE

1/4 Section 24; Section 25 except E 1/2 NE 1/4 & E 1/2 SE 1/4; Section 26; Section 27; Section 28; Section 29; E 1/2 Section 30; E 1/2 Section 31; Section 32; Section 33; Section 34; Section 35; and W 1/2 and W 1/2 NE 1/4 Section 36; all in Township 78 North, Range 27 West of the 5th P.M., Dallas County, Iowa.

Areas in Township 77 North, Range 27 West of the 5th P.M., Madison County, Iowa which are within 2 miles of the revised City Limits of Van Meter, Iowa.

W 1/2 NW 1/4 Section 1; Section 2 except SE 1/4 SE 1/4; Section 3; Section 4; SE 1/4, E 1/2 NW 1/4, NE 1/4 SE 1/4, SE 1/4 SE 1/4, NW 1/4 SE 1/4 Section 5; NE 1/4, N 1/2 NW 1/4 Section 9; N 1/2 Section 10 and N 1/2 NW 1/4 Section 11 all in Township 77 North Range 27 West of the 5th P.M. Madison County, Iowa.

The City Clerk shall record the ordinance codified in this chapter with the County Recorders for both Dallas and Madison Counties and file the same with the County Auditors of those counties as well.

170.04 ADMINISTRATION.

1. The City Council is vested with the following responsibilities with regard to subdivision control:

A. Approval or disapproval of all preliminary and final plats referred to it by the Commission and make determinations in the areas of design standards, engineering specifications, and park and recreational areas.

B. Approval or disapproval of all variations and exceptions recommended by the Commission.

C. Amendment of the regulations of this chapter when found necessary and desirable, as hereinafter provided.

D. Initiation of appropriate proceedings to enforce the provisions of this chapter.

2. The Commission shall administer the provisions of this chapter, and in furtherance of the authority, shall:

A. Maintain permanent and current records of this chapter, including amendments thereto.

B. Receive and file all preliminary plats and final plats, together with applications.

C. Forward copies of the preliminary plat to other appropriate offices and agencies for their recommendations and report.

D. Forward, with recommendations to the Council, all preliminary plats.

E. Receive and file all final plats, and check their compliance with the preliminary plat.

F. Forward, with recommendations to the Council, all final plats.

G. Make all other determinations required by the regulations in this chapter.

170.05 DEFINITIONS.

Whenever the words and phrases set out in this section are used in this chapter, they shall be given the meanings attributed to them in this section. All other terms used in the regulations set out in this chapter shall have their normal meaning, except that terms common to engineering and surveying shall be used in their professional sense.

1. "Aliquot part" means a fractional part of a section within the United States Public Land Survey System. Only the fractional parts one-half, one-quarter, one-half of one-quarter, or one-quarter of one-quarter shall be considered an aliquot part of a section.

2. "Alley" means public property dedicated to public use primarily for vehicular access to the back or side of properties otherwise abutting on a street.

3. "Auditor's plat" means a subdivision plat required by either the County Auditor or the County Assessor, prepared by a

surveyor under the direction of the County Auditor.

4. "Block" means an area of land within a subdivision that is entirely bounded by streets, railroad rights-of-way, rivers, tracts of public land or the boundary of a subdivision.
5. "Building setback line" means a line within a lot or parcel of land, so designated on the plats, between which line and a street no building or structure may be erected.
6. "Collector street" means a street intended to carry vehicular traffic from minor streets to major streets and/or thoroughfare systems.
7. "Commission" means the Planning and Zoning Commission of Van Meter, Iowa.
8. "Comprehensive plan" means the general plan for the development of the community, which may be titled master plan, comprehensive plan or some other title, which plan has been adopted by the City Council. Such comprehensive plan shall include any part of such plan separately adopted, and any amendment to such plan or parts thereof.
9. "Conveyance" means an instrument filed with a county recorder as evidence of the transfer of title to land, including any form of deed or contract.
10. "Cul-de-sac" means a minor street having one open end and being permanently terminated by a vehicular turn-around.
11. "Design standards" means the current version of the Statewide Urban Design Standards and any special design standards adopted by the City. Special or specific design standards adopted by the City shall take precedence over the general requirements of the Statewide Urban Design Standards.
12. "Developers" means the owner or agent under legal authority of the owner or owners who undertake to cause a parcel of land to be designed, constructed and recorded as a subdivision.
13. "Division" means dividing a tract or parcel of land into two parcels of land by conveyance or for tax purposes. The conveyance of an easement, other than a public easement for roadway purposes, shall not be considered a division for the purpose of this chapter.
14. "Easement" means a grant by a property owner of the use of land for construction or maintenance of facilities in accordance with the comprehensive plan and the requirements of these regulations.
15. "Engineer" means a registered engineer as defined by the Registration Act of the State of Iowa.
16. "Final plat" means the map or drawing and necessary legal papers, to engineering accuracy and containing the items specified by these regulations, on which the subdivision plan is presented, in the form which, when approved, will be filed and recorded with the County Recorder.
17. "Frontage street" means a street contiguous to and generally paralleling an expressway, parkway, or through street. It is designed so as to intercept, collect and distribute traffic desiring to cross, enter, or leave such a highway and to furnish access to property that otherwise would be isolated as a result of the controlled-access feature.
18. "Grading plan" means a drawing of a proposed subdivision with plans and specifications for grading, intended to represent the layout, which will be approved for construction by the Commission and City Council.
19. "Highway" means a trafficway primarily for through traffic, usually on a continuous route, not having access control.
20. "Improvements" mean changes and additions to land necessary to prepare it for building sites, and including street paving and curbing, grading, monuments drainage ways, sewers, fire hydrants, water mains, sidewalks, and other public works and appurtenances.
21. "Intersection" means the area embraced within the prolongation of connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at or approximately at right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.
22. "Lot" means a parcel of land abutting on a street whose area, in addition to the parts thereof occupied or hereafter to be occupied by a building, structure, and/or accessory building, is sufficient to provide the yards required by the regulations of the zoning ordinance. "Lot" also means a tract of land represented and identified by number or letter designation on an official plat.
23. "Maintenance bond" means a surety bond, cash deposit, or escrow agreement made out to the City in an amount equal to the full cost of the improvements which are required by this chapter, cost being estimated by the City Engineer or City Council, and the surety to the City that the improvements shall be kept in good repair from the time of acceptance by the City of the improvements for such period of time as is specified by this chapter.
24. "Thoroughfare" means an arterial street with intersections at grade and direct access to abutting property, and on which geometric design and traffic control measures are used to expedite the safe movement of through traffic.
25. "Minor Street" means a street used primarily for access to the abutting properties, having a minimum right-of-way width of 60 feet.
26. "Outlet" means a parcel of land within a subdivision which has been included on a preliminary or final plat, but which

is not designated as a buildable lot due to insufficient size and/or frontage or peculiar site or topographical problems.

27. "Parcel" means a part of a tract of land.

28. "Performance bond" means a surety bond or cash deposit made out to the City in an amount equal to the full cost of the improvements which are required by this chapter, and the surety bond or cash deposit being legally sufficient to secure to the City that the improvements will be constructed in accordance with this chapter.

29. "Plat" means a graphic presentation on which the subdivider's plan for the subdivision of land is presented and which is submitted for approval and subsequent action.

30. "Plat of survey" means a graphic presentation on which a plan for the division of land is presented. A plat of survey that creates a division of land as defined in Subsection 39 of this section shall be considered a subdivision and subject to the provisions of this chapter.

31. "Pre-developed condition" means those hydraulic and hydrologic site characteristics existing prior to the development being proposed.

32. "Preliminary plat" means a plat showing all the facts needed to enable the Commission to determine whether the proposed layout of the land is satisfactory from the standpoint of public interest.

33. "Replat and resubdivision" means a plat representing land which has previously been included in a recorded plat.

34. "Roadway" means that portion of the street available for vehicular traffic and where curbs are laid, the portion from back to back of curbs.

35. "Standard specifications" means the Iowa Statewide Urban Standard Specifications for Public Improvements and any special provision or modification adopted by the City. Special provisions or modifications adopted by the City shall take precedence over the general requirements of the Iowa Statewide Urban Standard Specifications for Public Improvements.

36. "Street" means an improved right-of-way dedicated to public use, which serves as a primary access to abutting lands.

37. "Street, private" means any street which is under the jurisdiction of an individual, corporation or trustee, or any street which is privately owned or established.

38. "Subdivider" means any person, partnership, corporation, trustee, trust or other legal entity commencing proceedings under this title to effect a subdivision of land hereunder.

39. "Subdivision" means division of land into two or more lots for the purpose, whether immediate or future, or transfer of ownership, or the creation of a defined lot from the remainder parcel from a prior division of land. A division of land which creates a street right-of-way or modification of existing street right-of-way shall be considered a division of property under the provisions of this definition. A division of land for the purpose of adjusting boundaries which does not create a new and independent parcel capable of building development shall not be considered a division of land for purposes of this definition. The creation of easements which do not affect the taxable status of land shall not be considered a division of land for purposes of this definition. The creation of easements which affect the taxable status of land shall be considered a division of land for purposes of this definition. The term, when appropriate to the context, relates to the process of subdividing or to the land subdivided, or the resubdivision of land divided or platted into lots or other divisions of land, or if a new street is involved, any division of land.

40. "Tract" means an aliquot part of a section, a lot within an official plat, or a government lot.

41. "Used for" includes the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."

170.06 PRELIMINARY PLAT APPLICATION AND REVIEW.

1. Fifteen copies of the preliminary plat and supplementary material specified shall be submitted to the Commission with written application for approval at least 15 days prior to the meeting at which it is to be considered. These materials shall be retained by the Commission.

2. The application for approval of the preliminary plat shall be accompanied by a certified check or money order payable to the City in the amount of \$100.00 plus \$10.00 for each lot in the proposed subdivision.

3. The City Clerk, upon receipt of the required copies of the preliminary plat, shall file one copy in the records of the City and shall retain one copy for public inspection. The City Clerk shall provide copies of the plat to the City Engineer, and such other persons as necessary to review the plat and shall schedule the plat for consideration by the Commission.

4. The Commission shall examine the plat and the report of the City Engineer and such other information as it deems necessary or desirable to ascertain whether the plat conforms to the ordinances of the City and conforms to the comprehensive plan and other duly adopted plans of the City. The Commission shall, within 45 days of the filing of the application for approval with the City Clerk, forward a report and recommendation regarding the plat to the City Council. If such recommendation is to disapprove or modify the plat, the reasons therefor shall be set forth in writing in the report, and a copy of the report and recommendation shall be provided to the applicant.

5. The City Council shall examine the plat, the report of the City Engineer, the report of the Commission and such other information as it deems necessary or desirable. Upon such examination, the City Council shall ascertain whether the plat conforms to the ordinances and standards of the City, conforms to the comprehensive plan and other duly adopted plans of the City, and will be conducive to the orderly growth and development of the City; in order to protect the public health, safety

and welfare. Following such examination, the City Council may approve, approve subject to conditions or disapprove the plat. If the decision of the City Council is to disapprove the plat, or to approve the plat subject to conditions, the reasons therefor shall be set forth in writing in the official records of the City Council, and such decisions shall be provided to the applicant. Action on the application for approval by the City Council shall be taken within 90 days of the filing of the plat with the City Clerk, unless such time period is extended by agreement between the subdivider and the City.

170.07 PRELIMINARY PLAT APPROVAL.

1. The approval by the City Council of the preliminary plat shall constitute authorization for the installation of improvements as required by this title, and as shown on the preliminary plat, provided, no such improvement shall be constructed or installed until and unless the plans, profiles, cross-sections and specifications for the construction of such improvement has been submitted to and approved in writing by the City Engineer.
2. If the City Council does not act within the 90 days, the preliminary plat shall be deemed to be approved as is.
3. Approval of the preliminary plat shall not constitute approval of the final plat.
4. The approval of the preliminary plat shall be null and void unless a completed application for approval of the final plat is filed with the City Clerk within one year after the date of approval of the preliminary plat. For a preliminary plat that includes a phased improvement, in which more than one final plat will be filed, shall remain valid for a period of two years after the approval of the initial preliminary plat and shall continue to be valid for a period of two years following the application for approval of a final plat in any portion of the preliminary plat. If a period of more than two years elapses after the application for approval of a final plat within the approved preliminary plat, the preliminary plat shall be null and void. The City Council may extend the period of validity of the preliminary plat by not more than two years.
5. When the preliminary plat has been approved, one copy of the plat shall be returned to the applicant, with street addresses annotated to the lots.

170.08 FINAL PLAT PROCEDURE.

1. The final plat shall conform substantially to the preliminary plat as approved and to Sections 354.6, 354.11, and 355.8 of the *Code of Iowa*, as amended. If desired by the subdivider and approved by the Council, the final plat may constitute only that portion of the approved preliminary plat which he proposes to record and develop at the time; provided, however, such portion conforms to all requirements of these regulations.
2. Fifteen copies of the final plat and other exhibits required for approval shall be prepared as specified in this chapter and shall be submitted to the City Clerk. The plat shall be accompanied by one of the following:

170.09 FINAL PLAT APPLICATION.

1. Application for approval of the final plat shall be submitted in writing at least 15 days prior to the meeting of the Commission at which it is to be considered.
2. The City Clerk, upon receipt of the required copies of the final plat shall file one copy in the records of the City, shall retain one copy for public inspection. The City Clerk shall provide copies of the plat to the City Engineer and such other persons as are necessary to review the plat and shall schedule the plat for review by the City Council.
3. The City Clerk and the City Engineer shall examine the plat as to its compliance with the ordinances and standards of the City and its conformance with the preliminary plat; and shall set forth their findings in writing. A copy of the findings shall be provided to the subdivider.

170.10 FINAL PLAT APPROVAL BY COMMISSION.

Within 45 days after the application for approval of the final plat, the Commission shall approve or disapprove the final plat. If the Commission approves, it shall affix its seal upon the plat together with the certifying signature of its Chairperson and Secretary. If the Commission disapproves, it shall set forth its reasons in its own records and provide the applicant with a copy.

170.11 FINAL PLAT APPROVAL BY COUNCIL.

1. Upon receipt of the plat and written reports thereof, the City Council shall review the final plat and attachments thereto. If the final plat is found to conform to the ordinances and standards of the City and the comprehensive plan and other adopted plans, all as of the date of approval of the preliminary plat and is found to substantially conform to the preliminary plat, upon payment by the developer to the City for all engineering and legal costs incurred by the City in connection with the approval of the final plat, the City Council shall approve the final plat, and shall cause its approval to be entered on the final plat as required by law.
2. Prior to review of the final plat the City Council must receive a certificate by the City Engineer that all improvements and installations to the subdivision required for its approval have been made and completed.
3. If the required improvements have not been completed and the City Engineer cannot certify completion of the improvements, the applicant, with the approval of the City Council, may submit a performance bond for completion of the required improvements. The performance bond shall be with a surety company, licensed to do business in the State of Iowa, shall be in an amount determined by the City to be sufficient to ensure completion of the required improvements and specify the time for completion of the improvements. In lieu of a surety bond, the City Council may approve an irrevocable letter of credit as surety. The performance bond or irrevocable letter of credit must be posted and provided to the City before consideration of the final plat by the City Council.
4. Within 60 days after the application for approval of the final plat, the City Council shall approve or disapprove the final

plat, unless such time period is extended by agreement between the subdivider and the City. The period for consideration under this section does not start until the application for approval is complete, including all required final plat attachments. If the action is to disapprove the plat, the reasons therefor shall be set forth in the official records of the City Council and such decision shall be provided to the subdivider.

5. Upon approval, the City Council, by resolution, shall approve the final plat and certify the resolution. Upon obtaining the certified resolution of approval by the City Council, the developer shall record the plat with the County Recorder and the County Auditor within 30 days. If not recorded within this time, the approval shall be null and void. Immediately after recording, the original or a certified copy shall be filed with the office of Clerk/Treasurer.

170.12 PLATS REQUIRED.

In order to secure approval of any proposed subdivision, the owner and subdivider shall submit to the City plats and other information as required by this title which shall comply with the requirements for a preliminary plat and the requirements for a final plat.

170.13 PRELIMINARY PLAT REQUIREMENTS.

The subdivider shall prepare and file with the City Clerk 15 copies of the preliminary plat drawn to a scale of one inch equals 100 feet or larger. Sheet size shall not exceed 24 inches by 36 inches. Where more than one sheet is required, the sheets shall show the number of the sheet and the total number of sheets in the plat, and match lines indicating where other sheets adjoin. The preliminary plat shall be clearly marked "preliminary plat" and shall show, or have attached thereto the following:

1. Title, scale, north point and date.
2. Proposed name of the subdivision which shall not duplicate or resemble existing subdivision names in the County.
3. The name and address of the owner and the name, address and profession of the person preparing the development.
4. A key map showing the general location of the proposed subdivision in relation to surrounding development.
5. The names and locations of adjacent subdivision and the names of record owners and location of adjoining parcels of unplatted lands. A list of all owners of record of property located within 200 feet of the subdivision boundaries shall be attached.
6. The location of property lines, streets and alleys, easements, buildings, utilities, watercourses, tree masses and other existing features affecting the plat.
7. Existing and proposed zoning of the proposed subdivision and adjoining property.
8. Contours at vertical intervals of not more than two feet if the general slope of the site is less than 10 percent and at vertical intervals of not more than five feet if the general slope is 10 percent or greater.
9. The legal description of the area being platted.
10. The boundary of the area being platted and the location of the property in reference to known section lines.
11. The layout, numbers and approximate dimensions of proposed lots.
12. The location, width and dimensions of all streets and alleys proposed to be dedicated for public use.
13. The proposed names for all streets in the area being platted.
14. Present and proposed utility systems, including sanitary and storm sewers, other drainage facilities, water lines, gas mains, electric utilities and other facilities.
15. Proposed easements, showing locations, widths, purposes and limitations.
16. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds or other public, semi-public or community purposes, or shown for such purpose in the comprehensive plan or other adopted plans.
17. General summary description of any protective covenants or private restrictions to be incorporated in the final plat.
18. Any other pertinent information as necessary.
19. The fee, as required by this chapter.

170.14 FINAL PLAT REQUIREMENTS.

The subdivider shall, within one year from the date of approval of the preliminary plat, unless such time period has been extended, prepare and file with the City Clerk 15 copies of the final plat and required attachments, as set forth in this chapter. Except for a final plat for a minor subdivision as set forth in this chapter, no final plat shall be considered by the City Council until and unless a preliminary plat for the area included in the proposed final plat has been approved and has not expired and become void as set forth in this chapter. The final plat shall be drawn at a scale of one inch equals 100 feet or larger. Sheet size shall be no greater than 18 inches by 24 inches and no smaller than eight and one-half inches by 11 inches and shall be of a size acceptable to the County Auditor. If more than one sheet is used, each sheet shall clearly show the number of the sheet, the total number of sheets included in the plat and match lines indicating where other sheets adjoin. The final plat shall be clearly marked "final plat" and shall show the following:

1. The name of the subdivision.
2. Name and address of the owner and subdivider.
3. Scale and a graphic bar scale, north arrow and date on each sheet.
4. All monuments to be of record, as required by Chapter 354 of the *Code of Iowa*.
5. Sufficient survey data to positively describe the bounds of every lot, block, street, easement or other areas shown on the plat, as well as the outer boundaries of the subdivided land.
6. All distance, bearing, curve and other survey data, as required by Chapter 354 of the *Code of Iowa*.
7. All adjoining properties shall be identified, and where such adjoining properties are a part of a recorded subdivision, the name of that subdivision shall be shown. If the subdivision platted is a resubdivision of a part or the whole of a previously recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made. Resubdivision shall be labeled as such in a subtitle following the name of the subdivision wherever the name appears on the plat.
8. Street names and clear designation of public alleys.
9. Lot letters and numbers.
10. Accurate dimensions for any property to be dedicated or reserved for public use, and the purpose for which such property is dedicated or reserved for public use.
11. The purpose of any easement shown on the plat shall be confined to only those easements pertaining to public utilities including gas, power, telephone, cable television, water, sewer, easements for ingress and egress and such drainage easements as are deemed necessary for the orderly development of the land encompassed within the plat.
12. All interior excepted parcels, clearly indicated and labeled "not a part of this plat."
13. Outlots, including identification and purpose.
14. The minimum unadjusted acceptable error of closure for all subdivision boundaries shall be 1:10,000 and shall be 1:5,000 for any individual lot.
15. A statement by a registered land surveyor that the plat was prepared by the surveyor or under the surveyor's direct personal supervision, signed and dated by the surveyor and bearing the surveyor's Iowa registration number or seal, and a sealed certificate of the accuracy of the plat by the registered land surveyor who drew the plat.
16. Lot address numbers as assigned by the City.
17. Notes and restrictions required by the City.

170.15 FINAL PLAT ATTACHMENTS.

The following shall be attached to and accompany any final plat:

1. All documents required under Section 354.11 of the *Code of Iowa*, as amended or modified from time to time.
2. The encumbrance bond, if any.
3. A statement of restrictions of all types that run with the land.
4. Where the improvements have been installed; the maintenance bond required by this chapter.
5. If private streets or other private improvements have been approved, an agreement in the form of a covenant running with the land, in a form approved by the City Attorney, providing for the construction or reconstruction of any improvements to meet City standards, and the assessment of all costs to the property owners in the event of annexation and dedication and acceptance shall be required.
6. A resolution and certificate for approval by the City Council and for signatures of the Mayor.
7. Warranty deeds for all lots to be deeded to the City for street right-of-way or other purposes.
8. The applicable fee, if any.

170.16 DESIGN STANDARDS.

The standards of design contained in this chapter are intended only as minimum requirements, and the subdivider should use standards consistent with the site conditions so as to assure an economical, pleasant and durable neighborhood. All subdivisions shall conform to the Design Standards and Standard Specifications for Public Improvements and adopted by the City and to the Comprehensive Plan as approved and adopted.

170.17 STREETS.

Street design standards shall be as set forth in this section.

1. General.
 - A. The arrangement, character, extent, width, grade and location of all streets shall conform to the Comprehensive

Plan.

B. All streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their relation to the proposed uses of the land to be served by such streets.

C. Where such is not shown on the Comprehensive Plan, the arrangement of streets in a subdivision shall either:

(1) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or

(2) Conform to a plan for the neighborhood approved or adopted by the Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impracticable.

D. Where a subdivision abuts or contains an existing or proposed highway, primary thoroughfare, railroad or other disadvantageous use, the Commission may impose requirements concerning streets, access drives, service drive, reverse frontage lots, or any other such requirements as may be necessary to preserve the character of the neighborhood.

2. Access. Reserve strips controlling access to streets or alleys shall be prohibited.

3. Continuation of Existing Streets. Proposed streets shall provide for continuation or completion of any existing streets, constructed or recorded, in adjoining property at equal or greater width and in similar alignment, unless variations are recommended by the Commission.

4. Culs-de-sac. Cul-de-sac type streets shall be no longer than 600 feet and shall be provided at the closed end with a turnaround of at least the minimum radius required by the Design Standards.

5. Grade. Streets shall be completed to grades which have been officially approved by the City Council.

6. Half Streets. Dedication of half streets is not allowed.

7. Intersections. Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than 60 nor more than 120 degrees. Intersection of more than two streets at a point shall be prohibited.

8. Jogs. Street jogs with centerline offsets of less than 125 feet shall be avoided.

9. Minor Streets. Minor streets shall be laid out so that their use by through traffic will be discouraged.

10. Street Names. All newly platted streets shall be named and in a manner conforming to the prevailing street naming system. Streets that are in obvious alignment with existing streets shall bear the name of the existing streets. The final plat shall show the proposed names of new streets, and these names shall not duplicate or sound similar to existing street names. All street names are subject to approval by the City.

11. Street Geometrics. The geometrics of all streets shall conform with the requirements of the Design Standards adopted by the City unless deviations from the Design Standards are approved by the City Council on recommendation of the City Engineer.

12. Street and Right-of-Way Widths. The minimum right-of-way width and street pavement width shall be as follows:

Street Classification	Right-of-Way Width	Pavement Width
Minor	50 feet	26 feet
Local Collector	60 feet	31 feet
Collector	70 feet	37 feet
Arterial	100 feet	51 feet

13. Street Construction. All streets shall be constructed of Portland cement concrete pavement in accordance with the Design Standards adopted by the City. Upon application and recommendation of the City Engineer, the City Council may approve street construction of Portland cement concrete curb and gutter sections with full depth hot mix asphalt pavement.

14. Alleys. Unless approved by the City, alleys shall not be allowed.

170.18 BLOCKS.

The lengths, widths and shapes of blocks shall be determined with due regard to:

1. Provision of adequate building sites suitable to the special needs of the type of use contemplated.
2. Zoning requirements as to lot sizes and dimensions.
3. Needs for convenient access, circulation, control and safety of street traffic.
4. Limitations and opportunities of topography.

Block lengths shall not exceed 660 feet or be less than 300 feet.

170.19 REQUIRED IMPROVEMENTS.

Required improvements are as follows:

1. General. The subdivider shall install and construct all improvements required by this chapter. The subdivider shall submit three sets of the plans and specifications for all public improvements to be reviewed by the City Engineer and approved by the City Council prior to start of construction. All required improvements shall be installed and constructed in accordance with the "Standard Specifications" on file in the office of the City Clerk, unless otherwise approved by the City Engineer. Inspection shall be provided by the City at the subdivider's expense as deemed necessary to assure the quality workmanship on all portions of the construction to be dedicated to the City. Said inspections costs which are a part of the review and inspection costs provided for, and shall be paid for by the subdivider before final approval will be given. The subdivider shall provide a minimum 24 hours' notice to the City prior to commencement of construction work so the City can make arrangements for an inspector. At the completion of construction, all improvements required by these regulations shall be reviewed and approved by the City Council.
2. Grades. All streets, alleys and sidewalks within the platted area which are dedicated for public use shall be brought to the grade approved by the City Council after receiving the report and recommendations of the City Engineer.
3. Paving. Concrete paving with curbs shall be installed on all roadways in the plat being dedicated for public use and shall be constructed of Portland cement concrete in accordance with designs and specifications approved by the City Council and at grades established by the City Engineer.
4. Sidewalks. Sidewalks shall be constructed on both sides of all streets being dedicated for public use. Sidewalks shall be a minimum of four feet in width and shall be constructed of Portland cement concrete in accordance with designs and specifications approved by the City Council and at grades established by the City Engineer.
5. Water and Sewers. Water mains, sanitary sewer lines, and storm sewers and their appurtenances shall be constructed and installed in accordance with the plans and specifications adopted by the City Council. Water and sewer lines shall be made accessible to each lot.
6. Storm Sewer. A suitable storm sewer for sump pump drainage shall be available to all lots within a subdivision.
7. Extension of Services to Property Line. The subdivider shall extend services for water, sewer, and sump pump discharge to the lot lines for each lot within a subdivision. The locations of the services must be clearly marked and a record of the service locations provided to the City by the subdivider.

170.20 EASEMENTS.

Easements shall be designated for the location of utilities and drainage as follows:

1. Sanitary sewer easements shall not be less than 20 feet wide for sanitary sewers not greater than 15 feet deep. For sanitary sewers greater than 15 feet deep the minimum width of the easement shall be established by the City Engineer.
2. Water main: 10 feet.
3. Storm sewer: easement shall not be less than 15 feet in width. For storm sewers, 24-inch diameter and larger the width of the easement shall be determined by the City Engineer.
4. Public utility easements : easements shall be provided for utilities and shall be provided on the front and rear of all lot lines and shall be a minimum of five feet wide on the rear lot line and a minimum of 10 feet adjacent to the front lot line.
5. Overland flowage easements shall be provided at all locations where overland flow drainage shall traverse a lot, outlet or other portion of the plat. Width of the overland flowage easement shall be at least as wide as the anticipated overland flow during a 100-year rainfall event.

170.21 LOTS.

1. Size, width, depth, shape, and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
2. Lot dimensions shall conform to the requirements of the City's Zoning Ordinance; and within the corporate limits of the City, all lots shall abut on a dedicated and improved street.
3. Corner lots for residential use shall have extra width to permit appropriate building setback from both streets as specified in the Zoning Ordinance.
4. Side lot lines shall be at right angles or radial to street lines, except where a variation of this rule will provide an improved street and lot layout.
5. Where unusual soil conditions or other physical factors exist which may impair the health and safety of the residents of the neighborhood in which a subdivision may be located, the Commission may increase lot area requirements as may be necessary.
6. Excessive depth in relation to width shall be avoided, a proportion of two and one-half in depth to one in width shall normally be considered as a desirable maximum for lot widths of 66 feet or more.
7. Double frontage and reversed frontage lots shall be avoided except when necessary to provide separation of residential development from heavily traveled thoroughfare, or to overcome specific disadvantages of topography or orientation.

170.22 LARGE LOT SUBDIVISIONS.

Whenever the area is divided into lots larger than ordinarily used in the area for building purposes, and there is reason to believe that such lots will eventually be resubdivided into smaller building lots, consideration shall be given to the street and lot arrangement of the original subdivision so that additional minor streets can be opened which will permit a logical arrangement of smaller lots. Easements or deeds providing for the present or future opening and extension of such streets may, at the discretion of the Council, be made a condition of the approval of the plat.

170.23 STORM WATER RUNOFF.

1. Development of property without disposition of storm water runoff is prohibited. The owner of any parcel who shall grade, fill, construct on or otherwise alter the existing storm water runoff rates, velocities, volumes or drainage patterns shall be responsible for damages, inconveniences or distress resulting from such activities.

2. No development shall cause downstream property owners, water courses, channels, or conduits to receive storm water runoff from the proposed development site at a higher peak flow rate, at higher volume, or at higher velocities than would have resulted from the same storm event occurring over the site of the proposed development with the land in its natural, pre-developed condition, unless sufficient capacity to convey the water through downstream property owners, water courses, channels or conduits to receive storm water runoff from the proposed development site is demonstrated.

3. The City shall have no obligation to review, check, or otherwise verify the certified engineering calculations, method of design, or storm water detention facility plans and as-built drawings required to be submitted. Acceptance of storm water detention plans, calculations or as-built drawings and issuance or approval of any permit or plat shall be interpreted as satisfying the requirement that such plans, calculations and documents be submitted to the City. In no instance shall such permit issuance, plat approval, or acceptance of such documents by the City be construed as approval of the developer's or the developer's engineer's design methods, design calculations, detention facility plan, as-built drawings, approval of detention construction, or concurrence by the City that all design criteria have been satisfied. The developer and the developer's engineer shall be fully responsible for the design and construction of storm water detention facilities and shall indemnify and hold the City harmless from any claims, demands or causes of action based upon a violation of the provisions of this section.

170.24 FLOODPLAIN AND AREAS PARTICULARLY SUSCEPTIBLE TO FLOODING.

If a subdivision or a portion thereof lies within a flood plain area, as defined by federal or Iowa statutes or regulations promulgated thereunder, or includes or may include area particularly susceptible to flooding, the City may in its sole discretion, impose reasonable conditions upon approval of the preliminary and final plat to protect the health, safety, and welfare of property owners, adjacent property owners, and the public from flooding or potential flooding.

170.25 PARK AND RECREATIONAL AREAS.

All residential developments shall be designed so that adequate open spaces and sites for public uses are properly located and preserved in accordance with Chapter 173 "Dedication of Parkland" of the Van Meter Code of Ordinances.

(Ord. 2021-01 - Mar. 21 Supp.)

170.26 IMPROVEMENTS.

1. Generally. The subdivider shall install and construct all improvements required by this chapter. All required improvements shall be in accordance with approved Standard Specifications and under supervision of the City Council.

2. Maintenance Required. The applicant shall be required to maintain all improvements on the individual subdivided lots and provide for snow removal on streets and sidewalks, if required, until acceptance of the improvements by the City. If there are any occupancy permits on a street not dedicated to the City, the City may, on 12 hours' notice, plow the street or effect emergency repairs and charge same to applicant.

3. Maintenance Bond. The applicant shall be required to file a maintenance bond with the City Council, prior to approval of final plat and dedication of improvements to the public, in an amount considered adequate by the City Engineer and in a form satisfactory to the City Attorney, in order to assure the satisfactory condition of the required improvements for a period of time in accordance with the schedule set forth in this section. The time shall run from the date of their acceptance by the City Council and dedication of same to the City.

Type of Maintenance Bond	Bonding Period
Pavements	4 years
Sanitary Sewer and Storm Sewer	4 years
Sidewalk	2 years

4. Inspection. The City Council shall provide for inspection of required improvements during construction and ensure their satisfactory completion. The applicant shall pay to the City the cost of the inspection fees which shall include inspection of water mains, sewer, streets, or any other required improvements; and the subdivision plat shall not be signed by the Mayor unless such fee has been paid at the time of application. If the City Engineer finds upon the inspection that any of the required improvements have not been constructed in accordance with the approved construction standards and specifications, the applicant shall be responsible for completing the improvements according to such standards and specifications. Wherever the cost of improvements is covered by a performance bond, the applicant and the bonding company shall be severally and jointly liable for completing the improvements in accordance with the standards and specifications approved by the City Council.

5. Performance Bond or Letter of Credit Release or Reduction.

A. Certificate of Satisfactory Completion. The City shall not accept dedication of required improvements, or release or reduce a performance bond or letter of credit, until the City Engineer has submitted a certificate stating that all required improvements have been satisfactorily completed; and until the applicant's engineer or surveyor has certified to the City Engineer, through submission of detailed as-built survey plat of the subdivision, indicating location, dimensions, materials, and other information required by the plan and Commission, City Council or City Engineer, that the layout of the line and grade of all public improvement is in accordance with construction plan for the subdivision; and that a certification has been furnished to and approved by the City Attorney indicating that the improvements have been completed, are ready for dedication to the local government, and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation, the City Council shall thereafter accept the improvements for dedication in accordance with the established procedure.

B. Sidewalks shall be constructed on both sides of all streets dedicated to public use, except a sidewalk need not be provided on street right-of-way abutting nonresidential or noncommercial tracts of land, such as parks, large industrial sites, water courses, cemeteries, etc., unless required by the City Council.

C. The sidewalks shall have a minimum width of four feet, and have a minimum thickness of four inches, and shall be constructed of Portland cement concrete in accordance with designs and specifications approved by the City Council.

D. Street trees shall not be planted in the public right-of-way.

E. Topsoil shall not be removed from residential lots or used as spoil.

F. Fire hydrants shall be installed in accordance with specifications approved by the City Council.

G. Street lights shall be installed in accordance with designs and specifications approved by the City Council.

170.27 SUBDIVISIONS WITHIN TWO MILES OF CORPORATE LIMITS.

1. Requirements and procedure for approval of preliminary and final plats of land within two miles of the corporate limits shall be the same as the requirements and procedure for approval of preliminary and final plats within the corporate limits except that the application for approval of the final plat shall not be considered by the Council until it has been submitted and approved by the Dallas County Board of Supervisors.

2. In reviewing a proposed subdivision of land within two miles of the corporate limits, the City Council, upon recommendation of the Commission, may vary or modify the requirements for a subdivision within the corporate limits so that the subdivider is allowed to develop his property in a reasonable manner, provided that such variance or modification will not have the effect of nullifying the intent and purpose of this chapter for the City or of interfering with carrying out the Comprehensive Plan. Upon any request to relax the requirements contained in these regulations, consideration shall be given to the following:

A. Conformance of the proposed street system in the subdivision to the Comprehensive Plan, location of the proposed subdivision in relation to sites which the Comprehensive Plan proposes for public or semi-public use and whether land should be reserved for such uses including, but not limited to, schools, parks, playgrounds, public buildings, public utilities, airports, etc.

170.28 EXCEPTIONS.

1. Generally. Whenever the tract to be subdivided is of such unusual topography, size, or shape that the strict application of the requirements contained in these regulations would result in substantial non-self-inflicted hardships, the City Council, upon recommendation of the Commission, may vary or modify such requirements so that the subdivider is allowed to develop his property in a reasonable manner; provided, such variance or modification will not have the effect of nullifying the intent and purpose of this chapter for the City or of interfering with carrying out the Comprehensive Plan. In no case shall any variation or modification be more than a minimum easing of the requirements, and in no instance shall it conflict with any Zoning Ordinance and map, or reduce the traffic capacity of any street below that shown on the Comprehensive Plan.

2. Petition. A petition for any such variance shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for the considerations of the Commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

170.29 VIOLATION.

Whoever being the owner or agent of the owner of any land located within or adjacent to the City, knowingly or with intent to defraud, transfers or sells, by reference to or exhibition of, or by other use of a plat of subdivision of such land before such plat has been approved by the Commission, shall forfeit and pay the penalty of not more than \$100.00 for each lot so transferred or sold, or agreed or negotiated to be sold, and a description by metes and bounds shall not exempt the transaction from such penalties.

CHAPTER 171

ARCHITECTURAL DESIGN AND TREATMENT OF BUILDINGS

171.01 ARCHITECTURAL DESIGN AND TREATMENT OF BUILDINGS.

In order to maintain character, continuity and enhance physical appearance, the following standards shall apply to zoning districts C-0 (non-residential uses), C-1, C-2, I-1 and I-2 unless noted otherwise in this chapter or Chapter 165. In the event that any of the standards below conflict with other standards, regulations or requirements of federal, State, County laws or regulations, or as outlined elsewhere within this City Code, the more restrictive regulation shall apply.

1. Façades. All principal and accessory buildings must be constructed so that the primary building face has as its covering natural materials, rather than simulated or synthetic materials. Natural materials include, but are not limited to, stone, stone facing, brick, wood, stucco, clay tile, ceramic tile, quarry tile, terra cotta, and cut stone. Rough-faced concrete block may be used for an exterior surface where concrete block is the only option because of existing structural conditions or requirements. Materials to be excluded include, but are not limited to, plain concrete block, plain precast, fiberglass, simulated brick and stone, vinyl siding, metal siding and Masonite panels. If the underlying building is constructed using either metal or concrete form walls, the metal or concrete portion of the external primary face of building must be completely covered with natural materials.

2. Mill Street Gateway Corridor District. In addition to the requirements set forth in Subsection 1 above, in the "Mill Street Gateway Corridor District," all principal and accessory buildings must be constructed so that every building face shall have as its covering natural materials, rather than simulated or synthetic materials.

3. Exclusions. This chapter excludes the primary building face that contains manufactured window frames, window glass, door frames and doors.

4. Awnings. Awnings are allowed on any building consistent with other City codes and requirements. Any awning extending over a public sidewalk or passageway shall require a building permit with a condition of issuance being the Zoning Administrator's determination that the proposed awning complies with the appropriate snow loading standard determined to be appropriate by said administrator.

171.02 DEFINITION.

As used in this chapter, "primary building face" means the side or sides of the building fronting on a street right-of-way, excluding any appurtenances such as projecting fins, columns, pilasters, canopies, marquees, showcases or decorations.

CHAPTER 172

CONVERSION TO MEET BUILDING CODES

172.01 Purpose	172.05 Fire, Life Safety, Structural and Other Systems
172.02 Conversion of Structures	172.06 Compliance with Site Plan
172.03 Documentation of Compliance	172.07 Compliance with Chapter
172.04 Parking and Storm Water Management	

172.01 PURPOSE.

It is the intent of the City Council, by this chapter, to provide for the health, safety, and welfare of its citizens and to provide for the orderly development of the City by establishing standards for property which is to be subjected to residential horizontal property regimes (condominiums) and multiple housing cooperatives. It is the intent of the City Council to assure that all property to be used for residential purposes must at the time a horizontal property regime or multiple housing cooperative is established meet current building code standards and requirements. It is the intent of the City Council in regard to the conversion of structures to horizontal property regimes (condominiums) or the conversion of structures to multiple housing cooperatives that such change should provide the residents living in such structures adequate protection by meeting the current health, safety and welfare standards of the City. This chapter is in part enacted to assure residents that such standards herein provided will be maintained. This chapter is to be liberally construed to meet the purposes and intent of the City Council as herein stated.

172.02 CONVERSION OF STRUCTURES.

1. After February 21, 2011, an existing structure shall not be converted to a horizontal property regime unless the converted structure meets building code requirements in effect on the date of conversion. After February 21, 2011, an existing structure shall not be converted to a multiple housing cooperative unless the converted structure meets building code requirements in effect on the date of conversion.

2. At least 60 days prior to filing a declaration of horizontal property regime as provided in *Code of Iowa* Chapter 499B or articles of incorporation for a multiple housing cooperative as provided in *Code of Iowa* Chapter 499A which converts an existing structure within the City, the owner shall file a copy of the declaration of the horizontal property regime or the articles of incorporation of the multiple housing cooperative with the City Building Official to enable the City to establish that the converted structure meets appropriate building code requirements.

172.03 DOCUMENTATION OF COMPLIANCE.

Any person or entity seeking to establish a horizontal property regime (condominiums) or multiple housing cooperative for

residential purposes, including a person or entity seeking to convert an existing structure to condominiums or a multiple housing cooperative by establishing a horizontal property regime pursuant to *Code of Iowa* Chapter 499B or by establishing a multiple housing cooperative pursuant to *Code of Iowa* Chapter 499A shall establish and document compliance with all building code requirements of the City applicable upon the date the City receives the declaration of the horizontal property regime or articles of incorporation of the multiple housing cooperative. Such compliance shall include documentation of the following:

1. All materials, manner and means of construction in the building proposed meet current building codes for new residential construction including current fire, building, plumbing, electrical and mechanical codes.
2. All plumbing in the building proposed meets current standards for water conservation including low flow toilets and similar devices.
3. The building proposed have fire sprinklers and all other life safety systems required for new construction.
4. The building proposed meets all State and federal requirements for persons with disabilities accessibility that would be required of new construction.
5. The building proposed meet all State energy efficiency standards that would be required for new construction.
6. The building proposed meets any and all other requirements of the City Building Code and Subdivision Regulations

172.04 PARKING AND STORM WATER MANAGEMENT.

Any person or entity seeking to convert an existing structure to condominiums by establishing a horizontal property regime pursuant to *Code of Iowa* Chapter 499B or seeking to convert an existing structure to a multiple housing cooperative pursuant to *Code of Iowa* Chapter 499A shall comply with all current provisions for on-site parking and storm water management that would be required for new construction.

172.05 FIRE, LIFE SAFETY, STRUCTURAL AND OTHER SYSTEMS.

Any person or entity seeking to convert an existing structure to condominiums by establishing a horizontal property regime pursuant to *Code of Iowa* Section 499B.3 or seeking to convert an existing structure to a multiple housing cooperative pursuant to *Code of Iowa* Chapter 499A shall at least 60 days before filing any declaration or article of incorporation submit to the City Clerk and the Public Works Director a written analysis by a licensed professional engineer or other appropriate licensed professional, based upon personal inspection of the building sought to be converted. The written analysis shall certify that the building meets all current City building codes that would be required for new construction. The certification shall separately itemize and describe in a manner sufficient to show the factual basis of any certification that the fire, life-safety, structural, plumbing, electrical and mechanical systems meet current City standards. The certification shall further certify compliance with current on-site parking and storm water management requirements and separately certify the building meets current standards for materials and that acceptable means and methods of construction were used that would be required for new construction. Appropriate City staff will review the certification and report to the City Building Official whether said certification is sufficient to meet the requirements of this chapter.

172.06 COMPLIANCE WITH SITE PLAN.

Any person or entity seeking to convert an existing structure to condominiums by establishing a horizontal property regime pursuant to *Code of Iowa* Chapter 499B or seeking to convert an existing structure to a multiple housing cooperative pursuant to *Code of Iowa* Chapter 499A shall comply with all requirements of the Chapter 167 of this Code of Ordinances prior to conversion in the same manner as an applicant for new construction including, but not limited to, filing a site plan for review which shall show compliance with all setback, parking, open space and all other requirements that would be required for new construction.

172.07 COMPLIANCE WITH CHAPTER.

No conversion of property to a horizontal property regime under *Code of Iowa* Chapter 499B and no conversion of property to a multiple housing cooperative under *Code of Iowa* Chapter 499A shall be complete nor shall a declaration or articles of incorporation be filed until there has been full compliance with this chapter. Upon showing of full compliance with this chapter, the City Building Official shall by written notice so inform the County Recorder of the County in which any property subject to this chapter is located and state in said written notice that the property meets the requirements of the *Code of Iowa*.

CHAPTER 173

DEDICATION OF PARKLAND

173.01 Purpose	173.08 Alternatives to Dedication of Public Parkland
173.02 Rules of Construction	173.09 Stream Buffer Dedication Calculation and Credit
173.03 Definitions	173.10 Stream Buffer Dedication Standards
173.04 Requirements of Dedication of Parkland	173.11 Parkland and Stream Buffer Dedication Agreement and Surety

173.05 Computations of the Amount of Public Parkland Required

173.12 Exemptions and Credits

173.06 Parkland Dedication Location and Minimum Standards

173.13 Penalty Provisions

173.07 Requirements of Dedication of Land or Easements For Trail

173.01 PURPOSE.

When a subdivision of land, a plat of subdivision, a planned unit development, or a site plan for residential development occurs in the City of Van Meter, it is subject to the requirements for parkland dedication in a manner consistent with the City's Comprehensive Plan. The purpose of this chapter is to regulate the use and development of land so as to assure that new developments provide for the health, safety, and welfare of future residents by providing land for public parkland within the City and within areas being newly developed or redeveloped for residential purposes.

173.02 RULES OF CONSTRUCTION.

1. The provisions of this chapter shall be liberally construed so as to effectively carry out its purpose in the interest of the public health, safety, and welfare.

2. For the purposes of administration and enforcement, unless otherwise stated in this chapter, the following rules of construction shall apply to the text of this chapter:

A. In case of any difference of meaning or implication between the text of this chapter and any caption, illustration, summary table, or illustrative table, the text shall control.

B. The word "shall" is always mandatory and not discretionary; the word "may" is permissive.

C. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.

D. The phrase "used for" includes "arranged for," "designed for," "maintained for" or "occupied for."

E. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other legal entity.

F. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction and, or, or either ... or, the conjunction shall be interpreted as follows:

(1) "And" indicates that all the connected terms, conditions, provisions, or events shall apply.

(2) "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.

(3) "Either ...or" indicates that the connected items, conditions provisions or events shall apply singly but not in combination.

G. The word "includes" shall not limit a term to the specific example, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

H. "Zoning Administrator" means the Zoning Administrator or the municipal official(s) he/she may designate to carry out the administration of this chapter.

173.03 DEFINITIONS.

1. "Capital improvement" includes parks planning, land acquisition, site improvements, buildings, and equipment but excludes maintenance and operation.

2. "Developer" means any person, individual, firm, partnership, association, corporation, estate, trust or other entity acting or proposing to subdivide land for the construction of any of the residential buildings identified in Section 172.05.

3. "Development order" means a regulatory approval by the City.

4. "Dwelling unit" means a room or group of rooms which are arranged, designed, or used as a dwelling for the occupancy of one (1) family containing sleeping, bathroom, and kitchen facilities.

5. "Mobile home" is defined in Section 145.01(3).

6. "Multiple-family dwelling" means a dwelling designed for or occupied by three (3) or more families with separate housekeeping and cooking facilities for each, but excluding townhomes or condominiums.

7. "Parkland" means any neighborhood park or neighborhood recreational trail.

8. "Pond" mean any still body of standing water.

9. "Private recreational facility" means any recreation facility which is not owned by or dedicated to the City.

10. "Recreational facility improvements" consist of the acquisition and installation of equipment, building construction, grading, landscaping and extension of services. These improvements include only those activities that are directly

associated with the development of the proposed recreational facilities from raw ground.

11. "Single-family attached dwelling" includes a two family dwelling, townhomes and condominiums.
12. "Single-family detached dwelling" means the same as a single-family dwelling.
13. "Waterway" means a channel through which water runs.

173.04 REQUIREMENTS OF DEDICATION OF PARKLAND.

1. Any developer who, after the effective date of the ordinance codified in this chapter seeks to develop land for residential purposes within the City shall be required to dedicate public parkland.
2. No new plats or site plans for residential development shall be approved unless and until the provisions of this chapter are complied with.

Notes

EDITOR'S NOTE: The ordinance adopting Chapter 173 is Ordinance No. 2021-02 adopted by the City on February 8, 2021.

173.05 COMPUTATIONS OF THE AMOUNT OF PUBLIC PARKLAND REQUIRED.

This section shall prescribe the minimum amount of space to be provided in a proposed development for use as public parkland. Such space shall be required to be provided for by a developer who, after the effective date of the ordinance codified in this chapter, seeks to develop land within the City by submitting a plat or site plan for approval.

1. The amount of public parkland required in a proposed development shall be a minimum of 20,000 square feet and computed as follows:

A. Residential Occupancy Per Living Units. In determining the anticipated occupancy for the proposed development, it shall be assumed that the following dwellings will accommodate the following number of individuals:

LAND USE TYPE (UNIT)	
Individuals Per Each Residential Unit	
Single-Family Detached	2.8 Individuals
Single-Family Attached	2.5 Individuals
Multi-Family	1.8 Individuals
Mobile Home Each Unit	1.6 Individuals

B. Public Parkland Per Individual. In determining the space required for public parkland in a proposed development, it shall be required that 5 acres of recreational space be provided for every 1,000 individuals. Since some developments will not house 1,000 individuals, the space requirement is to be applied on a per individual basis. Therefore, .005 acres of public parkland shall be provide for each individual proposed to be housed in the new development based on the assumptions contained in Paragraph 1A, above.

C. Calculation of Required Public Parkland for Each Development.

- (1) For single family detached developments, the following formula shall be utilized:

$$(\text{number of lots}) \times (2.8 \text{ individuals/lot}) \times (.005 \text{ acres/individual})$$

Example for illustration purposes only: For a single family detached residential development subject to the requirements of this chapter that proposes 75 lots, the calculation under this paragraph would be as follows:

$$75 \text{ lots} \times 2.8 \times .005 = 1.05 \text{ acres}$$

Under this illustration, the developer would be required to dedicate public parkland of at least 1.05 acres of property within the proposed development.

- (2) For single family attached developments, the following formula shall be utilized:

$$(\text{number of lots}) \times (2.5 \text{ individuals/lot}) \times (.005 \text{ acres/individual})$$

Example for illustration purposes only: For a single family attached residential development subject to the requirements of this chapter that proposes 75 lots, the calculation under this paragraph would be as follows:

$$75 \text{ lots} \times 2.5 \times .005 = .9375 \text{ acres}$$

Under this illustration, the developer would be required to dedicate public parkland of at least .9375 acres of property within the proposed development.

- (3) For multi-family developments, the following formula shall be utilized:

(number of units) x (1.9 individuals/unit) x (.005 acres/individual)

Example for illustration purposes only: For a multi-family residential development subject to the requirements of this chapter that proposes 100 units, the calculation under this paragraph would be as follows:

100 units x 1.8 x .005 = .9 acres

Under this illustration, the developer would be required to dedicate public parkland of at least .9 acres of property within the proposed development.

(4) For mobile home developments, the following formula shall be utilized:

(number of lots) x (1.6 individuals/lot) x (.005 acres/individual)

Example for illustration purposes only: For a mobile home development subject to the requirements of this chapter that proposes 75 mobile home lots, the calculation under this paragraph would be as follows:

75 lots x 1.6 x .005 = .6 acres

Under this illustration, the developer would be required to dedicate public parkland of at least .6 acres of property within the proposed development.

2. If a plat or site plan is requested for mixed uses, then Subsection 1 of this section shall apply only to those areas of the plat or site plan devoted to residential uses.

3. The dedicated public parkland may include waterways and ponds, provided the area of such waterways and ponds is not used to satisfy the amount of public park land required in Subsection 1 of this section.

4. In the case of change of use, redevelopment, expansion, or modification of an existing use which requires the approval of an amended plat or site plan, the above space requirements for public parkland shall be based upon the new lots or new units being proposed for development.

5. Where proposed subdivisions abut undeveloped lands, the dedicated public parkland shall be located adjacent to the subdivision boundaries with the undeveloped land, at the discretion of the Council, to allow the public parkland to be increased in size when the adjacent property develops.

6. The amount of public parkland required to be dedicated under this section shall be capped and shall not exceed the following percentages when compared to the amount of acres being developed.

A. Single-Family Detached. The amount of acres required to be dedicated as public parkland shall not exceed 5% of the total number of acres being developed as single-family detached.

B. Single-Family Attached and Multi-Family. The amount of acres required to be dedicated as public parkland shall not exceed 10% of the total number of acres being developed, as long as the proposed development does not exceed 12 units per acre. If the proposed development exceeds 12 units per acre, the amount of acres required to be dedicated as public parkland shall not exceed 15% of the total number of acres being developed as single-family attached or multifamily.

C. Mobile Homes. The amount of acres required to be dedicated as public parkland shall not exceed 10% of the total number of acres being developed as mobile homes.

173.06 PARKLAND DEDICATION LOCATION AND MINIMUM STANDARDS.

Land dedicated for parkland shall be located in accordance with the City's Comprehensive Plan and any other relevant planning documents including but not limited to the 2019 Community Visioning Report, regional park and trail master plans, and other internal park and green space planning documents. The specific location of the land to be dedicated shall be acceptable to the City, as determined by the Zoning Administrator in coordination with the Parks and Recreation Board and staff, and shall be located and planned with future parkland dedications to create a neighborhood parkland site that will be no less than 7.5 acres in size.

All land to be dedicated to meet the parkland dedication requirement shall be usable park space as determined by the Zoning Administrator in coordination with the Parks and Recreation Board and staff, shall not be located within any floodplain, shall not contain any areas for storm water detention, and shall have cross slopes no greater than 5%.

The developer shall be responsible for rough grading, stabilization, and seeding of the parkland and providing paved public street access, sanitary sewer services, and water service to the property.

173.07 REQUIREMENTS OF DEDICATION OF LAND OR EASEMENTS FOR TRAILS.

Where bike/pedestrian or recreational trails are indicated in the Comprehensive Plan the developer shall be required to dedicate land or trail easements of at least twenty (20) feet in width. This land or easements, if recommended by the Parks and Recreation Board and approved by the Council, may serve to satisfy parkland dedication requirements based on the area of land dedicated in fee title or by perpetual easement.

173.08 ALTERNATIVES TO DEDICATION OF PUBLIC PARKLAND.

In such situations as determined by the Zoning Administrator in coordination with the Parks and Recreation Board and staff where all or a portion of land for neighborhood parkland cannot be dedicated, the developer shall construct or otherwise complete park improvements within the neighborhood parkland service area equal to the value of the required parkland dedication. The value of these improvements shall be based on the fair market value of the land to be dedicated. Subject

to approval by the City, parkland improvements may include construction and installation of trails, parking lots, playground equipment, park shelters, tennis courts, basketball courts, ball fields and appurtenances, or landscaping and the dedication of land or easements necessary for planned trails. The developer shall provide written proof of the land's value and written estimates of the costs of the park improvements in the form of an appraisal from a qualified, licensed appraiser.

173.09 STREAM BUFFER DEDICATION CALCULATION AND CREDIT.

At the discretion of the City, all development, including residential, commercial, and industrial, that includes land identified in the City's adopted Comprehensive Plan as greenways shall be dedicated to the City at the time development. For purposes of this chapter, greenways required to be dedicated to the City include all required stream buffers for Type I and Type II streams as defined in Chapter 102 of the City Code.

The dedicator of said required stream buffer may request a credit from the City toward a current or future parkland dedication requirement at the following conversation rate:

1 acre of stream buffer dedicated to the City shall be equivalent and worth 0.10 acres of parkland dedication.

173.10 STREAM BUFFER DEDICATION STANDARDS.

Prior to dedication of any greenbelt or stream buffer to the City, the developer dedicating the land shall have an engineer complete an analysis of the stability of all drainageways within the greenbelt or stream buffer to be dedicated and shall complete any improvements determined necessary by the City to prevent or stop drainageway erosion and maintain long-term bank stability.

173.11 PARKLAND AND STREAM BUFFER DEDICATION AGREEMENTS AND SURETY.

At the time of development, the developer shall enter into a written agreement with the City to detail the parkland dedication, stream buffer dedication, and/or park improvement. Depending on the timing of the dedication or park improvement, the developer may propose, and/or the City may require the developer to provide adequate surety to the City to ensure completion of the dedication or improvement. The form and amount of surety shall be determined by the City at its full discretion.

173.12 EXEMPTIONS AND CREDITS.

The following shall be exempted from the requirements of Sections 173.04, 173.05 and 173.06:

1. Alterations or expansion of an existing building where no additional residential units are created and where the use is not changed.
2. The construction of accessory buildings or structures.
3. The replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same size and use.
4. The installation of a replacement mobile home.
5. The construction of any non-residential building or structure or the installation of a non-residential mobile home.

Any claim of exemption shall be made no later than the time of application for a preliminary plat approval. Any claim not so made shall be deemed waived.

173.13 PENALTY PROVISIONS.

A violation of this chapter shall be prosecuted in the same manner as misdemeanors are prosecuted and upon conviction the violator shall be punishable according to law; however, in addition to or in lieu of any criminal prosecution, the City shall have the power to issue a civil infraction for any violation of this chapter and shall be entitled to any fines, injunctive relief, and other remedies allowed the City under the civil infraction provisions of the Code of Iowa. It is specifically declared that the failure of a developer, individual, or entity to comply with the provisions of this chapter shall be a nuisance subject to all fines and remedies provided in this Code.

(Ch. 173 – Ord. 2021-02 – Mar. 21 Supp.)