

CODE OF ORDINANCES

OF THE

CITY OF

ELKHART, IOWA

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CODE OF ORDINANCES OF THE CITY OF ELKHART, IOWA

Adopted October 21, 2024, by Ordinance No. 2024-10

SUPPLEMENT RECORD

SUPPLEMENT		ORDINANCES AMENDING CODE		
Supp. No.	Repeals, Amends or Adds	Ord. No.	Date	Subject
Oct-24	107.04	2024-08	8-19-24	Collection of Recyclable Materials
	Ch. 9	2024-09	9-16-24	Elkhart Urban Revitalization Area
		2024-10	10-21-24	Adopting Ordinance
Mar-26	69.12	2024-11	11-18-24	Parking Regulations, Snow Emergency
	165.09(4); 165.10(6); 165.11(8); 165.12(5)(G); 165.13(6); 165.13(7); 165.14(2)(F); 165.14(5); 165.14(7); 165.16(1)(H); 165.16(1)(W); 165.16(1)(Y); 165.16(6); 165.16(7); 165.16(11); 165.26(1)(B)(6); 165.26(1)(B)(7); 165.26(1)(C)(2); 165.28(1)(B); 165.28(1)(C)	2025-1	1-21-25	Zoning Regulations
	Ch. 119	2025-2	2-18-25	Special Events
	Not Used	2025-3		Not Used
	55.20	2025-4	6-16-25	Animal Protection and Control
	107.04	2025-5	5-19-25	Collection of Recyclable Materials
	110.12; 111.13	2025-6	10-21-25	Natural Gas and Electric Franchise Fees
	Ch. 121	2025-7	10-21-25	Cigarette and Tobacco Permits
	7.05(4)(D)(1); 7.05(6)	2025-8	10-21-25	Public Hearing Requirements
	5.07(1)	2025-9	10-21-25	Conflict of Interest
	55.23	2025-10	10-21-25	False Representation of Service Animals
	41.14(3)	2025-11	10-21-25	Fireworks
	120.05(8)	2025-12	10-21-25	Liquor Licenses and Wine and Beer Permits
May-26		2025-13		Not Used
	166.06(18); 166.15; 166.20	2025-14	3-17-26	Subdivision Regulations
	167.06	2025-15	3-17-26	Site Plan information Required
	107.04	2026-1	2-17-26	Collection of Recyclable Materials
Aug-26	92.02	2026-2	6-15-26	Water Rates
	99.07(1)	2026-3	6-15-26	Sewer Rates
	100.11(1); 100.11(2)	2026-4	6-5-26	Strom Water Sewer Charges

SUPPLEMENT RECORD

[illegible]

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CHAPTER 1

CODE OF ORDINANCES

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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 Elkhart, 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 Elkhart, Iowa.
3. “Clerk” means the city clerk of Elkhart, 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 Elkhart, Iowa.
6. “Council” means the city council of Elkhart, Iowa.
7. “County” means Polk County, Iowa.
8. “IAC” means the Iowa Administrative Code.
9. “May” confers a power.
10. “Measure” means an ordinance, amendment, resolution, or motion.
11. “Must” states a requirement.
12. “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.
13. “Ordinances” means the ordinances of the City of Elkhart, Iowa, as embodied in this Code of Ordinances, ordinances not repealed by the ordinance adopting this Code of Ordinances, and those enacted hereafter.

14. "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.
15. "Public way" includes any street, alley, boulevard, parkway, highway, sidewalk, or other public thoroughfare.
16. "Shall" imposes a duty.
17. "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.
18. "State" means the State of Iowa.
19. "Statutes" or "laws" means the latest edition of the *Code of Iowa*, as amended.
20. "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 \$105.00 but not to exceed \$855.00.[†]

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

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

CHAPTER 2

CHARTER

2.01 Title

2.02 Form of Government

2.03 Powers and Duties of City Officers

2.04 Number and Term of Council

2.05 Term of Mayor

2.06 Copies on File

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

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

(Code of Iowa, Sec. 372.4)

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

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

(Code of Iowa, Sec. 376.2)

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

(Code of Iowa, Sec. 376.2)

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

(Code of Iowa, Sec. 372.1[3])

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CHAPTER 3

MUNICIPAL INFRACTIONS

3.01 Municipal Infraction
3.02 Environmental Violation
3.03 Penalties

3.04 Civil Citations
3.05 Alternative Relief
3.06 Alternative Penalties

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

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

3.02 ENVIRONMENTAL VIOLATION. A municipal infraction 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.

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

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

- (1) The violation results solely from conducting an initial startup, cleaning, repairing, performing scheduled maintenance, testing, or conducting a shutdown of either equipment causing the violation or the equipment designed to reduce or eliminate the violation.
- (2) The City is notified of the violation within 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[9])

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[12])

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CHAPTER 5

OPERATING PROCEDURES

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

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

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

1. Qualify for Office. Each elected or appointed officer shall qualify for office by taking the prescribed oath and by giving, when required, a bond. The oath shall be taken, and bond provided, after 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 Elkhart 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 except as allowed in Subsection 5.

(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[1a])

5. Insurance Policy in Lieu of Bond. In lieu of a bond, a public officer required to obtain a bond pursuant to Chapter 64 of the *Code of Iowa* may obtain an insurance policy in an amount not less than the amounts required of a bond.

(Code of Iowa, Sec. 64.3)

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 and 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. Definitions. The following terms are defined for use in this section.
 - A. “Closed session” means a meeting to which all members of the public do not have access as allowed by Section 21.5 of the Code of Iowa.
 - B. “Hybrid meeting” means a meeting involving both remote participation and in-person participation by members.
(Code of Iowa, Sec. 21.8(4)(a))
 - C. “Open session” means a meeting to which all members of the public have access.
(Code of Iowa, Sec. 21.2(3))
 - D. “Remote participation” means real-time participation by a remotely located individual in a meeting which is being held in a different physical location using integrated audio, video, and other digital tools.
(Code of Iowa, Sec. 21.8(4)(b))
 - E. “Reasonable notice” means advising the news media who have filed a request for notice with the governmental body and posting the notice on a bulletin board or other prominent place which is easily accessible to the public and clearly designated for that purpose at the principal office of the body

holding the meeting, or if not such office exists, at the building in which the meeting is to be held.

(Code of Iowa, Sec. 21.4(1))

F. “Teleconference participation” means participation using audio conference tools involving multiple participants in at least two separate locations.

(Code of Iowa, Sec. 21.8(4)(c))

G. “Virtual meeting” means a meeting involving real-time interaction using integrated audio, video, and other digital tools, in which participants do not share a physical location.

(Code of Iowa, Sec. 21.8(4)(d))

2. 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)

3. 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)

4. 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)

5. 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)

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

(Code of Iowa, Sec. 21.7)

7. Electronic Meetings. A governmental body shall provide for hybrid meetings, teleconference participation, virtual meetings, remote participation, and other hybrid options for the members of the governmental body to participate in official meetings. A governmental body conducting a meeting pursuant to this subsection shall comply with all of 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, volunteer firefighter as defined in Section 85.61 of the *Code of Iowa*, emergency medical care provider as defined in Section 147A.1 of the *Code of Iowa*, 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. This subsection shall not be

construed to prohibit nominal stipends, compensation, incentives, or benefits for volunteer firefighters or emergency medical care providers.

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

(Subsection 5.07 – Ord. 2025-9 – Mar. 26 Supp.)

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[3I])

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)

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CHAPTER 6

CITY ELECTIONS

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

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

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

(Code of Iowa, Sec. 376.3)

6.02 NOMINATIONS BY PETITION. Nominations for elective municipal offices of the City may be made by nomination paper or papers signed by not less than 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, and 45.6)

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

(Code of Iowa, Sec. 45.4)

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

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

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CHAPTER 7

FISCAL MANAGEMENT

7.01 Purpose
7.02 Finance Officer
7.03 Cash Control
7.04 Fund Control

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

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

7.02 FINANCE OFFICER. The City 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)

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.

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.

(545 IAC 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.

(545 IAC 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.

(545 IAC 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.

(545 IAC 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. Annual Statement.

(Code of Iowa, Sec. 24.2A[2])

- A. On or before 4:00 p.m. on March 5 of each year, the City shall file, with the Department of Management, a report containing all necessary information

for the Department of Management to compile and calculate amounts required to be included in the statement mailed under Paragraph B.

B. Not later than March 15, the County Auditor, using information compiled and calculated by the Department of Management shall send to each property owner or taxpayer within the County, by regular mail, an individual statement containing all of the required information as provided under Section 24.2(2)(B)(1-10) of the *Code of Iowa*.

C. The Department of Management shall prescribe the form for the report required under Paragraph A, the statements to be mailed under Paragraph B, and the public hearing notice required under Paragraph D.

D. The Council shall set a time and place for a public hearing on the City's proposed property tax amount for the budget year and the City's information included in the statements under Paragraph B. The proposed property tax hearing shall be set on a date on or after March 20 of the budget year immediately preceding the budget year for which the tax is being proposed. At the hearing, the Council shall receive oral or written testimony from any resident or property owner of the City. This public hearing shall be separate from any other meeting of the Council, including any other meeting or public hearing relating to the City's budget, and other business of the City that is not related to the proposed property tax amounts and the information in the statements shall not be conducted at the public hearing. After all testimony has been received and considered, the governing body may decrease, but not increase, the proposed property tax amount to be included in the City's budget.

(1) Notice of the public hearing shall be published not less than four or more than 20 days in a newspaper published at least once weekly and having general circulation in the City. However, if the City has a population of 200 or less, publication may be made by posting in three public places in the City.

(Code of Iowa, Sec. 24.2A(4)(b)(2))

(Subparagraph (1) – Ord. 2025-8 – Mar. 26 Supp.)

(2) Notice of the hearing shall also be posted and clearly identified on the City's internet site for public viewing beginning on the date of the newspaper publication and shall be maintained on the City's internet site with all such prior year notices.

(3) 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 a date no later than the date of publication of the notice.

(4) Failure of a newspaper to publish a required notice under this paragraph shall not be considered a failure of a political subdivision to provide required notice under this paragraph if all of the following conditions are met:

a. Notice of the public hearing was provided to each property owner and each taxpayer within the political subdivision in statements required under Subsection 2, Paragraph "B."

b. The political subdivision can demonstrate to the County Auditor that the political subdivision provided sufficient time for the newspaper to publish the notice.

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 completion of requirements, of Subsection 4 of this section, the Council shall set a time and place for public hearing on the budget to be held before April 30 and shall publish notice of the hearing not less than four or 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 must be filed with the County Auditor.

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

(Subsection 6 – Ord. 2025-8 – Mar. 26 Supp.)

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 City Clerk and have a copy posted at one of the places designated for the posting of notices.

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

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.

(545 IAC 2.2)

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.

(545 IAC 2.3)

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

(545 IAC 2.4)

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.

(545 IAC 2.4)

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: Clerk, Mayor, Mayor Pro Tem, or City Administrator, 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. The Annual Financial Report shall be prepared on forms and pursuant to instructions prescribed by the Auditor of State. Beginning with the Annual Financial Report published by December 1, 2025, each report shall include a list of bonds, notes, or other obligations

issued by the City during the most recently completed fiscal year, and the applicable lists for other fiscal years beginning on or after July 1, 2024, for which obligations remain unpaid, payable from any source, including the amount of the issuance, the project or purpose of the issuance, whether the issuance was approved at election, eligible to be subject to a petition for an election, or was exempt from approval at election as the result of statutory exclusions based on population of the City or amount of the issuance, and identification of issuances from the fiscal year or prior fiscal years related to the same project or purpose.

(Code of Iowa, Sec. 384.22)

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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
2006-9	November 6, 2006	Elkhart Urban Renewal Area
2015-04	June 15, 2015	2015 Addition to the Elkhart Urban Renewal Area
2024-4	February 20, 2024	February 2024 Addition to the Elkhart Urban Renewal Area

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CHAPTER 9

URBAN REVITALIZATION

9.01 DESIGNATION OF REVITALIZATION AREA. In accordance with Chapter 404 of the *Code of Iowa*, the following described area of the City is hereby designated as an Urban Revitalization Area.

*All real property situated within the incorporated limits of the City of Elkhart,
Polk County, State of Iowa, as of September 1, 2024*

The Urban Revitalization Plan for the City is on file in the office of the Clerk.

(Section 9.01 – Ord. 2024-09 – Oct. 24 Supp.)

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CHAPTER 15

MAYOR

15.01 Term of Office
15.02 Powers and Duties
15.03 Appointments

15.04 Compensation
15.05 Voting

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 372.4)

1. Parks and Recreation Board
2. Building Official
3. Department oversight for each Council Member
4. Council liaisons to boards, committees, and commissions

15.04 COMPENSATION. The salary of the Mayor is \$100.00 per meeting.

(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)

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CHAPTER 16

MAYOR PRO TEM

16.01 Vice President of Council
16.02 Powers and Duties

16.03 Voting Rights
16.04 Compensation

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

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

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

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

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

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

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

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

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CHAPTER 17

CITY COUNCIL

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

17.04 Council Meetings
17.05 Appointments
17.06 Compensation

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

(Code of Iowa, Sec. 372.4 and 376.2)

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Ch. 26)

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

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

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

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

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

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

1. Action by Council. Passage of an ordinance, amendment, or resolution requires a majority vote of all of the members of the Council. Passage of a motion requires a majority vote of a quorum of the Council. A resolution must be passed to spend public funds in excess of \$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 time and place of the regular meetings of the Council shall be fixed by resolution of the Council.
2. Special Meetings. Special meetings shall be held upon call of the Mayor or upon the 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 Clerk
2. City Administrator
3. City Attorney
4. Planning and Zoning Commission
5. Zoning Board of Adjustment
6. Fire Chief

17.06 COMPENSATION. The salary of each Council member is \$50.00 for each meeting of the Council attended.

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

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CHAPTER 18

CITY CLERK

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

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

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

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

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

18.03 PUBLICATION OF MINUTES. Within fifteen days following a regular or special meeting of the Council, the Clerk shall cause the minutes of the proceedings of the Council, including the total expenditure from each City fund, to be delivered to a newspaper of general circulation in the City for publication. The 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 and 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. A publication required by this Code of Ordinances or law must be in a newspaper published at least once weekly and having general circulation in the City, except that ordinances and amendments may be published by posting in the following places:

Elkhart City Hall
Elkhart Post Office
Kippy's Place

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

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 and 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 and 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. The City seal is circular in form, in the center of which are the words "ELKHART, IOWA" and around the margin of which are the words "CITY SEAL."

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CHAPTER 19

CITY TREASURER

19.01 Appointment
19.02 Compensation

19.03 Duties of Treasurer

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

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

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

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

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CHAPTER 20

CITY ATTORNEY

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

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

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

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

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

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

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

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

20.04 ORDINANCE PREPARATION. The City Attorney shall prepare those ordinances 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 at the direction of the Mayor.

(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])

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CHAPTER 21

CITY ADMINISTRATOR

21.01 Appointment and Compensation
21.02 Administrative Responsibility

21.03 Powers and Duties Generally

21.01 APPOINTMENT AND COMPENSATION. The City Administrator shall be a person competent by education or experience, as determined by the Council, to perform the duties imposed upon such person by this chapter. The City Administrator shall be appointed by the Council, and such appointment shall be subject to the terms and conditions of an employment agreement approved by resolution of the 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, *Code of Iowa*, and 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 which 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 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, and Records Coordinator and handle City correspondence and mail.
15. Perform such other duties as directed by the Mayor or Council.

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CHAPTER 22

PLANNING AND ZONING COMMISSION

22.01 Planning and Zoning Commission
22.02 Term of Office
22.03 Vacancies

22.04 Compensation
22.05 Powers and Duties

22.01 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 and 392.1)

22.02 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)

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

(Code of Iowa, Sec. 392.1)

22.04 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)

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

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 414.6)

4. **Recommendations on Improvements.** The design and proposed location of public improvements shall be submitted to the Commission for its recommendations prior to any actions being taken by the City for the construction or placement of such improvements. Such requirements and recommendations shall not act as a stay upon

action for any such improvement if the Commission, after 30 days' written notice requesting such recommendations, has failed to file the same.

(Code of Iowa, Sec. 392.1)

5. 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)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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CHAPTER 23

PARKS AND RECREATION BOARD

23.01 Established; Purpose
23.02 Composition; Terms of Office
23.03 Organization
23.04 Compensation
23.05 Program Planning Duty

23.06 Prescription of Rules and Regulations
23.07 Meetings; Frequency
23.08 Meetings; Absenteeism
23.09 Annual Report

23.01 ESTABLISHED; PURPOSE. There is established a Parks and Recreation Board of the City as an advisory body to advise and assist the Council in exercising its power to establish, purchase, maintain, and regulate the use of community sports facilities, open space, community facilities, parks and playgrounds, and to provide recreational and playground facilities.

23.02 COMPOSITION; TERMS OF OFFICE. The Parks and Recreation Board consists of five members whose term of office is three years, on a staggered basis, and who are appointed by the Mayor subject to the approval of the Council. The Board members shall be residents of the City and shall not hold any elective office in the City government.

23.03 ORGANIZATION. The Board members shall organize as a board by the election of one of their number as Chairperson, one as Vice Chairperson, and one as Secretary.

23.04 COMPENSATION. All Board members shall serve without compensation except for their actual expenses incurred in the performance of their duties, which are subject to the approval of the Council.

23.05 PROGRAM PLANNING DUTY. Subject to the approval of the Council, it shall be the duty of the Parks and Recreation Board to plan the City's parks and recreational programs and future land uses, and to care for, supervise, control and improve such parks and programs.

23.06 PRESCRIPTION OF RULES AND REGULATIONS. The Parks and Recreation Board may prescribe rules and regulations, in writing, for the government of the park grounds and persons resorting thereto. Such rules and regulations are subject to the approval of the Council and may be enacted into ordinance by the Council.

23.07 MEETINGS; FREQUENCY. The Parks and Recreation Board shall meet at least once a month, as needed, and at such other time as may be necessary to properly carry out its duties.

23.08 MEETINGS; ABSENTEEISM. Any member of the Parks and Recreation Board who is absent from three regularly scheduled meetings of the Board during any one calendar year, without good cause, shall be deemed to have vacated such office on the occasion of such third absence. The Chairperson shall, thereupon, immediately report such vacancy to the Mayor, who, with the approval of the Council, shall fill such vacancy for the unexpired term.

23.09 ANNUAL REPORT. The Parks and Recreation Board shall make an annual report to the Council, which shall contain a statement of its activities during the preceding year and recommendations for proposed activities.

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CHAPTER 30

CONTRACT LAW ENFORCEMENT

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

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

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CHAPTER 35

FIRE DEPARTMENT

35.01 Establishment and Purpose
35.02 Organization
35.03 Approved by Council
35.04 Training
35.05 Compensation
35.06 Fire Chief Appointed
35.07 Duties of Fire Chief
35.08 Obedience to Fire Chief

35.09 Constitution
35.10 Accidental Injury Insurance
35.11 Liability Insurance
35.12 Calls Outside Fire District
35.13 Mutual Aid
35.14 Authority to Cite Violations
35.15 Emergency Ambulance Service

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

(Code of Iowa, Sec. 364.16)

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 FIRE CHIEF APPOINTED. The Council shall appoint the Fire Chief. The Council shall be furnished the department's attendance records for drills, meetings and fires, and shall give due consideration to such records in approving the appointment of a Fire Chief. The Council may remove the Fire Chief by written order setting out the reasons for removal; the order shall be filed with the City Clerk.

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

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. 10A.514)

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

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

35.10 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)

35.11 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)

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

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

35.13 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])

35.14 AUTHORITY TO CITE VIOLATIONS. Fire officials acting under the authority of Chapter 10A, Subchapter V, Part 2 of the *Code of Iowa*, may issue citations in accordance with Chapter 805 of the *Code of Iowa*, for violations of Chapter 10A, Subchapter V, Part 2 of the *Code of Iowa* or a violation of a local fire safety code.

(Code of Iowa, Sec. 100.41)

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

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CHAPTER 36

HAZARDOUS SUBSTANCE SPILLS

36.01 Purpose
36.02 Definitions
36.03 Cleanup Required
36.04 Liability for Cleanup Costs

36.05 Notifications
36.06 Police Authority
36.07 Liability

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

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

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

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

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

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

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

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

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

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

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

into the air or discharged into any waters, including ground waters, the responsible person shall cause the condition to be remedied by a cleanup, as defined in the preceding section, as rapidly as feasible to an acceptable, safe condition. The costs of cleanup shall be borne by the responsible person. If the responsible person does not cause the cleanup to begin in a reasonable time in relation to the hazard and circumstances of the incident, the City may, by an authorized officer, give reasonable notice, based on the character of the hazardous condition, said notice setting a deadline for accomplishing the cleanup and stating that the City will proceed to procure cleanup services and bill the responsible person for all costs associated with the cleanup if the cleanup is not accomplished within the deadline. In the event that it is determined that immediate cleanup is necessary as a result of the present danger to the public health, safety, and welfare, then no notice shall be required and the City may proceed to procure the cleanup and bill the responsible person for all costs associated with the cleanup. If the bill for those services is not paid within 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 County Sheriff 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 County Sheriff shall immediately notify the Department of Natural Resources.
2. Any other person who discovers a hazardous condition shall notify the County Sheriff, 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).

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CHAPTER 37

RAPID ENTRY LOCK BOX SYSTEM

37.01 Purpose

37.02 Definition

37.03 Rapid Entry Lock Box Required

37.04 Key Box Installation Requirements

37.05 Keys Required

37.06 Access to Fire Department

37.07 Update of Keys and Information

37.08 Limitation of Liability

37.01 PURPOSE. It is recognized by the City the importance of providing the Fire Department rapid entry into locked buildings. The delay in gaining entry can result in substantially more property damage, as well as the potential for fire extension and a possible increase to the adverse safety of the firefighters.

37.02 DEFINITION. “Lock box” means a high security key vault which is listed under the UL 1610 and the UL 1037 standards, master keyed with a Medeco Biaxial Level 7 or equivalent lock. Locks will be keyed to the key configuration set forth by the Fire Chief.

37.03 RAPID ENTRY LOCK BOX REQUIRED. The following structures shall be equipped with a key lock box in a location set forth by the Fire Chief as described in Section 37.04:

1. All newly constructed commercial and industrial structures receiving a certificate of occupancy on or after August 20, 2007.
2. Any newly constructed apartment building or rental building containing two or more residential living units in which access to the building or to common areas or mechanical or electrical rooms within the building is denied through locked or secured doors, receiving a certificate of occupancy on or after August 20, 2007.
3. Any commercial or industrial building or facility containing any quantity of hazardous chemicals or materials.
4. Any commercial or industrial building with more than one tenant shall have a key lock box for each individual business.

37.04 KEY BOX INSTALLATION REQUIREMENTS. Buildings provided with an alarm or fire system shall be provided a key box at the location as directed by the Fire Chief.

37.05 KEYS REQUIRED. The owner or person in control of the buildings or facilities described in Section 37.03 is required to have a rapid entry lock box and shall have in such unit keys to the following areas and have each key clearly marked:

1. The main entrance door/doors.
2. All alarm rooms.
3. All mechanical and sprinkler rooms.
4. Fire alarm control panel.
5. All electrical rooms.
6. Elevator keys, if required.

7. All other rooms as deemed needed by the Fire Chief during a walk through.

37.06 ACCESS TO FIRE DEPARTMENT. The owner or person in control of any building described in Section 37.03 required to have a rapid entry lock box shall be present (themselves or through their agent) during access to such rapid entry lock box by the Fire Department except when the Fire Department has responded to an emergency at the property.

37.07 UPDATE OF KEYS AND INFORMATION. The owner or person in control of any building or facility required to have a rapid entry lock box shall do the following:

1. Provide keys and updated sets of keys capable of access to the areas described in Section 37.05.
2. Notify the Fire Chief when a key change is made and coordinate to replace the keys in the lock box.
3. Maintain current information on all hazardous chemicals/materials stored in the building or facility with the Fire Department.

37.08 LIMITATION OF LIABILITY. The City assumes no liability for any of the following:

1. Any defects in the operation of the lock box or any of the keys contained within it or any information stored within it.
2. The failure or neglect to respond appropriately upon receipt of an alarm or fire alarm.
3. The failure or neglect of any owner or person in control of a building or facility to provide the correct or updated material, information or keys.

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CHAPTER 40

PUBLIC PEACE

40.01 Assault
40.02 Harassment

40.03 Disorderly Conduct
40.04 Failure to Disperse

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

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

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

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

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

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

(Code of Iowa, Sec. 708.1)

40.02 HARASSMENT. No person shall commit harassment.

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

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

(Code of Iowa, Sec. 708.7)

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

(Code of Iowa, Sec. 708.7)

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

(Code of Iowa, Sec. 708.7)

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

(Code of Iowa, Sec. 708.7)

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

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

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

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

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

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

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[1c])

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[1d])

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[1e])

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[1f])

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. 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 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)

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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
	41.16 Failure to Assist

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*, medical examiner, 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, medical examiner, 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 or except as otherwise provided in Section 157.07 of this Code of Ordinances.

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:

(Code of Iowa, Sec. 727.2)

1. Display Fireworks. It is unlawful for any person to offer for sale, expose for sale, sell at retail, or use or explode any display fireworks as defined by Section 727.2(1)(b) of the *Code of Iowa*; provided the City Council may, upon application in writing and payment of a \$25.00 application fee, grant a permit for the demonstration of display fireworks by the City, a City agency, fair associations, amusement parks and other organizations or groups of individuals approved by the City Council when such fireworks display will be handled by a competent operator. The City and City agencies shall not be required to pay an application fee for a permit issued under this section. No permit shall be granted hereunder unless the operator or sponsoring organization has filed with the City evidence of insurance in the following amounts.

- A. Personal Injury:\$250,000.00 per person
- B. Property Damage:\$50,000.00
- C. Total Exposure:\$1,000,000.00

2. Consumer Fireworks and Novelties Sales. Consumer fireworks and novelties as defined by Sections 727.2(a) and (c) of the *Code of Iowa* are permitted to be sold if the licensed seller complies with the licensing, registration and storage requirements of Sections 100.19 and 100.19A of the *Code of Iowa*. In addition, the licensed seller must comply with Chapter 122, if applicable, as well as the provisions of National Fire Protection Standard (NFPA) 1124 Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles (2006 Edition), where applicable, to the licensed seller's consumer firework business activities.

3. Consumer Fireworks and Novelties Use. Consumer fireworks and novelties may be discharged with compliance with the following restrictions.

- A. Consumer fireworks will only be used or exploded by an adult on that adult's real property or on the property of an adult who has consented to the use or explosion of consumer fireworks on that property.
- B. Consumer fireworks will not be used or exploded by a person who is less than 18 years old, unless that person is under the direct supervision of a parent or a custodial adult.

C. Consumer fireworks shall not be used or discharged at any time other than the following permitted times allowed by Section 364.2(6) of the *Code of Iowa*:

- (1) July 3 between the hours of 9:00 a.m. and 10:00 p.m.
 - a. Except when July 3 falls on a Saturday or Sunday preceding July 4, in which fireworks shall be allowed between the hours of 9:00 a.m. and 11:00 p.m.
- (2) July 4 between the hours of 9:00 a.m. and 11:00 p.m.
- (3) December 31 between the hours of 9:00 a.m. and 12:30 a.m. on the immediately following day.

D. City Allowed Dates.

- (1) July 1 and July 2 between the hours of 6:00 p.m. and 11:00 p.m.

E. Novelties. This section does not apply to novelties.

(Subsection 3 – Ord. 2025-11 – Mar. 26 Supp.)

4. Burning and Fireworks Ban. Discharge of fireworks are prohibited if a burning and fireworks ban proclamation has been issued by the Mayor.

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.

41.16 FAILURE TO ASSIST. A person who reasonably believes another person is suffering from a risk of serious bodily injury or imminent danger of death shall, if the person is able, attempt to contact local law enforcement or local emergency response authorities, if doing so does not place the person or other person at risk of serious bodily injury or imminent danger of death. No person shall without lawful cause violate the provisions of this section. A person shall not be required to contact local law enforcement or emergency response authorities if the person knows or reasonably believes that the other person is not in need of help or assistance.

(Code of Iowa, Sec. 727.12)

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CHAPTER 42

PUBLIC AND PRIVATE PROPERTY

42.01 Trespassing
42.02 Criminal Mischief
42.03 Defacing Proclamations or Notices
42.04 Unauthorized Entry

42.05 Fraud
42.06 Theft
42.07 Other Public Property Offenses

42.01 TRESPASSING.

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

(Code of Iowa, Sec. 716.8)

2. Definitions. For purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 716.1)

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

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

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

(Code of Iowa, Sec. 714.8)

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

(Code of Iowa, Sec. 714.1)

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

1. Chapter 105 – Solid Waste Control
 - A. Section 105.07 – Littering Prohibited
2. Chapter 135 – Street Use and Maintenance
 - A. Section 135.01 – Removal of Warning Devices
 - B. Section 135.02 – Obstructing or Defacing
 - C. Section 135.03 – Placing Debris On
 - D. Section 135.04 – Playing In
 - E. Section 135.05 – Traveling on Barricaded Street or Alley
 - F. Section 135.08 – Burning Prohibited
 - G. Section 135.12 – Dumping of Snow
3. Chapter 136 – Sidewalk Regulations
 - A. Section 136.11 – Interference with Sidewalk Improvements
 - B. Section 136.15 – Fires or Fuel on Sidewalks
 - C. Section 136.16 – Defacing
 - D. Section 136.17 – Debris on Sidewalks
 - E. Section 136.18 – Merchandise Display
 - F. Section 136.19 – Sales Stands

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CHAPTER 45

ALCOHOL CONSUMPTION AND INTOXICATION

45.01 Persons Under Legal Age

45.02 Public Consumption or Intoxication

45.03 Open Containers in Motor Vehicles

45.04 Social Host

45.01 PERSONS UNDER LEGAL AGE. As used in this section, “legal age” means 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 retail alcohol licensee, or wine or beer permittee under State laws.

(Code of Iowa, Sec. 123.47[3])

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 retail alcohol 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 retail alcohol 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(50) and (51) 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 18, 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)

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CHAPTER 46

MINORS

46.01 Curfew

46.02 Cigarettes and Tobacco

46.03 Contributing to Delinquency

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

1. Definitions. For use in this section, the following terms are defined:
 - A. “Emergency errand” means, but is not limited to, an errand relating to a fire, a natural disaster, an automobile accident or any other situation requiring immediate action to prevent serious illness, bodily injury, or loss of life.
 - B. “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 12:00 midnight and 5:00 a.m. of the following day.
3. Exceptions. The following are exceptions to the curfew:
- A. The minor is accompanied by a responsible adult.
 - B. The minor is on the sidewalk or property where the minor resides or on either side of the place where the minor resides and the adult responsible for the minor has given permission for the minor to be there.
 - C. The minor is present at or is traveling between home and one of the following:
 - (1) Minor’s place of employment in a business, trade or occupation in which the minor is permitted by law to be engaged or, if traveling, within one hour after the end 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 21 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 an individual under 21 years of age shall not constitute a violation of this section if the individual under 21 years of age 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)

CHAPTER 47

PARK REGULATIONS

47.01 Purpose
47.02 Use of Drives Required
47.03 Fires
47.04 Littering

47.05 Parks Closed
47.06 Camping
47.07 Smoking
47.08 Public Fishing Regulation

47.01 PURPOSE. The purpose of this chapter is to facilitate the enjoyment of park facilities by the general public by establishing rules and regulations governing the use of park facilities.
(Code of Iowa, Sec. 364.12)

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

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

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

47.05 PARKS CLOSED. No person, except for patrons at Prairie Pointe Park who are actively fishing with a current State of Iowa fishing license, shall enter or remain within any park between dusk (defined as 30 minutes after sundown) and 6:00 a.m.

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

47.07 SMOKING. Smoking in public parks and on public trails is prohibited.

47.08 PUBLIC FISHING REGULATIONS.

1. Public fishing areas include Prairie Pointe Park ponds.
2. Parking allowed in designated public parking areas only.
3. Public fishing hours follow park hours except with special permission from the City.
4. Ice fishing is not permitted on the ponds.
5. Ice skating is prohibited at all public fishing areas.
6. All State Department of Natural Resources (DNR) fishing regulations apply.
7. Snowmobiles, ATVs, UTVs, and other vehicles are not allowed.
8. No swimming or wading, except with special permission from the Council.
9. Motorized and non-motorized watercraft shall not be allowed to be operated or used at the public fishing area.

10. No hunting. No weapons allowed.
11. No cleaning, disposing or gutting of fish is allowed on City-owned property including, but not limited to, City parks, ponds, trails, tables or shelters.
12. City pet ordinance will be enforced in all public fishing areas (pets on leash only).
13. No open fires (fire rings and burning barrels may be used with permission from the Council).
14. No overnight camping. Camping may be allowed subject to special permission from the Council.
15. Use of open waters for a private purpose is prohibited.
16. No littering.
17. No smoking.

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CHAPTER 50

NUISANCE ABATEMENT PROCEDURE

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

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

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 151)**

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. Dangerous Buildings **(See Chapter 145)**
4. 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: [†]
 - A. Description of Nuisance. A description of what constitutes the nuisance.
 - B. Location of Nuisance. The location of the nuisance.

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

- 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.

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.

50.08 ADULT ESTABLISHMENTS.

1. As used in this section, “adult establishment” means any business that provides nude or topless dancing or operates any other adult-oriented business.
2. A public safety nuisance exists when it is established by clear and convincing evidence that an owner, manager, employee, contemporaneous patron, or guest of an adult establishment commits any of the following acts either on the premises or in any parking lots or areas, including but not limited to public rights of way, adjacent to the premises:
 - A. Unlawfully discharges a firearm or uses an offensive weapon, as defined in Section 724.1 of the *Code of Iowa*, regardless of whether it inflicts injury or death.
 - B. Assaults another person with a dangerous weapon as defined in section 702.7 of the *Code of Iowa* resulting in injury or death.
 - C. Engages in a riot as defined in section 723.1 of the *Code of Iowa* on three or more dates within a twelve-month period to which the police respond and disperse a crowd. The participants need not be the same persons for each incident.
3. When the City Attorney believes a serious threat to the public safety exists, the City Attorney or any other attorney on behalf of the City Attorney, may file a suit in equity in the district court without bond seeking abatement of the public safety nuisance arising from an adult establishment.

(Code of Iowa, Sec. 657.12)

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CHAPTER 51

JUNK AND JUNK VEHICLES

51.01 Definitions

51.02 Junk and Junk Vehicles Prohibited

51.03 Junk and Junk Vehicles a Nuisance

51.04 Exceptions

51.05 Notice to Abate

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

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 five days initiate abatement procedures as outlined in Chapter 50 of this Code of Ordinances.

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

CHAPTER 52

WEEDS AND BRUSH

52.01 Weeds and Brush
52.02 Mowing of Properties
52.03 City Mowing Charge

52.04 Method of Notice
52.05 Method of Billing
52.06 Non-Zoning Variance Procedure

52.01 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 52.06, weeds, brush, or other uncultivated plants, except trees, shall be cut, mowed, and maintained so as not to exceed the heights set forth specifically in this chapter.

52.02 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 eight inches. Once the vegetation has reached the height of eight inches or more, 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.

52.03 CITY MOWING CHARGE. Any property that is not mowed may be mowed by the City or its agents, and a charge of \$75.00 per hour (with a minimum of one hour, and any additional time over the first hour will be billed in half-hour increments), for such mowing, 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.

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

52.05 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.

52.06 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 City Administrator, or appropriate designee. 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 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.

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CHAPTER 55

ANIMAL PROTECTION AND CONTROL

55.01 Definitions	55.13 At Large: Impoundment
55.02 Animal Neglect	55.14 Disposition of Animals
55.03 Livestock Neglect	55.15 Impounding Costs
55.04 Abandonment of Cats and Dogs	55.16 Pet Awards Prohibited
55.05 Livestock	55.17 Reimbursement of Costs
55.06 At Large Prohibited	55.18 Care and Keeping of Animals
55.07 Damage or Interference	55.19 Scheduled Offenses and Fines
55.08 Annoyance or Disturbance	55.20 Number of Animals and Chickens Limited
55.09 Vicious Dogs	55.21 Tampering With A Rabies Vaccination Tag
55.10 Rabies Vaccination	55.22 Tampering With An Electronic Handling Device
55.11 Owner's Duty	55.23 False Representation of Service Animal
55.12 Confinement	

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.

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

2. “Animal” means a nonhuman vertebrate.

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

3. “Animal shelter” means a facility which is used to house or contain dogs or cats, or both, and which is owned, operated, or maintained by an incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, and humane treatment of such animals.

(Code of Iowa, Sec. 162.2)

4. “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.

5. “Business” means any enterprise relating to any of the following:

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

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.

6. “Commercial establishment” means an animal shelter, boarding kennel, commercial breeder, commercial kennel, dealer, pet shop, pound, public auction, or research facility.

(Code of Iowa, Sec. 717.B1)

7. “Fair” means any of the following:
(*Code of Iowa, Sec. 717E.1*)
- 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.
8. “Game” means a “game of chance” or “game of skill” as defined in Section 99B.1 of the *Code of Iowa*.
(*Code of Iowa, Sec. 717E.1*)
9. “Injury” means an animal’s disfigurement; the impairment of an animal’s health; or an impairment to the functioning of an animal’s limb or organ, or the loss of an animal’s limb or organ.
(*Code of Iowa, Sec. 717.B1*)
10. “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*)
11. “Owner” means any person owning, keeping, sheltering, or harboring an animal.
12. “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.
(*Code of Iowa, Sec. 717E.1*)
13. “Pound” means a facility for the prevention of cruelty to animals operated by the State, a municipal corporation, or other political subdivision of the State for the purpose of impounding or harboring seized stray, homeless, abandoned, or unwanted dogs, cats, or other animals; or a facility operated for such a purpose under a contract with any municipal corporation or incorporated society.
(*Code of Iowa, Sec. 162.2*)
14. “Research facility” means any school or college of medicine, veterinary medicine, pharmacy, dentistry, or osteopathic medicine, or hospital, diagnostic or research laboratories, or other educational or scientific establishment situated in the State concerned with the investigation of, or instruction concerning the structure or function of living organisms, the cause, prevention, control, or cure of diseases or abnormal conditions of human beings or animals.
(*Code of Iowa, Sec. 162.2*)
15. “Veterinarian” means a veterinarian licensed pursuant to Chapter 169 of the *Code of Iowa* who practices veterinary medicine in the State.
(*Code of Iowa, Sec. 717.B1*)

55.02 ANIMAL NEGLECT.

1. It is unlawful for a person who owns or has custody of an animal and confines that animal to fail to provide the animal with any of the following conditions for the animal's welfare:

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

- A. Access to food in an amount and quality reasonably sufficient to satisfy the animal's basic nutrition level to the extent that the animal's health or life is endangered.
 - B. Access to a supply of potable water in an amount reasonably sufficient to satisfy the animal's basic hydration level to the extent that the animal's health or life is endangered. Access to snow or ice does not satisfy this requirement.
 - C. Sanitary conditions free from excessive animal waste or the overcrowding of animals to the extent that the animal's health or life is endangered.
 - D. Ventilated shelter reasonably sufficient to provide adequate protection from the elements and weather conditions suitable for the age, species, and physical condition of the animal so as to maintain the animal in a state of good health to the extent that the animal's health or life is endangered. The shelter must protect the animal from wind, rain, snow, or sun and have adequate bedding to provide reasonable protection against cold and dampness. A shelter may include a residence, garage, barn, shed, or doghouse.
 - E. Grooming, to the extent it is reasonably necessary to prevent adverse health effects or suffering.
 - F. Veterinary care deemed necessary by a reasonably prudent person to relieve an animal's distress from any of the following:
 - (1) A condition caused by failing to provide for the animal's welfare as described in this section.
 - (2) An injury or illness suffered by the animal causing the animal to suffer prolonged pain and suffering.
2. This section does not apply to any of the following:
 - A. A person operating a commercial establishment under a valid authorization issued or renewed under Section 162.2A of the *Code of Iowa*, or a person acting under the direction or supervision of that person, if all of the following apply:
 - (1) The animal, as described in Subsection 1, was maintained as part of the commercial establishment's operation.
 - (2) In providing conditions for the welfare of the animal, as described in Subsection 1, the person complied with the standard of care requirements provided in Section 162.10A[1] of the *Code of Iowa*, including any applicable rules adopted by the Department of Agriculture and Land Stewardship applying to: (i) a State licensee or registrant operating pursuant to Section 162.10A[2a] or [2b] of the *Code of Iowa*; or (ii) a permittee operating pursuant to Section 162.10A[2c] of the *Code of Iowa*.

B. A research facility if the research facility has been issued or renewed a valid authorization by the Department of Agriculture and Land Stewardship pursuant to Chapter 162 of the *Code of Iowa*, and performs functions within the scope of accepted practices and disciplines associated with the research facility.

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. It is unlawful for a person who owns or has custody of a cat or dog to relinquish all rights in and duties to care for the cat or dog. This section does not apply to any of the following:

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

1. The delivery of a cat or dog to another person who will accept ownership and custody of the cat or dog.
2. The delivery of a cat or dog to an animal shelter or pound or that has been issued or renewed a valid authorization by the Department of Agriculture and Land Stewardship under Chapter 162 of the *Code of Iowa*.
3. A person who relinquishes custody of a cat at a location in which the person does not hold a legal or equitable interest, if previously the person had taken custody of the cat at the same location and provided for the cat's sterilization by a veterinarian.

55.05 LIVESTOCK. Except as provided in Section 55.20(1) of this chapter, it is unlawful for a person to keep livestock within the City except by written consent of the Council or except in compliance with the City's zoning regulations.

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

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

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

55.09 VICIOUS DOGS. It is unlawful for any person to harbor or keep a vicious dog within the City. (See Chapter 57 of this Code of Ordinances.)

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 any other costs incurred by the City, 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 the amounts charged 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.

55.17 REIMBURSEMENT OF COSTS. The owner of any dog, cat, or other animal shall reimburse the City for all costs incurred by the City in conjunction with the dog, cat, or other animal of the owner, including (but not limited to) impoundment, animal control calls related to the animal, or disposition and/or destruction of the animal. Failure to reimburse the City for such costs shall be a municipal infraction.

55.18 CARE AND KEEPING OF ANIMALS.

1. No person shall aid or cause any animal, whether owned by such person or not, to escape confinement or impoundment, whether such confinement or impoundment is upon such person's property or that of another, by opening any gate, door, or window, by making an opening in any fence, enclosure, or structure, or by unleashing such animal.
2. It is the duty of every person owning or having the custody or control of an animal to physically restrain the animal within an enclosure or upon a leash when such animal is left unattended outside. The animal must be restrained so as to prevent the animal from leaving the premises of its owner or from coming in contact with the public right-of-way or the property of another. Failure to restrain an animal pursuant to this subsection constitutes a misdemeanor.
3. It is prohibited for any person in any manner to interfere with any employee or designated representative of the City so as to hinder, delay, or prevent his or her executing duties in relation to the matters and things contained in this chapter.
4. It is unlawful for any person owning, controlling, or caring for any animal to fail to keep in a clean and sanitary condition the premises and any pen, kennel, shelter, house, or person's dwelling or other structure where the animal is at any time kept. At least once every 24 hours, or more often if odors or health problems arise, such person shall pick up any and all feces so as to prevent its accumulation and the same shall be properly disposed of. Feces shall be held in watertight and fly-tight containers pending disposal and shall be disposed of at least once weekly. The animal and place where the animal is maintained shall also be kept free of noxious odors and shall be maintained so as not to attract or permit the harborage or breeding of flies and other insects or rodents or other vermin. All animal food and water shall be stored and placed for the animal's consumption in such a manner so that it will not become food for rodents and other vermin.

55.19 SCHEDULED OFFENSES AND FINES. The following scheduled fines are fixed for violation of the designated sections of this chapter:

1. For violation of Section 55.06 (Running at Large):
 - A. First offense\$ 10.00

- B. Second offense\$ 20.00
- C. Third offense\$ 50.00
- D. Over third offenseto be determined by the court.

- 2. For violation of Section 55.18 (Care and Keeping) – \$ 50.00.

Violations by persons who elect not to pay the scheduled fines set forth in this section or otherwise fail to appear on or before the appearance date and all other offenses not identified in this section as a scheduled offense shall constitute misdemeanors. Each day a violation occurs shall constitute a separate offense.

55.20 NUMBER OF ANIMALS AND CHICKENS LIMITED.

1. Dogs and Cats. Not more than four dogs or cats or combination thereof over the age of six months shall be kept by any person on any premises in the City except in bona fide kennels or pet shops.
2. Chickens. Not more than six female chickens (hens) shall be kept by any person on any premises in the City on a tract of land. No person shall keep a rooster.
3. Indoor pets such as gerbils, hamsters, guinea pigs, mice, birds, fish, snakes, and reptiles, and similar animals normally maintained as pets in an enclosure inside of a dwelling are not proscribed by this section unless specifically regulated by other sections.
4. If a person is found to be keeping more than four dogs or cats or combination thereof without the annual licenses required by Section 56.01, the excessive number of animals may be immediately removed from the property and impounded. Any such impounded animals shall be held for seven days and, if the owner has not either complied with the requirements of this section or petitioned the court for the return of the animals by the end of the seventh day, the animal shelter shall seek to permanently place the animals.
5. Persons who owned, possessed, or kept more than four mature dogs or cats per household or premises on July 9, 2014, are permitted to continue to own, possess, or keep those animals only, but are not permitted to replace an animal which dies, is sold, transferred, or otherwise disposed of until the total number of animals per household or premises is decreased to four.

(Section 55.20 – Ord. 2025-4 – Mar. 26 Supp.)

55.21 TAMPERING WITH A RABIES VACCINATION TAG. It is unlawful to tamper with a rabies vaccination tag.

(Code of Iowa, Sec. 351.45)

1. A person commits the offense of tampering with a rabies vaccination tag if all of the following apply:
 - A. The person knowingly removes, damages, or destroys a rabies vaccination tag as described in Section 351.35 of the *Code of Iowa*.
 - B. The rabies vaccination tag is attached to a collar worn by a dog, including as provided in Sections 351.25 and 351.26 of the *Code of Iowa*.
2. This section shall not apply to an act taken by any of the following:

- A. The owner of the dog, an agent of the owner, or a person authorized to take action by the owner.
- B. A peace officer.
- C. A veterinarian.
- D. An animal shelter or pound.

55.22 TAMPERING WITH AN ELECTRONIC HANDLING DEVICE. It is unlawful to tamper with an electronic handling device.

(Code of Iowa, Sec. 351.46)

- 1. A person commits the offense of tampering with an electronic handling device if all of the following apply:
 - A. The person knowingly removes, disables, or destroys an electronic device designed and used to maintain custody or control of the dog or modify the dog's behavior.
 - B. The electronic device is attached to or worn by the dog or attached to an item worn by the dog, including (but not limited to) a collar, harness, or vest.
- 2. This section shall not apply to an act taken by any of the following:
 - A. The owner of the dog, an agent of the owner, or a person authorized to take action by the owner.
 - B. A peace officer.
 - C. A veterinarian.
 - D. An animal shelter or pound.

55.23 FALSE REPRESENTATION OF SERVICE ANIMAL. A person commits the offense of intentional misrepresentation of an animal as a service animal or a service-animal-in-training if, for the purpose of obtaining any of the rights or privileges set forth in State or federal law, the person intentionally misrepresents an animal in one's possession as one's service animal or service-animal-in-training or a person with a disability's service animal or service-animal-in-training whom the person is assisting by controlling.

(Code of Iowa, Section 216C.11(3)(B))

(Section 55.23 – Ord. 2025-10 – Mar. 26 Supp.)

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CHAPTER 56

DOG LICENSE REQUIRED

56.01 Annual License Required
56.02 License Fees
56.03 Delinquency
56.04 License Tags
56.05 License Records

56.06 Immunization
56.07 Duplicate Tags
56.08 Transfers of Licensed Dogs
56.09 Kennel Dogs

56.01 ANNUAL LICENSE REQUIRED.

1. Every owner of a dog over the age of six months shall procure a dog license from the Clerk on or before July 31 of each year.
2. Such license may be procured after July 31 and at any time for a dog that has come into the possession or ownership of the applicant or that has reached the age of six months after said date.
3. The owner of a dog for which a license is required shall apply to the Clerk on forms provided by the Clerk.
4. The form of the application shall state the breed, sex, age, color, markings, and name, if any, of the dog, and the address of the owner and shall be signed by the owner. The application shall also state the date of the most recent rabies vaccination, the type of vaccine administered, and the date the dog shall be revaccinated.
5. All licenses shall expire on July 31 of the year following the date of issuance.

56.02 LICENSE FEES. The annual license fee shall be as established by resolution of the Council.

56.03 DELINQUENCY. All license fees shall become delinquent on July 31 of the year in which they are due and a delinquent penalty of \$2.00 shall be added to each unpaid license on and after said date.

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

56.05 LICENSE RECORDS. The Clerk shall keep a book to be known as the record of licenses; such record shall show:

1. The serial number and date of each application for a license.
2. The description of the dog as specified in the application, together with the name of the owner of the dog.

3. The date when each license tag is issued and the serial number of each tag, the date of the most recent rabies vaccination, the type of vaccine administered, and the date the dog shall be revaccinated.
4. The amount of all fees paid.
5. Such other data as may be required by law.

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

56.07 DUPLICATE TAGS. Upon the filing of an affidavit that the license tag has been lost or destroyed, the owner may obtain another tag on the payment of \$5.00 and the Clerk shall enter in the license record the new number assigned.

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

56.09 KENNEL DOGS. Dogs kept in State or federally licensed kennels, which are kept or raised solely for the bona fide purpose of sale and which are kept under constant restraint, are not subject to the provisions of this chapter.

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CHAPTER 57

DANGEROUS AND VICIOUS ANIMALS

57.01 Definitions

57.02 Animal Control Council

57.03 Keeping of Dangerous Animals Prohibited

57.04 Seizure, Impoundment, and Disposition of
Dangerous Animals

57.05 Keeping of Vicious Animals Prohibited

57.06 Seizure, Impoundment, and Disposition of
Vicious Animals

57.07 Licensing and Insurance of Guard Dogs

57.08 Scheduled Offenses and Fines

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

1. “Animal” means every wild, tame or domestic member of the animal kingdom other than the genus and species *Homo sapiens*.
2. “Animal control officer” means Polk County Animal Control.
3. “At large” means off the premises of the owner, unless:
 - A. The animal is on a leash, cord, chain, or similar restraint not more than six feet in length and under the control of the person; or
 - B. The animal is within a motor vehicle; or
 - C. The animal is housed within a veterinary hospital, licensed kennel, pet shop or animal shelter
4. “Dangerous animal” means:[†]
 - A. Badgers, wolverines, weasels, mink and other Mustelids (except ferrets);
 - B. Black widow spiders and scorpions;
 - C. Raccoons, opossums and skunks;
 - D. Bobcats or cougars;
 - E. Rattle snake or any other venomous snake.
5. “Dog” means and includes members of the canine species, male or female whether neutered or not.
6. “Owner” has the same meaning given in Chapter 55.
7. “Pet shop” means any person engaged in the business of breeding, buying, selling, or boarding of animals of any species, except the operation of a kennel, agriculture, or wildlife pursuits.
8. “Service” as defined by this chapter includes personal service or posting of notice on the front door of an animal owner’s residence. Service may also include email or fax communication if agreed to in writing by a party to any proceeding governed by this chapter.

[†] **EDITOR’S NOTE:** Certain other dangerous animals, listed in Chapter 717F.1, Paragraph 5a, of the *Code of Iowa*, are specifically prohibited and regulated by the Iowa Department of Agriculture and Land Stewardship.

9. "Vicious animal" means any animal, except for a dangerous animal per se, as listed above, 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 (a) has bitten or clawed a person or persons on two separate occasions within a twelve-month period; or (b) has bitten or clawed on at least one occasion causing injuries above the shoulders of a person; or (c) could not be controlled or restrained by the owner at the time of attack to prevent the occurrence; or (d) has attacked any domestic animal or fowl on two separate occasions within a twelve-month period, and which has been found to possess such propensities by the Council, after hearing.

57.02 ANIMAL CONTROL COUNCIL. The Mayor shall nominate three individuals to serve for a term of three years to the Animal Control Council. The individuals must be adult residents of the City, and the terms will be staggered. The Mayor will recommend the initial staggering of terms for the nominees, and all terms will be adjusted to end on January 31 of the designated initial terms to allow for phasing in of this new section. The Council will approve the nominations.

57.03 KEEPING OF DANGEROUS ANIMALS PROHIBITED. No person shall own, keep, shelter, or harbor any dangerous animal as a pet, or act as a custodian for such animal, temporarily or otherwise, or keep such animal for any purpose or in any capacity within the City.

57.04 SEIZURE, IMPOUNDMENT, AND DISPOSITION OF DANGEROUS ANIMALS.

1. In the event that a dangerous animal is found at large and unattended upon public property, park property, public right-of-way, or the property of someone other than its owner, thereby creating a hazard to persons or property, such animal may, in the discretion of the County Sheriff or Deputy Sheriff, be destroyed if it cannot be confined or captured. The City shall be under no duty to attempt the confinement or capture of a dangerous animal found at large, nor shall it have a duty to notify the owner of such animal prior to its destruction.

2. Upon the written complaint of any individual that a person is keeping, sheltering, or harboring a dangerous animal on premises in the City, the County Sheriff or Deputy Sheriff shall cause the matter to be investigated, and if after investigation, the facts indicate that the person named in the complaint is keeping, sheltering, or harboring a dangerous animal in the City, the County Sheriff or Deputy Sheriff 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 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 the 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 County Sheriff or Deputy Sheriff shall cause the animal to be immediately seized and impounded or killed if seizure and impoundment are not possible without risk of serious physical harm or death to any person. Such order may also require the repayment of expenses incurred in the seizure and impoundment of the dangerous animal. These charges may include, but are not limited to, funds dispensed for labor, supplies, equipment, repair of damaged property, medical care, animal confinement, or animal nourishment.

3. The order to remove a dangerous animal issued by the County Sheriff or Deputy Sheriff may be appealed to the Animal Control Council. In order to appeal such order, written notice of appeal must be filed with the Clerk within three business days after service of the order. Failure to file such a written notice of appeal shall constitute a waiver of right to appeal the order of the County Sheriff or Deputy Sheriff.

4. The notice of appeal shall state the grounds for such appeal and shall be delivered personally to the Clerk. The hearing of such appeal shall be scheduled within seven days of the receipt of notice of appeal. The appeal shall be heard by the Animal Control Council, which may affirm or reverse the order or alter the findings of the County Sheriff or Deputy Sheriff. Such determination shall be contained in a written decision and shall be filed with the Clerk within three days after the hearing or any continued session thereof.

5. If the Animal Control Council affirms the action of the County Sheriff or Deputy Sheriff, the Animal Control Council shall order in its written decision that the person owning, sheltering, harboring, or keeping such dangerous animal remove such animal from the City or destroy it within three business days of service of the decision. The vicious animal owner may file a request for written reconsideration of the Animal Control Council decision by the Council with the Clerk within three business days of the decision. If Animal Control Council decision is not appealed and the owner does not comply with the decision after three business days of its service, the County Sheriff or Deputy Sheriff is authorized to seize and carry out the order of the Animal Control Commission. A failure to comply with or attempt to obstruct any order of the City issued pursuant to this section constitutes a simple misdemeanor offense.

6. If the Council decides after hearing to affirm the decision of the Animal Control Council, the animal owner will be served with notice of the final decision of the City, and the animal may be lawfully destroyed or sold three business days after service of the decision.

57.05 KEEPING OF VICIOUS ANIMALS PROHIBITED. No person shall keep, shelter, or harbor for any reason within the City a vicious animal except in the following circumstances:

1. Animals under the ownership and control of a law enforcement or military agency.

2. The keeping of guard dogs as long as the guard dogs are kept within a structure or fixed enclosure at all times. Any guard dog found at large may be processed by the animal control officer as a vicious animal pursuant to the provisions of Section 57.04. Any premises guarded by a guard dog shall be prominently posted with a sign containing the wording "Guard Dog," "Vicious Dog," or words of similar import and the owner of such premises. In addition, a guard dog owner must comply with the license and insurance requirements of Section 57.07.

57.06 SEIZURE, IMPOUNDMENT, AND DISPOSITION OF VICIOUS ANIMALS.

1. The animal control officer or designee, in his or her own discretion or upon receipt of a complaint alleging that a particular animal is a vicious animal, may initiate proceedings to declare such animal a vicious animal. A hearing on the matter shall be conducted by the Animal Control Council. The person owning, keeping, sheltering, or harboring the animal in question shall be given not less than 72 hours written notice of the time and place of said hearing. Said notice shall set for the description of the animal in question and the basis for the allegation of viciousness. The notice shall state that if

the animal is determined to be vicious, the owner will be required to remove it from the City or allow it to be destroyed. The notice shall be served upon any adult residing at the premises where the animal is located, or may be posted on those premises if no adult is present to accept the service.

2. If, after the hearing, the Animal Control Council determines that an animal is vicious, the Animal Control Council shall order the person owning, sheltering, or harboring or keeping the animal to remove it from the City or to cause it to be destroyed in a humane manner. The order shall immediately be served upon the person against who issued in the same manner as the notice of hearing. If the order is not complied with within three business days of its issuance, the animal control officer is authorized to seize and impound the animal unless the owner has filed a written petition for reconsideration by the Council with the Clerk. If no written petition for reconsideration has been timely filed, an animal so seized shall be impounded for a period of seven days and the animal control officer shall then cause the animal to be destroyed.

3. The failure of the animal owner to timely file such a written notice of appeal and/or petition for reconsideration shall constitute a waiver of right to appeal the determination of the animal control officer, the Animal Control Council or the Council.

4. The petition for reconsideration to the Council shall state the grounds for such petition and shall be delivered personally to the Clerk. The hearing of such shall be scheduled within 10 days of the receipt of petition for reconsideration. The petition shall be heard by the Council, which may affirm modify or reverse the determination of the Animal Control Council. Such ruling shall be contained in a written decision and shall be filed with the Clerk within three day after the hearing or any continued session thereof.

5. Failure to comply with an order of the Animal Control Council or Council issued pursuant hereto shall constitute a simple misdemeanor offense.

6. Any animal found at large which displays vicious tendencies may be processed as a vicious animal pursuant to the foregoing, unless the animal is so vicious that it cannot be safely apprehended, in which case the animal control officer may immediately destroy it or request the assistance of a County Deputy Sheriff to destroy the vicious animal. If the vicious animal is apprehended and its ownership is not ascertainable, the animal control officer may destroy it after three business days of impoundment.

7. Any animal which is alleged to be vicious and which is under impoundment or quarantine at the animal shelter shall not be released to the owner, but shall continue to be held at the expense of the owner pending the outcome of the Animal Control Council or Council hearings. All costs of such impoundment or quarantine shall be paid by the owner if the animal is determined to be vicious. These charges may include, but are not limited to, funds dispensed for labor, supplies, equipment, repair of damaged property, medical care, animal confinement, or animal nourishment. If the animal is not determined to be vicious, such impoundment or quarantine costs shall be paid by the City.

57.07 LICENSING AND INSURANCE OF GUARD DOGS. Every person keeping or maintaining a guard dog, as provided in this chapter, shall file an application to maintain guard dogs on their property which demonstrates compliance with Section 57.05(2). In addition, the guard dog owner must present a certificate of liability insurance for the guard dogs from an insurance company authorized to do business in the State with coverage of at least \$150,000.00 combined single limit liability for bodily injury. Such certificate of insurance shall provide that no cancellation of the insurance will be made unless 10-days' written notice is first given to the Clerk. Upon compliance with the application process, Clerk may issue a two-year guard dog license to the property owner at a cost of \$25.00. Failure to obtain or maintain a guard dog license, or maintain liability insurance, shall immediately cause the applicant, licensee or owner of such animal to lose any exemption status as provided in this chapter.

57.08 SCHEDULED OFFENSES AND FINES. The scheduled fine fixed for violation of this chapter is \$50.00. Violations by persons who elect not to pay the scheduled fine set forth in this section or otherwise fail to appear on or before the appearance date shall constitute misdemeanors. Each day a violation occurs shall constitute a separate offense.

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CHAPTER 60

ADMINISTRATION OF TRAFFIC CODE

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

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

60.01 TITLE. Chapters 60 through 70 of this Code of Ordinances may be known and cited as the “Elkhart 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 the following designated streets:
 - A. Main Street
 - B. Railroad Street
2. “MPH” means miles per hour.
3. “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.
4. “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.
5. “Peace officer” means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.
6. “Pedestrian” means a person afoot or a person using a pedestrian conveyance.

(Code of Iowa, Sec. 321.1(51))

7. “Pedestrian conveyance” means any human-powered device by which a pedestrian may move other than by walking or by which a pedestrian may move another person, including but not limited to a wheelchair, stroller, skateboard, scooter, or other similar device. Pedestrian conveyance also includes an electric personal assistive mobility device and any other device used to move a person sitting or standing on the device regardless of whether the device is powered by an electric motor, so long as the electric motor produces less than 750 watts. Pedestrian conveyance does not include a bicycle.

(Code of Iowa, Sec. 321.1(51A))

8. “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.

(Code of Iowa, Sec. 321.1(63))

9. “School district” means the territory contiguous to and including a highway for a distance of 200 feet in either direction from a schoolhouse.

(Code of Iowa, Sec. 321.1(70))

10. “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.

11. “Stop” means when required, the complete cessation of movement.

12. “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.

13. “Suburban district” means all other parts of the City not included in the business, school, or residence districts.

(Code of Iowa, Sec. 321.1(78))

14. “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.

15. “Vehicle” means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway. Vehicle does not include:

A. Any device moved by human power, including a low-speed electric bicycle.

B. Any device used exclusively upon stationary rails or tracks.

C. Any personal delivery device operated pursuant to Chapter 321O of the *Code of Iowa*.

D. Any integral part of a truck tractor or road tractor which is mounted on the frame of the truck tractor or road tractor immediately behind the cab and which may be used to transport persons and property, but which cannot be drawn upon the highway by the truck tractor or another motor vehicle.

E. Any steering axle, dolly, auxiliary axle, or other integral part of another vehicle which in and of itself is incapable of commercially transporting any person or property but is used primarily to support another vehicle.

(Code of Iowa, Section 321.1(90))

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 peace officer.

(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 and 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. 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.
2. 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.
3. Control by Peace Officers and Firefighters. Persons participating in any parade shall at all times be subject to the lawful orders and directions in the performance of their duties of law enforcement personnel and members of the Fire Department.

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CHAPTER 61

TRAFFIC CONTROL DEVICES

61.01 Installation
61.02 Crosswalks
61.03 Standards

61.04 Traffic Lanes
61.05 Compliance

61.01 INSTALLATION. 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 and 321.255)

61.02 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] and 321.255)

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

(Code of Iowa, Sec. 321.255)

61.04 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] and 321.255)

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

(Code of Iowa, Sec. 321.256)

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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 – Limitation on liability; 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; operation of commercial vehicles.
15. Section 321.174A – Operation of motor vehicle with expired license.
16. Section 321.180 – Instruction permits, commercial learner's permits, and chauffeur's instruction permits.
17. Section 321.180B – Graduated driver's licenses for persons aged fourteen through seventeen.
18. Section 321.193 – Restrictions on licenses; penalty.
19. Section 321.194 – Special minors' restricted license.
20. Section 321.208A – Operation in violation of out-of-service order; penalties.
21. Section 321.216 – Unlawful use of license and nonoperator's identification card; penalty.

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 tobacco, tobacco products alternative nicotine products, vapor products, or cigarettes.
24. Section 321.218 – Operating without valid driver’s license or when disqualified; penalties.
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 – Driver’s license inspection for motor vehicle rental.
30. Section 321.224 – Record kept.
31. Section 321.232 – Speed detection jamming devices; penalty.
32. Section 321.234A – All-terrain vehicles, highway use.
33. Section 321.235A – Electric personal assistive mobility devices.
34. Section 321.235B – Low-speed electric bicycles.
35. Section 321.247 – Golf cart operation on City streets.
36. Section 321.257 – Official traffic control signal.
37. Section 321.259 – Unauthorized signs, signals or markings.
38. Section 321.260 – Interference with devices, signs, or signals; unlawful possession; traffic signal preemption devices.
39. Section 321.262 – Leaving scene of traffic accident prohibited; vehicle damage only; removal of vehicles.
40. Section 321.263 – Information and aid; leaving scene of personal injury accident.
41. Section 321.264 – Striking unattended vehicle.
42. Section 321.265 – Striking fixtures upon a highway.
43. Section 321.266 – Reporting accidents.
44. Section 321.275 – Operation of motorcycles and motorized bicycles.
45. Section 321.276 – Use of electronic communication device while driving; text-messaging.
46. Section 321.277 – Reckless driving.
47. Section 321.277A – Careless driving.
48. Section 321.278 – Drag racing prohibited.
49. Section 321.281 – Actions against bicyclists.
50. Section 321.284 – Open container in motor vehicles, drivers.

51. Section 321.284A – Open container in motor vehicles, passengers.
52. Section 321.288 – Control of vehicle; reduced speed.
53. Section 321.295 – Limitation on bridge or elevated structures.
54. Section 321.297 – Driving on right-hand side of roadways; exceptions.
55. Section 321.298 – Meeting and turning to right.
56. Section 321.299 – Overtaking a vehicle.
57. Section 321.302 – Overtaking and passing.
58. Section 321.303 – Limitations on overtaking on the left.
59. Section 321.304 – Prohibited passing.
60. Section 321.305 – One-way roadways and rotary traffic islands.
61. Section 321.306 – Roadways laned for traffic.
62. Section 321.307 – Following too closely.
63. Section 321.309 – Towing.
64. Section 321.310 – Towing four-wheel trailers.
65. Section 321.312 – Turning on curve or crest of grade.
66. Section 321.313 – Starting parked vehicle.
67. Section 321.314 – When signal required.
68. Section 321.315 – Signal continuous.
69. Section 321.316 – Stopping.
70. Section 321.317 – Signals by hand and arm or signal device.
71. Section 321.318 – Method of giving hand and arm signals.
72. Section 321.319 – Entering intersections from different highways.
73. Section 321.320 – Left turns; yielding.
74. Section 321.321 – Entering through highways.
75. Section 321.322 – Vehicles entering stop or yield intersection.
76. Section 321.323 – Moving vehicle backward on highway.
77. Section 321.323A – Approaching certain stationary vehicles.
78. Section 321.324 – Operation on approach of emergency vehicles.
79. Section 321.324A – Funeral processions.
80. Section 321.329 – Duty of driver; pedestrians crossing or working on highways.
81. Section 321.330 – Use of crosswalks.
82. Section 321.332 – White canes restricted to blind persons.
83. Section 321.333 – Duty of drivers.
84. Section 321.340 – Driving through safety zone.

85. Section 321.341 – Obedience to signal indicating approach of railroad train or railroad track equipment.
86. Section 321.342 – Stop at certain railroad crossings; posting warning.
87. Section 321.343 – Certain vehicles must stop.
88. Section 321.344 – Heavy equipment at crossing.
89. Section 321.344B – Immediate safety threat; penalty.
90. Section 321.354 – Stopping on traveled way.
91. Section 321.359 – Moving other vehicle.
92. Section 321.362 – Unattended motor vehicle.
93. Section 321.363 – Obstruction to driver's view.
94. Section 321.364 – Preventing contamination of food by hazardous material.
95. Section 321.365 – Coasting prohibited.
96. Section 321.366 – Acts prohibited on fully-controlled access facilities.
97. Section 321.367 – Following fire apparatus.
98. Section 321.368 – Crossing fire hose.
99. Section 321.369 – Putting debris on highway.
100. Section 321.370 – Removing injurious material.
101. Section 321.371 – Clearing up wrecks.
102. Section 321.372 – Discharging pupils, stopping requirements; penalties.
103. Section 321.381 – Movement of unsafe or improperly equipped vehicles.
104. Section 321.381A – Operation of low-speed vehicles.
105. Section 321.382 – Upgrade pulls; minimum speed.
106. Section 321.383 – Exceptions; slow vehicles identified.
107. Section 321.384 – When lighted lamps required.
108. Section 321.385 – Head lamps on motor vehicles.
109. Section 321.386 – Head lamps on motorcycles, motorized bicycles, and all-terrain vehicles.
110. Section 321.387 – Rear lamps.
111. Section 321.388 – Illuminating plates.
112. Section 321.389 – Reflector requirement.
113. Section 321.390 – Reflector requirements.
114. Section 321.392 – Clearance and identification lights.
115. Section 321.393 – Color and mounting.
116. Section 321.394 – Lamp or flag on projecting load.
117. Section 321.395 – Lamps on parked vehicles.

118. Section 321.398 – Lamps on other vehicles and equipment.
119. Section 321.402 – Spot lamps.
120. Section 321.403 – Auxiliary driving lamps.
121. Section 321.404 – Signal lamps and signal devices.
122. Section 321.404A – Light-restricting devices prohibited.
123. Section 321.405 – Self-illumination.
124. Section 321.408 – Back-up lamps.
125. Section 321.409 – Mandatory lighting equipment.
126. Section 321.415 – Required usage of lighting devices.
127. Section 321.417 – Single-beam road-lighting equipment.
128. Section 321.418 – Alternate road-lighting equipment.
129. Section 321.419 – Number of driving lamps required or permitted.
130. Section 321.420 – Number of lamps lighted.
131. Section 321.421 – Special restrictions on lamps.
132. Section 321.422 – Red light in front, rear lights.
133. Section 321.423 – Flashing lights.
134. Section 321.430 – Brake, hitch, and control requirements.
135. Section 321.431 – Performance ability.
136. Section 321.432 – Horns and warning devices.
137. Section 321.433 – Sirens, whistles, air horns, and bells prohibited.
138. Section 321.434 – Bicycle sirens or whistles.
139. Section 321.436 – Mufflers, prevention of noise.
140. Section 321.437 – Mirrors.
141. Section 321.438 – Windshields and windows.
142. Section 321.439 – Windshield wipers.
143. Section 321.440 – Restrictions as to tire equipment.
144. Section 321.441 – Metal tires prohibited.
145. Section 321.442 – Projections on wheels.
146. Section 321.444 – Safety glass.
147. Section 321.445 – Safety belts and safety harnesses; use required.
148. Section 321.446 – Child restraint devices.
149. Section 321.449 – Motor carrier safety rules.
150. Section 321.449A – Rail crew transport drivers.
151. Section 321.449B – Texting or using a mobile telephone while operating a commercial motor vehicle.

152. Section 321.450 – Hazardous materials transportation regulations.
153. Section 321.454 – Width of vehicles.
154. Section 321.455 – Projecting loads on passenger vehicles.
155. Section 321.456 – Height of vehicles.
156. Section 321.457 – Maximum length.
157. Section 321.458 – Loading beyond front.
158. Section 321.460 – Spilling loads on highways.
159. Section 321.461 – Trailers and towed vehicles.
160. Section 321.462 – Drawbars and safety chains.
161. Section 321.463 – Maximum gross weight; exceptions, penalties.
162. Section 321.465 – Weighing vehicles and removal of excess.
163. 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.

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CHAPTER 63

SPEED REGULATIONS

63.01 General

63.02 State Code Speed Limits

63.03 Parks, Cemeteries, and Parking Lots

63.04 Special Speed Zones

63.05 Minimum Speed

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

(Code of Iowa, Sec. 321.285)

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

1. Business District – 20 MPH.
2. Residence or School District – 25 MPH.
3. Suburban District – 45 MPH.

63.03 PARKS, CEMETERIES, AND PARKING LOTS. A speed in excess of 15 MPH 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 20 MPH Speed Zones. A speed in excess of 20 MPH is unlawful on any of the following designated streets or parts thereof.

A. On NW Main Street between Washington Avenue and Grant Avenue.

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)

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CHAPTER 64

TURNING REGULATIONS

64.01 Turning at Intersections

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 Council may cause markers, buttons, or signs to be placed within or adjacent to intersections and thereby require and direct, as traffic conditions require, that a different course from that specified 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])

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CHAPTER 65

STOP OR YIELD REQUIRED

65.01 Stop or Yield

65.02 School Stops

65.03 Stop Before Crossing Sidewalk

65.04 Stop When Traffic Is Obstructed

65.05 Pedestrians' Right-of-Way

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 PEDESTRIANS' RIGHT-OF-WAY. 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 so yield to a pedestrian or a person riding a bicycle crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection.

(Code of Iowa, Sec. 321.327)

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CHAPTER 66

LOAD AND WEIGHT RESTRICTIONS

66.01 Temporary Embargo

66.02 Permits for Excess Size and Weight

66.03 Load Limits Upon Certain Streets

66.04 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 erected in accordance with Chapter 61 of this Traffic Code.

(Code of Iowa, Sec. 321.471 and 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 and 321E.2)

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 and 475)

66.04 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)

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CHAPTER 67

PEDESTRIANS

67.01 Walking in Street
67.02 Hitchhiking

67.03 Pedestrian Crossing

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

(Code of Iowa, Sec. 321.326)

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

(Code of Iowa, Sec. 321.331)

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

(Code of Iowa, Sec. 321.328)

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CHAPTER 68

ONE-WAY TRAFFIC

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

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

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CHAPTER 69

PARKING REGULATIONS

69.01 Parking Limited or Controlled

69.02 Park Adjacent to Curb

69.03 Parking on One-Way Streets

69.04 Angle Parking

69.05 Manner of Angle Parking

69.06 Parking for Certain Purposes Illegal

69.07 Parking Prohibited

69.08 Persons with Disabilities Parking

69.09 Truck Parking Limited

69.10 Snow Removal

69.11 Recreational Vehicles and Utility Trailers

69.12 Snow Emergency

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)

1. Main Street between Lincoln Avenue and Railroad Avenue.
2. Shaw Avenue in the designated spaces north and south of Main Street.
3. Railroad Avenue in the designated spaces north of Main Street.

69.05 MANNER OF ANGLE PARKING. Upon those streets or portions of streets that have been signed or marked for angle parking, no person shall park or stand a vehicle other than at an angle to the curb or edge of the roadway or in the center of the roadway as indicated by such signs and markings. Parking shall be head-in only. There shall be no backing into the parking stall. 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 48 hours, unless otherwise limited under the provisions of this chapter, or for any of the following principal purposes:

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

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

69.07 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 that 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 25 feet of an intersection of any street or alley except for the intersections of NW Railroad Avenue and NW Main Street, NW Shaw Avenue and NW Main Street, NW Lincoln Avenue and NW Main Street, NW Washington Avenue and NW Main Street, NW Washington Avenue and NW Maple Street, NW Garfield Avenue and NW Main Street, and NW Garfield Avenue and NW Maple Street, which would remain with parking prohibited within 10 feet of these intersections.
(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 do not apply to a vehicle parked in any alley that is 18 feet wide or less, provided that 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 that is properly placed under the provisions of Section 321L.2A[1] of the *Code of Iowa*.

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

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

- 1. Business District. Excepting only when such vehicles are actually engaged in the delivery or receiving of merchandise or cargo, no person shall park or leave unattended such vehicle on any streets within the Business District. When actually receiving or delivering merchandise or cargo such vehicle shall be stopped or parked in a manner which will not interfere with other traffic.
- 2. Noise. No such vehicle shall be left standing or parked upon any street, alley, public or private parking lot, or drive of any service station between the hours of 9:00 p.m. and 6:00 a.m. with the engine, auxiliary engine, air compressor, refrigerating equipment or other device in operation giving off audible sounds excepting only the drive of a service station when actually being serviced, and then in no event for more than 30 minutes.
- 3. Livestock. No such vehicle containing livestock shall be parked on any street, alley, or highway for a period of time of more than 30 minutes.

69.10 SNOW REMOVAL. No person shall park, abandon or leave unattended any vehicle on any public street, alley, or City-owned off-street parking area during snow removal operations unless the snow has been removed or plowed from said street, alley or parking area and the snow has ceased to fall.

(Code of Iowa, 321.236[1])

69.11 RECREATIONAL VEHICLES AND UTILITY TRAILERS.

1. Definitions. For the purpose of this section, “recreational vehicles” are defined as motor homes, travel trailers, fifth-wheel travel trailers, as each of the preceding is defined in Chapter 321 of the *Code of Iowa*, campers and camper trailers. “Utility trailers” are defined as trailers used for the purpose of hauling boats, pontoons, wave runners, snowmobiles, motorcycles, or other sport type vehicles.
2. Restrictions. No person shall park any recreational vehicle or utility trailer upon any roadway within the City.

69.12 SNOW EMERGENCY. A snow emergency shall be in force for the purpose of implementing procedures pertaining to the location, citing, or removal of vehicles parked on City streets and parking lots that would otherwise impede the progress of snow removal within the City.

1. Definition. A snow emergency is defined as any accumulation of snow one (1) inch or more; it shall not require a public declaration or announcement by the City.
2. Notifications. The City shall supply public notice through online postings notifying the public that snow parking restrictions are in effect between October 1 and May 31. This may also be posted on the City social media page and posted on the City website during the months of October through May.
3. All Parking Prohibited. During the time that a snow emergency is in force, no person shall park, abandon or leave unattended any vehicle on any public street, alley, or City-owned off-street parking area from the time there has been an accumulation of one (1) inch of snow until 48 hours have passed or the snow has ceased to fall and has been removed or plowed from the street, alley or parking area.
4. Duty to Remove. During the time that a snow emergency is in force, it shall be the duty of all persons who are the registered owners of vehicles parked on the City streets or in City parking lots, as well as the duty of any person who has parked a vehicle on a City street or in a City parking lot, to immediately remove such vehicle from the street or parking lot within one-half hour from the time that the snow emergency becomes effective. For purposes of this section, the phrase “vehicle parked on a City street or in a City parking lot” or similar words includes vehicles that have become stuck, snowbound or otherwise disabled on any public streets or parking lots.
5. Issuance of Parking Citation Issuance and Towing of Improperly Parked Vehicles. Vehicles found to be parked in violation of this section may be cited for the violation and, to obviate the safety hazards occasioned by incomplete snow removal, be summarily towed on orders of a police officer to some location where the vehicle may be lawfully parked or to the towing firm’s vehicle storage lot. All costs of such towing, parking citation, and any subsequent storage shall be assessed against and paid by the operator or registered owner of the vehicle. The officer ordering the towing shall keep a record of each vehicle towed, the place where it was taken and by whom. Such action by the City shall not excuse the owner or operator of the towed vehicle from any of the provisions of Subsections 3 and 4 hereof.
6. Redemption of Vehicles. In the event a vehicle is impounded, it may be reclaimed by the registered owner or lien holder of record by payment of the parking citation as well as of all towing and any subsequent storage costs within ten (10) days of the initial impoundment. If not reclaimed within the initial ten (10) days, the provisions of Chapter 80 of the City Code shall govern the redemption of the vehicle.

In the event a vehicle is moved to another location pursuant to Subsection 4 above, the registered owner of the vehicle shall be liable to the City for the reasonable expenses incurred in towing and relocating the vehicle and shall pay the same to the City within fifteen (15) days after a statement from the City is mailed to the registered owner at the address on the current registration form as shown on the records of the County Treasurer.

(Section 69.12 – Ord. 2024-11 – Mar. 26 Supp.)

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CHAPTER 70

TRAFFIC CODE ENFORCEMENT PROCEDURES

70.01 Arrest or Citation
70.02 Scheduled Violations
70.03 Parking Violations: Alternate

70.04 Parking Violations: Vehicle Unattended
70.05 Presumption in Reference to Illegal Parking
70.06 Impounding Vehicles

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

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

(Code of Iowa, Sec. 805.6 and 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 and 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 Clerk. The fine for each violation charged under a simple notice of a fine shall be in the amount of \$10.00 for all violations except 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. The fine for improper use of a persons with disabilities parking permit is \$100.00.

(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.

1. 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:

A. 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])

B. 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])

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

E. 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])

2. 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.

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CHAPTER 75

ATVS, UTVS, AND SNOWMOBILES

75.01 Purpose

75.02 Definitions

75.03 General Regulations

75.04 Operation of Snowmobiles

75.05 Operation of ATVs and UTVs

75.06 Negligence

75.07 Accident Reports

75.01 PURPOSE. The purpose of this chapter is to regulate the operation of all-terrain vehicles, off-road utility 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” or “UTV” 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” or “UTV” 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 UTV is also subject to the provisions of this chapter governing the operation of ATVs.

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 and 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 be operated only upon streets that have not been plowed during the snow season and on such other streets as may be designated by resolution of the Council.

(Code of Iowa, 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 ATVS AND UTVS. The operators of ATVs and UTVs shall comply with the following restrictions as to where ATVs and UTVs may be operated within the City:

1. Streets. ATVs and UTVs may be operated on roadways or highways in accordance with Section 321.234A of the *Code of Iowa*. A City may regulate the operation of registered ATVs and UTVs and may designate streets under the jurisdiction of the City within its corporate limits, and two-lane primary and secondary road extensions in the City, which may be used for the operation of such vehicles. In designating such streets, the City may authorize ATVs and UTVs to stop at service stations or convenience stores along a designated street.

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

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

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

3. Railroad Right-of-Way. ATVs and UTVs shall not be operated on an operating railroad right-of-way. An ATV or UTV 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 and UTVs 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 and UTVs 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 ATV or UTV may make a direct crossing of a highway that is not part of the interstate road system provided all of the following occur:

(Code of Iowa, Sec. 321I.10[5])

A. The crossing is made at an angle of approximately 90 degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing.

B. The ATV or UTV 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 on which the ATV or UTV is authorized to operate to a street, roadway, or highway on which such vehicle is authorized to operate.

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

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

75.07 ACCIDENT REPORTS. Whenever an ATV, UTV, 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 and 321I.11)

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CHAPTER 76

BICYCLE REGULATIONS

76.01 Scope of Regulations	76.08 Carrying Articles
76.02 Definitions	76.09 Riding on Sidewalks
76.03 Traffic Code Applies; Signals for Bicycle and Scooter Operators	76.10 Towing
76.04 Double Riding Restricted	76.11 Improper Riding
76.05 Two Abreast Limit	76.12 Parking
76.06 Speed	76.13 Equipment Requirements
76.07 Emerging From Alley or Driveway	76.14 Special Penalty

76.01 SCOPE OF REGULATIONS. These regulations shall apply whenever a bicycle or micromobility device is operated upon any street or upon any public path set aside for the exclusive use of bicycles or micromobility devices, subject to those exceptions stated herein. However, these regulations do not apply to any law enforcement officer operating a bicycle or micromobility device while on duty and acting in the office line of duty. Further, these regulations do not apply to individuals operating an OPDMD as a reasonable accommodation due to a disability.

(Section 76.01 – Ord. 2026-5 – Aug. 26 Supp.)

76.02 DEFINITIONS. As used in this chapter, the following terms shall have the meanings indicated:

1. Bicycle – Either of the following:
 - A. A device having two or three wheels and having at least one saddle or seat for the use of a rider, which is propelled by human power.
 - B. A device having two or three wheels with fully operable pedals and an electric motor of less than 750 watts (one horsepower), whose maximum speed on a paved level surface, when powered solely by such a motor while ridden, is less than 20 miles per hour.
2. Micromobility device – means any device not a bicycle or an OPDMD, designed to carry one rider or operator, where such device is equipped with an electric motor of less than seven hundred fifty watts, and where such device is not required to be licensed or registered by the State of Iowa. Micromobility devices may be propelled either by the power of the rider or by an electric motor or a combination thereof. Micromobility devices include, but are not limited to, electric unicycles, electric tricycles, electric stand-up scooters, electric sit-down scooters, and motorized skateboards.
3. Other Power-Driven Mobility Device (“OPDMD”) – means any mobility device powered by batteries, fuel, or other engines that is used by individuals with mobility disabilities for the purpose of locomotion, including, electronic personal assistance mobility devices, or any mobility device designed to operate in areas without defined pedestrian routes, but that is not a wheelchair or a golf cart.

(Section 76.02 – Ord. 2026-5 – Aug. 26 Supp.)

76.03 TRAFFIC CODE APPLIES; SIGNALS FOR BICYCLE AND SCOOTER OPERATORS. Every person riding a bicycle or micromobility device 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, or micromobility device, the person shall be subject to all regulations applicable to pedestrians.

1. For bicyclists and persons operating a micromobility device, signals shall be given in the following manner:

- A. Left turn: left hand and arm extended horizontally to the left.
- B. Right turn: left are extended out sideways bent at a 90° angle at the elbow joint, hand pointing upward and the palm of the hand facing forward or right hand arm extended horizontally to the right.
- C. Stop or decrease of speed: left arm extended out sideways bent at a 90° angle at the elbow joint, hand pointing downward and the palm of the hand rear facing

(Section 76.03 – Ord. 2026-5 – Aug. 26 Supp.)

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

(Section 76.04 – Ord. 2026-5 – Aug. 26 Supp.)

76.05 TWO ABREAST LIMIT. Persons riding bicycles or micromobility devices 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 or micromobility devices. All bicycles or micromobility devices 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.

(Section 76.05 – Ord. 2026-5 – Aug. 26 Supp.)

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

(Section 76.06 – Ord. 2026-5 – Aug. 26 Supp.)

76.07 EMERGING FROM ALLEY OR DRIVEWAY. The operator of a bicycle or micromobility device emerging from an alley, driveway, trail 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.

(Section 76.07 – Ord. 2026-5 – Aug. 26 Supp.)

76.08 CARRYING ARTICLES. No person operating a bicycle or micromobility device shall carry any package, bundle or article that prevents the rider from keeping at least one hand upon the bicycles or micromobility devices intended handlebars.

(Section 76.08 – Ord. 2026-5 – Aug. 26 Supp.)

76.09 RIDING ON SIDEWALKS.

1. Business District. No person shall ride a bicycle or micromobility device upon a sidewalk within the Business District, as defined in Section 60.02(1) of this Code of Ordinances.
2. Other Locations. When signs are erected on any sidewalk, trail, or roadway prohibiting the riding of bicycles or micromobility device thereon by any person, no person shall disobey the signs.
3. Yield Right-of-Way. Whenever any person is riding a bicycle or micromobility device upon a sidewalk or trail, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing.

(Section 76.09 – Ord. 2026-5 – Aug. 26 Supp.)

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

(Section 76.10 – Ord. 2026-5 – Aug. 26 Supp.)

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

(Section 76.11 – Ord. 2026-5 – Aug. 26 Supp.)

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

(Section 76.12 – Ord. 2026-5 – Aug. 26 Supp.)

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

1. Lamps Required. Every bicycle or micromobility device 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.
2. Brakes Required. Every bicycle or micromobility device shall be equipped with a brake that will enable the operator to make the braked wheel skid on dry, level, clean pavement.

(Section 76.13 – Ord. 2026-5 – Aug. 26 Supp.)

76.14 SPECIAL PENALTY. Any person violating the provisions of this chapter may, in lieu of the scheduled fine for or standard penalty provided for violations of this Code of Ordinances, allow the person's bicycle or micromobility device 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.

1. A person that does not voluntarily agree to impound their bicycle or micromobility device will be issued a notice of the special penalty contained in this

chapter and may be subject to a scheduled fine or standard penalty provided for violations of this Code of Ordinances. The notice shall contain the following:

- A. A summary of the offense;
 - B. An explanation of the special penalty under this chapter;
 - C. An explanation that as a result of their refusal to impound their bicycle or micromobility device, future violations will be treated as a municipal infraction and subject to applicable penalties;
 - D. An explanation that in the event the City is unable to obtain consent for impoundment from a minor offender and the minor's parent or legal guardian, the parent or legal guardian shall be liable for any municipal infraction arising from the minor's subsequent offense;
 - E. An explanation that agreement to allow impounding is voluntary;
 - F. The location of the impound facility.
2. If the person whose bicycle or micromobility device is subject to impoundment is under the age of 18 and refuses to voluntarily relinquish the bicycle or micromobility device, the City may seek consent for impoundment from the minor's parent or legal guardian. The parent or guardian's voluntary agreement shall be deemed sufficient authorization for the City to take possession of the bicycle or micromobility device in accordance with this chapter.
3. If the person whose bicycle or micromobility device is subject to impoundment is under the age of 18, refuses to voluntarily relinquish the bicycle or micromobility device, and the City is unable to obtain consent from the minor's legal parent or guardian, the City shall issue the notice as provided in Section 76.13(1) and subsequent offenses will be treated as municipal infractions.

(Section 76.14 – Ord. 2026-5 – Aug. 26 Supp.)

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CHAPTER 80

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 Reclamation of Abandoned Vehicles	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] and 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.
5. “Public right-of-way” includes the area of land, the right to possession of which is secured by the City for roadway purposes and includes the traveled portion of the public streets and alleys as well as the border area, which is all property outside the lot and property line and inside the curb lines or traveled portion of the public streets or alleys.

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

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.

1. A police authority or private entity that takes into custody an abandoned vehicle shall send notice by certified mail that the vehicle has been taken into custody, no more than 20 days after taking custody of the vehicle. Notice shall be sent to the last known address of record of the last known registered owner of the vehicle, all lienholders of record, and any other known claimant to the vehicle.
2. Notice shall be deemed given when mailed. The notice shall include all of the following:
 - A. A description of the year, make, model and vehicle identification number of the vehicle.
 - B. The location of the facility where the vehicle is being held.
 - C. Information for the persons receiving the notice of their right to reclaim the vehicle and personal property contained therein within 10 days after the effective date of the notice. Persons may reclaim the vehicle or personal property 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 required pursuant to this section.
 - D. A statement that 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.
 - E. A statement that failure to reclaim the vehicle or personal property is deemed consent for the police authority or private entity to sell the vehicle at a public auction or dispose of the vehicle to a demolisher and to dispose of the personal property by sale or destruction.

3. 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, Subsection 1, of the *Code of Iowa*, and may proceed to sell or dispose of the vehicle.
4. 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.
5. 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.
6. 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.
7. If it is impossible to determine with reasonable certainty the identities 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 Subsection 2 of this section. The published notice may contain multiple listings of abandoned vehicles, but shall be published within the same time requirements and contain the same information as prescribed for mailed notice in Subsection 2 of this section.

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

80.04 RECLAMATION OF ABANDONED VEHICLES. Prior to driving an abandoned vehicle away from the premises, a person who received (or who is reclaiming the vehicle on behalf of a person who received) notice under Section 80.03 shall present to the police authority or private entity, as applicable, the person's valid driver's license and proof of financial liability coverage as provided in Section 321.20B of the *Code of Iowa*.

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

80.05 FEES FOR IMPOUNDMENT. The owner, lienholder, or claimant shall pay \$3.00 if claimed within five days of impounding, plus \$1.00 for each additional day within the reclaiming period plus towing charges, if stored by the City, or towing and storage fees, if stored in a public garage, whereupon said vehicle shall be released. The amount of towing charges, and the rate of storage charges by privately owned garages, shall be established by such facility.

(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])

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CHAPTER 81

RAILROAD REGULATIONS

81.01 Definitions
81.02 Obstructing Streets

81.03 Crossing Maintenance
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 and 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 35 MPH.

(Girl vs. United States R. Admin., 194 Iowa 1382, 189 N.W. 834, [1923])

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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. The owners of any houses, buildings or structures used for human occupancy, employment or use, situated within the City and abutting on any street, alley or right-of-way in which there is located a public water main are hereby required to connect such facilities to the City's public water system in accordance with the provisions of these Water Service chapters within 60 days after the date of official notice to do so, provided that said public water main is located within 100 feet of the property line of such owner.

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. There shall be a connection charge in the amount of \$150.00 paid before issuance of a permit to reimburse the City for costs borne by the City in making water service available to the property served.

(Code of Iowa, Sec. 384.84)

90.07 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*, the *Iowa Statewide Urban Designs and Specifications* (SUDAS), 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 and 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 and 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.

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CHAPTER 91

WATER METERS

91.01 Purpose
91.02 Water Use Metered
91.03 Fire Sprinkler Systems; Exception
91.04 Location of Meters
91.05 Meter Setting

91.06 Meter Costs
91.07 Meter Repairs
91.08 Right of Entry
91.09 Irrigation Meters
91.10 Temporary Water Service During Construction

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 the City.

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 that required for a single-family residence 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 City shall have it repaired or replaced. If it is found that damage to the meter has occurred due to the carelessness or negligence of the customer or property owner, the meter shall be suspended immediately, and shall not again be restored until the owner of the premises shall have paid to the City, in addition to any charges for water used and measured and all other charges previously made, the sum of \$250.00 as liquidated damages for water used and not measured, together with any costs of the repair or replacement and the costs of reinstallation of the meter.

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 and irrigation systems:

1. Irrigation meters shall be installed not more than four feet from the main meter and shall be installed parallel to the main meter. The irrigation meter must be installed in a position horizontal to the floor, with the arrow of the meter being in the direction of the flow of water to the outside.
2. A City-approved backflow preventer must be installed after the irrigation meter to protect against contamination of the water system. A suitable backflow preventer shall be installed on any irrigation system connected to the water supply whether connected to an irrigation meter or not.
3. No underground irrigation systems are allowed in the public right-of-way.
4. The City shall have the right to inspect connections to the irrigation meter at any reasonable time. Backflow preventers on irrigation meters and irrigation systems shall be tested annually by an inspector certified to inspect such backflow preventers. Such inspections shall be at the customer's or property owner's expense. A copy of the test shall be given to the City by June 1 each year.

The City shall furnish the irrigation meter and the full cost of the meter shall be paid by the customer or property owner prior to the installation of any such meter. It is the responsibility of the customer or property owner to hire a licensed plumber for the installation of such meter. Sewer service charges shall not apply to the water measured by the irrigation meter.

91.10 TEMPORARY WATER SERVICE DURING CONSTRUCTION.

1. Notwithstanding the provisions of Chapter 90 or other provisions of this chapter, temporary water service may be provided by the City to any real estate site upon which a building is being constructed, without a meter being installed on said premises, provided that a temporary water service permit has been issued in accordance with the provisions of Subsection 2 of this section. However, in no event shall water that is provided through the issuance of a temporary water service permit be used to water any sod, seed, or other landscaping upon the site to be served by such permit unless a water meter is provided. Unmetered water shall not be used to cause compaction around structures or other excavations.
2. Application; Fee. Any person who desires temporary water service to any site as provided for in Subsection 1 must make application with the City at such time as the construction building permit application is submitted for approval. Every applicant for a temporary water service connection permit shall pay to the City a sum of \$100.00 for such permit, as advance payment for the water to be used during the period of such permit. The temporary permit shall automatically expire upon installation of a meter or at the expiration of one year from the date of issuance, whichever occurs first.

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CHAPTER 92

WATER RATES

92.01 Service Charges
 92.02 Rates For Service
 92.03 Rates Outside the City
 92.04 Billing for Water Service
 92.05 Service Discontinued

92.06 Lien for Nonpayment
 92.07 Lien Exemption
 92.08 Lien Notice
 92.09 Utility Fee
 92.10 Annual Review of Rates

92.01 SERVICE CHARGES. Each customer shall pay for water service provided by the City based upon use of water as determined by meters provided for in Chapter 91. 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:

1.

Water Rates	7/1/2026 to 6/30/2027	7/1/2027 to 6/30/2028	7/1/2028 to 6/30/2029	7/1/2029 to 6/30/2030	7/1/2030 to 6/30/2031
Monthly Service Access Charge					
5/8 x 3/4-inch water meter	\$24.44	\$26.64	\$29.04	\$31.65	\$34.50
1-inch water meter	\$29.33	\$31.97	\$34.85	\$37.99	\$41.41
1 1/2-inch water meter	\$34.20	\$37.28	\$40.64	\$44.30	\$48.29
2-inch water meter	\$43.99	\$47.95	\$52.27	\$56.97	\$62.10
3-inch water meter	\$58.67	\$63.95	\$69.71	\$75.98	\$82.82
4-inch water meter	\$73.33	\$79.93	\$87.12	\$94.96	\$103.51
All Usage per 1,000 Gallons	\$7.94	\$8.65	\$9.43	\$10.28	\$11.21
Minimum Monthly Bill (includes the first 3,000 gallons)	\$48.26	\$52.59	\$57.33	\$62.49	\$68.13

2. The water rate shall increase by 12% effective for the fiscal year July 1, 2026 through June 30, 2027. Beginning July 1, 2027, rates will increase at a rate of 9.0% annually for fiscal years 2027-2028, 2028-2029, 2029-2030, and 2030-2031. As a result of the annual review of rates, as detailed in Section 92.09 of this ordinance, the Council may choose to adjust the monthly unit rate as necessary. Such rate adjustments shall be approved by ordinance of the City Council.

3. Bulk Rates. A bulk usage charge for water shall include a \$75.00 fee and \$10.00 for each 1,000 gallons used.

(Section 92.02 – Ord. 2026-2 – Aug. 26 Supp.)

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 rates 200 percent of the rates provided in Section 92.02. No such customer, however, will be served unless the customer shall have signed a service contract agreeing to be bound by the ordinances, rules, and regulations applying to water service established by the Council.

(Code of Iowa, Sec. 364.4 and 384.84)

92.04 BILLING FOR WATER SERVICE. Water service shall be billed as part of a combined service account, payable in accordance with the following:

(Code of Iowa, Sec. 384.84)

1. Bills Issued. The City shall prepare and issue bills for combined service accounts at the beginning of each month, utilizing the end of the prior month's meter readings.
2. Bills Payable. Bills for combined service accounts shall be due and payable at the office of the Clerk by the nineteenth day of the month.
3. Late Payment Penalty. Bills not paid when due shall be considered delinquent, except if the amount is a final bill due to be 100 percent deducted from a water deposit when utility billing refund check payments are issued. Any amount not covered by a water deposit upon account move out shall be subject to penalty. A late payment penalty of 15 percent shall be added to each delinquent bill.
4. Insufficient Funds Fee. A fee of \$30.00 shall be added to the account whenever notification is received from the bank that the customer's payment has been rejected for reasons including (but not limited to) insufficient funds or account closed.
5. Miscellaneous Fee. A miscellaneous fee may be added to an account for any time-consuming service such as hand delivery of bill or delinquency notice when a customer refuses to get his or her mail or claims never to have received the mail. This \$10.00 fee may also be charged for time-consuming search for curb stop or leaks and other maintenance work.

92.05 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 City shall notify each delinquent customer that service will be discontinued or disconnected if payment of the combined service account, including late payment penalty 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. Hand delivery of notice to the person or to their door is also acceptable. The notice 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 Mayor or available Council 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 decision to the entire 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 \$75.00 shall be charged to discontinue or disconnect service to a delinquent customer and a fee of \$125.00 shall be charged to restore service. The full combined service account amount due, plus disconnect fee and restoration fee is required to be paid before service will be restored. No fee shall be charged for the usual or customary trips in the regular changes in occupancies of property.

92.06 LIEN FOR NONPAYMENT. The owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for water service charges to the premises. Water service charges remaining unpaid and delinquent shall constitute a lien upon the 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)

92.07 LIEN EXEMPTION.

(Code of Iowa, Sec. 384.84)

1. Water Service Exemption. The lien for nonpayment shall not apply to charges for water service to a residential or commercial rental property where water service is separately metered and the rates or charges for the water service are paid directly to the City by the tenant, if the landlord gives written notice to the City that the property is residential or commercial rental property and that the tenant is liable for the rates or charges. The City may require a deposit not exceeding the usual cost of 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, stormwater 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.

92.08 LIEN NOTICE. A lien for delinquent water service charges shall not be certified to the County Treasurer unless prior written notice of intent to certify a lien is given to the customer in whose name the delinquent charges were incurred. If the customer is a tenant and if the owner or landlord of the property or premises has made a written request for notice, the notice shall also be given to the owner or landlord. The notice shall be sent to the appropriate persons by ordinary mail not less than 30 days prior to certification of the lien to the County Treasurer.

(Code of Iowa, Sec. 384.84)

92.09 UTILITY FEE. Every customer shall pay a \$125.00 utility fee when establishing a new service account with the City. Deposits prior to August 15, 2022, will be held on account and a refund issued when the account is current. Amounts due will be subtracted from the account before refunds are issued. Under no circumstances will deposits be used to pay past due open accounts; however, deposits may be used to pay an unpaid balance on a closed account when a resident moves out of town.

92.10 ANNUAL REVIEW OF RATES. The City has the option to review the water service charges at least yearly and revise the water 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 water management system and facilities and that the water service charges continue to provide for the proportional distribution of maintenance and operation costs (including replacement costs and debt service) for a water management system and facilities among the users and user classes. The liability of a water service user to pay for charges as provided in this chapter shall not be contingent, however, upon any such review or revision.

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CHAPTER 93

WATER BACKFLOW PREVENTION

93.01 Definitions

93.02 Water Utility Administrative Authority

93.03 Backflow Prevention Assemblies for Containment

93.04 Backflow Prevention Assemblies for Fire Protection Systems

93.05 Customer Requirements

93.06 Backflow Prevention Assembly Testing

93.07 Termination for Noncompliance

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

1. “Approved backflow prevention assembly for containment” means a backflow prevention assembly which is approved by the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research. The approval listing shall include the limitations of use based on the degree of hazard. The backflow prevention assembly shall also be listed by the International Association of Plumbing and Mechanical Officials (IAPMO) or by the American Society of Sanitary Engineering (ASSE) as having met the requirements of ANSI/AWWA C510-07 Double Check Valve Backflow Prevention Assembly, or ANSI/AWWA C511-07, Reduced-Pressure Principle (RPZ) Backflow Assembly.
2. “Approved backflow prevention assembly for containment in a fire protection system” means a backflow prevention assembly to be used in a fire protection system which meets the requirements of Factory Mutual Research Corporation (FM) and Underwriters Laboratory (UL), in addition to the requirements of subsection 1 of this section.
3. “Auxiliary water supply” means any water supply on or available to the premises other than the City’s public water supply, such as (but not limited to) a private well, pond, or river.
4. “Containment” means a method of backflow prevention which requires a backflow prevention assembly on certain water services. Containment requires that the backflow prevention assembly be installed on the water service as close to the public water supply main as is practical. Directly after the discharge end of the water meter is the best location.
5. “Cross connection” means any connection or arrangement, physical or otherwise, between a potable water supply system and any plumbing fixtures or tank, receptacle, equipment, or device, through which it may be possible for non-potable, used, unclean, polluted, or contaminated water, or other substance, to enter into any part of such potable water system under any condition, including (but not limited to) lawn or other landscaping irrigation systems, water powered or water assisted sump pumps, yard hydrants, other potentially hazardous water connections.
6. “Customer” means the owner, operator, or occupant of a building or property which has a water service from the public water system, or the owner or operator of a private water system which has water service from the public water system.
7. “Degree of hazard” means the rating of a cross connection or a water service which indicates if it has the potential to cause contamination (high hazard) or adverse effects (low hazard).

8. “Double check valve backflow prevention assembly” means a backflow prevention assembly consisting of two independently acting internally loaded check valves, four properly located test cocks, and two isolation valves. The degree of hazardous substance will dictate allowable materials to be used for the device and fittings, e.g., brass, stainless steel, etc.
9. “High hazard cross connection” means a cross connection which may cause an impairment of the quality of the potable water by creating an actual hazard to the public health, through poisoning or through the spread of disease by sewage, industrial fluids or wastes.
10. “Isolation” means preferred method of backflow prevention, which requires the installation of backflow prevention assembly at a suitable location within a plumbing system to isolate a known or possible hazardous cross connection (e.g., boilers, commercial or industrial mixing processes, irrigation systems, etc.) rather than at the water service entrance.
11. “Licensed backflow prevention assembly technician” means a person meeting all requirements for the testing and repair of backflow prevention assemblies and who is licensed and registered with the Iowa Department of Public Health.
12. “Low hazard cross connection” means a cross connection which may cause an impairment of the quality of potable water to a degree which does not cause a hazard to the public health but which does adversely and unreasonably affect the aesthetic qualities of such potable waters for domestic use.
13. “Reduced pressure principle backflow prevention assembly,” also referred to as a “reduced pressure zone (RPZ)” device means a backflow prevention assembly consisting of two independently acting internally loaded check valves, a different pressure relief valve, four properly located test cocks, and two isolation valves. This assembly is required on all lawn or other landscaping irrigation systems, chemically treated boiler systems, or any system where any potential hazardous chemicals are present or can be introduced into the public water system during a failure of that system.
14. “Water service,” depending on the context, means the physical connection between a public water system and a customer’s building, property, or private water system, or the act of providing potable water from a public water system to a customer.

93.02 WATER UTILITY ADMINISTRATIVE AUTHORITY.

1. The administrative authority for this chapter is the City Council acting through the water utility or such persons or departments the City Council shall designate.
2. The City shall require the submission of plans, specifications, and other information deemed necessary for a building, property, or private water system to which a water service is proposed. The information submitted shall be reviewed to determine if cross connections will exist and the degree hazard. Each customer shall survey the activities and processes which receive water from the water service and shall report to the City if cross connections exist and the degree of hazard.
3. The owner of a building, property or private water system shall install, or cause to be installed, an approved backflow prevention assembly for containment as directed by the City before water service is initiated.
4. The City shall have the right to access any property to inspect the plumbing of any building, property and private water system which has a water service to determine

if cross connections exist and the degree of hazard. Failure to grant access for inspection shall be cause for termination of water service.

5. If the City determines that non-potable water may potentially enter the public water supply, the customer shall be required to install the appropriate backflow prevention assembly for containment. If a customer refuses to install a backflow prevention assembly for containment when it is required, water service to the customer may be discontinued until an appropriate backflow prevention assembly is installed.

6. Dual connections with a direct connection to the public water supply and other auxiliary supplies such as wells, ponds, rivers, industrial waters are strictly prohibited.

7. The City shall maintain all pertinent records of cross connection surveys, installations, testing records, or other required records.

93.03 BACKFLOW PREVENTION ASSEMBLIES FOR CONTAINMENT.

1. Backflow prevention assemblies for containment shall be installed immediately following the water meter or as close to that location as deemed practical by the City.

2. A water service determined to present a high hazard shall be protected by an air gap or an approved reduced-pressure principle backflow prevention assembly.

3. A water service determined to present a low hazard shall be protected by an approved double check valve assembly, or an assembly approved in subsection 2.

93.04 BACKFLOW PREVENTION ASSEMBLIES FOR FIRE PROTECTION SYSTEMS.

1. A fire protection system using antifreezes or other additives shall be protected by an approved reduced pressure principle backflow prevention assembly.

2. A dry type fire protection system shall be protected by an approved double check valve backflow prevention assembly.

3. Backflow prevention assemblies must be tested annually on a routine scheduled basis by the required licensed technician. The City Fire Department and water utility are both to be copied with test results.

93.05 CUSTOMER REQUIREMENTS.

1. The customer shall be responsible for ensuring that no cross connections exist without an approved backflow prevention assembly.

2. The customer shall immediately notify the City water utility when the customer becomes aware that backflow has occurred in the building, property or private water system receiving water service, and take measures to confine the contamination or pollution by turning off valves to isolate the area of the incident. The City may order that a water service be temporarily shut off when backflow occurs in a customer's building, property or private water system.

3. The customer shall cause installation, operation, maintenance, and testing of the backflow prevention assemblies required by this chapter. Backflow prevention assemblies shall be installed by licensed plumbing contractor per established plumbing codes. A licensed backflow prevention testing technician, registered with the Iowa Department of Public Health, shall test the backflow prevention assembly at initial installation and annually each year thereafter. Backflow prevention assemblies

installed on irrigation systems shall be tested annually by May 31 of each year. Backflow prevention assemblies must be retested when repairs have been completed to ensure the repaired device is operational.

4. The customer shall ensure the City water utility receives the backflow prevention assembly test report upon completion of testing. Failure to provide report within 15 days of the test may result in termination of water service.

93.06 BACKFLOW PREVENTION ASSEMBLY TESTING.

1. Backflow prevention assemblies which are in place, but have not been used for more than three months, shall be tested prior to being placed back into service.

2. Any backflow prevention assembly that fails a test and is repaired or replaced, must successfully pass the test prior to being placed into operation.

3. The City may require more frequent testing of backflow prevention assemblies.

4. The City may conduct, at its own cost, additional testing of backflow prevention assembly to verify test procedures and results.

5. To suspend the testing requirements for an irrigation system or other system taken out of service, the customer shall have a licensed plumbing contractor disconnect all piping and remove backflow prevention assembly. When the system is to be placed back into service, the backflow prevention assembly must be re-installed by a licensed plumbing contractor and tested by the required licensed testing technician. The customer must contact the City water utility for an appointment to have the disconnection and reconnection inspected.

93.07 TERMINATION FOR NONCOMPLIANCE. Water service may be terminated in the case of noncompliance with, but not limited to, the following.

1. Refusal to allow City access to the property to inspect for cross connection at reasonably scheduled times.

2. Unauthorized removal or bypassing of a backflow prevention device required by the City.

3. Providing inadequate backflow prevention when a cross connection exists.

4. Failure to install an approved backflow prevention assembly when required by the City.

5. Failure to test a backflow prevention assembly as required by the City and/or submit the required test report within 15 days of the test.

6. Failure to comply with any other provisions of this chapter or reasonable requests.

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CHAPTER 95

SANITARY SEWER SYSTEM

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

95.06 Service Outside the City
95.07 Right of Entry
95.08 Use of Easements
95.09 Special Penalties
95.10 Abandoned Sewer Lines

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°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 stormwaters 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 Superintendent of sewage works and/or of water pollution control of the City or any authorized deputy, agent, or representative.
23. “Suspended solids” means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and 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 100 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])

(567 IAC 69.1[3])

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

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

95.07 RIGHT OF ENTRY. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of these Sanitary Sewer chapters. The Superintendent or representatives shall

have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

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

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

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

95.10 ABANDONED SEWER LINES. When an existing sanitary sewer service is abandoned or a service is renewed with a new connection in the main, all abandoned connections with the mains shall be capped off and made absolutely watertight.

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CHAPTER 96

BUILDING SEWERS AND CONNECTIONS

96.01 Permit
96.02 Connection Charge
96.03 Plumber Required
96.04 Connection Requirements
96.05 Sewer Tap

96.06 Excavations
96.07 Inspection Required
96.08 Property Owner's Responsibility
96.09 Abatement of Violations

96.01 PERMIT. No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City. The application for the permit shall set forth the location and description of the property to be connected with the sewer system and the purpose for which the sewer is to be used, and shall be supplemented by any plans, specifications, or other information considered pertinent. The permit shall require the owner to complete construction and connection of the building sewer to the public sewer within 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. There shall be a connection charge in the amount of \$150.00 paid to reimburse the City for costs borne by the City in making sewer service available to the property served.

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 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*, *SUDAS*, the laws of the State, and other applicable rules and regulations of the City. Any person making connection to the public sewer shall at the same time make connection to the water system if the building connected to the sewer is not currently connected to the water system.

96.05 SEWER TAP. Connection of the building sewer into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If no properly located "Y" branch is available, a 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.

96.06 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*, *SUDAS*, and the provisions of Chapter 135 of this Code of Ordinances.

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* and *SUDAS*.

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. Construction or maintenance of building sewer lines, whether located upon the private property of any owner or in the public right-of-way, which construction or maintenance is in violation of any of the requirements of this chapter, shall be corrected, at the owner's expense, within 30 days after date of official notice from the Council of such violation. If not made within such time, the Council shall, in addition to the other penalties herein provided, have the right to finish and correct the work and assess the cost thereof to the property owner. Such assessment shall be collected with and in the same manner as general property taxes.

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

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CHAPTER 97

USE OF PUBLIC SEWERS

97.01 Stormwater	97.06 Special Facilities
97.02 Surface Waters Exception	97.07 Control Manholes
97.03 Prohibited Discharges	97.08 Testing of Wastes
97.04 Restricted Discharges	97.09 Sump Pump Drainage
97.05 Restricted Discharges; Powers of Superintendent	

97.01 STORMWATER. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof run-off, sub-surface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Stormwater 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 be in 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 (CN) 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:
 - (1) Having a five-day biochemical oxygen demand greater than 300 parts per million by weight; or
 - (2) Containing more than 350 parts per million by weight of suspended solids; or
 - (3) Having an average daily flow greater than 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:
 - (1) Reduce the biochemical oxygen demand to 300 parts per million by weight; or
 - (2) Reduce the suspended solids to 350 parts per million by weight; or
 - (3) Control the quantities and rates of discharge of such waters or wastes.
 - A. C. 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°F (65°C).
2. Fat, Oil, Grease. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 milligrams per liter or 600 milligrams per liter of dispersed or other soluble matter.
3. Viscous Substances. Water or wastes containing substances that may solidify or become viscous at temperatures between 32°F and 150°F (0°C to 65°C).
4. Garbage. Any garbage that has not been properly shredded, that is, to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half 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.)

97.09 SUMP PUMP DRAINAGE. It is unlawful for the owner of any property to discharge sump pump drainage into the sanitary sewer system. It is further unlawful for the owner of any property abutting a public way to allow a sump pump discharge line to drain onto the street or alley except as provided for by the following subsections:

1. Except as hereinafter provided, existing sump pump discharge lines that drain onto a public street or alley may be allowed to continue draining to the street or alley, contingent upon the Street Superintendent's issuing a permit to discharge onto a public street if, in the opinion of the Street Superintendent: (i) the public storm sewer or

collection line is not within a reasonable proximity to the property; (ii) the discharge does not create a traffic or pedestrian hazard; and (iii) there is adequate surface drainage capacity available.

2. The Street Superintendent may revoke the permit for a violation of this section, for providing false or misleading information on the application form, or for any other reason that, in the Street Superintendent's sole discretion, adversely affects the health or safety of the citizens or that becomes a public nuisance. The revocation shall be effective within 10 days after the date notice is served on the owner, personally or by certified mail, return receipt requested.

3. The City may at its sole discretion require that a property owner connect a sump pump drain to the storm sewer or to a collector line when provided by the City or a developer when it is adjacent to the property owner's property.

4. Violation of any part of this section shall constitute a municipal infraction and, notwithstanding any other provisions of this Code of Ordinances, shall be punishable upon the finding of a violation by the Court. Each day the violation continues shall constitute a separate, distinct offense.

5. This section applies equally to occupants and tenants as well as owners of real property, residential and commercial. Liability for compliance and for penalties shall be joint and several as between the owner and occupant or tenant.

6. Prior to every transfer of real property within the City, whether by deed or real estate contract and with or without consideration, the Grantor shall obtain from the Street Superintendent a Certificate of Sump Pump Inspection, which shall be delivered to the Grantee at the time the Grantor is required to deliver the Grantor-Seller's Disclosure Statement pursuant to Section 558A.2(1) of the *Code of Iowa*. The certificate shall state that the Street Superintendent has inspected the below ground level, if any, and has determined one of the following conditions exists: (i) the sump pump drainage system complies with this section; (ii) the system does not comply with this section, stating the reasons therefor; (iii) no sump pump drainage system has been installed in the lowest level of the premises; (iv) there is no basement or below-ground level within the structure. As between the Grantor, Grantee, and the City, once the property has been conveyed, both Grantor and Grantee shall be jointly and severally liable for a violation of this section and for bringing the sump pump drainage system in compliance with this section.

7. Sump Pump Inspection.

A. Any building connected to the Municipal Sanitary Sewer System is subject to inspection.

B. Initial inspection is done by a contractor chosen by the City and paid for by the City. City employees will do any follow-up inspections after the initial inspection.

C. The first follow-up inspection will be at no charge if completed within 60 days of original inspection. Any other inspections will be charged to the homeowner at \$25.00 per inspection.

D. Any no show for an inspection scheduled will be charged to the property owner.

E. Any property owner not scheduling an inspection will be charged \$100.00 per month.

F. Any property owner not in compliance after second inspection will be charged \$100.00 a month until brought in compliance.

G. Any outstanding fee may be assessed to the property owner on said owner's property taxes.

H. Any sump pump found out of compliance after passing the initial inspection will be charged \$100.00 per month for every month following the initial inspection up to a maximum of \$2,000.00 for being in violation of the City ordinance.

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CHAPTER 98

ON-SITE WASTEWATER SYSTEMS

98.01 When Prohibited
98.02 When Required
98.03 Compliance with Regulations
98.04 Permit Required

98.05 Discharge Restrictions
98.06 Maintenance of System
98.07 Systems Abandoned
98.08 Disposal of Septage

98.01 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.

(567 IAC 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.

(567 IAC 69.1[3 and 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.

(567 IAC 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.

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CHAPTER 99

SEWER USE CHARGE

99.01 Purpose	99.08 Surcharges
99.02 Definitions	99.09 Additional Charges
99.03 Requirements	99.10 Application
99.04 Establishment of Funds	99.11 Billings
99.05 Maintenance of Funds	99.12 Lien for Nonpayment
99.06 Basis of Use Determination	99.13 Charge Review
99.07 Rates for Service	99.14 User Notification

99.01 PURPOSE. The purpose of this chapter is to establish the procedures and regulations to be followed in the calculation, establishment, and collection of charges from customers so that the City can pay for the operation and maintenance, as herein defined, of the wastewater treatment system and for the sewer bond debt retirement for financing the sewage system improvements constructed under EPA Project No. C190807.

99.02 DEFINITIONS. Unless the context indicates otherwise, the meaning of terms used in this chapter are as follows:

1. "EPA" means the United States Environmental Protection Agency.
2. "Normal domestic wastewater" means wastewater that has a BOD concentration of not more than 300 mg/l and a suspended solids concentration of not more than 300 mg/l.
3. "Operation and maintenance" means all expenditures during the useful life of the wastewater treatment works for materials, labor, utilities, and other items that are necessary for the management and maintenance of said treatment facilities to achieve the capacity and performance for which such works were designed and constructed.
4. "Replacement" means expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the wastewater treatment works to maintain the capacity and performance for which such facilities were designed and constructed. The term "operation and maintenance" includes replacement.
5. "Residential customer" means any customer whose lot, parcel of real estate or building is used for domestic dwelling purposes only.
6. "Useful life" means the estimated period during which the wastewater treatment works will be operated.
7. "User charge" means that portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance, and replacement of the wastewater treatment works.
8. "Wastewater" means the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and stormwater that may be present. Wastewater is also commonly known as "sanitary sewage."

9. “Wastewater treatment works” means the devices and systems used for the storage, treatment, recycling, and reclamation of municipal wastewater, domestic wastewater or liquid industrial wastes. These include the collecting lateral, trunk, interceptor, and outfall sewer systems, individual systems, pumping, power and other equipment and appurtenances, extensions, improvement, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land, that will be an integral part of the treatment process or used for ultimate disposal of residues resulting from such treatment; or any other method or system for preventing, abating, reducing, storing, treatment, separating or disposing of municipal waste or industrial waste, including waste in combined stormwater and sanitary sewer systems.

10. “Water meter” means a water volume measuring and recording device, furnished or installed by the City or furnished or installed by a user and approved by the City.

99.03 REQUIREMENTS. The user charge system shall generate adequate annual revenues to pay costs of: (i) annual operation and maintenance including replacement; and (ii) costs associated with the sewer bond debt retirement for financing the wastewater treatment works which the City may, by resolution, designate to be paid by the user charge system. That portion of the total user charge which is designated for operation and maintenance, including replacement of the treatment works, shall be established by this chapter.

99.04 ESTABLISHMENT OF FUNDS. That portion of the total user charge collected which is designated for operation and maintenance including replacement purposes as established in Section 99.07 shall be deposited in two separate non-lapsing funds, as follows:

1. A fund designated as the “Wastewater Treatment Works Operation and Maintenance Fund” for the specific purpose of defraying operation and maintenance costs, excluding replacement, of the wastewater treatment works.
2. A fund designated as the “Wastewater Treatment Works Replacement Fund” for the specific purpose of ensuring replacement needs over the useful life of the wastewater treatment works.

Deposits in these two funds shall be made at least annually from that portion of the total user charge collected and designated for operation, maintenance, and replacement purposes in the total amount of \$11,000.00 annually. While sewer revenue bonds of the City are outstanding, the provision of the resolution authorizing the issuance of the bonds shall, in the event of conflict, prevail on the provisions of this section and Section 99.05.

99.05 MAINTENANCE OF FUNDS. Fiscal year-end balances in the wastewater treatment works operation and maintenance fund and the wastewater treatment works replacement fund shall be carried over to the same fund in the subsequent fiscal year, and shall be used for no other purposes than those designated for these funds. If moneys are transferred from other funds of the City to meet temporary shortages in the wastewater treatment works operation and maintenance fund or wastewater treatment works replacement fund, such transferred moneys shall be returned to their respective accounts upon appropriate adjustment of the user charge rates for operation, maintenance, and replacement. The user charge rates shall be adjusted such that the transferred moneys will be returned to their respective accounts within the fiscal year following the fiscal year in which the moneys were borrowed.

99.06 BASIS OF USE DETERMINATION. The use of the wastewater treatment works shall be determined on the following basis:

1. Each user shall pay for the services provided by the City based on use of the wastewater treatment works as determined by water meters acceptable to the City.
2. If a commercial or industrial customer has a consumptive use of water or in some other manner uses water which is not returned to the wastewater collection system, the user charge for that customer may be based on a wastewater meter or separate water meter installed and maintained at the expense of the customer and in a manner acceptable to the City.
3. In case of privately owned or unmetered water supplies, all or any part of which is discharged into the public sanitary sewer system of the City, the quantity of water discharged into said sewer system shall be determined, to the satisfaction of the Council, at the expense of the owner of such private or unmetered water supplies, and the sewer user charge shall be applied to an equal quantity and characteristic of waste as though originating through use of City water, the same as if metered and billed accordingly. If the quantity of water used is estimated to be in excess of 1,000 gallons per day for any one billing period, the Council may require that such water supply be metered at the expense of the owner of the same.

99.07 RATES FOR SERVICE. Sewer service shall be furnished at the following monthly rates within the City:

1.

Sewer Rates	7/1/2026 to 6/30/2027
Monthly Service Access Charge	\$14.49
All Usage per 1000 Gallons Water	\$5.07
Minimum Monthly Bill	\$14.49
Infrastructure Improvement Additional Monthly Fee Schedule:	\$18.00

(Subsection 1 – Ord. 2026-3 – Aug. 26 Supp.)

2. Infrastructure Improvement charges will be billed as a separate line on monthly billing statements and will be evaluated each year as part of the City's budget process to ensure lagoon facility debt obligations are met.
3. Usage Rates shall be subject to a rate increase of 3.0 percent per year, effective July 1st. Rates increases will be passed by ordinance.

99.08 SURCHARGES. For those customers who contribute wastewater of strength greater than normal domestic sewage, a surcharge will be collected in addition to the sewer user charge. The surcharge for operation and maintenance including replacement is:

\$0.26 per pound BOD
\$0.13 per pound SS

99.09 ADDITIONAL CHARGES. Any user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge from the wastewater treatment works, or any user which discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance or replacement of the wastewater treatment works, shall pay for such increased costs. The charge to each such user shall be as determined by the Council.

99.10 APPLICATION. The user charge rates established in this chapter apply to all users, regardless of their location, of the wastewater treatment works.

99.11 BILLINGS. 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 92.04 of this Code of Ordinances. Sewer service may be discontinued or disconnected in accordance with the provisions contained in Section 92.05 if the combined service account becomes delinquent, and the provisions contained in Section 92.08 relating to lien notices shall also apply in the event of a delinquent account.

99.12 LIEN FOR NONPAYMENT. Except as provided for in Section 92.07 of this Code of Ordinances, the owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for sewer service charges to the premises. Sewer service charges remaining unpaid and delinquent shall constitute a lien upon the 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)

99.13 CHARGE REVIEW. The City shall review the user charge system at least every year and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of operation and maintenance including replacement and that the system continues to provide for the proportional distribution of operation and maintenance including replacement costs among users.

99.14 USER NOTIFICATION. The City shall notify each user at least annually, in conjunction with a regular billing, of the rate being charged for operation and maintenance including replacement and the rate being charged for sewer bond debt service for the wastewater treatment works.

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CHAPTER 100

STORMWATER MANAGEMENT UTILITY

100.01 Purpose	100.09 Storm Water Service Charges Required
100.02 Definitions	100.10 Effective Date
100.03 Declaration of Purpose; Establish District	100.11 Basic Rate
100.04 Powers, Duties, and Responsibilities	100.12 Rate Appeals
100.05 Organization	100.13 Exemption from Fees; Special Conditions
100.06 Right of Entry	100.14 Storm Water Service Billing
100.07 Prohibited Acts	100.15 Lien for Nonpayment
100.08 Penalties	100.16 Annual Review of Rates

100.01 PURPOSE. The purpose of this chapter is to establish a storm water management utility which shall be responsible for stormwater management within the corporate boundaries of the City and shall provide for the management, protection, control, regulation, use, and enhancement of storm water management systems and facilities.

(Code of Iowa, Sec. 384.84)

1. Pursuant to Section 384.84 of the *Code of Iowa*, the City may establish a stormwater drainage system utility and impose rates and charges for the operation, maintenance, and extension of the stormwater drainage system, which in the City shall be known as the Stormwater Management Utility.
2. It is the best interests of the City that the Stormwater Management Utility be established so as to provide a means of funding the construction, operation, and maintenance of stormwater management facilities, including (but not limited to) detention and retention basins, stormwater sewers, inlets, ditches and drains, and cleaning of streets and to provide for rates for the purposes of assuring sufficient funds for the same.
3. The City declares the entire area within the corporate limits as the Stormwater Drainage System District pursuant to Section 384.84[5] of the *Code of Iowa*, which shall be the area governed by the Stormwater Management Utility.

100.02 DEFINITIONS. Unless the context specifically indicates otherwise, the meaning of the terms used in this chapter shall be as follows:

1. “Apartment dwelling” means a self-contained housing unit that occupies only part of a building which consists of many similar housing units for rent or sale, wherein the land or lot beneath the multi-dwelling structure may be owned by the building owner. In the application of storm water management fees, each apartment dwelling shall be considered one residential unit.
2. “Bonds” means revenue bonds, notes, loans, or any other debt obligations issued or incurred to finance the costs of construction.
3. “Construction cost” means costs reasonably incurred in connection with providing capital improvements to the system or any portion thereof including, but not limited, to the costs of the following:
 - A. Acquisition of all property, real or personal, and all interests in connection therewith, including all rights-of-way and easements therefor.

- B. Physical construction, installation and testing including the costs of labor, services, materials, supplies and utility services used in connection therewith.
 - C. Architectural, engineering, legal and other professional services.
 - D. Insurance premiums taken out and maintained during construction, to the extent not paid for by a contractor for construction and installation.
 - E. Any taxes or other charges which become due during construction.
 - F. Expenses incurred by the City or on its behalf with its approval in seeking to enforce any remedy against any contractor or subcontractor in respect of any default under a contract relating to construction.
 - G. Principal and interest on any bonds.
 - H. Miscellaneous expenses incidental thereto.
4. "Customers of storm water utility" include all persons, properties, and entities served by or benefiting from the utility's acquisition, management, maintenance, extension and improvement of the public stormwater management systems and facilities.
5. "Debt service" means the amount of money necessary annually to pay the interest on outstanding debt and pay the principal of maturing bonded debt.
6. "Developed property" means land that has been altered from its natural state by construction or installation of more than 500 square feet of impervious surface area thus increasing the amount of rainwater or surface water runoff.
7. "Duplex dwelling" means a building containing only two dwelling units and designed for and occupied exclusively by not more than two families with separate housekeeping and cooking facilities for each. In the application of stormwater management fees, each duplex dwelling property shall be treated as two residential units.
8. "Exempt property" includes public streets, alleys and sidewalks; all undeveloped properties including land used for agriculture; all vacant properties and those which have been zoned but do not have building permits issued.
9. "Impervious surface" means those areas which prevent or impede the infiltration of storm water into the soil as it enters in natural conditions prior to development. Common impervious surface areas include, but are not limited to, rooftops, sidewalks, driveways, patios, parking lots, storage areas, compacted gravel surfaces and other surfaces which prevent or impede the natural infiltration of stormwater runoff which existed prior to development.
10. "Mobile home dwelling" means a detached residential dwelling unit designed for transportation after fabrication on streets or highways on its own wheels or a flatbed or other trailer, and arriving at the site where it is occupied as a dwelling complete and ready for occupancy except for minor unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and the like. In the application of stormwater management fees, each mobile home dwelling property shall be treated as one residential unit.
11. "Nonresidential properties" means all developed properties not encompassed by the definition of residential shall be defined as nonresidential. Nonresidential

properties shall include: commercial property; industrial property; institutional property; churches; hospitals; schools; parking lots; and any other property not mentioned in the lists of properties. In the application of stormwater management fees, each place of commerce, education, government, medicine, religion, or industry shall be one nonresidential unit whether in a single building on a single lot or in a multiple-use building on a single lot or multiple lot complex.

12. “Operating budget” means the annual operating budget for the stormwater management utility adopted by the Council for the succeeding fiscal year.

13. “Pollutant” means anything that causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter or other discarded or abandoned objects, so that the same may cause or contribute to pollution; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform bacteria and pathogens; dissolved and particulate metals; animal wastes; waste and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

14. “Residential” or “single-family dwelling” means a residence designed for or occupied by one family only, entirely surrounded by yard on the same lot. In the application of storm water management fees, each single-family dwelling shall be one residential unit.

15. “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.

16. “Stormwater drainage system” means the system of publicly or privately owned or operated manmade facilities, structures, and natural watercourses, including rivers, streams, creeks, canals, ditches, drainage channels, culverts, flumes, pipes, catch basins, streets, gutters, and lakes within the City through which or into which storm water runoff, surface water, or subsurface water is conveyed or deposited.

17. “Stormwater management” means the tasks required to control storm water runoff using stormwater management systems, to protect the health, safety, and welfare of the public, and comply with relevant State and federal regulations.

18. “Stormwater management system and facilities” address the issue of drainage management (flooding) and environmental quality (pollution, erosion and sedimentation) of receiving rivers, streams, creeks, lakes and ponds through improvements, maintenance, and regulation of structures and property used in the collection, retention, detention, and treatment of stormwater or surface water drainage.

19. “Storm water management utility” means the enterprise fund utility created by this section to operate, maintain and improve the storm water drainage system and for such other purposes as stated in this section including managing stormwater and imposing charges for the recovery of costs connected with such stormwater management.

20. “Townhome dwelling” means a dwelling unit which is detached or attached horizontally, and not vertically, to one or more other dwelling units, wherein the land or lot beneath each dwelling may be individually owned in common by a townhome

association. In the application of storm water management fees, each townhome dwelling shall be treated as one residential unit.

21. “Undeveloped property” means land in its unaltered natural state or which has been modified to such minimal degree as to have a hydrologic response comparable to land in an unaltered state. Undeveloped land shall have less than 500 square feet of pavement, asphalt or compacted gravel surfaces or structures which create an impervious surface area. Agricultural property shall be classified as undeveloped property.

22. “Unit” means a residential property, a nonresidential property, or an undeveloped property for the purpose of assessing service charges. Each single-family dwelling shall be a residential unit and other types of dwellings have been defined as one residential unit previously in this section. Each place of commerce, education, government, medicine, religion, and industry shall be a nonresidential unit, whether in a single building on a single lot or in a multiple-use building on a single lot or multiple lot complex. Each unit shall be charged individually, but where a multiple dwelling, mobile home park, or complex is billed under one combined service utility account, the recipient of that bill shall be deemed the user and receive the total combined stormwater management utility charges for the multiple dwellings or complex.

23. “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 or which is directly or indirectly protected by the City’s flood protection system or stormwater drainage system.

100.03 DECLARATION OF PURPOSE; ESTABLISH DISTRICT.

1. The Council finds, determines, and declares it to be conducive to the health, welfare, safety, and convenience of the City and its residents that a storm water management utility district be established within the City. Consequently, pursuant to Section 384.84[1] of the *Code of Iowa*, a storm water management utility district, to be known as the Storm Water Management Utility, is established, and it is ordained and declared that the property located within the City limits shall be and constitute the stormwater management utility district, and that the utility shall comprise and include elements of the City’s stormwater drainage and flood protection systems which provide for the collection, treatment, and disposal of stormwater, surface water, and groundwater. It is further found, determined, and declared that the elements of the storm water management utility are of benefit and provide services to all real properties within the incorporated City limits, including property not directly served by the storm water drainage system, and that such benefits and services may include but are not limited to the provision of adequate systems of collection, conveyance, detention, treatment, and release of storm water; the reduction of hazard to property and life resulting from stormwater runoff and flooding; improvement in general health and welfare through reduction of undesirable stormwater conditions and flooding; and improvement to the water quality in the storm water and surface water system and its receiving waters.

2. It is further determined and declared to be necessary and conducive to the protection of the public health, welfare, safety, and convenience of the City and its residents that charges be levied upon and collected from the owners or occupants of all lots, parcels of real estate, and buildings that discharge stormwater or surface or

subsurface waters, directly or indirectly, to the City stormwater drainage system, and that the proceeds of such charges so derived be used for the purposes of operation, maintenance, repair, replacement and debt service for construction of the stormwater drainage and flood protection improvements comprising the storm water management utility.

3. The City stormwater management utility consists of all rivers, streams, creeks, branches, lakes, ponds, drainage ways, channels, ditches, swales, storm sewers, culverts, inlets, catch basins, pipes, dams, head walls, and other structures, natural or manmade, within the corporate boundaries of the City which control or convey stormwater through which the City intentionally diverts surface waters from its public streets and properties. The City owns or has legal access for purposes of operation, maintenance, and improvement to those segments of this system which: (i) are located within public streets, rights-of-way and easements; (ii) are subject to easement or other permanent provisions for adequate access for operation, maintenance and improvement of systems or facilities; or (iii) are located on public lands to which the City has adequate access for operation, maintenance, and improvement of systems and facilities. Operations, maintenance, and improvement of stormwater systems and facilities which are located on private property or public property not owned by the City and for which there has been no public dedication of such systems and facilities shall be and remain the legal responsibility of the property owner, or its occupant.

100.04 POWERS, DUTIES, AND RESPONSIBILITIES. The stormwater management utility shall have the following powers, duties, and responsibilities:

1. Prepare ordinances as needed to implement this division and forward the ordinances to the Council for consideration and adoption, and adopt such regulations and procedures as are required to implement this division and carry out its duties and responsibilities.
2. Administer the acquisition, design, construction, maintenance and operation of the storm water utility system, including capital improvements for stormwater drainage.
3. Administer and enforce this chapter and all ordinances, regulations, and procedures adopted relating to the design, construction, maintenance, operation, and alteration of the utility system including, but not limited, to the quantity, quality, or velocity of the stormwater conveyed thereby.
4. Inspect private systems as necessary to determine the compliance of such systems with this chapter and any ordinances or regulations adopted pursuant to this chapter.
5. Prepare and revise a comprehensive drainage and flood protection plan for periodic review and adoption by the Council.
6. Review plans, approve or deny, inspect, and accept extensions to the stormwater drainage system.
7. Establish and enforce regulations to protect and maintain water quality within the system in compliance with water quality standards established by State, regional or federal agencies as adopted or amended.
8. Annually analyze the cost of services and benefits provided, and the system and structure of fees, charges, fines and other revenues of the utility, and make recommendations regarding adjustments to such fees, charges, fines and other revenues.

9. Prepare an annual operating budget for the utility and make recommendations regarding the financing of the cost of extending, improving, and replacing the system.

100.05 ORGANIZATION. The Council shall be the governing body of the stormwater management utility. The storm water management utility shall be under the daily direction, coordination, and control of the Clerk. In that capacity, the Clerk shall supervise the day-to-day operation of the stormwater management utility, shall enforce this chapter and the provisions of all ordinances and regulations adopted pursuant to this chapter and shall carry out the policy directives of the Council acting in its role as governing body of the stormwater management utility.

100.06 RIGHT OF ENTRY. Authorized employees or representatives of the City bearing proper credentials and identification shall be permitted to enter all private properties for the purpose of inspection, observation, measurement, sampling, and testing all private stormwater discharges directly or indirectly entering into any public stormwater management system or facility in accordance with the provisions of this chapter.

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

1. **Damage Storm Water Management Systems and Facilities.** Maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, pipe, appurtenance or equipment which is part of the stormwater management systems or facilities.
2. **Illicit Discharges.** No person shall throw, drain or otherwise discharge or cause to throw, drain, run or allow to seep or otherwise be discharged into the City stormwater management systems and facilities including, but not limited to, pollutants or waters containing any pollutants, other than stormwater.
3. **Manholes.** Open or enter any manhole, structure or intake of the storm water system, except by authority of Council members or authorized City employees or representatives.
4. **Connection.** Connection of any private storm water system to the City's stormwater management system and facilities, except by authority of Council members or authorized City employees or representatives.

100.08 PENALTIES. The following penalty provisions shall apply to violations of this chapter.

1. **Notice of Violation.** Any person found to be violating any provisions of this chapter 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 remedy all violations.
2. **Continuing Violations.** Any person who shall continue any violation beyond the time limit provided for in Subsection 1 thereof, shall be subject to a civil penalty as set forth in the Schedule of Municipal Infractions in Chapter 3. Each day which said violation shall continue shall be deemed a separate offense.
3. **Liability Imposed.** Any person violating any of the provisions of this chapter shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation.

4. Failure to remit timely payment to the City shall result in a 15 percent late fee penalty applied and subsequent submission for collection to the Iowa Income Offset Program or a lien filed against the property.

100.09 STORMWATER SERVICE CHARGES REQUIRED. Every customer whose premises is served by a connection with the stormwater management system and facilities of the City, either directly or indirectly, shall pay to the City stormwater service charges hereinafter established and specified for the purpose of contributing towards the costs of construction, maintenance, and operation of the stormwater management system and facilities and at least sufficient to pay the principal and interest related to bonds issued for the purpose of financing all or part of those costs, and sufficient to comply with any covenants or conditions associated with any such bonds so issued.

100.10 EFFECTIVE DATE. Stormwater service charges shall accrue beginning February 1, 2013, and shall be billed monthly thereafter to all customers.

100.11 BASIC RATE.

1. Except as hereinafter noted, each customer whose property lies within the corporate limits of the City shall pay to the City, as a part of the customer's combined water, sewer, recycling, and storm water service account with the City, monthly utility billings, at the same time payment for other City utilities are made, the following charges per unit associated with the customer's property:

- A. Undeveloped Properties. A flat storm sewer availability charge at the rate of \$0.00 per month.
- B. Single-family dwelling, one residential unit: \$7.25 per month.
- C. Duplex dwelling, one residential unit: \$7.25 per month.
- D. Townhome dwelling, one residential unit: \$7.25 per month.
- E. Mobile home dwelling, one residential unit: \$7.25 per month.
- F. Apartment dwelling, one residential unit: \$7.25 per month.
- G. Nonresidential properties: one nonresidential unit: \$14.50 per month.

(Subsection 1 – Ord. 2026-4 – Aug. 26 Supp.)

2. The yearly rate shall increase by \$0.25 per year through fiscal year 2031 for properties in Section 2, (1)B-F. The yearly rate shall increase by \$0.50 per year through fiscal year 2031 for properties in Section 2, (1) G. As a result of the annual review of rates, as detailed in Section 100.15 of this chapter, the Council may choose to adjust the monthly unit rate as necessary. Such rate adjustments shall be approved by resolution of the City Council.

(Subsection 2 – Ord. 2026-4 – Aug. 26 Supp.)

3. Stormwater fee billing will begin upon water meter installation or if no water service, billing will begin upon completion of structure or improvements that result in more than 500 square feet of developed impervious surface on such property. This is, by definition, developed property that increases the amount of rainwater or surface water runoff.

100.12 RATE APPEALS. City staff will review all service charge and billing inquiries from customers to ensure the unit rate has been correctly applied to a property. Following this review, any customer who believes the provisions of this chapter have been applied in error may appeal in the following manner:

1. An appeal must be filed in writing to the Clerk and include all necessary information to support the request for an appeal.
2. In the case of service charge appeals, the appeal shall include official property information, including total area for the property in question.
3. Using the information provided by the appellant, the Clerk shall conduct a technical review of the conditions on the property, communicate with the Council member in charge of utilities, and respond to the appeal in writing within 30 days.
4. In response to an appeal and with approval of the Council member in charge of utilities, the Clerk may adjust the storm water service charge applicable to a property in conformance with the general purpose and intent of this chapter.
5. A decision by the Clerk which is adverse to an appellant may be further appealed to the entire Council within 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 Council shall schedule a public hearing within 30 days. All decisions of the Council shall be served to the appellant by registered mail, sent to the billing address of the appellant.
6. All decisions of the Council shall be final.

100.13 EXEMPTION FROM FEES; SPECIAL CONDITIONS. The stormwater management utility service fee shall not apply:

1. If a written request is made, in special conditions the Council may grant fee payment and collection variances after determining that granting the variance would be in the City's best interest, will improve efficiency and safety and is practical. Upon the granting of any variance, the Clerk shall keep on file notice of granted variance, giving reasons for the variance.
2. To properties owned by the City.
3. To a subdivided lot until a substantially completed structure has been built or improvements on said lot meet the definition of developed property as defined in this chapter.

100.14 STORMWATER SERVICE BILLING.

1. All stormwater management fees shall be due and payable under the same terms and conditions, including late fees, provided for payment of a combined water, sewer, recycling service account as contained in Section 92.04 of this Code of Ordinances. Water service may be discontinued or disconnected in accordance with the provisions contained in Section 92.05 if the combined service account becomes delinquent, and the provisions contained in Section 92.08 relating to lien notices shall also apply in the event of a delinquent account. Delinquent accounts may also be submitted to the Iowa Income Offset Program for collection.
2. Stormwater fee billing will begin upon water meter installation or if no water service, billing will begin upon completion of structure or improvements that result in more than 500 square feet of developed impervious surface on such property. This is,

by definition, developed property that increases the amount of rainwater or surface water runoff.

100.15 LIEN FOR NONPAYMENT. Except as provided for in Section 92.07 of this Code of Ordinances, the owner of the premises served, and any lessee or tenant thereof shall be jointly and severally liable for stormwater service charges to the premises. Stormwater 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)

100.16 ANNUAL REVIEW OF RATES. The City has the option to review the stormwater service charges at least yearly and revise the storm water 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.

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CHAPTER 105

SOLID WASTE CONTROL

105.01 Purpose
105.02 Definitions
105.03 Sanitary Disposal Required
105.04 Health and Fire Hazard
105.05 Open Burning Restricted

105.06 Separation of Yard Waste Required
105.07 Littering Prohibited
105.08 Toxic and Hazardous Waste
105.09 Waste Storage Containers
105.10 Prohibited Practices

105.01 PURPOSE. The purpose of the chapters in this Code of Ordinances pertaining to Solid Waste Control and Collection is to provide for the sanitary storage, collection, and disposal of solid waste and, thereby, to protect the citizens of the City from such hazards to their health, safety, and welfare as may result from the uncontrolled disposal of solid waste.

105.02 DEFINITIONS. For use in these chapters the following terms are defined:

1. “Collector” means any person authorized to gather solid waste from public and private places.

2. “Discard” means to place, cause to be placed, throw, deposit, or drop.
(Code of Iowa, Sec. 455B.361[1])

3. “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.

4. “Garbage” means all solid and semisolid, putrescible animal and vegetable waste resulting from the handling, preparing, cooking, storing, serving, and consuming of food or of material intended for use as food, and all offal, excluding useful industrial by-products, and includes all such substances from all public and private establishments and from all residences.

(567 IAC 100.2)

5. “Landscape waste” means any vegetable or plant waste except garbage. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, and yard trimmings.

(567 IAC 20.2)

6. “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])

7. “Owner” means, in addition to the record titleholder, any person residing in, renting, leasing, occupying, operating, or transacting business in any premises, and as between such parties the duties, responsibilities, liabilities, and obligations hereinafter imposed shall be joint and several.

8. “Refuse” means putrescible and non-putrescible waste, including but not limited to garbage, rubbish, ashes, incinerator residues, street cleanings, market and industrial solid waste, and sewage treatment waste in dry or semisolid form.

(567 IAC 100.2)

9. “Residential premises” means a single-family dwelling and any multiple-family dwelling.

10. “Residential waste” means any refuse generated on the premises as a result of residential activities. The term includes landscape waste grown on the premises or deposited thereon by the elements, but excludes garbage, tires, trade wastes, and any locally recyclable goods or plastics.

(567 IAC 20.2)

11. “Rubbish” means non-putrescible solid waste consisting of combustible and non-combustible waste, such as ashes, paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, or litter of any kind.

(567 IAC 100.2)

12. “Sanitary disposal” means a method of treating solid waste so that it does not produce a hazard to the public health or safety or create a nuisance.

(567 IAC 100.2)

13. “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*)

14. “Solid waste” means garbage, refuse, rubbish, and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities. Solid waste may include vehicles, as defined by Section 321.1 of the *Code of Iowa*. Solid waste does not include any of the following:

(*Code of Iowa, Sec. 455B.301*)

A. Hazardous waste regulated under the Federal Resource Conservation and Recovery Act, 42 U.S.C. § 6921-6934.

B. Hazardous waste as defined in Section 455B.411 of the *Code of Iowa*, except to the extent that rules allowing for the disposal of specific wastes have been adopted by the State Environmental Protection Commission.

C. Source, special nuclear, or by-product material as defined in the Atomic Energy Act of 1954, as amended to January 1, 1979.

D. Petroleum contaminated soil that has been remediated to acceptable State or federal standards.

E. Steel slag which is a product resulting from the steel manufacturing process and is managed as an item of value in a controlled manner and not as a discarded material.

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.

15. “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.

(567 IAC 100.2)

16. “Yard waste” means any debris such as grass clippings, leaves, garden waste, brush, and trees. Yard waste does not include tree stumps.

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 or burned on the premises or placed in acceptable containers and set out for collection.

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.

*(567 IAC 100.2)
(567 IAC 102.13[2] and 400 IAC 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 are reusable, portable containers or heavy-duty disposable garbage bags, shall be of sufficient capacity, and leak-proof and waterproof. Disposable containers shall be securely fastened, and reusable containers shall be fitted with a fly-tight lid that 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.

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

2. Storage of Containers. Residential solid waste containers shall be stored upon the residential premises. Commercial solid waste containers shall be stored upon private property, unless the owner has been granted written permission from the City to use public property for such purposes. The storage site shall be well drained 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 at the curb or alley line by the owner or occupant of the premises served. Containers or other solid waste placed at the curb line shall not be so placed more than 12 hours in advance of the regularly scheduled collection day and shall be promptly removed from the curb line following collection.

4. Nonconforming Containers. Solid waste 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.

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CHAPTER 106

COLLECTION OF SOLID WASTE

106.01 Collection Service
106.02 Collection Vehicles
106.03 Loading

106.04 Frequency of Collection
106.05 Bulky Rubbish
106.06 Right of Entry

106.01 COLLECTION SERVICE. The collection of solid waste within the City shall be by private contract with collectors.

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.

(567 IAC 104.9)

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 that is too large or heavy to be collected in the normal manner of other solid waste may be collected by the collector upon request in accordance with procedures established by the Council.

106.06 RIGHT OF ENTRY. Solid waste collectors are hereby authorized to enter upon private property for the purpose of collecting solid waste, as required by this chapter; however, solid waste collectors shall not enter dwelling units or other residential buildings.

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CHAPTER 107

COLLECTION OF RECYCLABLE MATERIALS

107.01 Definitions

107.02 Establishment of Recyclable Collection Program

107.03 Nonexclusive Agreement

107.04 Collection of Fees

107.05 Lien for Nonpayment

107.06 Cart Replacement Fees

107.01 DEFINITIONS. The following terms are defined as used in this chapter:

1. “Eligible residence” means all one-and two-family residences of the City with the exception of mobile home parks.
2. “Facility” means the facility designated by the City to which the hauler shall deliver all recyclable materials collected by the hauler.
3. “Non-recyclable material” means any material not defined as recyclable material.
4. “Recyclable material” means old newspapers (ONP), old corrugated containers (OCC), magazines, catalogs, junk mail, kraft bags, bimetal and ferrous cans, aluminum cans, clear glass containers, high density polyethylene (HDPE) and polyethylene terephthalate (PETE), whether alone or in combination, and any other material that may be added to this list by the City in the future.
5. “Set out” means the action, event or instance comprised of the proper placement of the home storage containers of recyclable material for collection at the eligible residences.

107.02 ESTABLISHMENT OF RECYCLABLE COLLECTION PROGRAM.

1. The City has entered into an agreement with the Metro Waste Authority. This agreement authorizes and directs the Metro Waste Authority to contract on behalf of the City for the collection of recyclable materials under the Metro Waste Authority’s “Curb-It” program. The costs for collection of this program will be borne by the City. The costs for the purchase of recyclable bins, the costs of educational programs instructing citizens as to the program, and the costs for processing the recyclables collected will be paid for by the Metro Waste Authority.
2. The hauler designated by Metro Waste Authority as the recyclable collection hauler will provide collection every other week of recyclable materials to all eligible residences under the terms and conditions of the contract executed between Metro Waste Authority and the designated hauler.

107.03 NONEXCLUSIVE AGREEMENT. Nothing in the agreement between Metro Waste Authority and the City or Metro Waste Authority and the designated hauler for recyclable material within the City shall be construed or interpreted to constitute the grant of a franchise or exclusive right to the designated hauler to collect all recyclable materials within the City.

107.04 COLLECTION OF FEES. The fee for the collection of recyclable materials from each eligible residence is \$4.78 per month, effective on the bill dated July 1, 2026. Such charges shall be due and payable under the same terms and conditions provided for payment of a combined service account as contained in Section 92.04 of this Code of Ordinances. Service

may be discontinued in accordance with the provisions contained in Section 92.05 if the combined service account becomes delinquent, and the provisions contained in Section 92.08 relating to lien notices shall also apply in the event of a delinquent account.

(Section 107.04 – Ord. 2026-01 – May 26 Supp.)

107.05 LIEN FOR NONPAYMENT. Except as provided for in Section 92.07 of this Code of Ordinances, the owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for recyclable collection fees for the premises. Any 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)

107.06 CART REPLACEMENT FEES. Each eligible residence shall pay the fees incurred for cart replacement and delivery associated with that eligible residence. Such charges shall be due and payable under the same terms and conditions as contained in Section 107.04.

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CHAPTER 110

NATURAL GAS FRANCHISE

110.01 Franchise Granted
110.02 Rights and Privileges
110.03 Pipes and Mains
110.04 Construction and Maintenance
110.05 Excavations
110.06 Utility Easements
110.07 Relocation not Required

110.08 Relocation Reimbursement
110.09 Indemnification
110.10 Information
110.11 Applicable Regulations
110.12 Franchise Fee
110.13 Management Fees
110.14 Termination

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 of Elkhart, Iowa, (hereinafter called 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. For the term of this franchise, the Company is granted the right of eminent domain, the exercise of which is subject to City Council approval upon application by the Company. This franchise shall be effective for a 25 year period from and after the effective date of this ordinance.[†]

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*, 2017, 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

[†] **EDITOR’S NOTE:** Ordinance No. 2017-07, adopting a natural gas franchise for the City, was passed and adopted on August 21, 2017.

shall provide, at no cost to the Company, copies of its relocation plan and profile and cross section drawings. If tree and vegetation 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/vegetation removal does not coincide with the Company facilities relocation schedule and Company must remove trees/vegetation that are included in the City's portion of the project, the City shall either remove the material at its cost or reimburse the Company for the expenses incurred to remove said vegetation or trees. 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. The City's 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 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 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 18CFR 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 this 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 the Company.

110.12 FRANCHISE FEE. A franchise fee of two percent is imposed upon, and shall be collected from, the natural gas customers of the Company receiving service and located within the corporate limits of the City. The franchise fee shall be imposed upon the gross receipts, minus uncollectible accounts, generated from sales of natural gas and distribution service:

1. The City agrees to modify the level of franchise fees imposed only once in any 24-month period.
2. The Company will use its best efforts to 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.
3. The City shall be solely responsible for identifying customer classes subject to or exempt from paying the City imposed franchise fee. 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 Company shall not, under any circumstances, be required to return or refund any franchise fees that have been collected from customers and remitted to the City. In the event the Company is required to provide data or information in defense of the City's imposition of franchise fees or the Company is required to assist the City in identifying customers or calculating any franchise fee refunds for groups or individual

customers, the City shall reimburse the Company for the expenses incurred by the Company to provide such data or information.

(Section 110.12 – Ord. 2025-6 – Mar. 26 Supp.)

110.13 MANAGEMENT FEES. 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.

110.14 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 shorter or longer period for cure. If the breach is not cured within the cure period, the non-breaching party may terminate this franchise. A party shall not be considered to be in breach of this franchise if it has operated in compliance with State or federal law. A party shall not be considered to have breached this 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	111.09 Indemnification
111.02 Rights and Privileges	111.10 Trimming Trees
111.03 Poles and Wires	111.11 Information
111.04 Construction and Maintenance	111.12 Applicable Regulations
111.05 Excavations	111.13 Franchise Fee
111.06 Utility Easements	111.14 Management Fees
111.07 Relocation not Required	111.15 Binding Agreement
111.08 Relocation Reimbursement	111.16 Termination

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 non-exclusive franchise to acquire, construct, erect, maintain and operate in the City of Elkhart, Iowa, (hereinafter called 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 of 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 this ordinance.†

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*, 2017, or as subsequently amended or changed.

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 conduits or conductors for the distribution of electric energy and communications signals in and through the City, provided the same shall be placed in accord with this franchise and City code regulations of the City, regarding the placement of structures, facilities, accessories or other objects in the right-of-way, including ordinances which assign corridors or other placements to users of the right-of-way and requirements which may be adopted regarding separation of structures, facilities, accessories or other objects.

111.04 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 installations located in, on, over or under the right-of-way of any public street, right-of-way, or alley in the City in such a manner as the City may require for the purposes of facilitating the construction, reconstruction, maintenance or repair of the street, right of way, or alley. If the City has a reasonable alternative route for the street, right-of-way, or alley or an alternative construction method, which would not cause the relocation of Company installations or would minimize the cost or expense of relocation of

† **EDITOR’S NOTE:** Ordinance No. 2017-08, adopting an electric franchise for the City, was passed and adopted on August 21, 2017.

Company installations, the City and Company shall work together to consider said alternative route or construction method. The City shall, in the extension or modification of streets and roads, make provision for the placement of company service lines and facilities on City-owned right-of-way without charge to Company. In planning for the extension or modification of streets, the City shall, to the extent practicable design such changes to limit the need for relocation of Company facilities. 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 vegetation and 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 vegetation and tree removals does not coincide with Company's facilities relocation schedule and the Company must remove vegetation and trees that are included in the City's portion of the project, the City shall either remove them or reimburse the Company for the expenses incurred to remove said materials. If project funds from a source other than the City are available to pay for the relocation of utility facilities, the City shall use its best efforts to secure said funds and provide them to the Company to compensate the Company for the costs of relocation.

111.05 EXCAVATIONS. In making excavations in any streets, avenues and 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. The Company in making such excavations shall, if required by ordinance, obtain a City permit therefore and provide City representatives with advance notice prior to the actual commencement of the work, and shall comply with all provisions and requirements of the City in its regulation of the use of City right-of-way in performing such work. In emergencies which require immediate excavation, the Company may proceed with the work without first applying for or obtaining the permit, provided, however, that Company shall apply for and obtain the excavation permit as soon as possible after commencing such emergency work. The Company shall comply with all provisions and requirements of the City in its regulation of the use of City right-of-way in performing such work. The Company shall comply with all City ordinances regarding paving cuts, placement of facilities and restoration of pavement and other public infrastructure. The Company shall replace the surface, restoring the condition as existed prior to the Company's excavation but shall not be required to improve or modify the 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. Company shall complete all repairs in a timely manner. Company agrees any replacement of road surface shall conform to current City ordinances regarding its depth and composition.

111.06 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 and their replacements 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, the City shall grant the Company a utility easement for said facilities.

111.07 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.

111.08 RELOCATION REIMBURSEMENT. Pursuant to relocation of Company facilities, if the City orders or requests the Company to relocate its existing facilities or equipment in order to directly facilitate a project for the primary benefit of a commercial or private developer or other non-public entity, 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, 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.

111.10 TRIMMING TREES. The pruning and removal of vegetation and trees shall be done in accordance with current nationally accepted safety and utility industry standards and federal and State law, rules and regulations. The Company is authorized and empowered to prune or remove at Company expense, any tree extending into any street, avenue, right-of-way, alley, public place or public grounds to maintain electric reliability, safety, to restore utility service and to prevent limbs, branches, or trunks from interfering with the wires and facilities of the Company. The pruning and removal of vegetation and trees shall be completed in accordance with nationally accepted safety and utility standards, NSI Z133.1-2012, American National Standard for Arboricultural Operations-Safety Requirements, and ANSI A300 (Part 1) - 2008 Pruning, (Revision of ANSI A300 part 1-2001) American National Standard for Tree, Shrub, and other Woody Plant Management - Standard of Practices (Pruning) or subsequent revisions to these standards, and City ordinances regarding the pruning of trees that incorporate by reference that standard.

111.11 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 City 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. Therefore, City shall not release any Information without prior consent of the Company and shall return the Information to Company upon request. City recognizes that Company claims the Information may constitute a trade secret or is otherwise protected from public disclosure by State or federal law on other grounds, and agrees to retain the Information in its non-public files. Furthermore, the City agrees that no documents, maps or other Information provided to the City by the Company shall be made available to the public or other entities if such documents or Information are 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 and 388.113, or Chapter 22 of the *Code of Iowa*, as such statutes and regulations may be amended from time to time. In the event any action at law, in equity or administrative is brought against the City regarding disclosure of any document which the Company has designated as a trade secret or as otherwise protected from disclosure, the Company shall assume, upon request of the City, the defense of said action and reimburse the City any and all costs, including attorney fees and penalties to the extent allowed by law.

111.12 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 this 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.

111.13 FRANCHISE FEE. There is hereby imposed upon the customers a franchise fee of two percent upon the gross revenues, minus uncollectible accounts, generated from sales of electricity and distribution service, pursuant to the Tariff, by the Company within the corporate limits of 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 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.
2. The Company will use its best efforts to commence collection of 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.
3. The City shall be solely responsible for identifying customer classes subject to or exempt from paying the City imposed franchise fee. 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 Company shall not, under any circumstances, be required to return or refund any franchise fees that have been collected from customers and remitted to the City. In the event the Company is required to provide data or information in defense of the City's imposition of franchise fees or the Company is required to assist the City in identifying customers or calculating any franchise fee refunds for groups or individual customers, the City shall reimburse the Company for the expenses incurred by the Company to provide such data or information.

(Section 111.13 – Ord. 2025-6 – Mar. 26 Supp.)

111.14 MANAGEMENT FEES. 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.

111.15 BINDING AGREEMENT. This franchise shall apply to and bind the City and Company and their successors and assigns.

111.16 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 this

franchise. A party shall not be considered to be in breach of this franchise if it has operated in compliance with State or federal law. A party shall not be considered to have breached this franchise if the alleged breach is the result of the actions of a third party or the other party.

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CHAPTER 112

CEMETERY

112.01 Definition

112.02 Records

112.03 Sale of Interment Rights

112.04 Rules and Regulations

112.05 Council Member in Charge

112.06 Cemetery Advisory Committee

112.07 Burial of Cremains

112.01 DEFINITION. The term “cemetery” means the Elkhart 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. The description of the land comprising the cemetery is as follows:

Approximately three and forty-three hundredths (3.43) acres located in the Northeast Quarter (NE¼) of the Northwest Quarter (NW¼) of Section Thirty-four (34), Township Eighty-one (81) North, Range Twenty-three (23), West of the 5th P.M., Elkhart Township, Polk County, Iowa.

(Code of Iowa, Sec. 523I.501)

112.02 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.

112.03 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 resolution of the Council.

(Code of Iowa, Sec. 523I.310)

112.04 RULES AND REGULATIONS. Rules and regulations for the cemetery may be adopted, and may be amended from time to time, by resolution of the Council and may cover such things as the use, care, control, management, restrictions and protection of the cemetery as necessary for the proper conduct of the business of the cemetery. The rules shall specify the cemetery's obligations in the event that interment spaces, memorials, or memorializations are damaged or defaced by acts of vandalism. Any veteran, as defined in Section 35.1 of the *Code of Iowa*, who is a landowner or who lives within the City shall be allowed to purchase an interment space and to be interred within the cemetery. In addition, any veteran who purchases an interment space within the cemetery shall be allowed to purchase an interment space for interment of the spouse of the veteran if such a space is available, and the surviving spouse of a veteran interred within the cemetery shall be allowed to purchase an interment space and be interred within the cemetery if such a space is available.

(Code of Iowa, Sec. 523I.304)

112.05 COUNCIL MEMBER IN CHARGE. At its first meeting in January of each year or as soon thereafter as may be, the Mayor shall designate a Council member in charge of Parks and Cemetery, who shall attend to the work of maintaining the grounds and shall have general charge of the same under the general supervision of the Council. The duties of the Council member are as follows:

1. The Council member in charge of Parks and Cemetery shall be familiar with State law and the rules of the Iowa Department of Public Health in regard to the burial and disposal of dead bodies and shall see that all such laws and rules are strictly complied with.
2. The Council member in charge of Parks and Cemetery, at the first regular meeting of the Council in April of each year, shall make a full and detailed report of the past fiscal year and of all actions taken during the year, and shall attach to said report a complete list of all municipal property in possession of said Council member.
3. The Council member in charge of Parks and Cemetery shall have such other powers and shall perform such other duties as may be provided by the Council, the ordinances, or the laws of the State.

112.06 CEMETERY ADVISORY COMMITTEE. There is hereby created the Elkhart Community Cemetery Advisory Committee. The object of such committee is to act as an advisory group to the Council member in charge of the cemetery and to assist with beautification and improvement projects for the cemetery.

1. The Committee shall consist of a Chairperson and such assistants and volunteers as may, from time to time, be deemed necessary for the effective operation of the Committee. The membership of the Committee shall consist of such persons who are interested in serving on the committee.
2. The Chairperson shall be accountable to the Council and shall be responsible for all property of the Department. The Chairperson shall make no less than one written annual report to the Council on or before February 1 each year. Additional reports, verbal or written, may be required, from time to time, by the Council.
3. The Committee, in its election, may incorporate as a nonprofit corporation under the laws of the State and elect such officers to be known as social officers as may be determined by the Articles of Incorporation and the membership of the Committee. The Articles of Incorporation shall be approved by the Council.

112.07 BURIAL OF CREMAINS.

1. Burial of two urns containing cremains will be allowed in an individual grave site already occupied by an immediate family member, i.e., parent, spouse, child, sibling.
2. Burial of urns containing cremains of immediate family members will be limited to four such urns in an individual grave site not already occupied.

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CHAPTER 119

SPECIAL EVENTS

119.01 Applicability	119.08 Insurance Required
119.02 Purpose and Intent	119.09 Decision by City Council
119.03 Definitions	119.10 Appeal Procedure
119.04 Application and Permit Required	119.11 Permit Revocation
119.05 Application Requirements	119.12 Violations
119.06 Permit Review Process	119.13 Penalties
119.07 Fees and Other Costs Required	119.14 Exemptions

119.01 APPLICABILITY. The following regulations shall apply to Special Event Permit applications submitted to the City.

119.02 PURPOSE AND INTENT. These regulations prescribe the condition through which special events of limited duration may be permitted to occur within the City that involve a request from an individual or organization, to use public property or right of way to conduct or promote an event, thereby creating an anticipated significant impact to City services, public property, right of way, or the closure of a public street, and it is advisable or necessary to include City staff in the preparation, planning, coordination, and approval of the requested special event to promote the health, safety, and welfare of the general public and of the event participants or attendees.

119.03 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. City: The City of Elkhart, including City Hall staff, Public Works, Fire Chief/Fire Department, in the county of Polk, in the state of Iowa. Herein after referred to as, “the City.”
2. Person: Any natural person, his or her heirs, executors, administrators or assigns, firm, partnership, association, corporation, company, or organization, its or their successors or assigns, or the agent of any of them.
3. Public Property: The land owned and maintained by the City, to include: streets, alleys, right of ways, sidewalks, and parks.
4. Special Event: Any organized and advertised gathering for the purpose of entertainment, recreation, competition, public rally, parade or public march, or festival purposes that will impact City services or public right of way.

119.04 APPLICATION AND PERMIT REQUIRED. A Special Event Permit shall be required for all events that relate to the stated purpose and intent of this chapter. A Special Event Permit must be timely applied for and issued by the City Council prior to the commencement of the event. It shall be unlawful for any person or organization to engage, sponsor, or participate in any event described herein without having first applied for and obtained a permit in accordance with this chapter. Receiving approval of a Special Event Permit from the City shall not preclude, supersede, circumvent, or waive the applicant’s responsibility to obtain any additional permits, licenses, and approvals for other applicable local, State and federal regulations. The City reserves the right to impose special guidelines and restrictions for

any special event based upon the nature of the proposed event, the proposed location of the event, and the anticipated attendance of the event. The City also reserves the right to temporarily suspend other City code requirements for any special event based upon the particular event details.

119.05 APPLICATION REQUIREMENTS. For any special event defined or described within this chapter, the following information, at a minimum, shall be submitted with the application to the City:

1. A written application for a Special Event Permit shall be submitted to the City on a form provided by the City. The application must set forth the following information regarding the proposed special event:
 - A. The name, address, phone number, and e-mail address of the applicant(s) and sponsor(s) of the event and contact person(s).
 - B. If the proposed special event would be conducted for, on behalf of, or by an organization, the name, address and phone number of the headquarters of the organization and the authorized responsible heads of such organization.
 - C. The date(s) and duration of the time for the proposed special event, specifically identifying the date(s) and duration of time for which the requested use of the public property or right of way would occur.
 - D. An accurate description of that portion of the property or right of way proposed to be used, including a detailed map. The map should depict the requested location of any activities, structures, tents, barricades, parking, traffic control devices and personnel, signage, trash collection, and portable restroom facilities necessary for the proposed event. Parking plans are required for events with 150+ patrons.
 - E. The estimate number of participants or attendees.
 - F. The proposed type of special event, described in detail, including a description of the planned activities and the proposed location.
 - G. Whether the applicant has obtained or will obtain required permits for any of the following: the sale of alcoholic beverages, fireworks, and any applicable building permits. Copies of any such permits, including the name of the specific person or entity who will hold the license, shall be provided by the applicant with the application.
2. After the initial filing of the application, City staff may request additional information from the applicant to determine whether a Special Event Permit should be issued, including, but not limited to, a crowd control plan.
3. All other applications must be submitted not less than sixty (60) calendar days prior to the regular City Council meeting proceeding the special event. The City reserves the right to reject any applications that have not been timely submitted to the City.
4. Before the City Council decides to approve the Special Event Permit, the City Council will require the applicant to provide notice of the proposed event to all affected neighboring property owners and known tenants within 200 feet of the special event. The City may also require the applicant to petition, or canvas affected neighboring property owners and known tenants to ascertain whether there is sufficient support for the proposed event. Alternatively, the City may elect to provide the notification to the

affected neighboring property owners and known tenants itself and the applicant shall then be responsible for reimbursing the City for the incurred costs.

119.06 PERMIT REVIEW PROCESS.

1. A team of City staff that consists of representatives from the following departments: administration, fire, and public works review special event applications, identify potential issues and concerns, and work with the applicant to propose possible solutions to resolve those identified issues and concerns. Additional City staff from other departments may assist with the review depending upon the details of the proposed event.

2. City staff shall consider, at a minimum, the following criteria in reviewing the Special Event Permit application. City staff reserves the right to consider additional criteria in its review as deemed necessary.

A. Whether the applicant provided all the necessary information.

B. Whether the applicant obtained necessary permits or provided information necessary to apply for required permits involving the sale of alcoholic beverages, fireworks, and any applicable building permits.

C. Whether the applicant previously held events of similar size and scope within the City, and if they have held previous events were they conducted in a manner that the City would be willing to allow the event to be held again. Have all fees associated with the previous event been paid in full and in a timely manner. The City reserves the right to deny any special event application if prior events held by said owner were either disruptive or conducted in an inappropriate manner. The City Council reserves the right to approve multiple special event applications at once, contingent upon appropriate conduct at all the owner's events.

D. Whether the date, time, size, or location of the event would substantially interrupt the safe and orderly movement of pedestrian and vehicular traffic in the vicinity of the event's location.

E. Whether the event would unduly interfere with proper access for fire and police protection and other emergency services.

F. Whether the estimated number of participants, attendees or the size or type of event or equipment is sufficiently large enough to require the closing of a public street, or if there is an alternative available to closing a public street.

G. Whether another Special Event Permit has already been granted for substantially the same date, time, or location within the City.

H. Whether the size or time of the event would require so great a diversion of the City police protection as to prevent normal police protection throughout the City or at another previously scheduled event in the City. The City of Elkhart reserves the right to require the property owner of said special event to hire additional police coverage (deputies) from Polk County to patrol the event. Costs associated with additional deputies are the responsibility of the property owner.

I. Whether City personnel are necessary to regulate and monitor the event can reasonably be made available.

- J. Whether the event is reasonably likely to cause injury to persons or property and if there is adequate planning for crowd control or participants or attendees.
 - K. Whether adequate sanitation or other health facilities will be available at the event. Portable restrooms are required for large events with alcohol and events without alcohol. For events with alcohol, one portable toilet is required for every 150 people and for events without alcohol, one portable toilet is required for 250 people. If the property houses existing public restrooms, portable toilet requirements may be waived at the discretion of City Staff.
 - L. Whether there is a sufficient number of parking places within a reasonable distance to accommodate the number of vehicles expected.
 - M. Whether the time, size or nature of the event is compatible with the normal activity at the location.
 - N. Whether the proposed use or event will likely have a significant adverse environmental impact.
 - O. Whether negative police reports or other reports of past activities held or sponsored by the applicant or in the same location merit a recommendation of denial.
 - P. Whether the applicant has obtained or made an effort to obtain notification signatures of neighboring residents or businesses.
 - Q. Whether sufficient negative impact for the event on neighboring properties or individuals warrant denial of the application.
 - R. Whether the applicant, including its employees, agents and volunteers have violated City code provisions or City policies at past events.
 - S. Whether the applicant has timely paid the City all fees due and owed under any City code provision or City policy.
- 4. The approval or denial of a completed application by the City review team shall be made to the applicant as soon as reasonably practicable.
 - 5. Where the applicant seeks or where the City staff recommends lane closure(s) of arterial or collector streets within the City, as those streets have been classified by the DOT, such permit may be issued only by the City Council. City staff shall be responsible for the issuance of all other Special Event Permits unless otherwise provided in this chapter
 - 6. The City of Elkhart has the right to deny any special event applications submitted to City Council.

119.07 FEES AND OTHER COSTS REQUIRED.

- 1. The applicant for a Special Event Permit shall pay the applicable non-refundable application fee shall be set by City Council resolution. The application fee must be paid at the time of submittal of the application. Non-profit organizations shall be exempt from the fee schedule requirements per special event.
- 2. If the permitted event will require the use of any City equipment, facilities, or services, the applicant shall pay the estimated costs for the use of the City equipment, facilities, or services in advance of the event, if the City requests advanced payment be

made, or the City may direct the applicant to pay the actual costs for the use of the City equipment, facilities, or services following the event within thirty (30) calendar days of billing by the City.

3. Where the applicant requests or City staff recommends City sponsorship/co-sponsorship of an event which would include full or partial waiver of application and related fees, the proposed fee waiver must receive City Council approval.

119.08 INSURANCE REQUIRED.

1. The applicant shall be responsible for obtaining liability insurance coverage and Dram Shop insurance (if alcohol is to be served by the event organizer) for the special event, in amounts as determined by the City. The applicant shall also provide the City with a certificate of insurance, naming the City as an additional insured, sufficiently in advance of the scheduled event.

2. The applicant must also sign a hold harmless and indemnification agreement with the City in which the applicant holds the City harmless and indemnifies the City of any negligent, reckless, or intentional act attributable to the applicant or the applicant's officials, employees, agents, or volunteers.

119.09 DECISION BY CITY COUNCIL. The City Council shall approve or deny the permit application in its sole discretion based upon the facts and comments presented to it on the overall effect the special event would have on the City and its citizens.

The City Council ensures that all special event applications are handled in fair, transparent, and unbiased manner. This policy reflects our commitment to fostering an inclusive environment and community.

119.10 APPEAL PROCEDURE.

1. The decision to approve or deny a Special Event Permit or deny City sponsorship of an event may be appealed to the City Council by making a written request to the City Clerk. The appeal will be placed on the agenda for the next available Council meeting.

2. After receiving the appeal and considering any submitted comments, the City Council shall affirm, reverse, or modify the decision to issue the permit. The decision of the City Council shall be the final determination as to whether the City approves the Special Event Permit.

119.11 PERMIT REVOCATION. A Special Event Permit for any event in progress may be revoked and the event terminated by the City Clerk, Fire Chief, City Administrator, or their respective designees, if the safety of the public is imminently endangered by activities generated during the event, or weather conditions at the time of the event, the participants or attendees engage in violent or destructive behavior causing injury to person or damage to property, or if there is a major violation of the conditions of the permit such that the standards of issuance have not been satisfied.

119.12 VIOLATIONS. No person shall violate any of the provisions of this chapter, and specifically shall not commit any of the following unlawful acts:

1. No person shall hold, sponsor, or be in charge of any activity for which a Special Event Permit is required without possessing a valid Special Event Permit.

2. No person shall violate any condition placed upon a Special Event Permit.
3. No person shall provide false or inaccurate information on a written application for a Special Event Permit.
4. No alcohol shall be served by any special event organizer during any special event, except under a lawful alcohol license and pursuant to Iowa law regarding service of alcohol.

119.13 PENALTIES. Any person who violates or resists the enforcement of any of the provisions of this chapter shall be guilty of a municipal infraction punishable by a civil penalty of seven hundred fifty dollars (\$750.00) for the initial offense and one thousand (\$1,000.00) for each repeat offense. Any person who violates a provision of this chapter after having previously been found guilty of violating the same provision of this chapter at the same location, shall be guilty of a repeat offense. Seeking a civil penalty as authorized in this section does not preclude the City from seeking alternative relief, including, but not limited to, any order for abatement or injunctive relief from the court in the same action or as a separate action.

119.14 EXEMPTIONS.

1. Nothing in this chapter shall be construed as requiring a Special Event Permit for the following:
 - A. Funeral processions.
 - B. Events conducted entirely on the property of a church, educational institution, or campus, unless foreseeable circumstances will likely require City services (e.g., police, fire, public works), disrupt neighboring streets with crowds or traffic congestion. However, this type of event may require a temporary site plan that would need to be approved by the City.
 - C. Events conducted on City owned property subject to a contract, lease, or agreement. However, this type of event may require a temporary site plan that would need to be approved by the City.
 - D. Events conducted entirely on property containing an occupied private residence with little potential to impact City services or right of way.

(Chapter 119 – Ord. 2025-2 – Mar. 26 Supp.)

CHAPTER 120

LIQUOR LICENSES AND WINE AND BEER PERMITS

120.01 License or Permit Required
120.02 General Prohibition
120.03 Investigation
120.04 Action by Council

120.05 Prohibited Sales and Acts
120.06 Persons Under Legal Age in Licensed or Permitted
Establishments
120.07 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 retail alcohol 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, and 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, and 123.50)

120.03 INVESTIGATION. Upon receipt of an application for a retail alcohol license, 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 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 retail alcohol license, shall endorse its approval or disapproval on the application, and shall forward the application with the necessary fee and bond, if required, to the Iowa Department of Revenue.

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

120.05 PROHIBITED SALES AND ACTS. A person holding a retail alcohol license 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 its consumption thereon between the hours of 2:00 a.m. and 6:00 a.m. on any day of the week.

(Code of Iowa, Sec. 123.49[2b])

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, except as follows:

A. Definitions. For use in this subsection the following terms are defined as follows:

(1) “Bar” means an establishment where one may purchase alcoholic beverages for consumption on the premises and in which the serving of food is only incidental to the consumption of those beverages.

(Code of Iowa, Sec. 142D.2[1])

(2) “Restaurant” means eating establishments, including private and public school cafeterias, which offer food to the public, guests, or employees, including the kitchen and catering facilities in which food is prepared on the premises for serving elsewhere, and including a bar area within a restaurant.

(Code of Iowa, Sec. 142D.2[17])

B. This subsection shall not apply if the employer has, on file, written permission from the parent, guardian, or legal custodian of a person 16 or 17 years of age for the person to sell or serve alcoholic beverages for consumption on the premises where sold. However, a person 16 or 17 years of age shall not work in a bar as defined in Paragraph A.

(1) The employer shall keep a copy of the written permission on file until the person is either 18 years of age or no longer engaged in the sale of or serving alcoholic beverages for consumption on the premises where sold.

(2) If written permission is on file in accordance with Paragraph B, a person 16 or 17 years of age may sell or serve alcoholic beverages in a restaurant as defined above in Paragraph A during the hours in which the restaurant serves food.

C. A person 16 or 17 years of age shall not sell or serve alcoholic beverages under this subsection unless at least two employees 18 years of age or older are physically present in the area where alcoholic beverages are sold or served.

D. If a person employed under this subsection reports an incident of workplace harassment to the employer or if the employer otherwise becomes aware of such an incident, the employer shall report the incident to the employee’s parent, guardian, or legal custodian and to the Iowa Civil Rights Commission, which shall determine if any action is necessary or appropriate under Chapter 216 of the *Code of Iowa*.

E. An employer that employs a person under this subsection shall require the person to attend training on prevention and response to sexual harassment upon commencing employment.

F. Prior to a person commencing employment under this subsection, the employer shall notify the employer’s dramshop liability insurer, in a form and

time period prescribed by the Director, that the employer is employing a person under this subsection.

(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.

(Code of Iowa, Sec. 123.49[2j])

8. Keep on premises covered by a retail alcohol license any alcoholic liquor in any container except the original package purchased from the Iowa Department of Revenue 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 Section 123.49, Subsection 2, Paragraph D, Subparagraphs (2), (3), and (4) of the *Code of Iowa*.

(Code of Iowa, Sec. 123.49(2)(d)(2), (3), and (4))

(Subsection 8 – Ord. 2025-12 – Mar. 26 Supp.)

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 or employees of the licensee 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])

120.06 PERSONS UNDER LEGAL AGE IN LICENSED OR PERMITTED ESTABLISHMENTS. Any person holding a retail alcohol license or wine or beer permit that authorizes on-the-premises consumption and any agents or employees of such person shall not allow a person under legal age, other than employees of the licensee or permittee, to enter or remain in the licensed or permitted establishment after 10:00 p.m. unless:

1. The licensee or permittee applies for and qualifies for an exception certificate from the City as follows:

- A. A licensee or permittee whose primary business purpose is not the sale of alcoholic beverages, wine, or beer may qualify for an exception upon submission of a verified statement from a certified public accountant or an

accountant which establishes that more than 60 percent of the licensee's or permittee's gross sales are from the sale of goods or services other than for the sale of alcoholic beverages, wine or beer, which shall not include income from cover charges, entertainment fees, drink mixes, or nonalcoholic beverages.

B. In addition to the statement mentioned in the previous paragraph, proof of qualification may include State and federal tax records for the previous year, articles of incorporation and receipts from specific vendors which itemize goods purchased related to the applicant's primary business purpose from the previous six months as requested by the City.

C. The City may issue an exception certificate if the licensee or permittee has satisfied the requirements in this subsection.

D. An exception certificate shall be effective for the duration of the alcoholic liquor control license, wine or beer permit.

2. The licensee or permittee applies for a special event exception from the City, which shall allow the holder to provide entertainment to persons under legal age, as follows:

A. A licensee or permittee may qualify for a special event exception when an application is submitted to the City at least seven business days prior to the proposed special event. Such application shall include the name and address of the licensed or permitted establishment, the type of event for which an exception is applied, the proposed date for the event and the time of the event.

B. All alcoholic liquor, wine or beer is removed or stored so that it is not available for sale or consumption during the period of the special event.

C. A special event exception shall be valid through the date of the special event or for the duration of the alcoholic liquor control license, wine or beer permit, whichever is first in time.

D. A licensee or permittee applying for a special event exception under this subsection agrees that failure to comply with the terms of this special event exception could result in the revocation of the licensee's or permittee's alcoholic liquor control license, wine or beer permit for one month.

E. Failure to comply with the terms of this special event exception shall result in the revocation or denial of such an exception application for one year.

3. For special events not exceeding five days in duration where a street closure has been authorized by the Council and a temporary liquor control license has been issued, the City may issue a special exception for the event, such exception to be limited to outdoor areas covered by the temporary liquor control license. The City's discretion may include, but is not limited to, past experience with policing the same event, staffing and any special difficulties in policing the proposed event.

4. The licensee or permittee posts a current exception certificate at the main entrance in the view of patrons of the licensed or permitted establishment.

Failure to post notices at all entrances to the licensed or permitted premises in the view of patrons of the licensed or permitted establishment that persons under legal age are not allowed in the premises after 10:00 p.m. unless the licensee or permittee has a current exception certificate under this section is a violation of this Code of Ordinances.

120.07 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 retail alcohol license, 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.

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CHAPTER 121

CIGARETTE AND TOBACCO PERMITS

121.01 Definitions
121.02 Permit Required
121.03 Application
121.04 City Approval
121.05 Fees
121.06 Issuance

121.07 Expiration
121.08 Refunds
121.09 Persons Under Legal Age
121.10 Self-Service Sales Prohibited
121.11 Permit Revocation

121.01 DEFINITIONS. For use in this chapter the following terms are defined:
(*Code of Iowa, Sec. 453A.1*)

1. “Alternative nicotine product” means a product, not consisting of or containing tobacco, that provides for the ingestion into the body of nicotine, whether by chewing, absorbing, dissolving, inhaling, snorting, or sniffing, or by any other means. “Alternative nicotine product” does not include cigarettes, tobacco products, or vapor products, or a product that is regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the *Federal Food, Drug, and Cosmetic Act*.
2. “Cigarette” means any roll for smoking made wholly or in part of tobacco, or any substitute for tobacco, irrespective of size or shape and irrespective of tobacco or any substitute for tobacco being flavored, adulterated, or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material. However, cigarettes shall not be construed to include cigars.
3. “Department” means the State Department of Revenue.
4. “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.
5. “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.
6. “Self-service display” means any manner of product display, placement, or storage from which a person purchasing the product may take possession of the product, prior to purchase, without assistance from the retailer or employee of the retailer, in removing the product from a restricted access location.
7. “Tobacco products” means the following: cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; 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.
8. “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(1))

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(1))

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.

(Code of Iowa, Sec. 453A.47A(4))

121.03 APPLICATION. A retailer shall submit to the department an application on forms furnished by the department, accompanied by the required fees and adequate bond as provided in Section 453A.14, of the *Code of Iowa*. Applications, any supporting documentation, and the associated fees shall be submitted electronically to the department.

(Code of Iowa, Sec. 453A.13(5))

121.04 CITY APPROVAL. The City may approve retail permit applications for applicants with a place of business within City limits. The City shall use the electronic portal of the department to process retail permit applications. Upon approval of a retail permit application by the City the department shall issue the permit to the applicant on behalf of the City.

(Code of Iowa, Sec. 453A.13(2))

121.05 FEES. The fee for a retail cigarette or tobacco permit shall be as follows:

(Code of Iowa, Sec. 453A.13(3)(b) and 453A.47A(7))

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

121.06 ISSUANCE. Each permit issued shall describe clearly the place of business for which it is issued and shall be nonassignable.

(Code of Iowa, Sec. 453A.13(9))

121.07 EXPIRATION. All permits shall expire on June 30 of each year. A permit shall not be granted or issued until the applicant has paid the fees to the department for the next period ending on June 30.

(Code of Iowa, Sec. 453A.13(3)(a))

121.08 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(4) and 453A.47A(8))

121.09 PERSONS UNDER LEGAL AGE. A person shall not sell, give, or otherwise supply any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes to any person under 21 years of age. The provision of this section includes prohibiting a person under 21 years of age 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))

121.10 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)

121.11 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 department within 30 days of the revocation or suspension.

(Code of Iowa, Sec. 453A.22)

(Chapter 121 – Ord. 2025-7 – Mar. 26 Supp.)

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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 Rebates
122.08 Display of License	122.17 License Exemptions
122.09 License Not Transferable	122.18 Charitable and Nonprofit Organizations

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. In addition to the application fee identified in Section 122.04 of this chapter, 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 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 REBATES. Any licensee, except in the case of a revoked license, shall be entitled to a rebate of part of the fee paid if the license is surrendered before it expires. The amount of the rebate shall be determined by dividing the total license fee by the number of days for which the license was issued and then multiplying the result by the number of full days not expired. In all cases, at least \$5.00 of the original fee shall be retained by the City to cover administrative costs.

122.17 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 local 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.
7. Minor Businesses. An on-site transactional business traditionally operated exclusively by a person under the age of 18, operated on an occasional basis for no more than 89 calendar days in a calendar year.

(Code of Iowa, Sec. 364.3[13])

122.18 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 to the Clerk in writing 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.

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CHAPTER 125

ADULT ENTERTAINMENT FACILITIES

125.01 Purpose

125.02 Definitions

125.03 Location of Adult Bookstores, Movie Theaters,
Nightclubs, Motels, Adult Businesses

125.04 Adult Magazines and Publications to be Covered

125.05 Enforcement

125.06 Permitted Areas

125.01 PURPOSE. It is recognized that adult entertainment facilities have certain objectionable side effects which render these adult facilities incompatible with residential and family-oriented uses, when the adult facilities are located directly adjacent to such uses. This chapter seeks to ensure that residential or family-oriented uses and adult entertainment facilities will be located in separate and compatible locations. It is a subject of legitimate concern for the City to use its zoning power to preserve the quality of life, preserve the City's neighborhoods, and to meet effectively the increasing encroachments of urbanization upon the quality of life within the City.

125.02 DEFINITIONS. As used in this chapter, the following terms have the following meanings:

1. "Adult entertainment facilities" include, but are not limited to, the following:
 - A. "Adult bookstore" means an establishment having as the primary portion of its stock in trade, books, magazines, and other periodicals which are substantially devoted to the depiction of specified sexual activities and specified anatomical areas.
 - B. "Adult business" means any business or establishment where a specified sexual activity or a specified anatomical area is displayed.
 - C. "Adult motel" means a motel or similar establishment offering public accommodations for any form of consideration which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
 - D. "Adult movie theater" means any theater, arcade, or similar establishment where an enclosed building or open-air facility is used for presenting material in the form of motion picture film, video tape, or other similar means which is substantially devoted to the depiction of specified sexual activities and specified anatomical areas for observation by persons therein.
 - E. "Adult nightclub" means any club, cabaret, nightclub, bar, restaurant, or similar establishment where an enclosed building or open-air facility is used for live performance which is characterized by the exposure of specified sexual activities and specified anatomical areas for observation by persons therein.

2. “Specified anatomical areas” means:
 - A. Less than completely and opaquely covered:
 - (1) Human genitals;
 - (2) Human buttocks;
 - (3) Human female breast below a point immediately above the top of the areola; and
 - B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
3. “Specified sexual activities” means:
 - A. Human genitals in a state of sexual stimulation or arousal;
 - B. Acts of human masturbation, sexual intercourse, or sodomy;
 - C. Fondling or other touching of human genitals, pubic region, buttock, or female breast; and
 - D. Minors engaged in a prohibited sexual act or simulation of a prohibited sexual act.

125.03 LOCATION OF ADULT BOOKSTORES, MOVIE THEATERS, NIGHTCLUBS, MOTELS, ADULT BUSINESSES.

1. Locations. No person, whether as principal or agent, clerk or employee, either for such person or any other person, or as an officer of any corporation, or otherwise, shall place, maintain, own, or operate any adult bookstore, adult movie theater, adult nightclub, adult motel, or adult business in the following locations:
 - A. In any residential area in the City, including upon any sidewalk abutting upon such residential area;
 - B. Within 2,000 feet of any residentially zoned or used property, or any property designated on the City’s Comprehensive Plan as residentially oriented.
 - C. Within 2,000 feet of any parcel of real property upon which is located any of the following facilities:
 - (1) An elementary school, junior high school, or senior high school;
 - (2) A church which conducts religious programs;
 - (3) Park or recreational facilities operated and approved by the City, County, the Polk County Conservation Board, the State of Iowa, or a not-for-profit institution;
 - (4) Federal, State, County, City, or special district governmental offices;
 - (5) Supermarket or convenience market primarily engaged in the sale of food;
 - (6) Restaurant, fast-food, or food establishment catering to family trade.

D. Within 2,000 feet of any other adult entertainment facility, as defined in Section 125.02.

2. **Measurement of Distance.** The distance between any two adult entertainment facilities shall be measured in a straight line, without regard to intervening structures from the closest exterior structural wall of each business. The distance between any adult entertainment facilities and any religious institution, school or public park, government office, supermarket, restaurant or any property designated for residential use or used for residential purposes shall be measured in a straight line without regard to intervening structures, from the closest property line of the adult entertainment facilities to the closest property line of the religious institution, school, public park, government office, supermarket, restaurant, or the property designated for residential use or used for residential purposes.

3. **Viewing Area.**

A. It is unlawful to maintain, operate or manage or permit to be maintained, operated or managed any adult theater or arcade in which the viewing areas are not visible from a continuous main aisle or are obscured by a curtain, door, wall, or other enclosure. For purposes of this section, "viewing area" means the area where a patron or customer would ordinarily be positioned while watching the performance, picture, show, or film.

B. It is unlawful for more than one person at a time to occupy any individually partitioned viewing area or booth.

C. It is unlawful to create, maintain, or permit to be maintained any holes or other openings between any two booths or individual viewing areas for the purpose of providing viewing or physical access between the booth or individual viewing area.

D. The opening to the viewing area shall be from the main aisle.

125.04 ADULT MAGAZINES AND PUBLICATIONS TO BE COVERED. The display of adult magazines and publications in a public place, other than a public place from which minors are excluded, is prohibited unless a device commonly known as a blinder rack is placed in front of such material, so that the lower two-thirds of the material is not exposed to view. As used herein, "public place" includes grocery stores, convenience stores, drug stores, supermarkets, and other retail establishments unless minors are excluded therefrom by law.

125.05 ENFORCEMENT. In case any building, structure, or sign is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building structure, sign, or land is used in violation of this chapter, the City Attorney, in addition to other remedies, shall institute any proper action or proceedings in the name of the City to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to prevent the occupancy of the building, structure or land, or to prevent any illegal act, conduct business or use in or about the premises.

125.06 PERMITTED AREAS. The areas in the City in which adult entertainment facilities are permitted are defined in Section 125.03.

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CHAPTER 135

STREET USE AND MAINTENANCE

135.01 Removal of Warning Devices

135.02 Obstructing or Defacing

135.03 Placing Debris On

135.04 Playing In

135.05 Traveling On Barricaded Street or Alley

135.06 Use for Business Purposes

135.07 Washing Vehicles

135.08 Burning Prohibited

135.09 Excavations

135.10 Property Owner's Responsibility for Maintenance

135.11 Failure to Maintain

135.12 Dumping of Snow

135.13 Driveway Culverts

135.01 REMOVAL OF WARNING DEVICES. It is unlawful for a person to willfully remove, throw down, destroy, or carry away from any street or alley any lamp, obstruction, guard, or other article or things, or extinguish any lamp or other light, erected or placed thereupon for the purpose of guarding or enclosing unsafe or dangerous places in said street or alley without the consent of the person in control thereof.

(Code of Iowa, Sec. 716.1)

135.02 OBSTRUCTING OR DEFACING. It is unlawful for any person to obstruct, deface or injure any street or alley in any manner.

(Code of Iowa, Sec. 716.1)

135.03 PLACING DEBRIS ON. It is unlawful for any person to throw or deposit on any street or alley any glass, glass bottle, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, leaves, grass, or any other debris likely to be washed into the storm sewer and clog the storm sewer, or any substance likely to injure any person, animal, or vehicle.

(Code of Iowa, Sec. 321.369)

135.04 PLAYING IN. It is unlawful for any person to coast, sled, or play games on streets or alleys, except in the areas blocked off by the City for such purposes.

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

135.05 TRAVELING ON BARRICADED STREET OR ALLEY. It is unlawful for any person to travel or operate any vehicle on any street or alley temporarily closed by barricades, lights, signs, or flares placed thereon by the authority or permission of any City official, police officer, or member of the Fire Department.

135.06 USE FOR BUSINESS PURPOSES. It is unlawful to park, store or place, temporarily or permanently, any machinery or junk or any other goods, wares, and merchandise of any kind upon any street or alley for the purpose of storage, exhibition, sale, or offering same for sale, without permission of the Council.

135.07 WASHING VEHICLES. It is unlawful for any person to use any public sidewalk, street, or alley for the purpose of washing or cleaning any automobile, truck equipment, or any vehicle of any kind when such work is done for hire or as a business. This does not prevent any person from washing or cleaning his or her own vehicle or equipment when it is lawfully parked in the street or alley.

135.08 BURNING PROHIBITED. No person shall burn any trash, leaves, rubbish, or other combustible material in any curb and gutter or on any paved or surfaced street or alley.

135.09 EXCAVATIONS. No person shall dig, excavate, or in any manner disturb any street, parking, or alley except in accordance with the following:

1. Permit Required. No excavation shall be commenced without first obtaining a permit. A written application for such permit shall be filed with the City and shall contain the following:
 - A. An exact description of the property, by lot and street number, in front of or along which it is desired to excavate;
 - B. A statement of the purpose, for whom and by whom the excavation is to be made;
 - C. The person responsible for the refilling of said excavation and restoration of the street or alley surface; and
 - D. Date of commencement of the work and estimated completion date.
2. Public Convenience. Streets and alleys shall be opened in the manner 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 \$10,000.00 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 \$10,000.00 may be filed with the City.
5. Insurance Required. Each applicant shall also file a certificate of insurance indicating that the applicant is carrying public liability insurance in effect for the duration of the permit covering the applicant and all agents and employees for the following minimum amounts:
 - A. Bodily Injury - \$50,000.00 per person; \$100,000.00 per accident.
 - B. Property Damage - \$50,000.00 per accident.
6. Restoration of Public Property. Streets, sidewalks, alleys, and other public property disturbed in the course of the work shall be restored to the condition of the property prior to the commencement of the work, or in a manner satisfactory to the City, at the expense of the permit holder/property owner.
7. Inspection. All work shall be subject to inspection by the City. Backfill shall not be deemed completed, 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 Issued. Upon approval of the application and filing of bond and insurance certificate, a permit shall be issued. A separate permit shall be required for each excavation.
12. Permit Exemption. Utility companies are exempt from the permit application requirement of this section. They shall, however, comply with all other pertinent provisions and shall post with the City a yearly bond in the amount of \$10,000 to guarantee such compliance.

135.10 PROPERTY OWNER'S RESPONSIBILITY FOR MAINTENANCE. The abutting property owner shall maintain all property outside the lot and property lines and inside the curb lines upon public streets and shall keep such area in a safe condition, free from nuisances, obstructions, and hazards. In the absence of a curb, such property shall extend from the property line to that portion of the public street used or improved for vehicular purposes. The abutting property owner shall not be required to remove diseased trees or dead wood on the publicly owned property or right-of-way. Maintenance includes, but is not limited to, timely mowing, trimming trees and shrubs, and picking up litter and debris. The abutting property owner may be liable for damages caused by failure to maintain the publicly owned property or right-of-way.[†]

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

135.11 FAILURE TO MAINTAIN. If the abutting property owner does not perform an action required under the above section within a reasonable time, the City may perform the required action and assess the cost against the abutting property for collection in the same manner as a property tax.

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

135.12 DUMPING OF SNOW. It is unlawful for any person to throw, push, or place or cause to be thrown, pushed or placed, any ice or snow from private property, sidewalks, or driveways onto the traveled way of a street or alley so as to obstruct gutters, or impede the passage of vehicles upon the street or alley or to create a hazardous condition therein; except 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

[†] **EDITOR'S NOTE:** See also Section 136.04 relating to property owner's responsibility for maintenance of sidewalks.

removed promptly by the property owner or agent. Arrangements for the prompt removal of such accumulations shall be made prior to moving the snow.

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

135.13 DRIVEWAY CULVERTS. The property owner shall, at the owner's expense, install any culvert deemed necessary under any driveway or any other access to the owner's property, and before installing a culvert, permission must first be obtained from the City. 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.

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CHAPTER 136

SIDEWALK REGULATIONS

136.01 Purpose	136.11 Interference with Sidewalk Improvements
136.02 Definitions	136.12 Awnings
136.03 Removal of Snow, Ice, and Accumulations	136.13 Encroaching Steps
136.04 Property Owner's Responsibility for Maintenance	136.14 Openings and Enclosures
136.05 City May Order Repairs	136.15 Fires or Fuel on Sidewalks
136.06 Sidewalk Construction Ordered	136.16 Defacing
136.07 Permit Required	136.17 Debris on Sidewalks
136.08 Sidewalk Standards	136.18 Merchandise Display
136.09 Barricades and Warning Lights	136.19 Sales Stands
136.10 Failure to Repair or Barricade	

136.01 PURPOSE. The purpose of this chapter is to enhance safe passage by citizens on sidewalks, to place the responsibility for the maintenance, repair, replacement, or reconstruction of sidewalks upon the abutting property owner and to minimize the liability of the City.

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

1. "Broom finish" means a sidewalk finish that is made by sweeping the sidewalk when it is hardening.
2. "Established grade" means that grade established by the City for the particular area in which a sidewalk is to be constructed.
3. "One-course construction" means that the full thickness of the concrete is placed at one time, using the same mixture throughout.
4. "Owner" means the person owning the fee title to property abutting any sidewalk and includes any contract purchaser for purposes of notification required herein. For all other purposes, "owner" includes the lessee, if any.
5. "Portland cement" means any type of cement except bituminous cement.
6. "Sidewalk" means all permanent public walks in business, residential or suburban areas.
7. "Sidewalk improvements" means the construction, reconstruction, repair, replacement, or removal of a public sidewalk and/or the excavating, filling, or depositing of material in the public right-of-way in connection therewith.
8. "Wood float finish" means a sidewalk finish that is made by smoothing the surface of the sidewalk with a wooden trowel.

136.03 REMOVAL OF SNOW, ICE, AND ACCUMULATIONS. The abutting property owner shall remove snow, ice and accumulations within 24 hours of a weather event. If a property owner does not remove snow, ice and accumulations within 24 hours of the weather event, the City may do so and assess the cost 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 from the sidewalk.

(Code of Iowa, Sec. 364.12[2b and 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.

(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 and 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 of the following construction and meet the following standards:

1. Cement. Portland cement shall be the only cement used in the construction and repair of sidewalks.
2. Construction. Sidewalks shall be of one-course construction.
3. Sidewalk Base. Concrete may be placed directly on compact and well-drained soil. Where soil is not well drained, a three-inch sub-base of compact, clean, coarse gravel or sand shall be laid. The adequacy of the soil drainage is to be determined by the City.
4. Sidewalk Bed. The sidewalk bed shall be so graded that the constructed sidewalk will be at established grade.
5. Length, Width and Depth. Length, width and depth requirements are as follows:
 - A. Residential sidewalks shall be at least three feet wide and four inches thick, and each section shall be no more than four feet in length.
 - B. All sidewalks throughout the Business District shall be constructed from lot line to the curb line unless the location of the sidewalk is varied by an appropriate resolution of the Council upon application by the landowner.
 - C. Driveway areas shall be not less than six inches in thickness.

6. Location. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) one foot from the property line, unless the Council establishes a different distance due to special circumstances.
7. Grade. Curb tops shall be on level with the centerline of the street, which is the established grade.
8. Elevations. The street edge of a sidewalk shall be at an elevation even with the curb at the curb or not less than one-half inch above the curb for each foot between the curb and the sidewalk.
9. Slope. All sidewalks shall slope one-fourth inch per foot toward the curb.
10. Finish. All sidewalks shall be finished with a broom finish or wood float finish.
11. Curb Ramps and Sloped Areas for Persons with Disabilities. If a street, road, or highway is newly built or reconstructed, a curb ramp or sloped area shall be constructed or installed at each intersection of the street, road, or highway with a sidewalk or path. If a sidewalk or path is newly built or reconstructed, a curb ramp or sloped area shall be constructed or installed at each intersection of the sidewalk or path with a street, highway, or road. Curb ramps and sloped areas that are required pursuant to this subsection shall be constructed or installed in compliance with applicable federal requirements adopted in accordance with the Federal Americans with Disabilities Act, including (but not limited to) the guidelines issued by the Federal Architectural and Transportation Barriers Compliance Board.

(Code of Iowa, Sec. 216C.9)

136.09 BARRICADES AND WARNING LIGHTS. Whenever any material of any kind is deposited on any street, avenue, highway, passageway or alley when sidewalk improvements are being made or when any sidewalk is in a dangerous condition, it shall be the duty of all persons having an interest therein, either as the contractor or the owner, agent, or lessee of the property in front of or along which such material may be deposited, or such dangerous condition exists, to put in conspicuous places at each end of such sidewalk and at each end of any pile of material deposited in the street, a sufficient number of approved warning lights or flares, and to keep them lighted during the entire night and to erect sufficient barricades both at night and in the daytime to secure the same. The party or parties using the street for any of the purposes specified in this chapter shall be liable for all injuries or damage to persons or property arising from any wrongful act or negligence of the party or parties, or their agents or employees or for any misuse of the privileges conferred by this chapter or of any failure to comply with provisions hereof.

136.10 FAILURE TO REPAIR OR BARRICADE. It is the duty of the owner of the property abutting the sidewalk, or the owner's contractor or agent, to notify the City immediately in the event of failure or inability to make necessary sidewalk improvements or to install or erect necessary barricades as required by this chapter.

136.11 INTERFERENCE WITH SIDEWALK IMPROVEMENTS. No person shall knowingly or willfully drive any vehicle upon any portion of any sidewalk or approach thereto while in the process of being improved or upon any portion of any completed sidewalk or approach thereto, or shall remove or destroy any part or all of any sidewalk or approach thereto, or shall remove, destroy, mar, or deface any sidewalk at any time or destroy, mar, remove, or deface any notice provided by this chapter.

136.12 AWNINGS. It is unlawful for a person to erect or maintain any awning over any sidewalk unless all parts of the awning are elevated at least eight feet above the surface of the sidewalk and the roof or covering is made of duck, canvas or other suitable material supported by iron frames or brackets securely fastened to the building, without any posts or other device that will obstruct the sidewalk or hinder or interfere with the free passage of pedestrians.

136.13 ENCROACHING STEPS. It is unlawful for a person to erect or maintain any stairs or steps to any building upon any part of any sidewalk without permission by resolution of the Council.

136.14 OPENINGS AND ENCLOSURES. It is unlawful for a person to:

1. Stairs and Railings. Construct or build a stairway or passageway to any cellar or basement by occupying any part of the sidewalk, or to enclose any portion of a sidewalk with a railing without permission by resolution of the Council.
2. Openings. Keep open any cellar door, grating, or cover to any vault on any sidewalk except while in actual use with adequate guards to protect the public.
3. Protect Openings. Neglect to properly protect or barricade all openings on or within six feet of any sidewalk.

136.15 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.

136.16 DEFACING. It is unlawful for a person to scatter or place any paste, paint, or writing on any sidewalk.

(Code of Iowa, Sec. 716.1)

136.17 DEBRIS ON SIDEWALKS. It is unlawful for a person to throw or deposit on any sidewalk any glass, nails, glass bottle, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or any substance likely to injure any person, animal, or vehicle.

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

136.18 MERCHANDISE DISPLAY. It is unlawful for a person to place upon or above any sidewalk, any goods or merchandise for sale or for display in such a manner as to interfere with the free and uninterrupted passage of pedestrians on the sidewalk; in no case shall more than three feet of the sidewalk next to the building be occupied for such purposes.

136.19 SALES STANDS. It is unlawful for a person to erect or keep any vending machine or stand for the sale of fruit, vegetables or other substances or commodities on any sidewalk without first obtaining a written permit from the Council.

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CHAPTER 137

VACATION AND DISPOSAL OF STREETS

137.01 Power to Vacate
137.02 Planning and Zoning Commission
137.03 Notice of Vacation Hearing

137.04 Findings Required
137.05 Disposal of Vacated Streets or Alleys
137.06 Disposal by Gift Limited

137.01 POWER TO VACATE. When, in the judgment of the Council, it would be in the best interest of the City to vacate a street, alley, portion thereof, or any public grounds, the Council may do so by ordinance in accordance with the provisions of this chapter.

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

137.02 PLANNING AND ZONING COMMISSION. Any proposal to vacate a street, alley, portion thereof, or any public grounds shall be referred by the Council to the Planning and Zoning Commission for its study and recommendation prior to further consideration by the Council. The Commission shall submit a written report including recommendations to the Council within 30 days after the date the proposed vacation is referred to the Commission.

(Code of Iowa, Sec. 392.1)

137.03 NOTICE OF VACATION HEARING. The Council shall cause to be published a notice of public hearing of the time at which the proposal to vacate shall be considered.

137.04 FINDINGS REQUIRED. No street, alley, portion thereof, or any public grounds shall be vacated unless the Council finds that:

1. Public Use. The street, alley, portion thereof, or any public ground proposed to be vacated is not needed for the use of the public, and therefore, its maintenance at public expense is no longer justified.
2. Abutting Property. The proposed vacation will not deny owners of property abutting on the street or alley reasonable access to their property.

137.05 DISPOSAL OF VACATED STREETS OR ALLEYS. When in the judgment of the Council it would be in the best interest of the City to dispose of a vacated street or alley, portion thereof or public ground, the Council may do so in accordance with the provisions of Section 364.7, *Code of Iowa*.

(Code of Iowa, Sec. 364.7)

137.06 DISPOSAL BY GIFT LIMITED. The City may not dispose of real property by gift except to a governmental body for a public purpose or to a fair.

(Code of Iowa, Sec. 174.15[2] and 364.7[3])

[illegible]

CHAPTER 138

STREET GRADES

138.01 Purpose and Definition
138.02 Established Grades

138.03 Record Maintained

138.01 PURPOSE AND DEFINITION. This chapter is designed to meet the requirements of the *Code of Iowa* for the establishment of street grades. As used herein, “grade” means the longitudinal reference lines, as established by ordinance of the Council, which designate the elevation at which a street or sidewalk is to be built.

138.02 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.

138.03 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

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CHAPTER 139

NAMING OF STREETS

139.01 Naming New Streets
139.02 Changing Name of Street
139.03 Recording Street Names

139.04 Official Street Name Map
139.05 Revision of Street Name Map

139.01 NAMING NEW STREETS. New streets shall be assigned names in accordance with the following:

1. Extension of Existing Street. Streets added to the City that are natural extensions of existing streets shall be assigned the name of the existing street.
2. Resolution. All street names, except streets named as a part of a subdivision or platting procedure, shall be named by resolution.
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 Elkhart, 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.

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CHAPTER 140

SNOW AND ICE REMOVAL POLICY

140.01 Purpose
140.02 Level of Service
140.03 Sequence of Service
140.04 Liability of City

140.05 Limitation of Service
140.06 Emergency Conditions
140.07 Removal of Parked Vehicles

140.01 PURPOSE. The purpose of this chapter is to establish the City's policy and level of service in respect to clearance of snow or ice and maintenance of its road system during the winter months, as provided in Section 668.10 of the *Code of Iowa*.

140.02 LEVEL OF SERVICE. Clearance of snow, ice or compacted snow and maintenance of the City's road system during the winter months is primarily for the benefit of the motoring public. Each storm has individual characteristics and must be dealt with accordingly. From time to time, the portion of the roadway improved for travel will have upon it snow and ice in a compacted condition. These conditions may be continuous, or they may be more concentrated on hills, on sheltered areas, in valleys, curves, or intersections. The City's existing snow removal equipment will be utilized for this purpose. All clearance of snow or ice, sanding, salting, and other maintenance respecting winter conditions shall be accomplished within the amount of money approved in advance by the Council for this service. The entire width of that portion of the road improved for travel may not be cleared of snow, ice, compacted snow or ice or frost. Snow cleared from that part of the roadway improved for travel shall be placed on or in the adjacent shoulder, ditch, or right-of-way. Snow can be expected to accumulate adjacent to the traveled portion to the extent that a motorist's sight distance to both the left and right may be greatly reduced or impaired. The snow removed from intersections will be piled in its corners in piles of unequal height. The line of sight, sight distance or visibility of motorists approaching these intersections may be greatly reduced or impaired. The City shall not be responsible for snow pushed or otherwise placed on the roadway or shoulders by others. Motorists shall drive their vehicles during these conditions with additional caution and care, especially in respect to the surface of the roadway. In respect to roadways that have only one lane open, caution and care should be exercised by motorists, whose speed should not exceed 10 miles per hour. During these conditions, no additional warning or regulatory signs will be placed warning of impaired sight distances, visibility at intersections, road blockages, one-lane conditions, or that the road surface is slick or slippery, or what the advised speed should be.

140.03 SEQUENCE OF SERVICE. In the implementation of snow and ice removal and other maintenance of the City's road system during the winter months, the Council shall, at the beginning of each winter season, select the actual sequence of roads to be cleared as provided for herein, and shall determine when snow accumulation, drifting snow, wind velocity and additional snow or snowstorms require that the snow removal equipment be placed in operation or removed from operation, in accordance with the following principles:

1. The initial effort will be to get Walnut, Grant, Main and Railroad Streets open to two-lane traffic as soon as possible and thereafter to remove snow on the remaining streets within the City.

2. The snow removal equipment will be called off the road if snow or blowing snow reduces visibility to hazardous working conditions, in the professional judgment of the Mayor.
3. It is not the policy of the County to provide a “dry” pavement condition.
4. After roads have been plowed as provided in this section, intersections, hills, sheltered areas and curves may have placed on them salt, sand or other abrasives as deemed necessary by the Mayor.

140.04 LIABILITY OF CITY. Snow removal operations may cause snow to be deposited in the driveway of property owners. The City will not remove this snow or ice from private driveways. Snow from property owners’ driveways shall not be placed on the City roadway or shoulders. The City will not be responsible for damage caused by snow removal operations to structures or any other objects on or within the City road right-of-way, other than mailboxes. The City will replace or repair mailboxes damaged by snow removal equipment if the City determines the mailbox was located as far from the traveled portion of the roadway as possible and in compliance with United States Postal Service rules and regulations.

140.05 LIMITATION OF SERVICE. The policy and level of service provided for in this chapter shall not include the performance of the following services:

1. Sanding, salting, or placing of other abrasives upon the roadways that are slick, slippery, and dangerous due to the formation of frost that occurs suddenly.
2. Sanding, salting, or placing other abrasives upon paved roadways that are slick, slippery or dangerous due to freezing rain that occurs suddenly.
3. Placing of additional warning or regulatory signs warning of impaired sight distances, visibility at intersections, road blockages, one-lane conditions, or that the road surface is slick or slippery, or what the advised speed should be.
4. Sanding, salting or placing abrasives upon gravel roadways, except at those locations approved in advance by the City.

140.06 EMERGENCY CONDITIONS. The sequence of service may be suspended during “emergency” conditions declared by the Mayor. An “emergency” condition shall be considered as one where a loss of life is probable, where a serious injury has occurred, or where extensive loss of property is imminent. The City will respond to all “emergency” conditions, either during or after a snowstorm.

140.07 REMOVAL OF PARKED VEHICLES. In order to facilitate the removal of snow from the streets of the City, all parked vehicles shall be removed from the streets of the City once the snow events starts until the streets have been cleared of accumulated snow to each curb. Any person violating this section shall be subject to a fine in accordance with Section 70.03 of this Code of Ordinances. In addition, the vehicle may be towed and the fair and reasonable expense of towing and storage shall be at the expense of the violator.

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CHAPTER 145

DANGEROUS BUILDINGS

145.01 Enforcement Officer
145.02 General Definition of Unsafe
145.03 Unsafe Building
145.04 Notice to Owner

145.05 Conduct of Hearing
145.06 Posting of Signs
145.07 Right to Demolish; Municipal Infraction
145.08 Costs

145.01 ENFORCEMENT OFFICER. The Mayor is responsible for the enforcement of this chapter.

145.02 GENERAL DEFINITION OF UNSAFE. All buildings or structures that are structurally unsafe or not provided with adequate egress, or that constitute a fire hazard, or are otherwise dangerous to human life, or that in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, are, for the purpose of this chapter, unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in this chapter.

(Code of Iowa, Sec. 657A.1 and 364.12[3a])

145.03 UNSAFE BUILDING. “Unsafe building” means any structure or mobile home meeting any or all of the following criteria:

1. Various Inadequacies. Whenever the building or structure, or any portion thereof, because of: (i) dilapidation, deterioration, or decay; (ii) faulty construction; (iii) the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay, or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.
2. Manifestly Unsafe. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
3. Inadequate Maintenance. Whenever a building or structure, used or intended to be used for dwelling purposes, because of dilapidation, decay, damage, faulty construction, or otherwise, is determined by any health officer to be unsanitary, unfit for human habitation or in such condition that it is likely to cause sickness or disease.
4. Fire Hazard. Whenever any building or structure, because of dilapidated condition, deterioration, damage, or other cause, is determined by the Fire Marshal or Fire Chief to be a fire hazard.
5. Abandoned. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

145.04 NOTICE TO OWNER. The enforcement officer shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged and, if such is found to be an unsafe building as defined in this chapter, the enforcement officer shall give to the owner of such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises, within 48 hours

or such reasonable time as the circumstances require, to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof, and all such work shall be completed within 90 days from date of notice, unless otherwise stipulated by the enforcement officer. If necessary, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected, and approved by the enforcement officer.

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

1. Notice Served. Such notice shall be served by sending by certified mail to the owner of record, according to Section 364.12[3h] of the *Code of Iowa*, if the owner is found within the City limits. If the owner is not found within the City limits, such service may be made upon the owner by registered mail or certified mail. The designated period within which said owner or person in charge is required to comply with the order of the enforcement officer shall begin as of the date the owner receives such notice.
2. Hearing. Such notice shall also advise the owner that he or she may request a hearing before the Council on the notice by filing a written request for hearing within the time provided in the notice.

145.05 CONDUCT OF HEARING. If requested, the Council shall conduct a hearing in accordance with the following:

1. Notice. The owner shall be served with written notice specifying the date, time and place of hearing.
2. Owner's Rights. At the hearing, the owner may appear and show cause why the alleged nuisance shall not be abated.
3. Determination. The Council shall make and record findings of fact and may issue such order as it deems appropriate.[†]

145.06 POSTING OF SIGNS. The enforcement officer shall cause to be posted at each entrance to such building a notice to read: "DO NOT ENTER. UNSAFE TO OCCUPY. CITY OF ELKHART, IOWA." Such notice shall remain posted until the required demolition, removal or repairs are completed. Such notice shall not be removed without written permission of the enforcement officer and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.

145.07 RIGHT TO DEMOLISH; MUNICIPAL INFRACTION. In case the owner fails, neglects, or refuses to comply with the notice to repair, rehabilitate, or to demolish and remove the building or structure or portion thereof, the Council may order the owner of the building prosecuted as a violator of the provisions of this chapter and may order the enforcement officer to proceed with the work specified in such notice. A statement of the cost of such work shall be transmitted to the Council. As an alternative to this action, the City may utilize the municipal infraction process to abate the nuisance.

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

[†] **EDITOR'S NOTE:** Suggested forms of notice and of a resolution and order of the Council for the administration of this chapter are provided in the APPENDIX to this Code of Ordinances. Caution is urged in the use of this procedure. We recommend you review the situation with your attorney before initiating procedures and follow his or her recommendation carefully.

145.08 COSTS. Costs incurred under Section 145.07 shall be paid out of the City treasury. Such costs shall be charged to the owner of the premises involved and levied as a special assessment against the land on which the building or structure is located, and shall be certified to the County Treasurer for collection in the manner provided for other taxes. In addition, the City may take any other action deemed appropriate to recover costs incurred.

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

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CHAPTER 146

MANUFACTURED AND MOBILE HOMES

146.01 Definitions

146.02 Conversion to Real Property

146.03 Foundation Requirements

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

(Code of Iowa, Sec. 435.1)

1. “Manufactured home” means a factory-built structure built under the authority of 42 U.S.C. Sec. 5403 which was constructed on or after June 15, 1976, and is required by federal law to display a seal from the United States Department of Housing and Urban Development.
2. “Manufactured home community” means any site, lot, field, or tract of land under common ownership upon which 10 or more occupied manufactured homes are harbored, either free of charge or for revenue purposes, and includes any building, structure, or enclosure used or intended for use as part of the equipment of the manufactured home community.
3. “Mobile home” means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but also includes any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home means any such vehicle built before June 15, 1976, which was not built to a mandatory building code and which contains no State or federal seals.
4. “Mobile home park” means any site, lot, field, or tract of land upon which three or more mobile homes or manufactured homes, or a combination of any of these homes, are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available.

The term “manufactured home community” or “mobile home park” is not to be construed to include manufactured or mobile homes, buildings, tents, or other structures temporarily maintained by any individual, educational institution, or company on its own premises and used exclusively to house said entity’s own labor or students. The manufactured home community or mobile home park shall meet the requirements of any zoning regulations that are in effect.

146.02 CONVERSION TO REAL PROPERTY. A mobile home or manufactured home that is located outside a manufactured home community or mobile home park shall be converted to real estate by being placed on a permanent foundation and shall be assessed for real estate taxes except in the following cases:

(Code of Iowa, Sec. 435.26)

1. **Retailer’s Stock.** Mobile homes or manufactured homes on private property as part of a retailer’s or a manufacturer’s stock not used as a place for human habitation.
2. **Existing Homes.** A taxable mobile home or manufactured home that is located outside of a manufactured home community or mobile home park as of January 1, 1995,

shall be assessed and taxed as real estate, but is exempt from the permanent foundation requirement of this chapter until the home is relocated.

146.03 FOUNDATION REQUIREMENTS. A mobile home or manufactured home located outside of a manufactured home community or mobile home park shall be placed on a permanent frost-free foundation system that meets the support and anchorage requirements as recommended by the manufacturer or required by the *State Building Code*. The foundation system must be visually compatible with permanent foundation systems of surrounding residential structures. Any such home shall be installed in accordance with the requirements of the *State Building Code*.

(Code of Iowa, Sec. 103A.10 and 414.28)

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CHAPTER 150

TREES

150.01 Definition

150.02 Planting Restrictions

150.03 Duty To Trim Trees

150.04 Trimming Trees To Be Supervised

150.05 Disease Control

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 RESTRICTIONS. No tree shall be planted in any parking or street except in accordance with the following:

1. Alignment. All trees planted in any street shall be planted in the parking midway between the outer line of the sidewalk and the curb. In the event a curb line is not established, trees shall be planted on a line 10 feet from the property line.
2. Spacing. Trees shall not be planted on any parking that is less than nine feet in width, or contains less than 81 square feet of exposed soil surface per tree. Trees shall not be planted closer than 20 feet from street intersections (property lines extended) and 10 feet from driveways. If it is at all possible, trees should be planted inside the property lines and not between the sidewalk and the curb.
3. Prohibited Trees. No person shall plant in any street any fruit-bearing tree or any tree of the kinds commonly known as cottonwood, poplar, box elder, Chinese elm, evergreen, willow, or black walnut.

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 and 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 and h])

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CHAPTER 155

BUILDING CODES

155.01 Short Title	155.07 Uniform Plumbing Code
155.02 Administrative Provisions	155.08 National Electrical Code
155.03 International Residential Code	155.09 International Fuel Gas Code
155.04 International Building Code	155.10 International Property Maintenance Code
155.05 International Existing Building Code	155.11 International Energy Conservation Code
155.06 International Mechanical Code	155.12 International Fire Code

155.01 SHORT TITLE. This chapter shall be known as the Elkhart, Iowa, Building Codes, may be cited as such, and will be referred to herein as the “Building Codes.”

155.02 ADMINISTRATIVE PROVISIONS. Administration of this chapter shall be as provided in this section and in the following sections of the several codes named which are hereby adopted by reference to provide procedures for local enforcement of the codes, constituting the International Codes. The Administrative Official, designated by the Council, shall be responsible for the enforcement of the International Codes. The Administrative Official shall be accountable for the issuance of all applicable permits under this chapter which shall include building permits issued in compliance with the Zoning Code of the City. The Administrative Official shall have the power to render interpretations of this code and to adopt and enforce rules and regulations supplemental to this Code, subject to approval of the Council, the official may deem necessary in order to clarify the application of the provisions of this Code. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this Code.

155.03 INTERNATIONAL RESIDENTIAL CODE. Pursuant to published notice and public hearing, as required by law, the *International Residential Code*, 2021 Edition, published by the International Code Council, is hereby adopted in full, including Appendix Chapters except for such portions as may hereinafter be deleted, modified or amended. The following amendments, modifications, additions and deletions to the *International Residential Code*, 2021 Edition, are hereby made:

1. Insert Section R101.1 to read City of Elkhart as the applicable jurisdiction.
2. Delete Section R105.2(Building1) and replace as follows:
 1. One-story detached accessory structures, provided the floor area does not exceed 200 square feet; however, site plan approval shall be obtained from the Zoning Department.
3. Delete Sections R105.2(Building 2), R105.2(Building 4), R105.2(Building 5), and R105.2(Building 10). Replace section R105.2 (5) with the following language: Sidewalks shall be permitted and installed in accordance with approved site plan for individual lot development.
4. Amend Section R105.6 to include the addition of R105.6.1 Revocation of permit.

Insert Section R105.6.1 to read: Revocation of Permit. It is the permit holder’s responsibility to schedule the required inspections and obtain final approvals. 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.

5. Add the following to Section R108.2 Schedule of Permit Fees with the following language:

Permit fees will be derived from the City of Elkhart Fee Schedule as adopted.

6. Add the following to Section R108.3:

The Building Valuation will be derived from the construction costs for the total work submitted by the contractor, or the most current Building Valuation Data Schedule published by the International Code Council (ICC). Submitted contractor valuation shall not be less than derived valuation through ICC. Published data is utilized by the Administrative Official in an effort to maintain consistency and fairness for permit fee calculations. It is not intended to reflect actual taxable value. The method for determining the value of the additional listed residential items will be as follows: The square foot of the listed structure, times the Dwelling - Type V - Wood Frame value, times the % multiplier assigned to each listed item.

1. Open Decks - 8%
2. Screened Porches - 15%
3. In-ground Pools - 17%
4. Above-ground pools - 8%
5. 3 Season Porches - 50%
6. Detached Garages – 50%
7. Post Frame Buildings – 50%
8. Remodel/Renovation – 30%

7. Amend Section R108.5 to read as follows:

Fee Refunds. The Administrative Official may authorize refunding of any fee paid hereunder which was erroneously paid or collected. The Administrative Official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code. The Administrative Official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done. The Administrative Official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment.

8. Amend Section R110.1 to add the following at the end of the paragraph:
On all new construction, all necessary walks, drives and approaches, and all seeding and sodding are to be installed before a final Certificate of Occupancy is issued.
9. Table R301.2 to read as follows:

TABLE R301.2

GROUND SNOW LOAD	WIND DESIGN				SEISMIC DESIGN CATEGORY	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP	ICE BARRIER UNDERLAYMENT REQUIRED	FLOOD HAZARDS	AIR FREEZING INDEX	MEAN ANNUAL TEMP
30	SPEED (MPH)	TOPOGRAPHIC EFFECTS	SPECIAL WIND REGION	WINDBORNE DEBRIS ZONE	A	WEATHERING	FROST DEPTH	TERMITE	0	YES	DEC. 2007	2000	48.6
	115	NO	NO	NO		SEVERE	42	MODERATE					

11. Amend Section R301.2.3 to add the following:
For purposes of determining snow loads, the minimum ground snow load for design purposes shall be 30 pounds per square foot. Subsequent increases or decreases shall be allowed as otherwise provided in this code, except that the minimum allowable flat roof snow load may be reduced to not less than 80 percent of the ground snow load.
12. Amend section R302.3 to read:
For purposes of fire-resistive separation, two-family dwelling units shall be considered as townhouses and shall be constructed in accordance with R302.2
13. Modify IRC Table 302.6 and replace with the following table:

TABLE R302.6

DWELLING-GARAGE SEPARATION

SEPARATION	MATERIAL
From the residence and attics	Not less than 5/8-inch "X" gypsum board or equivalent applied to the garage side
From habitable rooms above the garage and structure(s) supporting floor/ceiling assemblies used for separation required by this section	Not less than 5/8-inch "X" gypsum board or equivalent
Garages located less than 5 feet from a dwelling unit on the same lot	Not less than 5/8-inch "X" gypsum board or equivalent applied to the interior side of exterior walls and ceilings within the garage

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm.

14. Delete Section R302.13
15. Amend Section R305.1.1 Exception to read:
Existing basements not having a height as specified in this section are allowed to be finished with a ceiling height that is not decreased more than the minimal measurement created by applying a finished ceiling of gypsum board or acoustical ceiling tiles.

16. Amend Section R310.2.3 to add the following exception:

A landing may be provided to meet the maximum sill height of 44 inches above the floor or landing provided. The landing shall be not less than 36 inches wide, not less than 12 inches out from the exterior wall, and not more than 24 inches in height. The landing shall be permanently affixed to the floor below or the wall under the window it serves.
17. Amend Section R310.6 Exception to read:

New habitable spaces created in an existing basement shall be provided with emergency escape and rescue openings in accordance with Section R310.1.
18. Amend Section R311.3.2 Exception to read:

A top landing is not required where a stairway of not more than four rises is located on the exterior side of a door, provided the door does not swing over the stairway.
19. Amend Section R311.7.5.1 to add exception 3 with the following language:

The dimension of the top and bottom riser of a stair may vary up to 1-inch (25.4 mm) from the stairway riser dimension; however, in no case shall the riser height exceed seven and three-quarter inches.
20. Amend Section R311.7.8.4 to add exception 3 with the following language:

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.
21. Delete Section R313.1 and replace with the following:

313.1 Townhouses automatic fire sprinkler systems. An automatic residential fire sprinkler system shall be installed in townhouses.

Exceptions:

 1. An automatic residential fire sprinkler system shall not be required where additions or alterations are made to existing townhouses that do not have an automatic residential fire sprinkler system installed.
 2. Townhouse structures where the conditioned square footage of the entire building is less than 18,000 square feet. For purposes of this section, conditioned space shall be defined as space that can be occupied but shall not include garages or attics.
 3. Townhouse structures that contain eight or less dwelling units.
22. Delete Section R313.2 and replace with the following:

313.2 One and two-family dwelling automatic fire sprinkler systems. An automatic residential fire sprinkler system shall be installed in one and two-family dwellings.

Exceptions:

 1. An automatic residential fire sprinkler system shall not be required where additions or alterations are made to existing buildings that are not already provided with an automatic residential fire sprinkler system.

2. One and two-family dwellings containing less than 8,000 square feet of floor space, excluding attached garages and other unenclosed areas.
23. Amend Section R317.1 to add the following:
 8. Fences. Residential fences shall be chain link, ornamental iron, PVC/Composite, or approved wood. Wood used in fences shall be treated wood, or approved wood of natural resistance to decay.
24. Replace Table R403.1(1),(2), (3) with the following:

TABLE R403.1
FOUNDATIONS FOR STUD BEARING WALLS

Number of Stories	Thickness of Foundation Walls Unit Concrete Masonry		Minimum Width of Footing (inches)	Thickness of Footing (inches)	Minimum Depth of Foundation Below Natural Surface of Ground and Finish Grade (inches)
1	8	8	16	8	42
2	8	8	16	8	42
3	10	10	18	12	42

25. Delete Section R403.1.4.1 Exception 1 and replace with the following:

Accessory structures up to 200 square feet may be constructed on a 4-inch wood deck or 4-inch concrete slab. Protection for detached garages and other accessory structures 1,024 square feet or less in size, located more than 10 feet from a dwelling, attached garage, or other principal structures, may be accomplished with a floating slab (monolithic). The floating slab shall include a thickened slab edge or a minimum 18 inches thick. 12 inches of the thickened slab shall be below grade and six inches shall be above finished grade. The bottom portion of the thickened slab area shall be 12 by 12 inches. Two #4 rebar shall be placed within the thickened edge continuous around the perimeter of the slab. The floor shall be Portland cement concrete not less than four inches thick. Garage floor areas shall have all sod and/or debris removed. For detached garages and accessory structures exceeding 1,024 square feet, a frost protected footing and foundation shall be required.
26. Delete Section R403.1.4.1 Exception 2.
27. Amend Section R404.1 to add the following:
 1. Scope. Notwithstanding other design requirements of Sections R404.1 - R404.1.5.2 of the International Residential Code, foundation retaining walls for one and two-family dwelling occupancies of Type V construction may be constructed in accordance with this section, provided that use or building site conditions affecting such walls are within the limitations specified in this section. Concrete foundation walls shall be selected and constructed in accordance with the provisions of Section R404.1.3. Masonry foundation walls shall be selected and constructed in accordance with the provisions of Section R404.1.2. If backfill prior to a poured in place floor slab is desired, one of the following methods to provide bottom lateral support shall be completed: (1) a full depth (minimum 1-1/2") nominal 2" x 4" keyway may be formed into the

footings to secure the bottom of the foundation wall -or- (2) 36" long vertical # 4 rebar may be embedded a minimum of 6" into the footings not to exceed 7' on center spacing.

28. Amend Code to Add Code Section: IRC R404.1.3.2.3 Insert the following language and Table:

Table R404.1.3.2.3 - 'Foundation Walls for Conventional Light Frame Construction'

Height of Foundation Wall (Net measured from top of basement slab to top of foundation wall)*		Thickness of Foundation Walls		Reinforcement Type and placement within Foundation Wall**	Reinforcement Type and placement within Foundation Wall** (maximum 12’ span between corners and supporting cross walls)	Type of Mortar
		Unit				
Gross	Net	Concrete	Masonry	Concrete	Masonry	Masonry
8	7’ 8”	7 1/2”	8”	1/2” horizontal bars, placement in the middle, and near the top & bottom – 1/2” bars @ 6’ max. vertically	0.075 square inch bar 8’ o.c. vertically in fully grouted cells. If block is 12” nominal thickness, may be unreinforced.	Type M or S. Grout & Mortar shall meet provisions of Chapter 21 IBC
9	8’ 8”	8”	See Chapter 18 IBC	1/2” bars 2’ o.c. horizontally & 20” vertically o.c. (5/8” bars 2’ o.c. horizontally & 30” vertically o.c.)	See Chapter 18 IBC	Same as above
10	9’ 8”	8”	See Chapter 18 IBC		See Chapter 18 IBC	Same as above
*Concrete floor slab to be nominal 4”. If such floor slab is not provided prior to backfill, provide 1) 36” vertical #4 rebar embedded in the footing @ maximum 7’ O.C. spacing -and/or- 2) full depth nominal 2”depth x 4”width keyway in footing						
** All reinforcement bars shall meet ASTM A6175 grade 40 minimum and be deformed. Placement of bars shall be in center of wall and meet the provisions of chapters 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 reinforcement of minimum 2 – Y2” diameter rebar throughout. Placement of reinforcement and concrete shall meet the requirements of Chapter 19 of the International Building Code.						
NOTE: Material used for backfilling shall be carefully placed granular soil of average or high permeability and shall be drained with an approved drainage system as prescribed in Section 1805.4 of the International Building Code. Where soils containing a high percentage of clay, fine silt or similar materials of low permeability or expansive soils are encountered or where backfill materials are not drained or an unusually high surcharge is to be placed adjacent to the wall, a specially designed wall shall be required.						
Note: Foundation plate or sill anchorage shall be installed in accordance with the respective codes as applicable.						

29. Amend Chapter 11 Energy Efficiency -- Energy Efficiency, of the IRC is hereby amended by deleting this chapter and inserting the following:

Provisions of the International Energy Conservation Code as currently adopted and amended by the Iowa State Building Code Bureau shall apply to all matters governing the design and construction of buildings for energy efficiency. Administration shall be prescribed in "this code" and the regulations shall be known as the Waukee Energy Code.

30. Amend Section R1601.4 to add the following:
 Section 1601.4 Installation. Duct installation shall comply with sections M1601.4.1 through M1601.4.11
 Section 1601.4.11. Air plenum and duct separation. Air plenums and ducts located in floor and wall cavities shall be separated from unconditioned spaces by construction with sufficient insulation to meet energy code requirements. These areas include, but are not limited to, exterior walls, cantilevered floors, and floors above garages.
31. Delete Section R G2414.5.2 (403.5.2) and replace with the following:
 Section G2415.5.2 (403.5.2): Corrugated Stainless Steel Tubing (CSST). Only CSST with an Arc Resistant Jacket or Covering System listed in accordance with ANSI LC-1 (Optional Section 5.16)/CSA 6.26-2016 shall be installed in accordance with the terms of its approval, the conditions of listing, the manufactures instructions and this code including electrical bonding requirements in Section G2411. CSST shall not be used for through wall penetrations from the point of delivery of the gas supply to the inside of the structure. CSST shall not be installed in locations where subject to physical damage unless protected in an approved manner.
32. Delete Section R G2414.5.4 (403.5.5) and replace with the following:
 Section G2414.5.4 (403.5.5): Corrugated Stainless Steel Tubing. Arc resistant corrugated stainless steel tubing shall be listed in accordance with ANSI LC 1 (Optional Section 5.16)/CSA 6.26.
33. Amend section P2603.5.1 Sewer depth.
 Building sewers that connect to private sewage disposal systems shall not be less than 60 inches below finished grade at the point of septic tank connection or as approved by Polk County Environmental Health. Building sewers shall not be less than 60 inches below grade.
34. Add Code Section IRC E3704.7 and insert the following language:
 3704.7 Prohibited Locations. Feeders supplying a townhome shall not cross a property line other than the individual unit served. For the purposes of this provision, the term townhome shall mean a single-family dwelling unit constructed in a group of two or more attached units in which each unit extends from foundation to roof and with a yard or public way on not less than two sides.
 Exception: If a recorded easement is established in a concealed space or attic within the townhome unit, feeds are allowed within the easement.

155.04 INTERNATIONAL BUILDING CODE. Pursuant to published notice and public hearing, as required by law, the *International Building Code*, 2021 Edition, published by the International Code Council, is hereby adopted in full to include Appendix K except for such portions as may hereinafter be deleted, modified or amended. The following amendments, modifications, additions and deletions to the *International Building Code*, 2021 Edition, are hereby made:

1. Insert Section 101.1 to read City of Elkhart
2. Delete Sections 105.2(Building 2), 105.2(Building 5), 105.2(Building 6).

3. Amend Section R105.6 to include the addition of R105.6.1 Revocation of permit.

Insert Section R105.6.1 to read: Revocation of Permit. It is the permit holder's responsibility to schedule the required inspections and obtain final approvals. 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.

4. Add the following to Section 109.2 Schedule of Permit Fees with the following language:

Permit fees will be derived from the City of Elkhart Fee Schedule as adopted.

5. Add the following to Section R109.3:

The Building Valuation will be derived from the construction costs for the total work submitted by the contractor, or the most current Building Valuation Data Schedule published by the International Code Council (ICC). Submitted contractor valuation shall not be less than derived valuation through ICC. Published data is utilized by the Administrative Official in an effort to maintain consistency and fairness for permit fee calculations. It is not intended to reflect actual taxable value.

6. Delete Section 308.5.4 and replace with the following:

308.5.4 Eight or fewer persons receiving care in a dwelling unit. A facility such as the above within a dwelling unit and having eight or fewer persons receiving custodial care shall be classified as a Group R-3 occupancy or shall comply with the International Residential Code.

Exception:

Day Care facilities that provide custodial care for 16 or fewer persons for less than 24 hours per day in a single-family dwelling, and where registered with the State of Iowa Department of Human Services as a child development home are permitted to comply with the International Residential Code.

7. Delete Section 310.4.1 and replace with the following:

310.4.1 Care facilities within a dwelling. Care facilities within a dwelling shall adhere to section 308.5.4.

8. Amend Section 423.5 to delete entire section including subsections 423.5.1 and 423.5.2 and replace with the following language:

423.5 Group E occupancy. In areas where the shelter design wind speed for tornadoes is 250 mph in accordance with Figure 304.2 (1) of ICC 500, all Group E occupancies with a program occupant load of 50 or more shall have a storm shelter constructed in accordance with Chapters 1 through 5 & 8 of ICC 500.

Exceptions:

1. Group E day care facilities.
2. Group E occupancies accessory to place of religious worship.
3. Buildings meeting the requirements for shelter design in ICC 500.
4. Accessory structures to existing group E sites where the occupancy classification of said structures are classified as Groups A-5 and U.

423.5.1 Required Occupant Capacity. The required occupant capacity of the storm shelter shall include all buildings classified as a Group E occupancy on the campus or site (whichever is larger) and shall be the greater of the following:

1. The total occupant load of the classrooms, vocational rooms and offices in the Group E occupancy.
2. The occupant load of any indoor assembly space that is associated with the Group E occupancy.

Exceptions:

1. Where a new building is being added on an existing Group E site, and where the new building is not of sufficient size to accommodate the required occupant capacity of the storm shelter for all of the buildings on-site, the storm shelter shall at a minimum accommodate the required capacity for the new building.
2. Where approved by the code official, the required occupant capacity of the shelter shall be permitted to be reduced by the occupant capacity of any existing storm shelters on the campus or site.

423.5.2 Location. Storm shelters shall be located within the buildings they serve, or shall be located where the maximum distance of travel from not fewer than one exterior door of each building to a door of the shelter serving that building does not exceed 1,000 feet.

The installation of portable buildings for utilization on the campus or site for educational purposes is considered new construction and classified as Group E occupancies.

Exception: Existing schools undergoing alterations, additions, or construction of new accessory buildings.

9. Delete Code Section: IBC 502.1 (Correlation IFC 505.1) and replace with the following language:

502.1 Address identification. New and existing buildings shall have *approved* address numbers, building numbers or *approved* building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall be black or white and shall contrast with their background. Where required by the *fire code official*, address numbers shall be

provided in greater dimension or additional *approved* locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers and letters shall be a minimum height and a minimum stroke width as dictated by Table 502.1. Where access is by means of a private road and the building cannot be viewed from the *public way*, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained.

Table 502.1
Minimum Height and Stroke Width

Distance from the centerline of the Public Way (ft)		Minimum Height (in)	Minimum Stroke Width (in)
Less than 100		4	1/2
100	199	6	3/4
200	299	8	1
For each additional 100		Increase 2	Increase 1/2

^a Exterior suite identification, minimum height shall be 4 inches and stroke width shall be 1/2 inch.

^b Interior suite identification, minimum height shall be 2 inches and stroke width shall be 1/4 inch.

10. Modify IBC Section 716.2.6.1 to add the following language after the last sentence:

Automatic, self-closing, UL listed hinges may only be installed on the dwelling room entry door.

11. Add Section 902.1.1.1 (Correlation IFC 901.4.6.1) to include the following language:

902.1.1.1 Fire Sprinkler Riser Room. A fire sprinkler riser room shall be separated from the electrical room. The riser room shall have no electrical panels, devices, or apparatus inside the room other than the outlets or support equipment (lighting, air compressor, and heater) required for the use of the fire sprinkler system and/or the fire alarm panel. The sprinkler riser room shall not be accessed from the electrical room, but the electrical room may be accessed from the fire riser room.

12. Add new code section IBC 902.1.5 (Correlation IFC 901.4.6.5 K) to include the following language:

902.1.5 Temperature Sensor. Provide a low temperature sensor in the fire sprinkler riser room. Low Temperature Sensor shall be monitored to prevent freezing.

13. Delete Section 903.2.11.1.3 and replace with the following:

903.2.11.1.3 Basements. Where any portion of a basement is located more than 75 feet (22 860 mm) from openings required by Section 903.2.11.1, the basement shall be equipped throughout with an approved automatic sprinkler system.

14. Delete Section 903.4.2 and replace with the following:

903.4.2 Alarms. An approved weather-proof audible device suitable for outdoor use with 110 candela visual signal shall be connected to every automatic sprinkler system. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Alarm devices shall be provided on the exterior of the building in an approved location. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.
15. Amend Section 1008.3.3. to add the following locations with sequential numbering:
 5. Public restrooms containing more than one water closet/urinal or that are accessible.
 6. Meeting and conference rooms with an area greater than 400 square feet.
 7. Classrooms in an E occupancy with an area greater than 400 square feet.
16. Amend Section 1009.2 to add the following:
 11. Components of exterior walking surfaces shall be concrete, asphalt, or other approved hard surface.
17. Add Section 1010.1.6.1 with the following language:

1010.1.6.1 For landings required by Section 1010.1.5 to be at the same elevation on each side of the door, exterior landings at doors shall be provided with frost protection.
18. Amend Section 1010.2.2 to add the following:

Thumb Turn Locks shall not be allowed.
19. Add the following Section 1013.1.1:

1013.1.1 Additional Exit Signs. Exit signs may be required at the discretion of the Administrative Official to clarify an exit or exit access.
20. Delete Sections 1013.5 and 1013.6 including 1013.6.1, 1013.6.2 and 1013.6.3.
21. Add the following Section 1028.5.1:

1028.5.1 Components of exterior walking surfaces shall be concrete, asphalt, or other approved hard surface.
22. Modify Code Section: IBC 1301.1 and replace with the following language:

Section 1301.1 Scope. 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 Chapter 1 of the currently State adoption of the IECC and these regulations shall be known as the Elkhart Energy Code.
23. Amend Section 1608.2 to add the following:

For purposes of determining snow loads, the minimum ground snow load for design purposes shall be 30 pounds per square foot. Subsequent increases or

decreases shall be allowed as otherwise provided in this code, except that the minimum allowable flat roof snow load may be reduced to not less than 80 percent of the ground snow load.

24. In Section 1609.1.1 add the following:

For purposes of determining wind loads, the minimum basic wind speed shall be considered as 115 miles per hour; except when referenced documents are based on fastest mile wind velocities, Table 1609.3(1) shall be used.

25. Add the following to Section 1807.1 Foundation Retaining Walls for Group R Occupancies:

1. Scope. Notwithstanding other design requirements of Chapters 18, 19 and 21 of the International Building Code, foundation retaining walls for Group R occupancies of Type V construction may be constructed in accordance with this section, provided that use or building site conditions affecting such walls are within the limitations specified in this section.

2. Specifications. General specifications for such foundation retaining walls shall be as follows:

Table - 'Foundation Walls for Conventional Light Frame Construction'

Height of Foundation Wall (Net measured from top of basement slab to top of foundation wall)*		Thickness of Foundation Walls		Reinforcement type and placement within Foundation Wall**	Reinforcement type and placement within Foundation Wall** (maximum 12' span between corners and supporting cross walls)	Type of Mortar
		Unit				
Gross	Net	Concrete	Masonry	Concrete	Masonry	Masonry
8	7' 8"	7 1/2"	8"	1/2"horizontal bars, placement in the middle, and near the top & bottom – Y2" bars @ 6' max. vertically	0.075 square inch bar 8' o.c. vertically in fully grouted cells. If block is 12" nominal thickness, may be unreinforced.	Type M or S. Grout & Mortar shall meet provisions of Chapter 21 IBC
9	8' 8"	8"	See Chapter 18 IBC	1/2" bars 2' o.c. horizontally & 20" vertically o.c.	See Chapter 18 IBC	Same as above
10	9' 8"	8"	See Chapter 18 IBC	(5/8" bars 2' o.c. horizontally & 30" vertically o.c.)	See Chapter 18 IBC	Same as above
*Concrete floor slab to be nominal 4". If such floor slab is not provided prior to backfill, provide 1) 36" vertical #4 rebar embedded in the footing @ maximum 7' O.C. spacing -and/or- 2) full depth nominal 2"depth x 4"width keyway in footing ** All reinforcement bars shall meet ASTM A6175 grade 40 minimum and be deformed. Placement of bars shall be in center of wall and meet the provisions of chapters 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 minimum 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 shall be installed in accordance with the respective codes as applicable.						

26. Replace Table 1809.7 with the following:

TABLE 1809.7
FOUNDATIONS FOR STUD BEARING WALLS

Number of Stories	Thickness of Foundation Walls Unit Concrete Masonry		Minimum Width of Footing (inches)	Thickness of Footing (inches)	Minimum Depth of Foundation Below Natural Surface of Ground and Finish Grade (inches)
1	8	8	16	8	42
2	8	8	16	8	42
3	10	10	18	12	42

155.05 INTERNATIONAL EXISTING BUILDING CODE. Pursuant to published notice and public hearing, as required by law, the *International Existing Building Code*, 2021 Edition, published by the International Code Council, is hereby adopted in full except for such portions as may hereinafter be deleted, modified or amended. The following amendments, modifications, additions and deletions to the *International Existing Building Code*, 2021 Edition, are hereby made:

1. Add the following to Section 108.2 Schedule of Permit Fees with the following language:

Permit fees will be derived from the City of Elkhart Fee Schedule as adopted.

2. Add New Code Section: IEBC 302.6 with the following language:

Section 302.6 Fire Protection. Existing buildings containing R-2 occupancies shall be made to comply with the International Building Code Section 903.2.8 within two years of any of the following situations:

1. Fire damage to three or more dwelling units, not including smoke or water damage or other damage from fire-fighting operations.
2. Issuance of a building permit for a Level III alteration as identified in Chapter 6 of the International Existing Building Code.

155.06 INTERNATIONAL MECHANICAL CODE. Pursuant to published notice and public hearing, as required by law, the *International Mechanical Code*, 2021 Edition, published by the International Code Council, is hereby adopted in full except for such portions as may hereinafter be deleted, modified or amended. The following amendments, modifications, additions and deletions to the *International Mechanical Code*, 2021 Edition, are hereby made:

1. The City of Elkhart interprets “NFPA 54 and NFPA 58” as equivalent alternatives for design to meet the intent of the 2021 International Fuel Gas Code

2. Amend Section 109.5 to add the following:

Permit fees will be derived from the City of Elkhart Fee Schedule as adopted.

3. Amend Section 306.5 to add the following:

If the tenants of a multiple tenant building have, or are allowed to have, mechanical facilities on or which penetrate the roof, then roof access ladders must be provided for use by all such tenants and their agents and contractors in a manner that does not require accessing space under the control of another tenant.

4. Delete Section 307.2.4.1 and replace with the following:

307.2.4.1 Ductless mini-split system traps. Ductless mini-split equipment that produces condensate shall be installed per manufacturer’s instructions.

5. Amend Section 603.1 to add the following:

Air plenums and ducts located in floor and wall cavities shall be separated from unconditioned space by construction with insulation to meet energy code requirements. These areas include, but are not limited to, exterior walls, cantilevered floors, and floors above garages.

155.07 UNIFORM PLUMBING CODE. Pursuant to published notice and public hearing, as required by law, the *Uniform Plumbing Code*, 2021 Edition, published by the International Association of Plumbing and Mechanical Officials and amended by the State of Iowa, is hereby adopted in full except for such portions as may hereinafter be deleted, modified or amended. The following amendments, modifications, additions and deletions to the *Uniform Plumbing Code*, 2021 Edition, are hereby made:

The City of Elkhart interprets the 2021 *International Plumbing Code* as published by the International Code Council as an equivalent alternative to the 2018 *Uniform Plumbing Code*.

1. UPC Section 104.5: Delete Table 104.5 and insert the following language:
Permit fees will be derived from the City of Elkhart Fee Schedule as adopted.
2. Amend Section UPC 407.3 to include the following language at the end of the Code section:
Tempering devices shall be installed at or as close as possible to the point of use.
3. Amend Section UPC 418.3 to include location #5 with the following language:
Rooms containing a water heater.
4. Amend Section UPC 609.1 to add the following language:
Water service piping shall have no less than five feet (5') of soil cover.
5. Amend Section UPC 701.2 to add the following language:
(7) The use of SDR 23.5 is an acceptable material for exterior building sewers.
6. Amend Section UPC 717.1 to add the following language:
717.1.1 Size of Drainage Piping. The main building drain shall be a minimum four inch (4") diameter.
7. Amend Section UPC 718.3.1 to add the following language:
718.3.1 Protection from damage. Building sewers less than 42 inches below grade shall be cast iron pipe or be protected with an engineered system to prevent damage from freezing and frost heave.
8. Amend Section UPC 1014.1 to add the following language:
Notwithstanding provisions of section 1014.1, regulations of Fat Oil and Grease (FOG) and sizing of FOG removal devices where connected to Wastewater Reclamation Authority (WRA) system shall be in accordance with WRA regulations for the regulations of industrial wastewater and commercial wastewater.
9. Delete Section UPC 1101.12.2.2.2 Combined System.
10. Amend Section UPC 1208.6.4.4 to add the following language:
1208.6.4.4 Corrugated Stainless Steel Tubing. Only CSST with an Arc Resistant Jacket or Covering System listed in accordance with ANSI LC-1 (Optional Section 5.16)/CSA 6.26-2016 shall be installed in accordance with the terms of its approval, the conditions of listing, the manufactures instructions and this code including electrical bonding requirements in Section 1211.2. CSST shall not be used for through wall penetrations from the point of delivery

of the gas supply to the inside of the structure. CSST shall not be installed in locations where subject to physical damage unless protected in an approved manner.

155.08 NATIONAL ELECTRICAL CODE. Pursuant to published notice and public hearing, as required by law, the currently adopted by the State of Iowa Edition of the *National Electrical Code*, published by the National Fire Protection Association, is hereby adopted in full except for such portions as may hereinafter be deleted, modified or amended. The following amendments, modifications, additions and deletions to the *National Electrical Code*, as currently adopted by the State of Iowa, are hereby made:

1. Amend Section 90.2 to add the following language:
 90.2(D) Scope. Permits required. Permits shall be required for work contained within the scope of this article. Permit fees will be derived from the City of Elkhart Fee Schedule as adopted.
2. Delete section 210.8(A). and insert in lieu thereof the following new section:
 210.8 (A) Dwelling Units.
 All 125-volt receptacles installed in locations specified in 210.8 (A)(1) through 210.8 (A)(11) shall be ground-fault circuit-interrupter protection for personnel.
 - (1) Bathrooms
 - (2) Garages and also accessory buildings that have floor located at or below grade level not intended to be habitable rooms and limited to storage areas, work areas, or similar use
 - (3) Outdoors
 Exception to (3) Receptacles that are not readily accessible and are supply branch circuits dedicated to electrical snow-melting, deicing, or pipeline and Bessel heating equipment shall be permitted to be installed in accordance with 426.28m or 427.22, as applicable
 - (4) Crawl spaces – at or below grade level
 - (5) Basements
 Exception to (5): A receptacle supplying only a permanently installed fire alarm or burglar alarm system shall not be required to have ground-fault circuit-interrupter protection.
 Informational Note: See 760.41B and 760.121(B) for power supply requirements for fire alarm systems.
 Receptacles installed under the exception to 210.8 (A) (5) shall not be considered as meeting the requirements of 210.52(G).
 - (6) Kitchens – Where the receptacles are installed to serve the countertop surfaces
 - (7) Sinks – Where receptacles are installed within 1.8 m (6 ft) from the top inside edge of the bowl of the sink
 - (8) Boathouses
 - (9) Bathtubs or shower stalls – Where receptacles are installed within 1.8 m (6 ft) of the outside edge of the bathtub or shower stall
 - (10) Laundry areas

Exception to (1) through (3), (5) through (8), and (1): Listed locking support and mounting receptacles utilized in combination with compatible attachment fittings installed for the purpose of serving a ceiling luminaire or ceiling fan shall not be required to be ground-fault circuit-interrupter protected. If a general-purpose convenience outlet is integral to the ceiling luminaire or ceiling fan, GFCI protection shall be provided.

(11) Indoor damp and wet locations

3. Delete section 210.8(F)

4. Add Code Section NEC 215.13 Prohibited Locations with the following language:

NEC 215.13 Prohibited Locations. Feeders supplying townhomes shall not extend through any townhome unit other than the unit served. For the purpose of this provision, the term townhome shall mean a single-family dwelling unit constructed in a group of two or more attached units in which each unit extends from the foundation to roof with a yard or public way on not less than two sides.

Exception: If a recorded easement is established in a concealed space or attic within a townhome unit, feeders are allowed within that easement.

155.09 INTERNATIONAL FUEL GAS CODE. Pursuant to published notice and public hearing, as required by law, the *International Fuel Gas Code*, 2021 Edition, published by the International Code Council, is hereby adopted in full except for such portions as may hereinafter be deleted, modified or amended. The following amendments, modifications, additions and deletions to the *International Fuel Gas Code*, 2021 Edition are hereby made:

1. Amend Section 106.6.2 to include the following language:

Permit fees will be derived from the City of Elkhart Fee Schedule as adopted.

2. Delete Section 5.6.3.4 and the replace with the following:

5.6.3.4 Corrugated Stainless Steel. Only CSST with an Arc Resistant Jacket or Covering System listed in accordance with ANSI LC-1 (Optional Section 5.16)/CSA 6.26-2016 shall be installed in accordance with the terms of its approval, the conditions of listing, the manufactures instructions and this code including electrical bonding requirements in Section 7.13.2. CSST shall not be used for through wall penetrations from the point of delivery of the gas supply to the inside of the structure. CSST shall not be installed in locations where subject to physical damage unless protected in an approved manner.

155.10 INTERNATIONAL PROPERTY MAINTENANCE CODE. Pursuant to published notice and public hearing, as required by law, the *International Property Maintenance Code*, 2021 Edition, published by the International Code Council, is hereby adopted in full except for such portions as may hereinafter be deleted, modified or amended. The following amendments, modifications, additions and deletions to the *International Property Maintenance Code*, 2021 Edition, are hereby made:

1. Amend Section 101.1 Title to insert Elkhart as the jurisdiction referenced.

2. Amend Section 103.5 Fees to include the following language:

Permit fees will be derived from the City of Elkhart Fee Schedule as adopted.

3. Amend Section 302.4 to delete [JURISDICTION TO INSERT HEIGHT IN INCHES] and replace with “X inches in height on developed properties and X inches in height on undeveloped properties.”
4. Amend Section 304.14 to read as follows:

During the period from April 15th to October 15th, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.
5. Amend Section 602.3 by deleting “[DATE] to [DATE]” and replacing with September 1 to May 30.
6. Amend Section 602.4 by deleting “[DATE] to [DATE]” and replacing with September 1 to May 30.
7. Insert new sentence prior to last sentence of paragraph in Section 605.2 with the following language:

Any accessible receptacle within 6 feet of a water source shall be provided with Ground-Fault Circuit-Interrupter Protection.
8. Amend Section 705.1 to add the following language to the end of the paragraph:

In addition, carbon monoxide alarms and detectors shall be installed in accordance with Iowa Code Section 661—Chapter 211.
9. Add new Section 705.3 with the following language:

705.3 Installation Locations. Installation locations shall be in conformance with the International Fire Code, the International Residential Code, Iowa Code, and at the location closest to the hazard of an attached garage or fuel-fired appliance.

155.11 INTERNATIONAL ENERGY CONSERVATION CODE. Pursuant to published notice and public hearing, as required by law, the *International Energy Conservation Code*, 2012 Edition, published by the International Code Council, is hereby adopted in full except for such portions as may hereinafter be deleted, modified or amended. The following amendments, modifications, additions and deletions to the *International Energy Conservation Code*, 2012 Edition, are hereby made:

1. 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.
2. Delete Sections 101.1, 101.2, 103.3.1, 103.3.2, 103.3.3, 103.4, 103.5, and all of Sections 104, 107, 108 and 109.
3. All energy code compliance inspections shall be completed by a third party certified to do such inspections with a report submitted to the Administrative Official showing compliance with the State adopted energy code.

4. Add Code Section C402.1.1.1 Seasonal Structures with the following language:
C402.1.1.1 Seasonal Structures. The following seasonal type structures are exempt from meeting the provisions of this code. (These facilities are allowed to have heating and/or cooling equipment for temporary comfort of patrons and employees during operating hours.)
 1. Food Service Buildings that serve patrons at amusement parks, water parks, and outdoor sporting facilities. The buildings can only be occupied by employees, must not be able to allow patrons to be served within the facility and must have its sole means of servicing customers, an operable exterior serving window.
 2. Restroom Facilities that serve amusement parks, water parks, and outdoor sporting facilities.
5. Delete Section C408.2 and replace with the following:
Mechanical systems and service water-heating systems commissioning and completion requirements. Prior to the final mechanical and plumbing inspections, the registered design professional or approved agency shall provide evidence of mechanical systems commissioning and completion in accordance with the provisions of this section. The Commissioning Agent shall be in no way affiliated with the project's design, installation or sale of products, to avoid any conflict of interest. The Commissioning Agent shall be accredited by an industry-recognized certification program, to be determined by the AHJ.

155.12 INTERNATIONAL FIRE CODE. Pursuant to published notice and public hearing, as required by law, the *International Fire Code*, 2021 edition, including Appendix Chapters B, C, D, I, K, and N (see *International Fire Code* Section 101.2.1, 2021 edition), as published by the International Code Council, is hereby adopted in full as the Fire Code of City of Elkhart, for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, except for such portions as may hereinafter be deleted, modified or amended. The following amendments, modifications, additions and deletions to the *International Fire Code*, 2012 Edition, are hereby made:

1. Section 101.1. Insert: [City of Elkhart]
2. Code Section 109: Refer to Elkhart Board of Appeals.
3. Delete Code Section: IFC 308.1.4 Replace with the following language:
308.1.4 Open-flame cooking devices. Charcoal burners, other open-flame cooking devices, and other devices that produce ashes or embers shall not be operated on balconies or within 20 feet (3048 mm) of combustible construction. Location of LP containers shall comply with Section 6104. Exceptions:
 1. One- and two-family *dwellings*, constructed in accordance with the *International Residential Code*.
 2. LP-gas cooking devices having LP-gas container with a water capacity not greater than 20 pounds.

4. Insert New Code Section:
319.11 Location. Mobile food vehicles shall not be located within 20 feet (6096 mm) of buildings, tents, canopies or membrane structures.
5. Insert New Code Section: IFC 503.1.4 Insert the following language:
503.1.4 Outdoor Venue Access. A 10 ft. wide emergency access roads designed to support 36,000 lb. weight load shall be provided within 350-feet of all portions of an outdoor venue (e.g. soccer complex, park, skate park, sports fields) to facilitate emergency vehicle access.

Exception: The fire code official is authorized to increase the dimension of 350 feet where emergency access roads cannot be installed because of location on property, topography, waterway, nonnegotiable grades, or other similar conditions, and an approved alternative means of emergency access is provided.
6. Delete Code Section: IFC 505.1 Replace with the following language:
505.1 Address identification. New and existing buildings shall have *approved* address numbers, building numbers or *approved* building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall be black or white and shall contrast with their background. Where required by the *fire code official*, address numbers shall be provided in greater dimension or additional *approved* locations to facilitate emergency response. Address numbers shall be Arabic numbers or alphabetical letters. Numbers and letters shall be a minimum height and a minimum stroke width as dictated by Table 505.1. Where access is by means of a private road and the building cannot be viewed from the *public way*, a monument, pole or other sign or means shall be used to identify the structure. Address numbers shall be maintained.

Table 505.1
Minimum Height and Stroke Width

Distance from the centerline of the Public Way (ft)		Minimum Height (in)	Minimum Stroke Width (in)
Less than 100		4	1/2
100	199	6	3/4
200	299	8	1
For each additional 100		Increase 2	Increase 1/2

^a Exterior suite identification, minimum height shall be 4 inches and stroke width shall be ½ inch.

^b Interior suite identification, minimum height shall be 2 inches and stroke width shall be ¼ inch.

7. Modify Code Section: IFC 508.1 Replace with the following language:
508.1 General. Where required by other sections of this code, Table 508.1, and in all buildings classified as high-rise buildings by the *International Building Code*, a *fire command center* for fire department operations shall be provided and shall comply with Sections 508.1.1 through 508.1.6.

8. Add Code Section: IFC Table 508.1 Add the following language:

Table 508.1 Fire Command Center Thresholds

Occupancy	Threshold Requiring a Fire Command Center
Group A	1,000 occupants
Group E	100,000 gross square feet
Group F	200,000 gross square feet
Group H	100,000 gross square feet
Group I-2 or I-3	100,000 gross square feet
Group M	100,000 gross square feet
Group R1	Greater than 200 <i>dwelling units</i> or <i>sleeping units</i>
Group S	200,000 gross square feet

9. Modify Code Section IFC 705.2.4 and replace with and add the following language:

705.2.4 Door Operation. Swinging fire doors shall close from the full open position and latch automatically. The door closer shall:

1. Exert enough force to close and latch the door from any partially open position.
2. Be UL listed and of hydraulic type, spring type shall not be allowed.

10. Insert New Code Section: IFC 901.4.6.1.1 (correlation: IBC 902.1.1.1) Insert the following language:

901.4.6.1.1 Fire Sprinkler Riser Room. A fire sprinkler riser room shall be separated from the electrical room. The riser room shall have no electrical panels, devices, or apparatus inside the room other than the outlets or support equipment (lighting, air compressor, and heater) required for the use of the fire sprinkler system and/or the fire alarm panel. The sprinkler riser room shall not be exclusively accessed from the electrical room, but the electrical room may be accessed from the fire riser room.

11. Insert New Code Section: IFC 901.4.6.5 (correlation IBC 902.1.5) Insert the following language:

901.4.6.5 Temperature Sensors. Provide a low temperature sensor in the fire sprinkler riser room. Low temperature sensor shall be monitored to prevent freezing.

12. Insert New Code Section IFC 903.3.1.1.3 (correlation: IBC 903.3.1.1.3)

903.3.1.1.3 Sprinkler installed under exterior projections. A canopy covering a door that is required to be marked as an exit shall be required to have fire sprinklers installed outside that door if the canopy extends more than 4 feet out from the door and is 12 feet or less in height from the ground regardless of whether the canopy is combustible or non-combustible. Canopies that have vehicle access under them with door openings shall be required to have fire sprinklers installed under the total canopy regardless of whether the canopy is combustible or non-combustible.

13. Modify Code Section IFC 903.3.1.2 (correlation: IBC 903.3.1.2) and replace with the following language:

903.3.1.2 NFPA 13R sprinkler systems. Automatic sprinkler systems in Group R occupancies up to and including four stories in height in buildings not exceeding 60 feet (18,288 mm) in height above grade plane shall be permitted to be installed throughout in accordance with NFPA 13R. Attics shall be protected throughout with an *automatic sprinkler system* installed in accordance with NFPA 13.

14. Modify Code Section: IFC 903.2.11.1.3 (correlation: IBC 903.2.11.1.3) Replace with the following language:

903.2.11.1.3 Basements. Where any portion of a *basement* is located more than 75 feet (22,860 mm) from openings required by Section 903.2.11.1, the *basement* shall be equipped throughout with an *approved automatic sprinkler system*.

15. Modify Code Section: IFC 903.4.2 (correlation: IBC 903.4.2) Replace with the following language:

903.4.2 Alarms. *An approved weather proof audible device suitable for outdoor use with 110 candela visual signal shall be connected to every automatic sprinkler system.* Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Alarm devices shall be provided on the exterior of the building in an *approved* location. Where a fire alarm system is installed, actuation of the *automatic sprinkler system* shall actuate the building fire alarm system.

16. Modify Code Section: IFC 1008.3.3 (correlation: IBC 1008.3.3) Replace with the following language:

1008.3.3 Rooms and spaces. In the event of a power supply failure, an emergency electrical system shall automatically illuminate all of the following areas:

1. Electrical equipment rooms
2. Fire command centers
3. Fire pump rooms
4. Generator rooms
5. Public restrooms that contain more than one water closet/urinal or that are accessible
6. Meeting/conference rooms with an area greater than 400 square feet.
7. Classrooms in an E occupancy with an area greater than 400 square feet.

17. Modify Code Section: IFC 1009.2 (correlation: IBC 1009.2) Insert item # 11 with the following language:

11. Components of exterior walking surfaces shall be concrete, asphalt, or other approved hard surface.

18. Add Code Section: IFC 1010.1.6.1 (correlation: IBC 1010.1.6.1) Insert the following language:

1010.1.6.1 Frost Protection. Landings required by Section 1010.1.5 to be at the same elevation on each side of the door exterior landings at doors shall be provided with frost protection.

19. Modify Code Section: IFC 1010.1.9.1 (correlation: IBC 1010.1.9.1) Replace with the following language:

1010.1.9.1 Hardware. Door handles, pulls, latches, locks and other operating devices on doors required to be accessible by Chapter 11 of the International Building Code shall not require tight grasping, tight pinching or twisting of the wrist to operate. This includes thumb turn locks.

20. Insert Code Section: IFC 1013.1.1 (correlation: IBC 1013.1.1) Language:

1013.1. 1 Additional Exit Signs. Exit signs may be required at the discretion of the Code Official to clarify an exit or exit access.

21. Modify Code Section: IFC 1014.4 (correlation: IBC 1014.4) Insert item # 6 with the following language:

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.

22. Add Code Section: IFC 1015.9 (correlation: IBC 1015.9) Insert the following language:

1015.9 Walking surfaces. A guard shall be provided along retaining walls where a finished walking surface such as sidewalks, patios, driveways and parking lots or similar is located on the top side of a retaining wall. The guard shall be installed along any portion of the wall measuring 30 inches or greater in height measured at any point within 36 inches horizontally to the edge of the open side. A guard shall not be required along portions of the retaining wall where the horizontal distance between the edge of the finished walking surface and the face of the wall is greater than 72 inches.

23. Insert Code Section: IFC 1028.5.1 (correlation: IBC 1028.5.1) Insert the following language:

1028.5.1 Hard Surfaces. Components of exterior walking surfaces shall be concrete, asphalt, or other approved hard surface.

24. Insert Code Section: IFC 1031.5.3 (correlation: IBC 1030.4.3) Insert the following language:

1031.5.3 Window wells drainage. All window wells shall be provided with approved drainage.

25. Insert New Code Section: IFC 1203.7 Insert the following language:

Section 1203.7 Shutdown of Emergency and Standby Power Systems. In addition to the requirements of NFPA 110 for a remote manual stop, a switch of an approved type shall be provided to shut down the generator. The switch shall be provided at an approved location.

26. Insert New Code Section: IFC 1203.8 Insert the following language:

Section 1203.8 Emergency Generator Signs. Main electrical disconnects and main breaker panels supplied by the generator shall be provided with approved signs.

Additionally, doors accessing emergency and standby power systems shall be provided with approved signs. When approved switches for emergency power shut-down are located remote from the fire alarm annunciator, an approved sign shall be provided at fire alarm annunciator.

Approved signs shall contain the word CAUTION in black letters at least 2 inches (50 mm) high on a yellow background. Such warning signs shall be placed so as to be readily discernible.

27. Insert New Section 3106.3.1

3106.3.3 Occupancy and means of egress. The number and location of emergency egress and escape routes shall be approved by the fire code official. Exits shall comply with Chapter 10 and be as remote from each other as practical and shall be provided as follows:

Occupant Load	Minimum Number of Exits
1 to 500	2
501 to 1,000	3
1,001 or 1,500	4
each additional 500 persons	36 additional inches of exit width

3106.3.4 Width. The aggregate clear width of exits shall be a minimum of 36 inches wide (914mm) for each 500 persons to be accommodated.

3106.3.5 Signs. Exits shall be identified with signs that read "EXIT". The signs shall be weather-resistant with lettering on a contrasting background. The lettering shall be of sufficient height and brush stroke to be immediately visible from 75 feet (22,860mm). Placement of the exit signs shall be approved by the fire code official.

29. Insert Code Section: IFC 6104.3.3 Insert the following language:

6104.3.3 LP Gas Containers in Group R Occupancies. LP Gas shall not be stored or used inside of a building.

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CHAPTER 156

URBAN DESIGN STANDARDS

156.01 Purpose
156.02 Adoption of Standards

156.03 Adoption of Specifications
156.04 Additional Standards

156.01 PURPOSE. The City desires to implement uniform design standards, procedures and regulations for the design and construction of public improvements.

156.02 ADOPTION OF STANDARDS. The *Iowa Statewide Urban Design Standards for Public Improvements*, published by the Center for Transportation Research and Education of Iowa State University, dated 2005, and as from time to time amended or supplemented, are hereby adopted by reference as if set out fully herein as the City's design standards for public improvements.

156.03 ADOPTION OF SPECIFICATIONS. The *Iowa Statewide Urban Standard Specifications for Public Improvements*, published by the Center for Transportation Research and Education of Iowa State University, dated 2005, and as from time to time amended or supplemented, are hereby adopted by reference as if set out fully herein as the City's standard specifications for public improvements.

156.04 ADDITIONAL STANDARDS. In addition to the standards set forth in this chapter and consistent with this Code of Ordinances, the Council may, from time to time, adopt by resolution technical standards or specifications for public improvements. Such technical standards or specifications may vary for classes of improvements, giving due regard to the classification of streets or other improvements, and the extent and character of the area served by the improvements. Upon adoption by the Council by resolution, such technical standards or specifications for public improvements shall have such force and effect as if they were fully set forth in this section.

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CHAPTER 157

FENCES, WALLS, AND VISION CLEARANCE

157.01 Permit Required

157.02 Installation

157.03 Fence Material

157.04 Corner Lots

157.05 Front Yards and Street Side Yards

157.06 Height

157.07 Industrial Districts

157.08 Retaining Walls

157.09 Easements and Drainage

157.10 Temporary Snow Fences

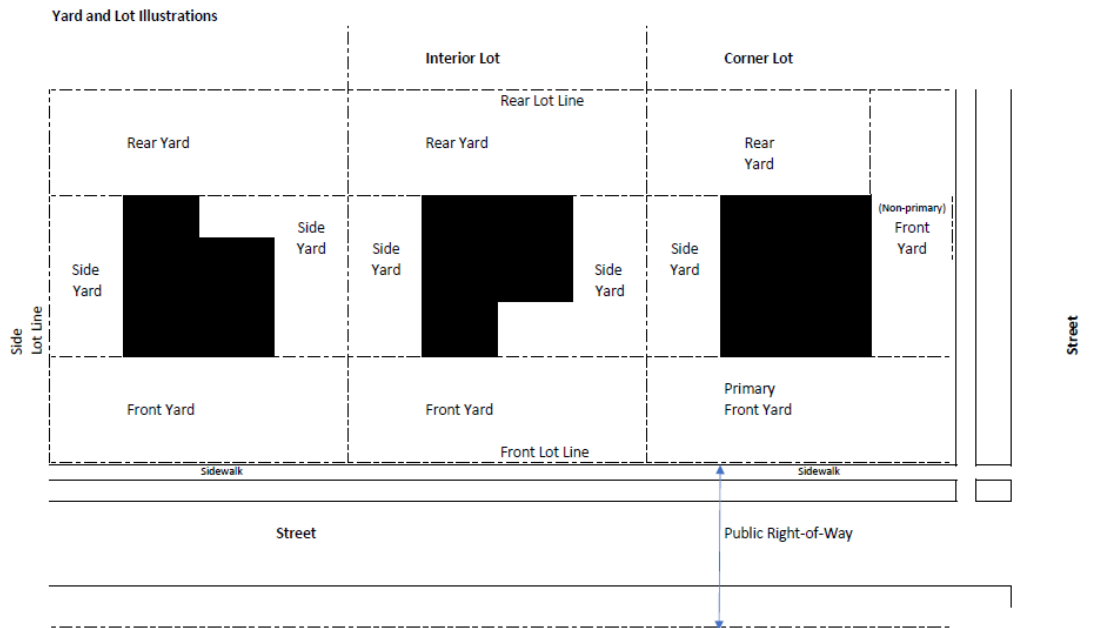
157.01 PERMIT REQUIRED. No fence shall be installed or altered without prior approval of a building permit in accordance with Chapter 155. Each application for a fence permit shall be accompanied by a plot plan, in duplicate, drawn to scale, showing the actual dimensions of the lot; the size, shape, and location of all existing buildings; location, height, and material type of the proposed fence; and such other information as may be necessary to provide for the enforcement of this chapter. All permit fees shall be in accordance with the fee schedules set by the City.

157.02 INSTALLATION. A fence shall be constructed such that the finished side of the fence is facing the street or adjacent yard.

157.03 FENCE MATERIAL. Acceptable materials for fences in all yards shall include wrought iron and similar decorative steel, treated or decay-resistant wood, vinyl, polymer, or decorative masonry components, as approved by the Council. Additional acceptable materials for fences in rear yards and interior side yards only shall include chain link and vinyl-clad chain link. Unacceptable material shall include woven wire, barbed wire, or electrical fencing.

157.04 CORNER LOTS. On a corner lot, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to impede vision between a height of two and one-half and 10 feet above the centerline grades of the area described as follows: that area bounded by the street right-of-way lines of a corner lot and a straight line joining points on said right-of-way lines 25 feet from the point of intersection of said right-of-way lines.

157.05 FRONT YARDS AND STREET SIDE YARDS. In any residential district, a fence or wall not exceeding 42 inches in height and not greater than 50 percent opaque is permitted within the limits of front yards or non-primary front yards, except in non-primary front yards on corner lots where fences not exceeding six feet in height may be extended from the rear yard into the non-primary front yard (see illustration). The following illustration shows the area where six-foot privacy fences may encroach into non-primary front yards.



157.06 HEIGHT. In any district, fences and walls not exceeding six feet in height are permitted, except for provision in Section 157.05

157.07 INDUSTRIAL DISTRICTS. In any industrial district, a chain link fence not exceeding eight feet in height is permitted in the limits of the rear yard and interior side yards. Such fence may be topped by three strands of barbed wire, provided that the overall height does not exceed eight feet, and the barbed wire is not less than six feet above grade.

157.08 RETAINING WALLS. In the case of retaining walls supporting embankments, the above requirements shall apply only to that part of the wall above the ground surface of the retained embankment.

157.09 EASEMENTS AND DRAINAGE. Fences will be permitted in public utility easements and in storm water drainage or water flow easements as long as they do not hinder, obstruct, or block water flow or drainage. Fences may be permitted within required buffers if specifically approved by the Council. Property owners are required to determine and identify their property boundaries before installing a fence.

157.10 TEMPORARY SNOW FENCES. Temporary plastic snow fences shall be permitted from November 1 through April 1 of each year without a permit.

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CHAPTER 165

ZONING REGULATIONS

165.01 Title	165.16 L-1 Light Industrial Districts
165.02 Purpose	165.17 A-1 Agricultural Districts
165.03 Definitions	165.18 Administration and Enforcement
165.04 Establishment of Districts	165.19 Building Code Violations
165.05 Official Zoning Map	165.20 Permits and Certificate of Occupancy
165.06 Amending Official Zoning Map	165.21 Board of Adjustment Created
165.07 Replacing Official Zoning Map	165.22 Nonconforming Buildings and Uses
165.08 Application of Regulations	165.23 Amendments
165.09 R-1 Residential Districts	165.24 Procedures for Amendment by Petition
165.10 R-2 Residential Districts	165.25 Public Water Supply Wells
165.11 R-3 Multi-Family Residential Districts	165.26 Architectural Design and Treatment of Buildings
165.12 R-4 Mobile Home Park District	165.27 Screening
165.13 C-1 Core Business Districts	165.28 Surfacing Requirements
165.14 C-2 General Commercial Districts	165.29 Temporary Uses
165.15 I-1 Industrial Districts	

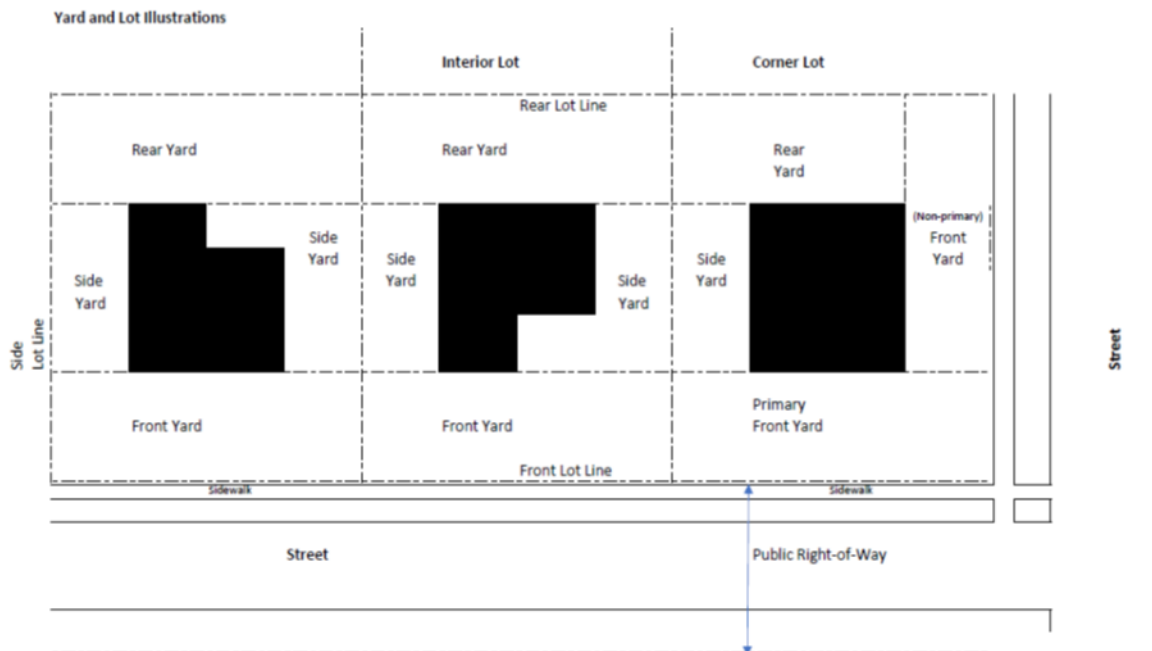
165.01 TITLE. This chapter shall be known and may be cited as “The City of Elkhart, Iowa, Zoning Ordinance,” or cited as the “Zoning Ordinance.”

165.02 PURPOSE. The purpose of this chapter is to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to regulate the use of land, and to promote the health, morals, safety and general welfare in the City.

165.03 DEFINITIONS. As used in this chapter, the word “lot” includes the words “plat or parcel.” The words “used or occupied” as applied to any land or building include the words “intended, arranged or designed to be used or occupied.” The following terms shall be interpreted or defined as follows:

1. “Agriculture” includes the use of land for agricultural purposes, including animal husbandry, apiculture, dairying, farming, floriculture, forestry, groves, horticulture, orchards, poultry husbandry, ranching, viticulture, and the necessary uses for packing, treating or storing the produce; however, the operation of accessory uses shall be subordinate to that of normal agricultural activities.
2. “Corner lot” means a lot or parcel of land abutting upon two or more streets at their intersection. Corner lots shall have a primary front yard based on the primary entrance of the main building facing one street frontage and a non-primary front yard, which faces another frontage. Both primary front yard and non-primary front yard shall meet front yard setback requirements to provide for proper site distance at the intersection. Corner lots may have a reduced rear yard.
3. “Dwelling” means a building used as the living quarters for one or more families, not including auto courts, rooming homes or tourist homes.
 - A. A “private dwelling” is a dwelling occupied by one family alone.
 - B. A “two-family dwelling” is a dwelling occupied by two families alone.
 - C. A “multiple dwelling” is a dwelling occupied by more than two families.

4. “Interior lot” means a lot other than a corner lot with only one frontage on a street other than an alley.
5. “Mobile home” and “manufactured home” mean any structure without motive power used or to be manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed or reconstructed as to permit the vehicle to be used as a place for human habitation by one or more persons. Such terms also include any such vehicle with motive power not registered as a motor vehicle in Iowa.
6. “Mobile home park” means any site, lot, field or tract of land upon which two or more occupied mobile homes are harbored, either free of charge or for revenue purposes, and includes any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of such mobile home park. The term “mobile home park” shall not be construed to include mobile homes, buildings, tents or other structures temporarily maintained by any individual, educational institution or company on such person’s own premises and used exclusively to house such person’s own labor or students.
7. “Structure” means a combination of materials other than a building to form a construction that is safe and stable and includes, among other things, stadiums, platforms, radio towers, sheds, storage bins, fences, signs and chicken coops.
8. “Yard” means the open spaces on the same lot with a main building, unoccupied and unobstructed from the ground upward except as otherwise provided in this ordinance, and as defined herein:
 - A. Front Yard. An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building. Note that this term defines a space and not a required setback.
 - B. Side Yard. An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building. Note that this term defines a space and not a required setback.
 - C. Rear Yard. An open space extending the full width of the lot the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building. Note that this term defines a space and not a required setback.



165.04 ESTABLISHMENT OF DISTRICTS. The City is hereby divided into the following types of districts: The City is divided into the following types of districts:

1. R-1 One- and Two-Family Residential Districts.
2. R-2 One- and Two-Family Residential Districts.
3. R-3 Multiple Family Residential Districts.
4. R-4 Mobile Home Park Districts.
5. C-1 Commercial Districts.
6. C-2 General Commercial Districts
7. I-1 Industrial Districts
8. L-I Light Industrial Districts
9. A-1 Agricultural Districts

165.05 OFFICIAL ZONING MAP. As shown by the Official Zoning Map, the City is divided into seven classes of districts. The boundaries of these districts are hereby established as shown on the Official Zoning Map of the City, and said map and all notations, references and other information shown thereon shall be and are hereby made a part of this chapter by reference. The Official Zoning Map, signed by the Mayor and properly attested by signature of the Clerk, bearing the date of adoption, shall be and remain on file in the office of the Clerk.

165.06 AMENDING OFFICIAL ZONING MAP. Amendments, supplements or changes of the boundaries of districts as shown on the Official Zoning Map shall be made by an ordinance amending the zoning ordinance. The amending ordinance shall refer to the Official Zoning Map and shall set out the identification of the area affected by legal description and identify the zoning district as the same exists and the new district designation applicable to said property. Said ordinance shall, after adoption and publication, be recorded by the Clerk as other ordinances and a certified copy thereof attached to the Official Zoning Map. Such amendatory ordinance shall, however, not repeal or re-enact said map, but only amend it. The Official

Zoning Map, together with amending ordinances, shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the City.[†]

165.07 REPLACING OFFICIAL ZONING MAP. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of use, the Council may adopt a new Official Zoning Map which shall supersede the prior map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior map, but no such correction shall have the effect of amending the original zoning ordinance or any subsequent amendment thereof. The new Official Zoning Map shall be identified by date and the signature of the Mayor, attested by the Clerk, under the following words: *This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted as part of the Zoning Ordinance of the City.*

165.08 APPLICATION OF REGULATIONS. Except as hereinafter provided:

1. No building or land shall be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the district in which it is located.
2. No building shall be erected or altered:
 - A. To exceed the height;
 - B. To accommodate or house a greater number of families;
 - C. To occupy a greater percentage of lot area; or
 - D. To have narrower or smaller rear yards, side yards, or front yards than are specified herein for the district in which such building is located.
3. No part of a yard or other open space required about any building for the purpose of complying with the provisions of this chapter shall be included as a part of a yard or other open space similarly required for another building.
4. Requirements for accessory buildings are as follows:
 - A. Accessory buildings or structures shall be erected at least five feet from property lines in side or rear yards in all residential districts. Accessory buildings must be erected separately from and at least 10 feet distant from the principal structure. If an accessory building or structure is connected to a principal building, the accessory building or structure shall be deemed to be part of the principal building and shall comply with all yard requirements applicable to the principal building. An accessory building or structure which is not connected to a principal building shall not exceed 20 feet in height, which shall be measured between the grade and peak for gable roof structures and by the tallest point for flat roof structures.
 - B. In no case shall any portion of the accessory building, including the overhang, be placed into an easement.
 - C. On “through” lots, also known as “double frontage” lots, no accessory buildings shall be closer than 18 feet from the street. In no case shall any portion of the accessory building, including the overhang, be placed into an easement.

[†] **EDITOR’S NOTE:** See editor’s note at the end of this chapter for ordinances amending the zoning map.

D. On corner lots, accessory buildings shall comply with all yard requirements applicable to the principal building. In no case shall any portion of the accessory building, including the overhang, be placed into an easement.

E. For accessory buildings that have either already been built and encroach upon the required setback, or in the limited circumstances for properties that present unique access or building site conditions only in R-1 Residential Districts, R-2 Residential Districts, and for one- and two-family dwellings in R-3 Multi-Family Residential Districts, a property owner may submit a written request to the Council for the Council's consent to build or permit an existing accessory building encroaching upon the required setback, but in no event less than three feet from the property line. Property owner must provide documented justification for the request and a survey from a licensed professional land surveyor providing verification of the existence of property lines and location of proposed accessory building. For any such structure less than five feet from property lines, additional Building or Fire Code requirements shall be met, including, but not limited to:

- (1) Any accessory building placed closer than five feet to the property lines shall meet the requirements for a one-hour rated wall construction on the wall closest to the property line.
- (2) Gutter and downspouts shall be required on the wall closest to the property line.
- (3) There shall be at least 12 inches from the property line to the eaves including the gutter.
- (4) In no case shall any portion of the accessory building, including the overhang and gutter, be placed into an easement.

Council's consent will be valid only if in writing and issued to the property owner.

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165.09 R-1 RESIDENTIAL DISTRICTS.

1. Permitted Uses. The following uses of land are permitted in all R-1 Residential Districts:

- A. Private and two-family dwelling units, provided that mobile homes are not permitted, except as provided by this chapter.
- B. Churches and places of worship and parochial schools.
- C. K-12 public schools, preschools, adult and child daycares, public libraries, parks, and playgrounds.
- D. Small home occupations, provided there are no signs or other evidence of such use other than a small announcement or professional sign not over two square feet in size.
- E. Other customary accessory uses and buildings, provided such uses are incidental to the principle use and do not include any activity considered as a business.

2. Height of Buildings in R-1 Residential Districts. No principle building shall be erected to a height in excess of 35 feet.

3. Percentage of Lot Covered in R-1 Residential Districts. All dwellings or other structures, including accessory buildings, shall not cover more than 50 percent of the area of the lot. If more than one lot is used, the percentage shall be computed on the combined size of the lots.

4. References to Other Standards That May Apply.

- A. See requirements for accessory buildings in Section 165.08(4).
- B. See Architectural Design and Treatment of Buildings in Section 165.26.
- C. See Screening in Section 165.27.
- D. See Sign Code in Chapter 168.
- E. See Surfacing Requirements in Section 165.28.
- F. All uses shall meet the parking and other standards in this Code of Ordinances.

(Subsection 4 – Ord. 2025-1 – Mar. 26 Supp.)

5. Requirements for Garage and Driveway. Each dwelling on each lot in an R-1 Residential District shall include, at a minimum, a two-car attached garage with a paved driveway between the lot line and building with the driveway width adequate for parking at least two vehicles.

6. R-1 Residential Districts shall be divided into two categories, R-1 (50) Residential Districts and R-1 (65) Residential Districts as defined hereafter.

7. Density of Population in R-1 (50) Residential Districts. Lot area shall not be less than 6,000 square feet and lot width not less than 50 feet. There shall be no more than one dwelling placed on each lot of the above size.

8. Yards and Open Spaces in R-1 (50) Residential Districts. Each lot shall have front, side and rear yards not less than the following depth and width:

- A. Front yard depth: 25 feet / 30 feet
- B. Each side yard width: 5 feet
- C. Rear yard depth: 25 feet

9. Density of Population in R-1 (65) Residential Districts. Lot area shall not be less than 7,800 square feet and lot width not less than 65 feet. There shall be no more than one dwelling placed on each lot of the above size.

10. Yards and Open Spaces in R-1 (65) Residential Districts. Each lot shall have front, side and rear yards not less than the following depth and width:

- A. Front yard depth: 30 feet
- B. Each side yard width: 7 feet
- C. Rear yard depth: 25 feet

11. Two-Unit Structures. Bi-attached zero lot line residential structures are permitted in R-1 Residential Districts provided each dwelling unit is located on a separate platted lot with common wall construction and each unit includes a two-car attached garage with a paved driveway between the front lot line and building with the driveway width adequate for parking two vehicles. Each lot for a bi-attached unit shall comply with the following requirements:

- A. Lot width: not less than 42.5 feet
- B. Lot area: not less than 5,100 square feet
- C. Front yard depth: 30 feet
- D. Rear yard depth: 25 feet
- E. Side wall, common wall side: 0 feet
- F. Side wall, non-common wall side: 7 feet
- G. Maximum percentage of lot covered by structures: 50 percent

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165.10 R-2 RESIDENTIAL DISTRICTS.

1. Permitted Uses. All uses permitted in R-1 Residential Districts are permitted in R-2 Residential Districts.
2. Height of Buildings in R-2 Residential Districts. No dwelling or other structure shall be erected to a height in excess of 35 feet.
3. Density of Population in R-2 Residential Districts. Lot area shall not be less than 12,000 feet square and lot width not less than 80 feet. There shall be no more than one dwelling placed on each lot of the above size.
4. Percentage of Lot Covered by Buildings, Dwellings, and Other Structures in R-2 Residential Districts. All dwellings or other structures, including accessory buildings, shall not cover more than 40 percent of the area of the lot. If more than one lot is used, the percentage shall be computed on the combined size of the lots.
5. Yards and Open Spaces in R-2 Districts. Each lot shall have front, side and rear yards not less than the following depth and width:
 - A. Front yard depth 35 feet.
 - B. Each side yard depth 12 feet.
 - C. Rear yard depth 35 feet.
6. References to Other Standards That May Apply.
 - A. See requirements for accessory buildings in Section 165.08(4).
 - B. See Architectural Design and Treatment of Buildings in Section 165.26.
 - C. See Screening in Section 165.27.
 - D. See Sign Code in Chapter 168.
 - E. See Surfacing Requirements in Section 165.28.
 - F. All uses shall meet the parking and other standards in this Code of Ordinances.
 - G. All uses shall meet the parking, design, screening, sign, and other standards in this Code of Ordinances.

(Subsection 6 – Ord. 2025-1 – Mar. 26 Supp.)

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165.11 R-3 MULTI-FAMILY RESIDENTIAL DISTRICTS.

1. Permitted Uses. The following uses of land are permitted in all R-3 Residential Districts:
 - A. All uses permitted in R-1 Residential Districts.
 - B. Multiple dwelling units, including rooming and boarding houses and tourist homes.
 - C. Other customary accessory uses and buildings, provided such uses are incidental to the principal use and do not include an activity commonly conducted as a business, unless otherwise provided.
2. Height of Buildings in R-3 Residential Districts. No dwelling or other structure shall be erected to a height of 50 feet or exceed 4 stories, unless hereinafter provided.
3. Density of Population in R-3 Residential Districts. Lot area for multiple family dwellings shall be not less than 6,000 square feet and lot width not less than 50 feet, plus an additional 1,000 square feet for each unit over three (3).
4. Percentage of Lot Covered by Buildings, Dwellings and other Structures in R-3 Residential Districts. All dwellings or other structures, including accessory buildings, shall not cover more than 40 percent of the area of the lot. If more than one lot is used, the percentage shall be computed on the combined size of the lots.
5. Yards and Open Spaces in R-3 Residential Districts. Each lot shall have front, side and rear yards not less than the following depth and width:
 - A. Front yard depth 25 feet.
 - B. Each side yard depth 5 feet.
 - C. Rear yard depth 25 feet.
6. Distance Between Buildings on Same Lot. No principal building shall be closer to any other principal building than the average of the heights of said buildings.
7. Automobile Storage or Parking Space. In connection with every multi-family dwelling, there shall be provided automobile storage or parking space equal to not less than two (2) parking spaces for each family unit in each structure; provided, however, no front yard shall be used for the open-air parking or storage of any motor vehicle.
8. References to Other Standards That May Apply.
 - A. See requirements for accessory buildings in Section 165.08(4).
 - B. See Architectural Design and Treatment of Buildings in Section 165.26.
 - C. See Screening in Section 165.27.
 - D. See Sign Code in Chapter 168.
 - E. See Surfacing Requirements in Section 165.28.
 - F. All uses shall meet the parking and other standards in this Code of Ordinances.

(Subsection 8 – Ord. 2025-1 – Mar. 26 Supp.)

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165.12 R-4 MOBILE HOME PARK DISTRICT.

1. Permitted Uses. The following uses of land are permitted in R-4 Mobile Home Park Districts:

- A. Mobile homes.
- B. Mobile home parks.
- C. Other customary and accessory uses incidental to the principal use.

2. Location of Mobile Homes Outside R-4 Districts. It is unlawful for any person to park or place any mobile home on a street, alley, highway or public place or on any private land within the City, except as is provided by State law and this chapter. This section does not apply to mobile homes parked or placed within mobile home parks or upon private property as part of a dealer's or a manufacturer's stock not used as a place for human habitation.

3. Permanent Occupancy of Mobile Homes. A mobile home shall not be used as a permanent dwelling place or for indefinite periods of time except in a mobile home park except those so used on May 5, 1974. Any mobile home removed from property not a mobile home park shall not be replaced by a mobile home, unless permitted by the Zoning Ordinance at such place.

4. Exceptions. Nothing in this chapter shall be construed to allow a mobile home or manufactured home to be located in other than an approved mobile home park, except as governed by State law. Where State law supersedes the provisions of this or other ordinances or regulations, detached single-family manufactured dwellings shall be allowed in any residential district where new single-family dwellings are permitted, subject to compliance with the following provisions in addition to all other applicable requirements:

A. Such dwelling shall comply with the minimum floor area and with requirements of the *Uniform Building Code* and such other codes or ordinances which may have been adopted by the City; provided, however, such dwelling shall measure not less than 20 feet in width and 36 feet in length.

B. Such dwelling shall be certified by the Federal Department of Housing and Urban Development (hereinafter referred to as "HUD"), or HUD-approved third-party agency as being in compliance with all requirements of the most recent edition of the *Federal Manufactured Home Construction and Safety Standards*. The HUD certification label shall be placed on each section or module of the dwelling in accordance with HUD regulations.

C. Evidence shall be submitted to verify that such dwelling is designed to be and will be placed on, supported by, and attached to a continuous perimeter foundation which shall be permanent and constructed in accordance with the *Uniform Building Code* provisions for site-built housing. Pier or other isolated foundation systems or systems in conjunction with ground anchors or similar installation shall not be deemed permanent foundations and are not permitted. The manufacturer shall provide written instructions and plans for the installation and attachment, which shall include certification by a qualified registered professional engineer.

D. The vehicular frame shall be removed, or if not removable, permanently modified or destroyed to the extent of making the dwelling non-

transportable, and the dwelling shall be permanently attached to the foundation. Each dwelling shall be converted to and taxed as real estate. Evidence shall be provided in the form of an affidavit that any and all indebtedness applicable to the dwelling is secured as a real estate mortgage, as opposed to a chattel loan. If no indebtedness exists, the owner shall so certify and provide evidence of clear title. The vehicle title, registration card, registration plates (unless such plates are retained to be attached to another manufactured dwelling) and any other required information shall be filed with the Assessor when applying for a building permit, and evidence provided that the application for conversion is satisfactory in the form of a certified statement signed by the Assessor.

E. No certificate of occupancy, either permanent or temporary, shall be granted until the Assessor has certified that the conversion has been satisfactorily completed, and the property entered upon the tax rolls. A bond or other security may be required in the discretion of the City Clerk, to insure that the conversion is satisfactorily completed. The dwelling shall be new and undamaged and shall not have been previously installed or occupied for any purpose as evidenced by the chain of title and certification by the dealer.

F. Sewer, water, utility services, and all other site improvements shall conform to the applicable provisions of this Code of Ordinances.

G. A permit may be granted by the Board of Adjustment by issuance of a special permit for the location of a mobile or manufactured home outside mobile home parks. Not more than one mobile or manufactured home shall be permitted on the same premises or tract of property outside mobile home parks. The Board of Adjustment shall issue such special permits when it appears that location within a local mobile home park is impracticable and provided that public health, safety and welfare interests will not be seriously affected by granting the permit. Special permits shall not be granted for periods in excess of six (6) months but upon expiration of a special permit, reapplication may be made. Application for the permit shall include:

- (1) A statement concerning the practicability of location within a local mobile home park.
- (2) A description of sanitation facilities contained within the mobile home and those facilities available at the proposed location.
- (3) A statement of the desired duration of the special permit and necessity therefor.

5. R-4 Area and Yard Requirements. Mobile home or trailer parks shall be designed and maintained in accordance with the following requirements:

A. Minimum Requirements for Parks.

- (1) Mobile home park area – 8 acres.
- (2) Front yard (to be measured from all streets on which park abuts) – 50 feet.
- (3) Side yard – 35 feet.
- (4) Rear yard – 35 feet.

(5) Sanitary Facilities. Connection with the municipal sewer system or adequate private sewage disposal facilities as approved by the City.

(6) Streets. Each mobile home lot shall have direct access to a park street. The minimum roadway width of interior park streets shall be as follows:

One-way, no parking 11 feet

One-way, parking one side 18 feet

One-way, parking both sides 24 feet

Two-way, no parking 24 feet

Two-way, parking one side 27 feet

Two-way, parking both sides 34 feet

Such streets shall be surfaced with Portland cement or asphaltic cement concrete according to City specifications for residential streets, and shall be maintained in good condition and lighted at night.

B. Mobile Home Spaces. The following are minimum requirements:

(1) Area – 50 feet by 80 feet.

(2) Size – 4,000 square feet.

(3) Parking – one off-drive parking space for each mobile home space and one on- or off-street space for each two such lots to accommodate guests.

(4) Front yard – 15 feet.

(5) Rear yard – 10 feet.

(6) Side yard – 5 feet each side, with a minimum of 20 feet between any two homes.

C. Landscaping Unused Areas. All area not used for access, parking, circulation, buildings and service shall be completely and permanently landscaped and the entire site maintained in good condition. A landscaped strip of land not less than 10 feet in width shall be established and maintained within the mobile home park along its exterior boundaries.

D. Concrete Slab. Each mobile home unit lot shall be equipped with a concrete slab or slabs of sufficient size to support the wheels and the front parking jack. Said slabs shall have minimum dimensions of 2.5 feet by 60 feet and a minimum thickness of four inches.

E. Recreation Areas. There shall be provided within each mobile home park an adequate site or sites for recreational use by residents. The minimum area provided for such recreation site or sites shall consist of an aggregate of 100 square feet for each mobile home space in said park. The recreation sites shall be of appropriate design and provided with appropriate equipment.

F. Length of Occupancy. No mobile home or trailer shall remain in a mobile home park for a period exceeding 15 days without connection to the permanent sanitary sewer system of the park.

G. References to Other Standards That May Apply:

- (1) See requirements for accessory buildings in Section 165.08(4).
- (2) See Architectural Design and Treatment of Buildings in Section 165.26.
- (3) See Screening in Section 165.27.
- (4) See Sign Code in Chapter 168.
- (5) See Surfacing Requirements in Section 165.28.
- (6) All uses shall meet the parking and other standards in this Code of Ordinances.

(Paragraph G – Ord.2025-1 – Mar. 26 Supp.)

6. Emergency and Temporary Parking of Mobile Homes. Emergency or temporary parking of mobile homes upon the streets, alleys or highways of any other public or private place for a period not in excess of seven days shall not constitute a violation of Subsection 2 of this section, but such parking shall be subject to all other prohibitions or regulations contained in this Code of Ordinances.

7. Regulations to which R-4 Districts Are Subject. No person shall make alterations to the sanitary facilities or construct, expand, or remodel a mobile home park within the City without first obtaining a permit therefor from the State Department of Health. Said park, its facilities and the mobile homes therein shall comply with all other applicable ordinances of the City.

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165.13 C-1 CORE BUSINESS DISTRICTS.

1. Permitted Uses. The following regulations and uses permitted shall apply to all C-1 Core Business Districts:
 - A. Residential uses shall only be permitted on the second floor and above. There shall be no ground floor residential uses.
 - B. Stores and shops for the conducting of any lawful retail business.
 - C. Banks, theaters, offices, taverns, pubs, brew pubs, restaurants and cafes.
 - D. Preschool and child daycare centers.
 - E. Other uses, which in the opinion of the Zoning Administrator, are of the same general character as those listed above as permitted uses and which will not be detrimental to the district in which they are located.
2. Height of Buildings in C-1 Core Business Districts. No building shall be erected to a height in excess of 35 feet.
3. Required Dimensions in C-1 Core Business District. Lot dimensions shall not be less than 25 feet in width and 50 feet in depth.
4. Yards required.
 - A. Rear yard – not less than 10 percent of the depth of the lot.
 - B. Side yard (if provided) – not less than three feet wide.
5. Percentage of Lot Covered in C-1 Core Business Districts. No building, to be used for said commercial purposes, shall occupy in excess of 90 percent of the area of the lot.
6. Buffers. If abutting or adjacent to a residential or industrial district, a buffer is required as described in Section 165.27, Screening.

(Subsection 6 – Ord. 2025-1 – Mar. 26 Supp.)
7. Surfacing Requirements. See surfacing requirements in Section 165.28.

(Subsection 7 – Ord. 2025-1 – Mar. 26 Supp.)
8. Other Standards. All uses shall meet the parking, architectural design, sign and other standards in this Code of Ordinances.

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165.14 C-2 GENERAL COMMERCIAL DISTRICTS. The C-2 District is intended and designed to provide for general retail and service commercial uses, in an efficient and compact manner. The uses permitted are intended to accommodate both the needs of the resident consumer and the traveling consumer. The C-2 District is subject to the following regulations:

1. Permitted Uses. Only the following uses of structures or land shall be permitted in the C-2 Districts:
 - A. Any use permitted in a C-1 District except multi-family housing.
 - B. Animal hospitals, veterinary clinics with overnight boarding and lodging, and kennels with indoor runs only.
 - C. Apparel shops.
 - D. Arcades and other commercial amusements.
 - E. Auto and home accessory and supply stores.
 - F. Ballrooms and dancehalls.
 - G. Billiard parlors and pool halls.
 - H. Bookstores.
 - I. Bowling alleys.
 - J. Business schools, colleges, commercial trade schools, and other school buildings used for accredited educational purposes.
 - K. Car washes.
 - L. Clubs and lodges.
 - M. Collection offices.
 - N. Commercial ball fields, golf driving ranges, miniature golf courses, skating rinks, swimming pools, trampoline centers, and similar recreational uses and facilities.
 - O. Convenience stores with fuel sales and pumps, provided that lubricating or other devices are located at least 25 feet from any street and at least 100 yards from any City water wells. All fuels, oil, or similar substances must be stored at least 35 feet distant from any street or lot line.
 - P. Department stores.
 - Q. Drive-in restaurants or drive-in theaters.
 - R. Dry cleaning/laundry/laundrette.
 - S. Exterminator sales.
 - T. Florist shops, greenhouses, and nurseries.
 - U. Furniture stores.
 - V. Grocery stores, including supermarkets, health food stores, delicatessens, dairy stores, all retail only.
 - W. Hardware and dry goods stores.

- X. Health establishments.
- Y. Hobby shops.
- Z. Hotels and motels.
- AA. Household appliance stores.
- BB. Jewelry stores and watch repair shops.
- CC. Labor union offices, including assembly halls.
- DD. Lawnmower sales and repair shops and other small equipment repair shops.
- EE. Leather goods stores.
- FF. Meat and cheese shops.
- GG. Monument sales yards.
- HH. Music stores/studios/record stores.
- II. Office supply stores.
- JJ. Packaged-goods stores for the sale of alcoholic beverages.
- KK. Paint and wallpaper stores.
- LL. Parking garages and parking lots.
- MM. Pet shops including aquariums.
- NN. Plumbing/heating/air conditioning/refrigeration shops.
- OO. Public auction rooms.
- PP. Public buildings and utilities, including administrative, collection and sales offices, equipment storage buildings, and enclosed storage.
- QQ. Radio and television sales/repair shops.
- RR. Real estate, insurance and financial offices.
- SS. Service stations where pumps, lubricating or other devices are located at least 25 feet from any street and at least 100 yards from any City water wells. All fuels, oil, or similar substances must be stored at least 35 feet distant from any street or lot line.
- TT. Sign painting shops.
- UU. Sporting goods stores.
- VV. Sports medicine and physical therapy offices.
- WW. Tailor and dressmaking shops.
- XX. Toy stores.
- YY. Upholstery shops.
- ZZ. Variety stores.
- AAA. Video stores.
- BBB. Wholesale display and sales rooms.

CCC. Any combination of the above listed uses.

DDD. Any uses determined by the Zoning Administrator to be of a similar nature to the above listed uses.

2. Permitted Accessory Uses and Structures.

A. Signs as regulated in Chapter 168 of this Code of Ordinances.

B. Storage of merchandise incidental to the principal use, but not to exceed 40 percent of the floor area used for such use.

C. Temporary buildings for uses incidental to construction work; said buildings shall be removed upon completion of construction or abandonment of the construction site.

D. Uses of land or structures customarily incidental and subordinate to a permitted principal use, unless otherwise excluded.

E. Agricultural uses, provided that no offensive odors or dust are created.

F. All mechanical equipment or other utility hardware on roof, ground, or buildings, refuse and waste removal areas, service yards, storage yards, and exterior work areas shall be screened from or located as not to be visible from public view, using materials consistent with the building and site. See also screening requirements in Section 165.27.

(Paragraph F – Ord. 2025-1 – Mar. 26 Supp.)

3. Permitted Conditional Uses.

A. Light manufacturing, assembly, or treatment of articles or merchandise from the following previously prepared material: canvas, cellophane cloth, fiber, glass, leather, paper, clay, plastic, precious or semiprecious metals, textiles, and yarn, provided that the entire operation is conducted within a building and that no raw materials or manufactured products are stored outside the building and further providing that such use is not noxious or offensive by reason or vibration or noise beyond the confines of the building or emissions of dust, fumes, gas, odor or smoke.

B. Wind Energy Conversion Systems (WECS).

4. Bulk Regulations. The following minimum requirements shall be observed in the C-2 Districts:

A. Minimum Lot Area – 7,500 square feet

B. Minimum Lot Width – 50 feet

C. Minimum Front Yard – 25 feet

D. Minimum Side Yard – 10 feet

E. Minimum Rear Yard – 25 feet

F. Maximum Height - principal building: 35 feet; accessory building: 20 feet

5. Buffers. If abutting or adjacent to a residential or industrial district parcel, a buffer is required as described in Section 165.27, Screening.

(Subsection 5 – Ord. 2025-1 – Mar. 26 Supp.)

6. Open Spaces. A minimum of 15 percent of the lot area shall be retained as landscaped open space to include such items as walks, trees, shrubs, fountains, or other ornamental features.
7. Surfacing Requirements. See surfacing requirements in Section 165.28.
(Subsection 165.14(7) – Ord. 2025-1 – Mar. 26 Supp.)
8. Other Standards. All uses shall meet the parking, design, sign and other standards in this Code of Ordinances.

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165.15 I-1 INDUSTRIAL DISTRICTS.

1. Permitted Uses. The following uses are permitted in all I-1 Industrial Districts:
 - A. All uses except residential uses and uses otherwise prohibited by law or ordinance, except the owner of industrial use property may own and occupy a private dwelling within an I-1 Industrial District if such dwelling is on or adjacent to the property which said owner has devoted to an industrial use.
 - B. Junk yards or automobile wrecking yards, commercial scrap iron, scrap paper or rag storage operations. Sorting or baling must be entirely enclosed within a solid fence or be concealed by other means as approved by the Board of Adjustment.
2. Uses Prohibited in I-1 Districts. All uses of land, buildings and structures or industrial processes that may be noxious or injurious by reason of the production or emission of dust, smoke, refuse matter, odor, gas, fumes, noise, vibration or similar substances or conditions. Prohibited uses include (but are not limited to) those which have been declared a nuisance in any court of record, or which may be unreasonably obnoxious, unhealthful or offensive by reason of emission of odor, dust, smoke or noise.
3. Review by Board of Adjustment. The above prohibitions are subject to review by the Board of Adjustment and such uses may be permitted if approved by the Board and subject to the securing of a permit therefor and to such conditions, restrictions and safeguards as may be deemed necessary for the purpose of protecting the health, safety, morals or general welfare of the community.
4. Building Height Limit in I-1 Districts. No building in this district shall exceed 60 feet in height.
5. Yards Required in I-1 Industrial District. Each lot shall have a front yard not less than 25 feet in depth.

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165.16 L-1 LIGHT INDUSTRIAL DISTRICTS.

1. Permitted Uses. Only the uses of structures or land listed in this section are permitted in the L-1 Districts; provided, however, all manufacturing, assembling, compounding, processing, packaging, or other comparable treatment, including storage of any materials or products used in connection therewith, must be within completely enclosed buildings, except for parked motor vehicles, off-street parking and loading or as otherwise approved specifically by City Council as required. In addition, all open areas not used for off-street parking or loading shall be planted with grass, shrubs, or trees, properly maintained, and kept free from refuse and debris.

A. Any use permitted in C Districts except residential uses.

B. Assembly of small electrical appliances, small industrial and electronic instruments and devices, radios, phonographs and television sets, including the manufacture of small accessory parts only, such as coils, condensers, transformers, crystal holders and similar products.

C. Automotive (including boat, car, motorcycle, snowmobile and truck), and farm implement display, equipment, rentals, sales, service and repair, including retail fuel sales.

D. Automotive body or fender repair shops including painting but not wrecking or used parts yards.

E. Beverage bottling, creamery, ice cream and ice manufacturing, distribution and warehousing facilities; cold storage plant.

F. Compounding and packaging of drugs, pharmaceuticals, cosmetics, perfumes and toiletries.

G. Concrete mixing, concrete products manufacture and ready-mix plants. Any outside storage yards must be specifically approved by Council in accordance with an approved Site Plan.

H. Contractors offices, plant, and storage buildings, or rental or repair of equipment commonly used by contractors including: general contractors, plumbers, electricians, heating, ventilating, and air conditioning contractors, masons, painters, refrigeration contractors, roofing contractors and other such construction occupations. Any outside storage yards must be specifically approved by the Council in accordance with an approved Site Plan. See Section 165.27, Screening.

(Paragraph H – Ord. 2025-1 – Mar. 26 Supp)

I. Cooperage works.

J. Data center.

K. Enamel, lacquering or japanning.

L. Foundry casting lightweight nonferrous metals or electric foundry not causing noxious fumes or odors.

M. Furniture manufacturing.

N. Laboratories, research, experimental and testing.

- O. Locker plants for storage and retail sales.
- P. Livery stable or riding academy.
- Q. Lumber yards and building materials sales yards, provided that outside storage not be located in the front yard and that it is opaquely screened from view.
- R. Machine shops, fabrication, metal, welding, large equipment repair and tool and die shops.
- S. Mail order and distribution centers.
- T. Manufacture and repair of electric and neon signs, advertising structures, light sheet metal products, including heating and ventilating equipment.
- U. Manufacturing , assembling, compounding, processing, packaging, or other comparable treatment of the following:
 - (1) Bakery goods, candy and food products, except: cereals, dairy products, fish and meat processing, flour milling, rendering of refining fats and oils, sauerkraut, stock feed, vinegar, and yeast.
 - (2) Cameras and other photographic equipment.
 - (3) Computers and related hardware and electronic devices.
 - (4) Electrical appliances, instruments, and devices.
 - (5) Medical, dental and drafting instruments.
 - (6) Musical instruments, toys, novelties, and rubber and metal hand stamps.
 - (7) Pottery and other ceramic products using only previously pulverized clay, and kilns fired only by electricity or gas.
 - (8) Products from previously prepared materials such as bone, canvas, cardboard, cellophane, cloth, cord, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, metal pipe, paper, plastics, precious and semi- precious metals or stones, rods, rope, rubber, shells, strips or wire, textiles, tobacco, wax, wood, and yarns.
 - (9) Small precision instruments, such as barometers, clocks, watches and compasses.
- V. Office buildings and office warehouses.
- W. Publicly owned storage and rental mini-storage facilities; storage containers; warehouse and maintenance facilities. All storage shall be on paved surfaces and enclosed within screened areas. See Section 165.27, Screening.
(Subsection 165.16(1)(W) – Ord. 2025-1 – Mar. 26 Supp.)
- X. Recreational and utility trailer dealers.
- Y. RV, boat, or camper storage shall be on paved surfaces and screened as per Section 165.27.
(Paragraph Y – Ord. 2025-1 – Mar.26 Supp.)

- Z. Storage and sale of livestock feed, provided dust is effectively controlled.
 - AA. Tire vulcanizing, retreading, recapping, service, sales, and repairs.
 - BB. Truck rentals, delivery services, terminals, moving and storage facilities and truck maintenance facilities.
 - CC. Wholesale or bulk storage of petroleum and other explosive or combustible mixtures is permitted subject to conformance with all Iowa departmental rules, local fire and safety ordinances, and such other regulations as issued by government officials pertinent to the storage of such products.
 - DD. Any other similar light industrial use which is found by the Zoning Administrator to be a use similar to one of the above-named uses and, in said official's opinion, conforms to the intent of this section.
- 2. Height Limit in L-1 Light Industrial Districts. Maximum total building shall be 70 feet, with commonly occupied areas not to exceed 45 feet or three stories.
 - 3. Required Dimension in L-1 Light Industrial Districts. All lots shall have a minimum area of 15,000 square feet and have a minimum width of 100 feet, at the front yard setback line.
 - 4. Yards Required.
 - A. Front yard – 40 feet
 - B. Rear yard – 20 feet
 - C. Side yard – not less than 25 feet each side
 - D. If adjacent or abutting a residential or commercial district parcel or facing a main arterial street, setbacks will be 50 feet front, side, or rear for each side or sides that abut, adjoin or face.
 - 5. Percentage of Lot Covered in L-1 Light Industrial Districts. No building, its accessory building, driveway, parking lot, or other improvements shall occupy in excess of 85 percent of the area of the lot.
 - 6. Buffers Required. Screening of a sufficient height and density to obscure structures and activities immediately adjacent to or at the sides facing, shall be erected at all locations where an L-1 District is immediately adjacent to or abutting a residential or commercial district parcel or when facing a main arterial street. The screens are required to partially block visual contact between uses or the arterial street and also to provide a strong impression of separation of spaces. See Screening in Section 165.27.
(Subsection 6 – Ord. 2025-1 – Mar. 26 Supp.)
 - 7. Ancillary Outside Storage. Outside storage yard, accessory or principal in use are permitted providing that materials and equipment are obstructed from public view by their locations or by fencing, screening, or berm and landscaping, or by any combination thereof, all in accordance with an approved Site Plan. Such screening shall comply with Section 165.27.
(Subsection 7 – Ord. 2025-1 – Mar. 26 Supp.)
 - 8. Mechanical Equipment Shielded from Public View. All mechanical equipment or other utility hardware on roof, ground, or buildings, refuse and waste removal areas, service yards, storage yards, and exterior work areas shall be

screened from or located as not to be visible from public view, using materials consistent with the building and site.

9. All fuel pumps, lubricating or other devices shall be located at least 25 feet from any street and at least 100 yards from any City water wells. All fuels, oil or similar substances must be stored at least 35 feet distant from any street or lot line.

10. Site Plans. Site plans shall be required in accordance with the provisions of Chapter 167 of this Code of Ordinances.

11. Surfacing Requirements. See surfacing requirements in Section 165.28.
(Subsection 11 – Ord. 2025-1 – Mar. 26 Supp.)

12. Other Standards. All uses shall meet the parking, design, sign and other standards in this Code of Ordinances.

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165.17 A-1 AGRICULTURAL DISTRICTS.

1. Permitted Uses. The following uses of land are permitted in all A-1 Agricultural Districts.

- A. Agriculture with the usual buildings and structures, including farm homes.
- B. Cemeteries.
- C. Municipal sewage treatment plant and equipment necessary for the operation thereof.
- D. Accessory buildings and uses customarily incidental to any of the above uses.

2. A-1 Restrictions. All dwellings within A-1 Agricultural Districts shall conform to the restrictions for R-2 Residential Districts as set forth in Section 165.10 of this chapter.

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165.18 ADMINISTRATION AND ENFORCEMENT. This chapter shall be enforced by the Building Inspector. No building permit or certificate of occupancy shall be issued by such official except where the provisions of this chapter have been complied with.

165.19 BUILDING CODE VIOLATIONS. The Building Inspector is responsible for enforcing compliance with the adopted Uniform Building Code and ordinance sections regulating building construction (here-in-after “building requirements”). The Building Inspector is responsible for citing violations of the building requirements which the Building Inspector discovers in building construction which present a structural or safety issue to construction workers, occupants or future occupants, or neighbors.

1. Violations. It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure in the City, in violation of the building requirements including, but not limited to, building or construction done:

- A. Without a required Building Permit.
- B. That allows occupancy of a structure that has not been issued a required occupancy permit.
- C. That involves substandard construction that has or will cause a risk of injury or illness to present or future occupants of the building or structure that is in violation of the building requirements.

2. Penalties. If the Building Inspector or the Inspector’s duly appointed Assistant Building Inspector determines that a building or construction violation has occurred as outlined in Subsection 1, the Building Inspector or Assistant Inspector may by service of written notice or citation on the property owner or builder:

- A. Order an immediate stop of the building or construction that violates the building construction until the violation is remedied, or order that the violation be remedied within 48 hours or the building or construction at the site will be stopped.
- B. Order the immediate evacuation of a structure that has no occupancy permit.
- C. Suspend the builder’s privileges to request and receive building, construction and/or occupancy permits until a violation or violations is/are corrected.

3. Appeals. An action of the Building Inspector taken under Subsection 2 may be appealed to the Council in writing that specifies the reason for the request for Council review of the inspector’s decision. After public hearing, the Council may:

- A. Affirm the decision of the Building Inspector.
- B. Modify the decision of the Building Inspector utilizing the available penalties provided under Subsection 2.
- C. Reverse the decision of the Building Inspector.

165.20 PERMITS AND CERTIFICATE OF OCCUPANCY. No land shall be used or occupied and no building hereafter erected, altered or extended shall be used or changed in use until a certificate of occupancy and a building permit shall have been issued by the Building

Inspector or other authorized representatives of the City in accordance with the provisions of this chapter and other ordinances of the City.

165.21 BOARD OF ADJUSTMENT CREATED. A Board of Adjustment is hereby created. The Board of Adjustment shall consist of five members, each to be appointed by the Council for staggered terms of five years. The Board shall elect a Chairperson from its membership and appoint a Secretary. The procedures, powers and judicial review relating to the Board, as set forth in Chapter 414 of the *Code of Iowa*, are hereby adopted.

165.22 NONCONFORMING BUILDINGS AND USES. The lawful uses of any building or land existing at the time of the enactment of the Zoning Ordinance may be continued although such use does not conform to the provisions of this chapter.

1. No existing structure devoted entirely or in part to a use not permitted by this chapter in the district in which it is located, except when required by law, shall be enlarged, extended, reconstructed, moved or structurally altered, unless the use is changed to a use permitted in the district in which such structure is located.
2. Any structure devoted to a use made nonconforming by this chapter that is destroyed by any means to an extent of 60 percent or more of its replacement cost at the time of destruction, exclusive of the foundations, shall not be reconstructed and used as before such happening. If the structure is less than 60 percent destroyed above the foundation, it may be reconstructed and used as before, provided it is done within six months of such happening, and built of like or similar materials.

Whenever a nonconforming use has been discontinued for a period of one year, such use shall not thereafter be reestablished, and any future use shall be in conformity with the provisions of this chapter.

165.23 AMENDMENTS. The boundaries of districts as now established and the regulations thereof may be amended, supplemented or changed, or repealed by the Council from time to time, either upon its own motion, or upon a petition as herein provided for, or upon recommendation of Planning and Zoning Commission. Provided:

1. No such amendment, supplement or change shall be adopted until after a notice thereof is duly published as provided by State law.
2. When a proposed amendment, supplement or change does not originate with the Planning and Zoning Commission, the same shall be submitted to said Commission 30 days in advance of the date on which action is to be taken for its recommendation thereon.
3. This requirement shall not act as a stay upon the proposed action by the Council where said Commission fails to submit its recommendation to the Council within 30 days after receiving written notice requesting the same.

165.24 PROCEDURES FOR AMENDMENT BY PETITION. Whenever any person desires that any amendment or change be made in the Zoning Ordinance, including the text or map, as to any property in the City, and there shall be presented to the Council a petition requesting such change or amendment and clearly describing the property and its boundaries as to which the change or amendment is desired, duly signed by the owners of 50 percent of the area of all real estate included within the boundaries of said tract as described in the petition and, in addition, duly signed by the owners of 50 percent of the area of all real estate lying outside of said tract but within 250 feet of the boundaries thereof (intervening streets and alleys

not to be included in computing such 250 feet), it shall be the duty of the Council to vote upon such petition within a reasonable time after the filing of such petition with the Clerk. In case the proposed amendment, supplement or change is disapproved by the Planning and Zoning Commission, including the text or map, or a protest is presented duly signed by the owners of 20 percent or more either of the area of the lots included in such proposed change or of those immediately adjacent in the rear thereof, extending the depth of one lot or not to exceed 200 feet therefrom or of those directly opposite thereto, extending the depth of one lot or not to exceed 200 feet from the street frontage of such opposite lots, such amendments shall not become effective except by the favorable vote of at least four-fifths of all members of the Council. Whenever any petition for an amendment, supplement or change of the Zoning Ordinance or regulations herein contained or subsequently established shall have been denied by the Council, then no new petition, including the text or map covering the same property or the same property and additional property shall be filed with or considered by the Council until one year shall have elapsed from the date of filing of the first petition.

165.25 PUBLIC WATER SUPPLY WELLS.

1. Definitions. For use in this section, the following terms are defined.
 - A. “Aquifer” means a rock formation, group of rock formations, or part of a rock formation that contains enough saturated permeable materials to yield significant quantities of water.
 - B. “Deep public well” means a public 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 the water is drawn.
 - C. “Shallow public well” means a public well located and constructed in such a manner that there is not 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 the water is drawn.
 - D. “Well” means a pit or hole sunk into the earth to reach a resource supply such as water.
2. Designation of Wells. Each well or aquifer owned and operated by the City at this time shall be designated as a “deep public well” for the purposes of this section.
3. Well Protection. All land uses, and the construction of all structures or facilities, must meet the separation distances from all City wells as required in the Iowa Administrative Code 567-Environmental Protection, Chapter 43 Water Supplies - Design and Operation.

TABLE A: SEPARATION DISTANCES

SOURCE OF CONTAMINATION	REQUIRED MINIMUM DISTANCE FROM WELL, 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 water main pipe or sanitary sewer pipe	0 – 75 feet: prohibited 75 – 400 feet if water main pipe 400 – 1,000 feet if water main pipe or sanitary sewer 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 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	400	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
Railroads	100	200
Private wells	200	400
Solid waste landfills and disposal sites ⁴	1,000	1,000

¹ Refer to Section 229.01 for definition.

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.

165.26 ARCHITECTURAL DESIGN AND TREATMENT OF BUILDINGS. In order to maintain character, continuity, enhance physical appearance, and recognize the importance of the City's image and future development, the following standards shall apply to all property within the corporate limits of the City. 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 code, the more restrictive regulation shall apply.

1. Business Districts (Core Business, Commercial, and Industrial) Design Standards.

A. Definitions.

(1) "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. This would include corner and double frontage properties involving more than one primary face.

(2) "Enforcement area" means all improvements or developments within the corporate limits of the City within all Commercial (including

Core Business) Districts or Industrial (including Light Industrial) Districts as specified for each.

B. Design Standards: Commercial and Core Business Districts.

(1) All principal and accessory buildings must be constructed so that the primary building face has as 100 percent of its covering and the walls adjoining the primary face have as at least 30 percent of their covering, in any combination using one or more: natural brick and stone, cultured stone, granite, or marble, exterior finish insulation system (E.F.I.S.), wood, architecturally designed concrete tilt up panels, split faced or textured or fluted concrete block masonry materials, stucco with staccato board and trim, architectural aluminum panels and/or masonry veneer with a minimum of one and one-half inches in thickness and which is mechanically fastened to the exterior of the building structure. If E.F.I.S., stucco, or architectural aluminum panels are being utilized for more than 50 percent of the total primary wall surface, architectural accenting utilizing at least one of the other acceptable materials is required for a minimum of 20 percent of the wall surface.

(2) Unacceptable building materials include the following which are not deemed sufficient to provide permanency and strength of materials in proportion to the aesthetic characteristics of the buildings bulk and shape: plywood and similar sheet, non-textured wood coverings; particle board, pressed board and similar composite siding; common concrete block when used for exterior fascia whether painted or not; vertical steel siding and metal panels or sheet metal.

(3) Commercial and core business buildings adjacent to or abutting residential developments are recommended to include articulated roofline, giving emphasis to architectural elements that will help divide the mass of a large building into smaller, identifiable pieces.

(4) Commercial and core business buildings shall incorporate architectural design elements, materials, and colors into the side and rear building elevations similar to those used in the front elevation.

(5) Commercial and core business buildings shall incorporate façade modulation in all building elevations in order to preserve building scale and reduce the aesthetic impact of long, large expansive wall surfaces. The variation in wall surfaces can be accomplished either by physical offsets or by the use of color, pattern, or texture.

(6) Commercial and core business buildings shall not be designed or oriented to expose loading docks, service areas, or other materials used in operations to the public rights-of-way or toward adjacent residential developments. Additional landscaping, setbacks, buffering, screening walls, or fences may be required to provide adequate separation and obstruction of public view. See required screening in Section 165.27.

(Subparagraph (6) – Ord. 2025-1 – Mar. 26 Supp.)

(7) Roof mounted mechanical units, satellite dishes, or other similar equipment shall be screened from public view by the extension of a parapet wall or other roof mounted equipment, point-in-place screening shall be required. Such screening shall have similar design features as the building including material, shape, and color considerations. Wooden fences shall not be considered appropriate. See also screening requirements in Section 165.27.

(Subparagraph (7) – Ord. 2025-1 – Mar. 26 Supp.)

C. Design Standards: Industrial Districts and Light Industrial Districts.

(1) The orientation of any proposed industrial building shall be designed to mitigate the visual and audible impact of service areas, loading docks, loading areas or similar operations on the adjoining properties and the general public. Additional landscaping, setbacks, buffering, screening walls, or fences may be required to provide adequate separation and obstruction of public view.

(2) Buffers and screening are required when an Industrial District building adjoins or abuts any residential or commercial (including Core Business) district parcel or when facing a main arterial street. See screening requirements in Section 165.27.

(Subparagraph (2) – Ord. 2025-1 – Mar. 26 Supp.)

(3) Unacceptable building materials include the following, which are not deemed sufficient to provide permanency and strength of materials in proportion to the aesthetic characteristics of the buildings bulk and shape: plywood and similar sheet, nontextured wood coverings; particle board, pressed board and similar composite siding.

D. Awnings. Awnings are allowed and encouraged 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 Planning and Zoning Commission's determination that the proposed awning complies with the appropriate snow loading standard determined to be appropriate by the Commission.

E. Exclusions. Manufactured window frames, window glass, door frames and doors shall be excluded from the total wall area in making any area calculations and are otherwise excluded from the design standards.

F. Applicability to Existing Buildings. The architectural design standards shall also apply to additions to existing buildings except additions to existing buildings in the amount of 50 percent or less of its existing ground cover and/or total first floor area, all in an amount of less than 1,000 square feet, whichever is less. Whenever additions to existing buildings are subject to the design standards, then the existing building which received the addition shall also be subject to the same requirements.

G. Relief from Architectural Design Standards. These standards shall not be construed to prevent the use of innovative materials or progressive structural designs. Plans or designs which deviate from the listed materials for the exterior of the Commercial (Core Business included) and Industrial (Light Industrial included) building structures found in this Business Districts Designs

Standards in this Subsection 1 may be submitted to the Planning and Zoning Commission and the Council for their review and approval.

2. Residential Districts Design Standards for Principal and Accessory Buildings.
 - A. “Enforcement area” means all improvements or developments within the corporate limits of the City within R-1, R-2, or R-3 Residential Districts.
 - B. Accessory buildings covering more than two percent of the area of the lot shall be constructed with the exterior walls composed of composite masonry façade material or the same materials of construction as the principal building.
 - C. All proposed principal residences in R-1 and R-2 shall be designed with attached garages.
 - D. Relief from Architectural Design Standards. Plans or designs that deviate from the requirements of this Subsection 2 may be submitted to the Planning and Zoning Commission and the Council for their review and approval.

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165.27 SCREENING.

1. **Intent.** The intent of screening regulations is to lessen the transmission from one lot to another of noise, dust, and glare; to lessen visual pollution by providing an impression of separation of spaces or entirely shielding one land use from another; and/or establishing a sense of privacy from visual or physical intrusion. The provisions of this chapter are necessary to safeguard the public health, safety and welfare.
2. **General Screening.** Every development shall provide sufficient screening so that neighboring properties are shielded from any adverse external effects of that development; and the development is shielded from the negative impacts of adjacent uses including streets and railroads.
3. **Compliance with General Standards.** The following table illustrates the type of screen required between zoning classifications. Where such screening is required, the applicant or burdened use is responsible for installation prior to receiving an occupancy permit for the use in questions. A description of the screen types (A, B, and C) are described in the following subsection. Where screening is to be approved at site plan review (*), the screening objectives described in the Site Plan Ordinance, Section 167.04, are to be adhered to. The council may require additional screening where deemed appropriate.

TABLE OF SCREENING REQUIREMENTS											
Benefited Zoning Classification/Use											
Zone	R-1	R-2	R-3	R4		C-1	C-2			L-1	I-1
R-1	-	-	A	A		B	B			C	C
R-2	-	-	A	A		B	B			C	C
R-3	A	A	-	-		A	B			C	C
R-4	A	A	-	-		A	B			C	C
C-1	B	B	A	A		-	A			C	C
C-2	B	B	B	B		A	-			C	C
L-1	C	C	C	C		C	C			-	B
I-1	C	C	C	C		C	C			B	-

* Screening to be approved with site plan review.

- No screening required.

A,B,C described below.

4. **Descriptions of Screens.** The following three basic types of screens are established and are used as the basis for the table of screening requirements.

A. **Broken Screen, Type A.** A screen composed of intermittent visual obstructions from the ground to a height of at least 20 feet. The broken screen is intended to create the impression of a separation of spaces without necessarily eliminating visual contact between the spaces. It may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetative screens or natural vegetations will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The screen may contain deciduous plants.

B. Semi-Opaque Screen, Type B. A screen that is opaque from the ground to a height of three feet, with intermittent visual obstruction from above the opaque portion to a height of at least 20 feet. The semi-opaque screen is intended to partially block visual contact between uses and to create a strong impression of the separation of spaces. The semi-opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than 10 feet wide. The zone of intermittent visual obstruction may contain deciduous plants.

C. Opaque Screen, Type C. A screen that is opaque from the ground to a height of at least six feet, with intermittent visual obstructions from the opaque portion to a height of at least 20 feet. An opaque screen is intended to exclude all visual contact between uses and to create a strong impression of spatial separation. The opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The opaque portion of the screen must be opaque in all seasons of the year. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than 10 feet wide. The portion of intermittent visual obstructions may contain deciduous plants.

5. Storage Areas. The outdoor storage of materials, equipment, or supplies, when permitted in any commercial or industrial district, shall be so located or screened, fenced or landscaped so as to effectively prevent visibility of such storage from all abutting residential zoning districts or abutting existing residential uses. Such screening shall be sufficient if it prevents visibility of such storage area by persons traveling on public rights-of-way or standing at grade level on the side or rear lot lines of such property. Such screening shall comply with the standard for an opaque screen Type C as described in Subsection 4(C) above.

165.28 SURFACING REQUIREMENTS. In order to maintain character, continuity, enhance physical appearance and recognize the importance of the City's image and future development, the following standards shall apply to all property within the corporate limits of the City. 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 code, the more restrictive regulation shall apply.

1. Surfacing Requirements:

A. For all zoning districts except Agriculture (A-1). All driveways, rights-of-way, parking lots, off-street parking, loading areas and access roadways shall have a durable and dustless surface paved with asphaltic or Portland cement concrete pavement. All driveway approaches with the right-of-way on the public street shall be paved with Portland cement concrete and be constructed to SUDAS design standards. Off-street parking for the following shall be on asphaltic or Portland cement concrete pavement: automobiles, vans, campers, trucks, trailers, tractors, recreational vehicles, boats and any motor vehicle equipped for street and highway travel in the front and side yards as defined in this chapter. Off-street parking in the rear yard, as defined in this chapter, for the following: automobiles, vans, campers, trucks, trailers, tractors, recreational vehicles, boats and any motor vehicle equipped for street and highway travel shall be on a well-maintained surface that may include gravel, and that surface shall connect to an alley or street. All A-1 zoning districts are exempt from this section.

B. All residential zoning districts in place before August 1, 2021, west of Grant Avenue are exempt from 165.28(1)(A). For these residential zoning districts, parking surface may consist of gravel, asphalt or Portland cement concrete. Under no condition shall vehicles enumerated in 165.28(1)(A) be parked on grass or in a yard as defined herein without required parking surface. Any new or improvement to driveway or parking shall meet 165.28(1) Surfacing Requirements above. Routine maintenance of a surface in place or otherwise existing prior to August 1, 2021, shall not be construed as an improvement.

(Paragraph B – Ord. 2025-1 – Mar. 26 Supp.)

C. All commercial and industrial uses in place before August 1, 2021, within the City are exempt from 165.28(1)(A). For these uses, driveways, loading areas and parking surfaces may consist of gravel, asphalt or Portland cement concrete. Any new or improvement to driveways, loading areas and parking shall meet 165.28(1) Surfacing Requirements above. Routine maintenance of a surface in place or otherwise existing prior to August 1, 2021, shall not be construed as an improvement.

(Paragraph C – Ord. 2025-1 – Mar. 26 Supp.)

2. Residential District Driveways or Parking. At least two hard surface paved parking stalls, for residential uses constructed after August 1, 2021, shall be provided for all residential uses. All residential driveway or parking uses shall maintain a minimum of three feet separation from property lines.

165.29 TEMPORARY USES.

1. Authorization. Temporary uses are permitted only as expressly provided in this section.

2. Permit Required. No temporary use shall be established unless a Certificate of Use application showing compliance with the provisions of this section has been completed and issued by the Zoning Administrator.

3. Use Limitation. No signs in connection with a temporary use shall be permitted unless otherwise permitted.

4. Temporary Uses Permitted. The following are temporary uses which are subject to specific regulations and standards as set forth below, in addition to the other requirements specified in this section.

A. Christmas Tree Sales.

(1) Permitted in any C-1, C-2, L-1, or I-1 district.

(2) Maximum length of permit for display and open-lot sales shall be 45 days per year.

B. Contractor's Office, Construction Equipment Sheds, and Trailers.

(1) Permitted in any district, where the temporary use is incidental to a construction project with an active building permit.

(2) Maximum length of temporary permit shall be one year.

(3) The temporary structure shall be removed from the property upon issuance of an occupancy permit for the new or rehabilitated building.

(4) Such permits shall be renewable at the discretion of the Zoning Administrator.

C. Real Estate Sale Office.

(1) Permitted on the property of the new development approved in accordance with the City's Zoning and Subdivision Ordinances. A model home may be used as a temporary sales office.

(2) The maximum length of the permit shall be one year and may be renewed from year to year until the completion of the development.

(3) The office shall be removed upon completion of the development of the subdivision.

D. Temporary Shelter.

(1) When fire or natural disaster has rendered a single-family residence unfit for human habitation, the temporary use of a camper or recreational vehicle located on the single-family lot during rehabilitation of the original residence or construction of a new residence is permitted subject to the following additional regulations:

c. Required water and sanitary waste facilities must be provided.

d. Maximum length of permit shall be six months, but the Zoning Administrator or designee may extend the permit for a period or periods not to exceed 60 days in the event of circumstances beyond the control of the owner. Application

for the extension shall be made at least 15 days prior to expiration of the original permit.

(2) A recreational vehicle (RV) or camper may be used for temporary shelter in the City for a period not to exceed 21 days in a calendar year and not more than 14 consecutive nights during any one stay. This is to accommodate traveling visitors. The following additional requirements must be met:

- a. Health regulations and disposal of waste must be met.
- b. Limited to one RV or camper at a time per property.
- c. The 21 days in a calendar year are per property.

E. Produce or Farm Stands. A stand or display for the sale of produce or other farm products grown on property.

(1) Not allowed in any residential zoned district.

(2) If operating as a temporary use shall not be open for more than six months. If stand is located off property, written permission shall be provided from the landowner to the City.

(3) All temporary signs shall be affixed to the stand and, when added together, shall not exceed 35 square feet in area. The sign(s) may contain the name of the stand but shall only contain advertising that pertains to the produce sold at the stand. This type of sign shall require the issuance of a sign permit.

(4) The stand and parking for the stand shall neither block nor be located in any right-of-way.

(5) The stand shall not be located in any minimum front or side yard required in any C-1, C-2, L-I, or I-1 district, and shall be 25 feet from any property line in any A-1 district.

F. Mobile Food Units.

(1) Mobile Food Unit. Any type of annually licensed food establishment that is a readily movable vehicle (on wheels), that is self-propelled (driven), or can be pulled or pushed to a location and used for the vending of food or beverage items to the public.

a. Permit. Every Mobile Food Unit shall apply to City Hall for a permit to operate at least three business days prior to use by providing the following information on a form to be provided by the City:

- i. The full name, age, permanent address and phone number of the applicant.
- ii. A description of the food to be sold.
- iii. The business name and address.
- iv. The starting date and duration of the proposed sale.

- v. The address of the private property where the sale will be held, and the name and address of the property owner or the person in control of that property.
 - vi. A written statement from the property owner or person in control of the property listed in Subsection v of this section that the applicant is authorized to use the property for a sale on the proposed dates.
 - vii. The period of time the applicant has been engaged in the same or similar business, and the jurisdictions in which the applicant has previously conducted business in the last year.
 - viii. A description of the structure, vehicle, tent, trailer or other configuration from which the sale will be conducted.
 - ix. The application must be accompanied by a copy of all required permits and licenses, including but not limited to, a retail sales tax permit issued by the Iowa Department of Revenue. Applicant is required to obtain and establish in its application that has obtained insurance of the type and amounts specified.
 - x. A description of how bathroom facilities will be provided to satisfy the requirements of Lettered Subparagraph d.
- b. **Parking.** The premises of operation must have at least three paved off-street parking spaces dedicated to the Mobile Food Unit and is served by a paved driveway from a public right-of-way. For purposes of this subsection, a Mobile Food Unit may share parking with an existing business on the site only if available parking is sufficient to serve the normal operations of both. If the operation of a Mobile Food Unit at the site has caused an overflow of customer or employee parking into the street or other private parking lots in the vicinity within the past year, shared parking is presumed to be insufficient.
- c. **Duration.** The license must be renewed annually with City Hall.
- d. **Bathrooms.** Access to restrooms are required through written agreement with property owner of adjacent business operator.
- e. **Hours of operation.** Mobile Food Units are permitted to operate between 5:30 a.m. and 1:30 a.m. the following day unless the premises are located within 125 feet of any residentially zoned property. Within 125 feet of a residential property, mobile food units are allowed to operate between 8:00 a.m. and 10:30 p.m. on the same day. Mobile food units

operating on premises subject to a permit shall remove all equipment, temporary structures, garbage, and any vehicle or trailer used in the operation of the business from the licensed premises and the underlying parcel at any time not open for business and during hours business is prohibited. This section does not apply to temporary closures of the business of up to 30 minutes two times during allowed hours of operation.

f. Restrictions—not allowed as standalone use of vacant lot.

i. Must meet all applicable requirements of this section, the City Code, the Iowa Code, and the Iowa Administrative Code.

ii. The premises of operation must be within a C-1, C-2, L-1, or I-1 zoning district.

iii. The premises is not a parcel having a residential use as its principal use.

iv. Trailers, vehicle, tents, equipment, and areas used for the storage, display or sale of food will be located only on a paved surface outside required zoning setback for structures and outside any required fire lanes and drive approaches.

G. Temporary Concrete Batch Plants or Temporary Asphalt Batch Plants or Temporary Concrete or Temporary Asphalt Recycling Plants associated with road projects.

(1) Permitted in A-1, L-1 and I-1 districts subject to the following:

a. Permitted by Conditional Use Permit for a period not to exceed three years. Extension or renewal of such Conditional Use Permit shall not be authorized.

b. Permitted only as an ancillary facility to an existing permanent concrete or asphalt batch plant or concrete or asphalt recycling plant located within the County. This grant of privilege is for the same use as the existing facility only.

c. The contractor shall submit a routing of trucks delivering raw materials to and from the proposed plant to City Hall as a condition prior to approval.

d. The contractor shall be required to restore the area to its original productive state prior to the end of the three year operation time period.

e. Such facilities shall only be allowed to access via arterial or collector roads and highways. Access via local residential road serving residential areas shall be prohibited.

f. Entire site must be 600 feet from a single residential dwelling or 1,000 feet from a group of three or more residential dwellings clustered together at a spacing of 300 feet or less. A

residence on the property on which a temporary use is located shall not be counted in this requirement.

(2) Also permitted for longer time periods under the following terms and conditions:

- a. Permitted in all districts where allowed by conditional use permit in connection with the sand and gravel operation.
- b. Such a facility shall be erected only in conjunction with City, County, State or federal highway projects in the County.
- c. They shall be permitted only for the period of such projects.
- d. The contractor shall submit a routing of trucks delivering raw materials to and from the proposed plant to City Hall as a condition prior to approval.
- e. The contractor shall be required to restore the area to its original productive state.
- f. Such facilities shall only be allowed to access via arterial or collector roads and highways. Access via local residential roads serving residential areas shall be prohibited.
- g. The entire site must be 1,000 feet from a residential dwelling.

H. Fireworks Stands. A stand for the sales of consumer fireworks as defined by State law.

- (1) Permitted in any C-2, L-1, I-1, or A-1 district.
- (2) Must meet setback requirements for zoning district, but not less than 25 in A-1 district.
- (3) All signing shall meet the requirements of the Sign Code.
- (4) May operate only for dates allowed by State law.

EDITOR'S NOTE			
The following ordinances have been adopted amending the Official Zoning Map described in Section 165.05 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		
2002-1	September 9, 2002		
2005-2	November 7, 2005		
2005-3	November 7, 2005		
2014-05	September 15, 2014		
2014-06	September 15, 2014		
2014-07	September 15, 2014		
2014-08	August 18, 2014		
2014-10	February 16, 2015		
2016-01	February 15, 2016		
2016-05	June 20, 2016		
2020-1	May 18, 2020		
2021-4	June 21, 2021		
2024-03	February 20, 2024		

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CHAPTER 166

SUBDIVISION REGULATIONS

166.01 Purpose	166.12 Preliminary Plat Requirements
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166.09 Storm Drainage Facilities	166.20 Changes and Amendments
166.10 Required Improvements	166.21 Boundary Establishment or Retracement Surveys
166.11 Approval of Final Plat; and Final Acceptance of Improvements	166.22 City Staff Determination of Non-Applicability

166.01 PURPOSE. It is deemed essential to establish minimum standards for the design and development of all new subdivisions so that existing developments will be protected and so that adequate provisions are made for public utilities and other public requirements and to improve the health, safety, and general welfare.

166.02 JURISDICTION. In accordance with the provisions of Sections 354.8 and 354.9 of the *Code of Iowa*, and all amendatory acts thereto, these regulations are adopted by the City governing the subdivision of land located within the corporate limits of the City and the unincorporated area of the County within two miles distance from the City's boundaries. The standards and conditions applied by the City for review and approval of a subdivision plat or plat of survey outside the corporate limits shall be the same standards and conditions used for review and approval of subdivisions within the City limits, or shall be the standards and conditions for review and approval established by any agreement of the City and County pursuant to Chapter 28E of the *Code of Iowa*. The Council may, by resolution, waive its right to review a subdivision outside the corporate limits or waive the requirements of any of its standards or conditions for approval of subdivisions, and certify the resolution which shall be recorded with the plat.

166.03 DEFINITIONS. The following definitions apply to the interpretation of this chapter.

1. "Access street" means a street that is parallel to and adjacent to a major thoroughfare or highway; and which provides access to abutting properties and protection from through traffic.
2. "Block" means an area of land within a subdivision that is entirely bounded by streets, highways, or ways, except alleys; and the exterior boundary or boundaries of the subdivision.
3. "Building lines" shall be shown on all lots intended for residential use of any character, and on commercial and industrial lots when required by regulations. Such building lines, including yard depths, shall adhere to the requirements of each zoning district.
4. "City Engineer" means the City Engineer of the City, or a person who is hired and designated by the Council to administer and enforce the provisions of this chapter.
5. "Commission" means the Planning and Zoning Commission of the City.

6. "Collector streets" are those streets which carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.
7. "Cul-de-sac" means a short, minor street having one end open to motor traffic, the other end being permanently terminated by a vehicular turn-around.
8. "Easement" means a grant by the property owner of the use for a specific purpose, of a strip of land by the general public, a corporation, or a certain person or persons, and within the limits of which the owner of the fee shall not erect any permanent structures but shall have the right to make any other use of the land subject to such easement which is not inconsistent with the rights of the grantee. Public utilities shall have the right to trim or remove trees which interfere with the use of such easements.
9. "Engineer" is a registered engineer authorized to practice civil engineering, as defined by the Registration Act of the State of Iowa.
10. "Half street" means a one-half width street right-of-way on the boundary of a subdivision dedication by the subdivider to the City, for future development when another subdivision is platted along the side of the half street. Half streets are not permitted.
11. "Lot" means a portion of a subdivision or other parcel of land intended for the purpose, whether immediate or future, of transfer of ownership or for building development.
12. "Major thoroughfare" means a street used primarily for fast, large-volume traffic.
13. "Minor street" means a street used primarily for access to the abutting properties.
14. "Performance bond" means a surety bond or cash deposit made to the City in an amount equal to the full cost of the improvements required by this chapter, such cost being estimated by the City Engineer, 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.
15. "Plat" means a map, drawing, or chart on which the subdivider's plan of the subdivision is presented and which is submitted for approval and intended to be in final form to record.
16. "Roadway" means that portion of the street available for vehicular traffic, and where curbs are laid, the portion from back to back of curbs.
17. "Subdivision" means the division of land into two or more lots for the purpose, whether immediate or future, of transfer of ownership. A division of land that creates a new street right-of-way or modification of existing street right-of-way shall be considered a division of property for the transfer of ownership or building development under the provisions of this definition. A division of property 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 into two or more lots for purpose of this definition. The term "subdivision," when appropriate to the context, relates to the process of subdividing, or to the land subdivided, or the resubdivision of land heretofore divided or platted into lots, or any other division of land. The creation of easements which do not affect the taxable status of land shall not be considered a

division of land. The creation of easements which affect the taxable status of land shall be considered a division of land.

18. “Lot” means the creation of any separate parcel or a change of tax status of a portion of an existing lot or parcel and is not limited to the creation of the traditional “lot” as designated on a plat.

19. “Subdivider” means the owner of any land dividing or proposing to divide the land so as to constitute a subdivision as defined herein, and includes any agent of the subdivider.

20. “Surveyor” means a registered surveyor authorized to practice surveying, as defined by the Registration Act of the State of Iowa.

166.04 PROCEDURE. Subdivision approval procedure is as follows:

1. Submission. Whenever the owner of any tract or parcel of land within the jurisdiction of this chapter wishes to subdivide or plat the same, said person shall cause to be submitted to the Clerk 14 copies of the preliminary plat and other information and data as is outlined in Section 166.12.

2. Referral. The Clerk shall immediately refer copies of the preliminary plat to the Commission and to the City Engineer. The City Engineer shall carefully examine the plat as to its compliance with this chapter, the regulations of the City, the existing street system, and good engineering practices and shall, as soon as possible, submit a report and findings to the Commission.

3. Commission Review and Recommendation. After receiving the City Engineer’s report, the Commission shall study the preliminary plat and other material for conformity to this chapter. The Commission may confer with the subdivider on changes deemed advisable and the kind and extent of such improvements to be made. Before approving a preliminary plat, the Commission may, at its discretion, hold a public hearing on the proposed plat, notice of which shall be given by publication in a newspaper of general distribution. It shall also send notices to affected property owners by mail. The notice shall be given seven days prior to the public hearing. The Commission shall file with the Council recommendations for approval or rejection of such preliminary plat within 45 days after the date of submission of the plat to the Commission; and the Council shall thereafter consider them. If there is no action by the Commission, the subdivider can request of Council a onetime extension of 60 days. Failure to do so on the part of the subdivider shall result in the need to re-submit.

4. Effective Period of Preliminary Plat Approval. The approval of the preliminary plat by the Council shall be null and void unless the final plat is presented to the Council within one year after date of the preliminary plat approval, except as provided in subsection 5 below.

5. Phased Preliminary Plat. A “phased preliminary plat” is a preliminary plat that, due to its size and magnitude, is not likely to be developed in a single phase and for which the developer has expressed intent to develop the project in a phased implementation. In the case of such larger developments, the Council encourages developers to include in a preliminary plat the entire parcel to be developed. Such a procedure enables the City to review and comment on the overall development.

6. Procedure for Designating a Phased Preliminary Plat. A developer must file with the Commission a written request that a project be designated as a phased preliminary plat. The request shall include an outline of the developer’s plan for phased

implementation of the development. Following review by the City Engineer, the Commission shall either grant or deny such request within 45 days of its submission. The Commission may, however, on its own motion, determine that a project will be designated as a phased preliminary plat. Thereafter, the review and approval process shall be the same as for all other preliminary plats.

7. **Effective Period of Phased Preliminary Plat Approval.** The approval of a phased preliminary plat by the Council shall be null and void unless the final plat is (or final plats are) presented to the Council within two years after the date of the phased preliminary plat approval. However, the filing of a final plat constituting more than five percent of the area of the phased preliminary plat extends the validity of the phased preliminary plat by two additional years.

8. **Approval of Final Plat.** Upon review by the Commission, approval of the final plat and final acceptance of improvements shall be given by resolution of the Council, which shall direct the Mayor and Clerk to certify the resolution which shall be affixed to the final plat. The procedure for approval of the final plat is outlined in Section 166.11 of this chapter.

9. **Minor Plat Approval.** The Commission and Council may, on a case by case basis and in their sole discretion, approve the final plat and determine the approval of the final plat constitutes approval of the preliminary plat.

166.05 SUBDIVISION DESIGN STANDARDS. The standards and details of design herein contained are intended only as minimum requirements so that the general arrangement and layout of a subdivision may be adjusted to a wide variety of circumstances. However, in the design and development of a plat, the subdivider shall use standards consistent with the site conditions so as to assure an economical, pleasant, and durable neighborhood.

166.06 STREET DESIGN STANDARDS. Street design standards are as follows:

1. **Comprehensive Plan.** All proposed plats and subdivisions shall conform to the comprehensive plan. All proposed plats and subdivisions shall also conform to additional proposed street plans as set out by the City.

2. **Continuation of Existing Streets or Planned Streets.** Proposed streets shall provide for continuation or completion of any existing streets (constructed or recorded) or any streets which are part of an approved preliminary subdivision plan, in adjoining property, at equal or greater width, but not less than 60 feet in width, and in similar alignment, unless variations are recommended by the Commission.

3. **Circulation.** The street pattern shall provide ease of circulation within the subdivision as well as convenient access to adjoining streets, thoroughfares, or unsubdivided land as may be required by the Commission. In a case where a street will eventually be extended beyond the plat, but is temporarily dead ended, an interim turn-around may be required.

4. **Street Intersections.** Street intersections shall be as nearly at right angles as possible.

5. **Cul-de-Sac.** Whenever a cul-de-sac is permitted, such street shall be no longer than 600 feet and shall be provided at the closed end with a turn-around having a street property line diameter of at least 130 feet in the case of residential subdivisions. The right-of-way width of the street leading to the turn-around shall be a minimum of 50 feet. The property lines at the intersection of the turn-around and the lead-in portion of

the street shall be rounded at a radius of not less than 150 feet; or equal straight approach lines. A turn-around diameter greater than 130 feet may be required by the Commission in the case of commercial or industrial subdivisions if it is deemed necessary.

6. Street Names. All newly platted streets shall be named and in a manner conforming to the prevailing street naming system. A proposed street that is obviously in alignment with other existing streets, or with a street that may logically be extended although the various portions be at a considerable distance from each other, shall bear the same name. Names of new streets shall be subject to the approval of the Commission in order to avoid duplication or close similarity of names.

7. Physical and Cultural Features. In general, streets shall be platted with appropriate regard for topography, creeks, wooded areas, and other natural features which would lend themselves to attractive treatment.

8. Half Streets. Dedication of half streets will not be permitted. Where there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, the other half shall be platted if deemed necessary by the Commission.

9. Easements. Easements for utilities shall be provided along rear or side lot lines or along alleys, if needed, and shall be at least 10 feet wide.

10. Neighborhood Plan. If any overall plan has been made by the Commission for the neighborhood in which the proposed subdivision is located, the street system of the latter shall conform in general thereto.

11. Land Not Platted. Where the plat to be submitted includes only part of the tract owned by the subdivider, the Commission may require topography and a sketch of a tentative future street system of the unsubdivided portion.

12. Major Thoroughfares. Where a new subdivision, except where justified by limiting conditions, involves frontage on a heavy trafficway, the street layout shall provide motor access to such frontage by one of the following means:

- A. A parallel street, supplying frontage for lots backing onto the trafficway;
- B. A series of cul-de-sacs or short loops entered from and planned at right angles to such a parallel street, with their terminal lots backing onto the highway;
- C. An access drive separated by a planting strip from the highway to which a motor access from the drive is provided at points suitably spaced; or
- D. A service drive or alley at the rear of the lots.

Where any one of the above-mentioned arrangements is used, deed covenants or other means should prevent any private residential driveways from having direct access to the trafficway.

13. Dedication. A deed to the City shall be given for all streets before the same will be accepted for City maintenance.

14. Railroads. If a railroad is involved, the subdivision plan should:

- A. Be so arranged as to permit, where necessary, future grade separations at highway crossings of the railroad; and

B. Border the railroad with a parallel street at a sufficient distance from it to permit deep lots to go back onto the railroad; or form a buffer strip for park, commercial or industrial use.

15. Street Widths. All streets shall have a right-of-way width of 60 feet and a pavement width of 31 feet. However, in residential districts, the Council may approve, after recommendation by the Commission, streets having a minimum pavement width of 26 feet, and minimum right-of-way of 50 feet.

16. Street Grades. Streets and alleys shall be completed to grades which have been officially determined or approved by the City Engineer. All streets shall be graded to the full width of the right-of-way and adjacent side slopes graded to blend with the natural ground level. All streets must have a minimum grade of one-half of one percent. The maximum grade shall not exceed six percent for main and secondary thoroughfares, or 10 percent for minor or local service streets. All vertical curves must be approved by the City Engineer. The grade alignment and resultant visibility, especially at intersections, must meet the approval of the City Engineer.

17. Power Lines, Telephone Lines and Cable Television Lines. All power lines, telephone lines and cable television lines shall be underground construction. All leads to light poles shall be underground. The subdivider shall submit his or her proposed plan directly to the utility company so proper planning can be made for this construction. The subdivider should refer to "Standard Specifications for Public Works" for utility locations.

18. Traffic Impact Study. A Traffic Impact Study shall be required when a proposed subdivision will generate 100 or more added (new) trips during the adjacent roadway's peak hour or at the development's peak hour. The developer will be responsible for completing an application for traffic analysis including the preliminary plat or detailed concept plan; building locations, types, quantity, and land use; and all proposed access locations; and peak hour trips in accordance with Institute of Transportation Engineers (ITE) standards. The Traffic Impact Study, when required, will be completed by the City Engineer or another engineer with final approval completed by the City Engineer. The developer will be responsible for the entire cost of said Traffic Impact Study, with these costs paid in full prior to any work being commenced on the study in accordance with Section 166.15. The City Engineer has the authority to waive the requirement for a Traffic Impact Study if deemed appropriate. Developers shall be fully responsible for the cost of providing and installing turn lanes, street widening, medians, traffic signals, and similar traffic and transportation improvements based on a Traffic Impact Study if required for the subdivision in accordance with Section 166.15, and other issues as may be determined by the City Engineer.

(Subsection 18 – Ord. 2025-14 – May 26 Supp.)

166.07 BLOCK DESIGN STANDARDS. Block design standards are as follows:

1. Length. No block shall be longer than 660 feet. This distance may be reduced by the City if it is considered to be excessive in its particular application.
2. Block Corner Radius. At street intersections, block corners shall be rounded with a radius of not less than 25 feet; unless the City Engineer recommends minimum 30-foot radius to meet generally accepted design standards; except at any intersection with an existing curve radius of less than 25 feet, the existing radius shall be used as standard.

166.08 LOT DESIGN STANDARDS. Lot design standards are as follows:

1. Corner Lots; Widths. Corner lots shall have a minimum width of 80 feet in order to permit adequate building setbacks on both front and side streets.
2. Double Frontage Lots Prohibited. Double frontage lots, other than corner lots, shall be prohibited except where such lots back on to a major street or highway or except in the case of large commercial or industrial lots.
3. Side Lot Lines. Side lot lines shall be approximately at right angles to the street or radial to curved streets.
4. Lot Size; Public Sewer Not Available. For the purpose of complying with minimum health standards, lots which cannot be reasonably served by an existing public sanitary sewer system shall have a minimum width of 100 feet, measured at the building line, and an area of not less than 20,000 square feet.

166.09 STORM DRAINAGE FACILITIES. The subdivider shall submit plans with the preliminary plat for storm drainage facilities prepared by a Civil Engineer registered in the State of Iowa. Such facilities shall be designed to convey drainage through the proposed subdivision equivalent to the 100-year storm in a developed state. The stormwater facilities must include intakes and storm sewer along all street corridors capable of conveying a five-year storm. In sump areas the City can require the intake and storm sewer capacity for a 100-year storm. On-site drainage facilities shall be designed to provide sufficient detention facilities to reduce the release rate to the equivalent of a five-year recurrence interval storm when the property was in a undeveloped state. The storm drainage facilities shall be extended as far as necessary to accommodate footing drain water discharge and to serve adjacent tributary properties. Upon request by the subdivider, and on a case-by-case basis, the City Engineer may, either before or following formal submission, waive the requirement to submit a Stormwater Management Plan in the event the City Engineer determines the proposed development has no adverse impact on storm water drainage.

166.10 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 Council prior to start of construction. All required improvements shall be installed and constructed in accordance with the current edition of the *Statewide Urban Standard Specifications for Public Improvements*, 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 in Section 166.15 shall be paid for by the subdivider before final approval will be given. The subdivider shall provide a minimum of 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 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 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 the construction plans for the improvements as approved by the City prior to construction.
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 construction plans for the improvements as approved by the City prior to construction.
5. Water and Sewers. Water mains, sanitary sewer lines, and storm sewers and their appurtenances shall be constructed and installed in accordance with construction plans for the improvements as approved by the City prior to construction. 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.
8. Existing Drainageways. Whenever any stream or important surface water course is located in an area that is being subdivided, the subdivider shall, at the subdivider's own expense, make adequate provision for straightening or widening the channel so that it will properly carry the surface water.

166.11 APPROVAL OF FINAL PLAT; FINAL ACCEPTANCE OF IMPROVEMENTS. Provisions for the final approval and acceptance of the final plat and improvements are as follows:

1. Construction of Improvement or Posting of Bond. Before the Council approves the final plat, all of the improvements required in Section 166.10 shall be constructed and accepted by formal resolution of the Council. Before passage of a resolution of acceptance, the City Engineer shall report that the improvements meet all City specifications and ordinances or other requirements, and all agreements between the subdivider and the City; and the City Engineer shall report that the subdivider has filed in proper form a maintenance bond (or bonds) to cover all construction being dedicated to the City. Maintenance bonds shall be in effect from the passage of the resolution of acceptance by the Council, then for the following numbers of years:
 - A. Concrete paving – four years;
 - B. Storm sewers and appurtenances – four years;
 - C. Sanitary sewers and appurtenances – four years;
 - D. Water mains and appurtenances – four years;
 - E. Sidewalks – four years.
2. Waiver. The requirements for the construction of all improvements may be waived if the subdivider will post a performance bond with the Council guaranteeing that the improvements will be constructed within a period of one year from final acceptance of the plat. However, if a performance bond is posted, final acceptance of the plat will not constitute final acceptance by the City of any improvements to be

constructed. Improvements will be accepted only after all construction has been completed, all in accordance with the requirements of this chapter. No maintenance work will be done by the City and no public funds will be expended in the subdivision until such improvements have been completed and accepted by the City.

3. Resubdivisions. The Council may waive the requirements for the construction and installation of some or all of the improvements required in Section 166.10 in cases of resubdivisions where only the size, shape and arrangement of the lots are being changed and no new streets are required and in case of dedications of land or rights-of-way to public use where such dedication is in excess of the needs of the subdivision and is desired by a public agency in lieu of a purchase or condemnation proceeding.

166.12 PRELIMINARY PLAT REQUIREMENTS. The preliminary plat of a subdivision is not intended to serve as a recorded plat. Its purpose is to show on a map all facts needed to enable the Commission to determine whether the proposed layout of the land in question is satisfactory from the standpoint of the public interest. The subdivider or his or her representative may call at the City offices in advance of submitting the preliminary plat in order to discuss the proposed subdivision and in order to obtain information as to the requirements necessary for approval of the plat.

1. Number of Copies and Scale. Fourteen copies of the preliminary plat shall be submitted as prescribed for review. The scale of the map shall be one inch equals 50 feet on small subdivisions and one inch equals 100 feet on large subdivisions, unless otherwise approved by the Commission.
2. Contents of Preliminary Plat. Preliminary plat contents are as follows:
 - A. Name of subdivision, date, point of compass, scale, and official description of the property being platted.
 - B. Name and address of recorded owner and of developer.
 - C. Name and address of engineer or land surveyor.
 - D. Existing buildings, railroads, underground utilities and other rights-of-way.
 - E. Location, names and widths of all existing and proposed roads, alleys, streets and highways in or adjoining the area being subdivided.
 - F. Location and names of adjoining subdivisions, and the names of the owners of adjoining subdivisions, and the names of the owners of adjoining acreage parcels.
 - G. Proposed lot lines with approximate dimensions and the square foot area of non-rectangular lots.
 - H. Areas dedicated for public use, such as schools, parks and playgrounds.
 - I. Contour lines at intervals of not more than five feet.
 - J. Building setbacks outlined in Section 166.03.
 - K. Boundaries of the proposed subdivision shall be indicated by a heavy line.
 - L. Zoning classification of the area.

- M. Proposed utility service:
 - (1) Source of water supply.
 - (2) Provision for sewage disposal.
 - (3) Provision for storm water drainage.
 - N. A vicinity sketch at a legible scale showing the relationship of the plat to its general surroundings.
 - O. Lot numbers.
 - P. Proposed street widths.
 - Q. Location of all proposed utilities including water main, sanitary sewer, storm sewer and sump pump drain lines.
 - R. Location of all existing easements including type of easement.
 - S. Location of all proposed easements.
3. Accompanying Material. Any plat that cannot reasonably be served by public sewer shall show results of soil percolation tests made by the engineer preparing the plat. Such test shall be made in accordance with specifications approved by the City Engineer.

166.13 FINAL PLAT AND ACCOMPANYING MATERIAL REQUIREMENTS. Final plat requirements are as follows:

- 1. Number of Copies and Scale. Within the timeframe provided in Section 166.04, the subdivider shall submit eight copies of the final plat for review by the Commission. The scale of the map shall be one inch equals 50 feet on small subdivisions and one inch equals 100 feet on large subdivisions, unless otherwise approved by the Commission.
- 2. Monumentation. Prior to the offering of the plat of any subdivision for record, the following procedures shall be followed:
 - A. The surveyor shall confirm the prior establishment of control monuments at each controlling corner of the boundaries of the parcel or tract of land being surveyed. If no control monuments exist, the surveyor shall place the monuments. Control monuments shall be constructed of reasonably permanent material, solidly embedded in the ground and capable of being detected by commonly used magnetic or electronic equipment. The surveyor shall affix a cap of reasonably inert material bearing an embossed or stencil cut marking of the Iowa registration number of the surveyor to the top of each monument which the surveyor places.
 - B. Control monuments shall be placed at the following locations:
 - (1) Each corner and angle point of each lot, block or parcel of land surveyed.
 - (2) Each point of intersection of the outer boundary of the survey with an existing or created right-of-way line of a street, railroad or other way.
 - (3) Each point of curve, tangency, reversed curve or compounded curve on each right-of-way line established.

- C. If the placement of a monument required by this section at the prescribed location is impractical, a reference monument shall be established near the prescribed location. If a point requiring monumentation has been previously monumented, the existence of the monument shall be confirmed by the surveyor.
- D. At least a minimum number of two survey control monuments are required to be placed before the recording of a subdivision provided the surveyor includes in a surveyor's statement a declaration that additional monuments shall be placed before a date specified in the statement or within one year from the date the subdivision is recorded, whichever is earlier.
3. Contents of Final Plat. Every plat of a subdivision offered for record shall conform to all of the following provisions where applicable:
- A. The plat shall be a permanent copy, or a photographic print made on a stable plastic film. Exact copies of the plat to be recorded shall be provided to and filed by the County Recorder, Assessor, and Auditor. The original plat drawing shall remain the property of the registered land surveyor.
- B. The size of each sheet showing any portion of the subdivided lands shall not be greater than 18 inches by 24 inches or less than eight and one-half inches by 11 inches.
- C. Whenever more than one sheet is used to accurately portray the lands subdivided, each sheet shall display both the numbers of the sheet and the total number of sheets included in the plat, as well as clearly labeled match lines indicating where the other sheets adjoin. An index sheet shall be provided to show the relationship between the sheets.
- D. A maximum scale of 100 feet to one inch shall be used unless permission to use a different scale is obtained in writing from the Commission. The scale used shall be clearly stated and graphically illustrated by a bar scale drawn on every sheet showing any portion of the lands subdivided.
- E. Subdivisions shall be designated, by name or as otherwise prescribed, in bold letters inside the margin at the top of each sheet included in the plat.
- F. An arrow indicating the northern direction shall be drawn in a prominent place on each sheet included in the plat.
- G. All monuments to be of record shall be adequately described and clearly identified on the plat. When additional monuments are to be established subsequent to the recording of the plat, the location of the additional monuments shall be shown on the plat.
- H. Sufficient survey data shall be shown 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 lands.
- I. All distances shall be shown in feet to the nearest one-hundredth of a foot, and in accordance with the definition of a foot adopted by the United States Bureau of Standards. All measurements shall refer to the horizontal plane.

J. The course of every boundary line shown on the plat shall be indicated by a direct bearing reference or by an angle between the boundary line and an intersecting line having a shown bearing, except when the boundary line has an irregular or constantly changing course, as along a body of water, or when a description of the boundary line is better achieved by measurements shown at points or intervals along a meander line having a shown course. All bearings and angles shown shall be given to at least the nearest minute of arc.

K. Curve data shall be stated in terms of radius, central angle and tangent, or length of curve and unless otherwise specified by this chapter curve data for streets of uniform width may be shown only with reference to the centerline, and lots fronting on such curves may show only the chord bearing and distance of such portion of the curve as is included in their boundary. In all other cases, the curve data must be shown for the line affected.

L. 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.

M. When any lot or portion of the subdivision is bounded by an irregular line, the major portion of that lot or subdivision shall be enclosed by a meander line showing complete data with distances along all lines extending beyond the enclosure to the irregular boundary shown with as much certainty as can be determined or as “more or less,” if variable. In all cases, the true boundary shall be clearly indicated on the plat.

N. All interior excepted parcels shall be clearly indicated and labeled “not a part of this plat.”

O. All adjoining properties shall be identified, and where such adjoining properties are a part of a recorded subdivision, the name of the 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 permit an overlay to be made. Resubdivisions shall be labeled as such in a subtitle following the name of the subdivision wherever the name appears on the plat.

P. The purpose of any easement shown on the plat shall be clearly stated and shall be confined to only those easements pertaining to public utilities including gas, power, telephone, cable television, water, sewer and such drainage easements as are deemed necessary for the orderly development of the land encompassed within the plat. All such easements relative to their usage and maintenance shall be approved by the Council prior to the recording of the plat.

Q. A strip of land shall not be reserved by the subdivider unless the land is of sufficient size and shape to be of some practical use or service as determined by the governing body.

R. The purpose of all areas dedicated to the public must be clearly indicated on the plat.

S. Notwithstanding the requirements of this section, the plat must also conform to all current requirements of the *Code of Iowa*, and to the extent of any inconsistency in requirements, the *Code of Iowa* shall govern.

T. The street address number for each lot shall be shown.

4. Accompanying Material. The following material shall accompany the final plat:

A. The subdivider shall submit three copies of the plan drawings for all improvements required under these regulations showing the as-constructed locations of all streets, alleys, conduits, sewers and pipelines to be placed within public right-of-way, on public easements or dedicated to the City. The plans and specifications shall show the plan and profile of all such improvements.

B. Any protective covenants or restrictions to be imposed upon the plat shall be submitted for approval.

C. A deed to the City, properly executed, for all streets intended as public streets, and for any other property intended for public use.

D. The following certificates or statements:

(1) A statement by the proprietors and their spouses, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgments of deeds.

(2) A statement from the mortgage holders or lienholders, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgment of deeds. An affidavit and bond as provided for in Section 354.12 of the *Code of Iowa* may be recorded in lieu of the consent of the mortgage or lienholder. When a mortgage or lienholder consents to the subdivision, a release of mortgage or lien shall be recorded for any areas conveyed to the City or dedicated to the public.

(3) An opinion by an attorney-at-law who has examined the abstract of title of the land being platted. The opinion shall state the names of the proprietors and holders of mortgages, liens or other encumbrances on the land being platted and shall note the encumbrances, along with any bonds securing the encumbrances.

(4) A certificate of the County Treasurer that the land is free from certified taxes and certified special assessments or that the land is free from certified taxes and that the certified special assessments are secured by bond in compliance with Section 354.12 of the *Code of Iowa*.

A subdivision plat which includes no land set apart for streets, alleys, parks, open areas, school property or public use other than utility easements shall be accompanied by the documents listed in Subparagraphs (1), (2) and (3) and a certificate of the County Treasurer that the land is free from certified taxes other than certified special assessments.

E. A resolution and certificate for approval by the Council and for signatures of the Mayor and Clerk.

- F. A statement by the Auditor approving the name or title on the subdivision plat.
- G. Performance bond, if any.
- H. Maintenance bond, if any.

166.14 WATER AND SEWER FEES. The subdivider shall pay a water fee of \$250.00 and a sewer fee of \$250.00 for each lot in the final plat upon which a residential dwelling or commercial building may be constructed. This fee shall be paid to the Clerk prior to the Council's approval of the final plat. These fees may be waived upon approval of a petition to the City Council by the developer. In such instances, these fees will be applied to new construction permits within the plat.

166.15 REVIEW AND INSPECTION FEES. Before a preliminary plat may be considered by the Commission, the subdivider or his or her agent shall pay \$50.00 to the Clerk to cover the cost of the Commission's initial review of the preliminary plat. All costs incurred by the City in the review of the preliminary and final plats and in any inspections required by this chapter shall be paid and reimbursed by the subdivider to the City before final approval is given to the plat. When a Traffic Impact Study is required, the developer shall be responsible for reimbursing the City for the cost of reasonable professional fees for services provided by a consulting engineer designated by the City, based on a scope of services approved by the City Engineer. A check, payable to the City, shall be submitted to the City Clerk prior to any work being commenced on said study.

(Section 166.15 – Ord. 2025-14 – May 26 Supp.)

166.16 PERFORMANCE AND MAINTENANCE BONDS. The subdivider is required to provide performance and maintenance bond using generally accepted bond forms as approved by the City. The subdivider shall submit the performance bond for all improvements in the entire subdivision prior to the approval of construction plans for the subdivision improvement. Maintenance bonds shall be provided for all elements of work including concrete paving, storm sewer, sanitary sewer, water main and sidewalks. Maintenance bonds are required prior to acceptance of the improvements by the City. Maintenance bonds shall be provided by the subdivider to cover all improvements. The City may approve maintenance bonds provided by individual contractors for portions of the work if the City determines bonds provided by contractors in aggregate provide a complete maintenance bond equivalent to the bond required be provided by the subdivider.

166.17 PUBLIC PARKLAND DEDICATION. The purpose of this section is to regulate the use and development of land so as to assure that new developments provide for the health, safety, and welfare of future residents by providing land for public parks within the City and within areas being newly developed or redeveloped for residential purposes.

1. Definitions.

- A. "Dedication" means the transfer of land to the City to be used exclusively by the City for a park site and improvements.
- B. "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 development and/or buildings.

- C. "Pond" means any still body of standing water.
 - D. "Waterway" means a channel through which water runs.
2. Requirement of Dedication of Public Parkland.
- A. Any developer who, after the effective date of this section, seeks to develop land for residential purposes within the City shall be required to dedicate public parkland.
 - B. No new plats or site plans for residential development shall be approved unless and until the provisions of this section are complied with, including a depiction of the parkland on the plat in compliance with this section.
3. Computation of the Amount of Public Parkland Required. This subsection shall prescribe the minimum amount of space to be provided in a proposed development for use as a public park. Such space shall be required to be provided for by a developer who, after the effective date of this section, seeks to develop land within the City by submitting a plat or site plan for approval.
- A. The amount of public parkland required to be dedicated in a proposed development shall be five percent of the acres in the residential development. The minimum of area of the parkland required shall be no less than 20,000 square feet.
 - B. If a plat or site plan is requested for mixed uses, then Paragraph A of this subsection shall apply only to those areas of the plat or site plan devoted to residential uses.
 - C. 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 parkland required in Paragraph A of this subsection.
 - D. The dedicated public parkland shall not be utilized for water runoff, above-ground water discharge, or storm water drainage which flows overland. This restriction is intended to reduce the restriction on usability of the parkland.
 - E. In the case of change of use, redevelopment, or expansion or modification of an existing use which requires the approval of an amended plat or site plan, the above space requirements for public parkland shall be based upon the new lots or new units being proposed for development.
 - F. 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.
4. Requirement of Dedication and Installation of Land or Easements for Trails. Where bike or pedestrian or recreational trails are indicated in the Comprehensive Plan the developer shall be required to dedicate land or trail easements at least 10 feet in width. Furthermore, the developer is required to install the trails to the width and specifications as required by the City Engineer. This land or easements, if approved by the Council, may serve to satisfy parkland dedication requirements.
5. Alternative to Dedication of Public Parkland Required. If a developer does not desire to dedicate public parkland required in this section, the developer may make a request to the Council that the developer be allowed to meet the requirements of this section through other arrangements agreeable to the Council and the developer as long

as such agreement provides equal value to the City. Such arrangements shall be made between the Council and the developer in the form of a development agreement.

6. Exemptions. The following shall be exempted from the requirements of Subsections 2, 3, and 4:

- A. Alterations or expansion of an existing building where no additional residential units are created and where the use is not changed.
- B. The construction of accessory buildings or structures.
- C. The replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same size and use.
- D. The installation of a replacement mobile home.
- E. The construction of any nonresidential building or structure or the installation of a nonresidential 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.

7. Penalty Provision. A violation of this section shall be prosecuted in the same manner as a misdemeanor is prosecuted and, upon conviction, the violator shall be punished 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 to comply with the above provisions of this section shall be a nuisance subject to all fines and remedies provided in this Code of Ordinances.

166.18 VARIATIONS AND EXCEPTIONS. Whenever the tract proposed to be subdivided is of such unusual topography, size or shape, or is surrounded by such development or unusual conditions that the strict application of the requirements contained in this chapter would result in substantial hardships or injustices, the Council, upon recommendation of the Commission, may vary or modify such requirements so that the subdivider is allowed to develop the property in a reasonable manner; but so, at the same time, the public welfare and interest of the City and surrounding area are protected and the general intent and spirit of these regulations are preserved.

166.19 ENFORCEMENT. No plat or subdivision shall be recorded in the County Recorder's office or have any validity until it has been approved in the manner prescribed herein. The Council shall not permit any public improvements over which it has control to be made from City funds, or any City money expended for improvements or maintenance on any street in any area that has been subdivided unless such subdivision and streets have been approved in accordance with the provisions contained in this chapter, and accepted by the Council as a public street.

166.20 CHANGES AND AMENDMENTS. Any provision of this chapter may be changed and amended from time to time by the Council; provided, however, such changes and amendments shall not become effective until after study and report by the Commission and until after a public hearing has been held, public notice of which shall be given in a newspaper of general circulation not less than four or more than 20 days prior to the hearing.

(Section 166.20 – Ord 2025-14 – May 26 Supp.)

166.21 BOUNDARY ESTABLISHMENT OR RETRACEMENT SURVEYS. Any plat or plat of survey of property either within or outside the corporate limits which establishes existing boundaries or is a retracement of a prior plat or plat of survey is not subject to the review and approval provisions of this chapter.

166.22 CITY STAFF DETERMINATION OF NON-APPLICABILITY. In connection with the review of a plat or plat of survey, the City Engineer is authorized to make a determination that such plat or plat of survey is not subject to the review and approval requirements of this chapter. The City Engineer will notify the City Attorney of such a determination, and the City Attorney is authorized to notify the appropriate officials of the County accordingly.

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CHAPTER 167

SITE PLAN REQUIREMENTS

167.01 Title	167.07 Multiple-Family Dwelling and Townhome Standards
167.02 Purpose	167.08 Amendments to Approved Site Plans
167.03 Application of Chapter	167.09 Additional Requirements
167.04 Design Standards	167.10 Expiration of Approval
167.05 Submittal and Review Procedure	167.11 Fee for Site Plan Review
167.06 Site Plan Information	

167.01 TITLE. This chapter shall be known and may be cited as “The City of Elkhart, Iowa, Site Plan Requirements.”

167.02 PURPOSE. The purpose of this chapter is to provide a procedure which will enable the City to review certain proposed improvements to and development of property to assure that the design and location will be in conformance with this Code of Ordinances. The site plan shall be designed to reflect consideration for: (i) impacts to existing and proposed developments surrounding the site and the City; (ii) impact on public rights-of-way, utilities, facilities, and services; and (iii) impact to existing on-site conditions.

167.03 APPLICATION OF CHAPTER. Site plans are required whenever any person undertakes new construction, re-construction, expands an existing building by 20 percent or more 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”) within the City, 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.

167.04 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 or 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 unduly 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 storm water 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.

167.05 SUBMITTAL AND REVIEW PROCEDURE. Site Plans shall be submitted to the City for review and approval.

1. Fourteen copies of the Site Plan shall be submitted to the Clerk, who shall refer the site plan to the Planning and Zoning Commission and the City Engineer for comment and recommendation prior to action by the Council. A site plan must be submitted no later than 15 days prior to a meeting of the Planning and Zoning Commission. Prior to an official submittal of the site plan for review by the Planning and Zoning 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 Planning and Zoning Commission.

3. The Planning and Zoning 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. Persons or agents submitting a site plan shall personally appear before the Planning and Zoning Commission upon notice from the Commission when the site plan is to be considered by it.

4. The Planning and Zoning Commission shall forward its recommendation to the 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 Planning and Zoning 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 Planning and Zoning 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. Persons or agents submitting the site plan shall personally appear before the Council upon notice from the Council when said Site Plan is scheduled for action by the Council. If said owner, developer, or agent fails to appear as scheduled, the Council may take no action on said 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.

167.06 SITE PLAN INFORMATION. The purpose of the site plan is to show all information needed to enable the City Engineer, City staff, the Planning and Zoning Commission, and the Council to determine if the proposed development meets the requirements of this chapter and other provisions of this Code of Ordinances. The City Engineer, City staff, the Planning and Zoning Commission, or the Council may waive certain required information at their discretion.

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.

- 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. Stormwater 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.
- R. Such additional information, drawings, or other materials necessary to describe a proposed project as may be requested by the City Engineer or Planning and Zoning Commission.

S. Site plan shall include a Traffic Impact Study in accordance with Chapter 166, Subdivision Regulations, if required by the City Engineer.

(Section 167.06 – Ord. 2025-15 – May 26 Supp.)

167.07 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.

167.08 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 this Code of Ordinances. An amended site plan shall be submitted to the City and reviewed by the Planning and Zoning Commission and approved by the Council in the same manner as an original site plan.

167.09 ADDITIONAL REQUIREMENTS. As part of the site plan approval process, the developer 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 developer may also be required by the Council to construct 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. Under all conditions, the utilities, including (but not limited to) water and sanitary sewer, will conform to the City's standards. 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 effect on the future safety, proper functioning, and maintenance of those portions to be dedicated.

167.10 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 developer, extend the time for the issuance of a building permit for 60 additional days. In the event the building permit for construction provided for in a site plan expires or is cancelled, then such site plan approval shall thereupon terminate.

167.11 FEE FOR SITE PLAN REVIEW. Before any action shall be taken as provided in this section, the person filing a site plan shall pay to the Clerk a filing fee of \$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 (but not limited to) Engineers' and/or Attorneys' fees and costs.

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CHAPTER 168

SIGN CODE

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168.01 PURPOSE. The purpose of this chapter is to permit such signs as will not, by reason of their size, location, construction, or manner of display, endanger life and limb, confuse or mislead traffic, obstruct vision necessary for traffic safety, or otherwise endanger the public morals, health and safety; and further, to regulate such permitted signs in a way to promote development that is not detrimental to the property values and aesthetics of the City. No sign shall be erected or maintained in the City's jurisdiction, except those specifically allowed by this chapter. Signs allowed by this chapter may be erected and maintained only as on-premises signs. All signs as permitted by the applicable zoning district regulations in all zoning districts in the City shall comply with the regulations of this chapter.

168.02 JURISDICTION. The lawful use of a sign existing at the time of the enactment of the Zoning Ordinance may be continued, although such use may not conform to the regulations herein. For those signs permitted before the adoption of these regulations, such signs shall be classified as "permitted nonconforming" structures. No sign permit shall be issued for any lot, tenant, or development after the effective date of and not in substantial conformity with the provisions of these regulations. Nor shall any sign, except as hereinafter specified, be erected, substantially improved, converted, enlarged, moved, or structurally altered without conforming to the provisions of these regulations.

168.03 DEFINITIONS AND INTERPRETATIONS. Words and phrases used in this chapter have the meanings set forth in this section. Words and phrases not defined in this section but defined in the Zoning Code shall have the meanings set forth in the Zoning Code. Principles for computing sign area and sign height are contained in Section 168.21. All other words and phrases shall have their common, ordinary meanings unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this chapter.

1. "Animation" means rotation or any other movement or appearance thereof, or change of lighting to depict action or create a special effect or scene, whether by atmospheric movement, mechanical, or electrical means, or any combination thereof.

2. “Banner” means any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, State or municipal flags or the official flags of any institution or business are not considered banners.
3. “Building” means any structure having a roof supported by walls or by columns intended for enclosure, shelter or housing of persons, animals or chattel. When any portion thereof is entirely separated by walls in which there are no connecting doors or windows or any similar opening, each portion so separated shall be deemed a separate building, except for townhouses, duplexes, and condominiums wherein two or more dwelling units shall constitute a separate building. “Building” does not include signs or billboards.
4. “Building, accessory” means a building subordinate to the principal use of a building on the lot and serving a purpose customarily incidental to the use of the principal building. Among other things, the following are considered to be accessory buildings: shed, gazebo, and garage.
5. “Building frontage” means that wall or side of a building containing the main entry that is adjacent and most nearly parallel to a street.
6. “Building Official” means the City employee or the Building Inspector designated to enforce the City’s Building and Zoning Ordinances.
7. “Canopy” means a permanent covering providing shelter to persons from elements of weather.
8. “Changeable copy” means the graphical content, in letter or alphabetical form, or a sign, which can be changed or altered.
9. “Church” means any building, premises, or site whose primary use is public religious worship.
10. “Copy” means words, letters, logos, figures, symbols, statutes, illustrations, patterns, decorative panels or inserts that form a message or otherwise call attention to a business, product, service, or activity, or to the sign itself. Lighting and similar features adding to the architecture element of the building are not considered as signage but shall be regulated by the Site Plan.
11. “Convenience store” means an establishment for retail sale of petroleum products and other supplies for motor vehicles, as well as for the retail sale of a variety of other items typically sold in grocery stores, not including the repair or sale of vehicles.
12. “Demising wall” means a wall used to provide separation between individual tenants located within a multiple tenant building.
13. “District” means a section or sections of the City within which the regulations governing the use of buildings and premises or the height and area of buildings and premises are uniform.
14. “Erect” means to build, construct, attach, hang, place, suspend, or affix, and includes the painting of wall signs.
15. “Flag” means any fabric, banner or bunting containing distinctive colors, lettering, patterns or symbols, used as a symbol of a government, political subdivision or other entity.

16. “Frontage” means the dimension of a front lot line as measured along the public street (see “lot lines, front”).
17. “Home occupation” means any occupation or profession conducted solely by resident occupants in their place of abode, involving primarily service and not the sale of commodities upon the premises.
18. “Institutional use” means a public use, such as a church or school.
19. “Lot” means any parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on a dedicated or private street and may consist of:
 - A. A single lot of record;
 - B. A portion of a lot of record;
 - C. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portion of lots of record;
 - D. A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this chapter.
20. “Multiple tenant building, horizontal” means a single story building designed for the collocation of two or more tenants located side by side, with each tenant separated by demising walls.
21. “Multiple tenant building, vertical” means a multiple story building designed for the collocation of two or more tenants located side by side and/or on separate floors of the building.
22. “Neon, exposed” means any neon type lighting used as or in a sign, not encased in a solid colored light diffusing lens, so as to limit the visible appearance of the illuminated light source.
23. “Pennant” and/or “streamer” means a long, narrow ribbon-like flag or tapering flag used individually or attached to a rope or structure of any length in a series.
24. “Principal building” means the building situated or to be placed nearest the front property line and the use of which conforms to the primary use permitted by the zoning classification in which it is located.
25. “Right-of-way” means a strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a road, trail, water line, sanitary sewer and/or public uses.
26. “Setback” means the minimum horizontal distance between the front, rear or side lines of the lot and the front, rear or side lines of the building, or structure respectively.
27. “Sign” means every sign or advertisement as defined herein, including any announcement, declaration, demonstration, display, illustration, or insignia used to advertise, promote, or draw attention to the interests of any person or firm when the same is placed out-of-doors in view of the general public. For the purpose of determining the number of signs, a sign is considered to be a single display surface or displaying device containing elements organized, related, and composed to form a unit.

Where matter is displayed in a random manner without organized relationship of elements, each element is considered a single sign.

28. “Sign, abandoned” means any sign face remaining in place for a period of 30 days or more which no longer advertises an activity, business, product, or service available on the premises on which the sign is located.

29. “Sign area” means the area of a sign as determined by the Community Development Director in accordance with Section 168.21 of this chapter.

30. “Sign, association identification” means a sign identifying the name of a complex, or neighborhood development included on a landscape feature including planter beds, fountains, decorative walls, or fences.

31. “Sign, awning” means any structure made of cloth, metal, or similar material supported entirely from the exterior wall of a building. Said structure may be illuminated.

32. “Sign, bag” means a temporary cover made of a cloth or canvas material, used to alter the message of an obsolete sign until such time as it is replaced with a new sign.

33. “Sign, banner” means a temporary sign composed of lightweight material either enclosed in a rigid frame or not enclosed, secured or mounted to a structure or post on two or more edges. A national, state or municipal flag, or the official flag of any institution or business is not considered a banner.

34. “Sign, billboard” means an off-premises sign, displayed out-of-doors or visible from a public way.

35. “Sign, building” means any sign attached to or erected against the wall or painted on the surface of the wall of a building, with the exposed face of the sign in a plane parallel with a plane of said wall. This definition includes fascia signs.

36. “Sign, building directory” means an identification sign not intended to attract people off public streets, but intended to provide direction to the public once they are within a building. Such signs contain a listing of the businesses, or professionals occupying the building in which the sign is placed.

37. “Sign, building panel” means a building sign consisting of a frame which may be covered by a translucent material, which may be internally illuminated. The placement of individual letters at least one-inch thick on a metal, stone, or Dryvit surface is not considered a panel sign.

38. “Sign, directional” means a sign, other than warning and regulatory signs, which is located on private property for the purposes of controlling all modes of traffic. Signs shall not display company names, logos, or any other form of advertisement, except where allowed elsewhere in this chapter.

39. “Sign face or surface” means the copy area, background area, and the peripheral encasement, structural elements, or trim, which forms the outer perimeter of the sign.

40. “Sign, garage sale” means a temporary sign advertising a private sale on personal property.

41. “Sign height” means the vertical distance from the average finished road grade at the sign location to the highest point of the sign.

42. “Sign, home occupation” means a two-square-foot sign containing only the name and occupation of a permitted home occupation.

43. “Sign, interstate” means a sign on a property abutting an interstate right-of-way that is oriented to the interstate.
44. “Sign, memorial” means memorial signs or tablets, names of buildings and date of erection when engraved into any masonry surface or when constructed of bronze or other incombustible materials. Memorial signs shall be limited to five square feet in area.
45. “Sign, monument” means a ground sign that does not have any exposed pole or pylon, and is attached to a single columnar base for at least 60 percent of the entire width of the sign. Monument signs shall be constructed with materials chosen for their consistency with the principal building, as well as their durability and strength, in addition to the aesthetic values.
46. “Sign, multiple tenant” means a sign intended to provide identification to a multiple tenant commercial development of more than 50,000 square feet of gross building area in which more than three tenants occupy individual space within a development under common ownership, management or control.
47. “Sign, nameplate” means a non-electric sign identifying only the name and occupation or the profession of the occupant of the premises on which the sign is located.
48. “Sign, nonconforming” means a sign that does not conform to the regulations provided herein.
49. “Sign, off-site” means any sign advertising any interest of any person or firm, products, accommodations, services or activities not provided on the premises in which the sign is placed.
50. “Sign, panel” means a sign consisting of a frame which may be covered by a translucent material, which may be internally illuminated. The placement of individual letters at least one-inch thick on a metal, stone, or Dryvit surface is not considered a panel sign.
51. “Sign, pole” means a sign which is erected upon one or more posts or pylons directly in or upon the ground and not attached to, or braced by, any other structure.
52. “Sign, political” means a temporary sign not larger than 32 square feet in surface area, erected for the purpose of soliciting votes or support for or in opposition to any candidate or any political party under whose designation any candidate is seeking nomination or election or any public question on the ballot in an election held under the laws of the State of Iowa.
53. “Sign, portable” means any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including but not limited to the following: signs designed to be transported by the means of wheels, trailers, or chassis, whether or not the wheels are presently attached; signs constructed as or converted to A- or T- frames; menu and sandwich board signs; balloons or other hot-air or gas filled figures; and signs attached to or painted on vehicles parked and visible from the public right-of-way and not being used in the normal day-to-day operations of the business excluding storage.
54. “Sign, project identification” means a temporary, non-illuminated sign placed on a site during construction or remodeling, which identifies the development, contractor, builder, developer and/or financial institution for the development and may include a plat map and real estate information.

55. “Sign, real estate” means any sign, not exceeding six square feet in area, pertaining to the sale, lease or rental of real estate or buildings.
56. “Sign, real estate board” means a sign not exceeding 32 square feet in area advertising the sale, lease, or rent of real estate or buildings intended for the use by a commercial or residential developer or broker.
57. “Sign, roof” means a sign erected on or above the roof of a building.
58. “Sign, service” means a sign identifying parking and handicapped parking, restrooms, public telephone facilities, first aid stations, fallout shelters and other similar public service facilities.
59. “Sign, temporary” means any sign, not permanently attached to a building, post, or ground, such as banners, sandwich boards or similar erected for a limited duration, not to be continued after the expiration of the allowed time period.
60. “Sign, vehicle” means any sign, logo, or advertisement placed, painted, attached, or displayed on a vehicle advertising a company, store or service.
61. “Sign, window” means a sign installed inside or adhered to the interior portion of an individual glazed surface panel for purposes of viewing from a public street.
62. “Street” means any thoroughfare or public space that has been dedicated or deeded to the public for public use, primarily to provide principal means of access to abutting property.
63. “Tenant frontage” means, in the case of determining permitted sign area, the dimension between the tenant separation walls along the side of the building containing the main business entry.
64. “Vision clearance” means an open, unoccupied triangular space at the street corner or a corner lot, the space being defined as a setback line extending across the corner between points established 25 feet along the right-of-way lines by measurement from the corner.
65. “Zone” means any one of the classes of districts established by this chapter.
66. “Zone lot” means a parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage and use, and that can provide such yards and other open spaces as required by the Zoning Code.
67. “Zoning Administrator” means the Zoning Administrator of the City.

168.04 PROHIBITED SIGNS AND CONDITIONS. The City has determined that the preservation and promotion of the public health, safety, and general welfare, the maintenance and enhancement of the visual environment, the improvement of pedestrian and traffic safety, and the minimization of possible adverse effects the following signs may have on nearby public and private property, are the express purpose of this section. The City has determined that the appropriate way to further these interests is to prohibit the installation, construction, placement, or erection of the following enumerated signs. This section, through the exercise of the City’s police powers, is intended to curtail the adverse effects of such signage while promoting the purpose and intent of this chapter. The following signs shall not be permitted, erected, or maintained on any property within the City:

1. Banners, pennants, spinners, streamers, except as permitted elsewhere in this chapter.

2. Billboards.
3. Neon lights or signs, not intended to add to the overall architectural theme of the site.
4. Hazardous signs, any sign or sign structure which is structurally unsafe, is not kept in good repair, or is capable of causing electrical shock to persons likely to come in contact.
5. Signs which incorporate in any manner any flashing or moving lights unless expressly permitted by City Council.
6. Signs which include visible moving parts, changeable copy or description by electrical or non-electrical means, or by action of wind currents; except as permitted in this chapter.
7. Spotlights or strobe lights, whether stationary or moving, intended to draw attention to a location of a property and not primarily intended to accent the signage or building form, except as expressly permitted by City Council.
8. Pole signs.
9. Portable or temporary signs, except as permitted elsewhere in this chapter.
10. String lights or other displays used in connection with commercial premises for commercial purposes, other than holiday decorations used on a temporary basis between October 15 and January 15.
11. Any sign unlawfully installed, erected, or maintained in violation of this chapter.
12. Any sign displaying any obscene, indecent or immoral matter, as defined by this Code of Ordinances.
13. Roof signs.
14. Any vehicle sign not normally used in the day to day operations of a business parked in such a way to draw attention or people from a public place or street.
15. Any sign, except permitted nonconforming signs, not specifically permitted in this chapter.

168.05 DESIGN STANDARDS.

1. Extension of Sign. No sign face shall extend horizontally beyond the supporting structure a distance greater than 12 inches.
2. Electric Signs. All electric signs shall be manufactured to meet UL specifications and be approved by the Building Official in accordance with the City Electrical Code. An alternate equivalent may be accepted as approved by Building Official.
 - A. Electric signs shall be watertight, with service holes to provide access to each compartment with fitted waterproof covers.
 - B. Any electrical equipment or apparatus of a sign, which causes interference with radio or television reception, shall not be allowed.
3. Wind Pressure and Dead Load Requirements. All signs and sign structures shall be designed and constructed to withstand a wind pressure as regulated by the

Building Code of the City, and shall be constructed to receive dead loads as required in the Building Code or other ordinances of the City. Temporary signs shall be excluded from dead load requirements as required above.

4. Clearance from Electric Lines. A clearance of not less than eight feet horizontally and 12 feet vertically shall be maintained between any sign and any overhead electrical transmission line.
5. Number of Faces. No sign shall have more than two faces. Sign faces shall be parallel, unless otherwise permitted.
6. Lighting of Signs. Signs must be lit by internal fixtures unless an alternate method is approved by the Zoning Administrator. A constant level of light must be maintained, provided that this shall not be construed to prohibit use of an automatic dimmer to reduce garish effects at night. Lighting shall not flash or move unless approved by Council.
7. Emissions Prohibited. No sign shall emit audible sound, noticeable odor, or smoke or other visible matter.
8. Obstruction of Fire Exits, Light or Ventilation. No sign shall be permitted to obstruct or interfere in any way with free use of any door, window, fire escape, or to obstruct or impair operation of any opening required for light or ventilation.
9. Traffic Hazards. It is illegal for any sign to interfere with, obstruct the view of, or be of such design which may be confused with any authorized traffic sign, signal, or device; no sign shall imitate an official traffic sign or include the words "STOP," "LOOK," "CAUTION," or any other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse motorists.
10. Vision Clearance. In addition to the setback requirements in this chapter, signs shall be located such that there is at every street intersection or entranceway a triangle of unoccupied space, being defined as the corner of the intersection and points on the curb 25 feet from the intersection or entranceway.

168.06 MONUMENT SIGNS. All letters, figures, characters, or representations in cut-out or irregular form maintained in conjunction with, attached to, or superimposed on a monument sign shall be safely and securely built to or attached to the sign structure and shall comply with all requirements of the "design" and "maintenance" sections of this chapter. The copy area shall be limited to a single geometric shape unless it emulates the building form or feature.

1. Sign Bases. All sign bases shall be designed and constructed of materials of permanency and strength (e.g., brick, stone, masonry, etc.), and shall be compatible with other structures and signs in the development. Metal skirting around a supporting pole shall not be considered an acceptable sign base material. Signs five feet tall and shorter must have at least a one-foot sign base. Signs between five feet and 10 feet must have at least a two-foot sign base, and signs greater than 10 feet must have at least a two and one-half-foot sign base. Signs are also encouraged to be entirely or partially surrounded by brick or stone.
2. Number of Signs. One sign shall be permitted on each lot of record; provided however, if the frontage of such lot measured in a straight line along such street exceeds 500 feet, then two such signs shall be permitted. A minimum distance of 250 feet shall separate the two permitted monument signs. Businesses that have frontage on more than one street will be permitted the use of a second sign provided it measures less than one-third of the total dimension of the monument sign.

3. Setback Requirement. The minimum setback required for monument signs shall be five feet. All signs shall have a side setback not less than the height of the sign.
4. Sign Area. The total area of a sign shall be the actual square footage of one sign face. Double-face signs may be permitted with the maximum square footage permitted on each side. The maximum sign area (not including sign base) of a monument sign shall not exceed 25 square feet; provided, however, the maximum sign area may be increased one square foot for each additional one foot of setback over the minimum required setback to a maximum sign area of 40 square feet.
5. Dimensions. The maximum height of a monument sign (including sign and base) shall be five feet; provided, however, the maximum height may be increased one foot for each additional three feet of setback over the minimum required setback to a maximum sign height of 10 feet. See Section 168.22, Sign Regulation Table, for more information. Where the street is substantially higher or lower than the proposed sign location, the Council may provide variations on the height requirement as described in this section. "Substantially" is defined, in this case, as a change in vertical distance greater than five feet. The maximum width of a monument sign (including sign and any stone/brick border) is 12 feet. The vertical distance between the sign face and the base shall not be greater than six inches.
6. Profile. Monument signs shall have a monolithic or columnar line that maintains essentially the same profile from grade to top. The width of the sign base shall be a minimum of 60 percent of the entire width of the sign.
7. Zoning Districts. The conditions outlined in this section shall apply to all residential zoning districts (institutional uses only), all commercial (including Core Business) zoning districts, and all industrial (including Light Industrial) zoning districts

168.07 MULTIPLE TENANT MONUMENT SIGNAGE. Monument signage in planned commercial developments with at least three tenants, and over 50,000 square feet of gross building square footage is intended to provide primary development identification within a planned commercial unit. Additionally, such signage may provide advertisement to tenants of the development. In lieu of any other permitted monument sign, a multiple tenant sign shall be allowed on lots or tracts under single ownership, management or control, provided the following conditions are met:

1. Sign Bases. All sign bases shall be designed and constructed of materials permanency and strength (e.g., brick, stone, masonry, etc.), and shall be compatible with other structures and signs in the development. Metal skirting around a supporting pole shall not be considered an acceptable sign base material. Signs five feet tall and shorter must have at least a one-foot sign base. Signs between five feet and 10 feet must have at least a two-foot sign base, and signs greater than 10 feet must have at least a two and one-half-foot sign base. Signs are also encouraged to be entirely or partially surrounded by brick or stone.
2. Number of Signs. One sign shall be permitted per street frontage; provided however, if the frontage measured in a straight line along such street exceeds 500 feet, then two such signs shall be permitted. A minimum distance of 250 feet shall separate the two permitted monument signs. In no case shall a development be permitted more than three such signs. All signage shall be consistent in design, color and materials used in the construction of the signage.

3. Sign Area. The total area of a sign shall be actual square footage of one sign face. Double face signs may be permitted with the maximum square footage permitted on each side. The maximum sign area of a monument sign shall not exceed 100 square feet.
4. Dimensions. The maximum height of a sign (including sign and base) shall be 15 feet. Where the street is substantially higher or lower than the proposed sign location, the Council may provide variations on the height requirement as described in this section. "Substantially" is defined, in this case, as a change in vertical distance greater than five feet. The maximum width (including sign and any brick/stone border) shall be 12 feet.
5. Face. The sign face shall be no further than six inches from the sign base.
6. Setback. The minimum sign setback shall be 10 feet. All signs shall have a side setback not less than the height of the sign.
7. Profile. Monument signs shall have a monolithic or columnar line that maintains essentially the same profile from grade to top. The width of the sign base shall be a minimum of 60 percent of the entire width of the sign.

168.08 BUILDING SIGNS.

1. Sign Area Allowed. One square foot of sign area may be erected for every lineal foot of building frontage to a maximum of 100 square feet. In the case that a building frontage exceeds 200 feet and has a setback of greater than 250 feet, two square feet of sign area may be erected per lineal foot of building frontage to a maximum sign area of 200 square feet.
2. Number of Signs. A maximum of two signs will be allowed per business with a maximum of one sign per wall. Sign size will be limited by the regulations stated above.
3. Letters, Symbols and Logos. Under no circumstances will a letter, symbol, or logo dimension greater than six feet be allowed.
4. Convenience Stores. One sign on a canopy in a convenience store or gasoline pump use may be permitted in exchange for a building sign. Said sign shall be one square foot per lineal foot of frontage of the canopy to a maximum sign area of 50 square feet. Said sign shall be confined to the actual dimensions of the canopy. In no case shall more than a combination of two building or canopy signs be permitted within the site.
5. Zoning Districts. The conditions outlined in this section shall apply to all residential zoning districts (institutional uses only), all commercial (including Core Business) zoning districts, and all industrial (including Light Industrial) zoning districts.

168.09 MULTIPLE TENANT BUILDING SIGNAGE.

1. Sign Area. For horizontal multiple tenant buildings, one square foot of sign area may be erected for every lineal foot of tenant frontage measured from demising wall to demising wall to a maximum of 100 square feet per business. (See Figure 168-1). In the case that a tenant is not oriented toward a building frontage and desires to place a sign on the elevation that faces a building frontage, the maximum allowable signage shall be one square foot of sign area per lineal foot of building frontage for all

tenant signage on the building frontage. (See Figure 168-2). In no case shall the allowable square footage of all tenant signage be greater than 100 square feet per building frontage.

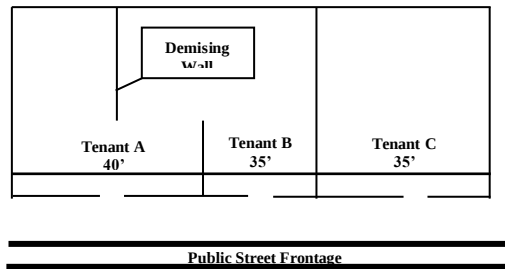


Figure 168-1: Horizontal multiple tenant building oriented towards street frontage – Tenant B would be permitted a 25-square foot sign, regardless of overall interior square footage of the tenant space.

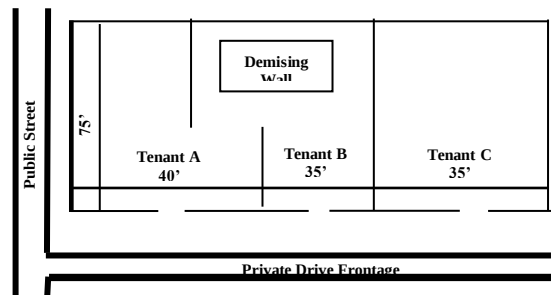


Figure 168-2: Horizontal multiple tenant building not oriented toward street frontage - Tenant A, B and C would be permitted to place a sign on the elevation that faces the public street provided that the total square footage of all three signs does not exceed 75 square feet

In the case that a horizontal multiple tenant building frontage exceeds 200 feet and has a setback of greater than 251 feet, two square feet of sign area may be erected per lineal foot of tenant frontage.

2. For vertical multiple tenant buildings, the maximum square footage for all tenant signs shall be one square foot of sign area for every lineal foot of building frontage (See Figure 168-3). In the case that a vertical multiple tenant building frontage exceeds 200 feet and has a setback of greater than 251 feet, two square feet of sign area may be erected per lineal foot of tenant frontage.

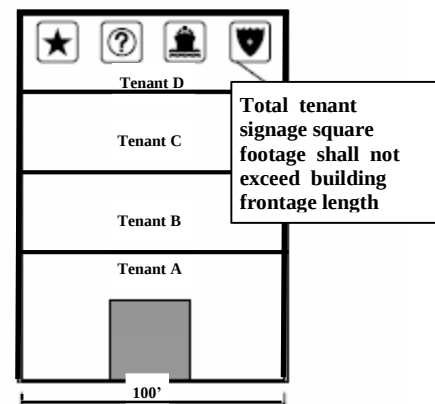


Figure 168-3:
Vertical Multiple Tenant Signage

3. Number of Signs. One building sign shall be permitted per tenant. In the case of a tenant located on a corner of a building that faces two public streets, one building sign per street frontage may be permitted. In no case shall a tenant within a multiple tenant building display more than two building signs.

4. Letters, Symbols and Logos. Under no circumstances will a letter, symbol, or logo dimension greater than six feet be allowed.

5. All signage within a multi-tenant building shall be consistent in design and construction.

6. Zoning Districts. The conditions outlined in this section shall apply to all residential zoning districts (institutional uses only), all commercial (including Core Business) zoning districts, and all industrial (including Light Industrial) zoning districts.

168.10 INTERSTATE SIGNS. In addition to monument and ground signs as permitted under this chapter, one interstate monument sign shall be allowed on lots or tracts under single ownership, management or control, provided the following conditions are met:

1. Interstate signs shall have a monolithic or columnar line that maintains essentially the same profile from grade to top. The sign face shall be no further than six inches away from the base.
2. The total area of a sign shall be actual square footage of one sign face. Double face signs may be permitted with the maximum square footage permitted on each side. The maximum sign area of an interstate sign shall be 100 square feet.
3. The tract must have frontage abutting the interstate right-of-way.
4. The maximum height of an interstate sign shall be 30 feet above the interstate road grade. The maximum width of an interstate sign shall be 15 feet.
5. An interstate monument sign must be located within 50 feet of the interstate or interstate ramp right-of-way.
6. Minimum interstate sign setback shall be 15 feet.
7. An interstate monument sign must be at least 100 feet from any other such interstate monument sign, or other monument sign.
8. All applicable permits shall be obtained from the Iowa Department of Transportation.
9. The sign must have a brick or stone base that measures at least 15 percent of the total height with a one-foot minimum. The sign can be entirely or partially surrounded by brick or stone with the minimum of one-foot coverage on three sides. The sign portion must not exceed 70 percent of the total area.
10. All relevant permits must be obtained from the Iowa Department of Transportation.

168.11 DIRECTIONAL SIGNS.

1. Ground directional signs shall be restricted to eight square feet in sign area.
2. Building directional signs shall be restricted to four square feet in sign area.
3. No logos or names of businesses shall be permitted on directional signs.

168.12 ASSOCIATION IDENTIFICATION SIGNS. Association identification signs shall be permitted for the purpose of establishing a common neighborhood or complex identification when there exists an owner's association that provides for the maintenance of the sign or structures. Such signs shall be extensively landscaped with trees, plantings, and natural features. Such signs may incorporate fountains, fences, or similar features. Association identification sign dimensions shall be regulated in accordance with the sign regulations table as provided herein; however, the maximum area shall be 32 square feet. The minimum setback required of association identification signs is five feet. All signs shall have a side setback not less than the height of the sign.

168.13 ELECTRIC CHANGEABLE COPY. Electric changeable copy shall be allowed on monument signs for events centers, convenience stores, schools, churches, and other public uses. A maximum of 32 square feet or 50 percent of the maximum sign area, whichever is less, may be dedicated to electric changeable copy, provided the following conditions are met:

1. Electric changeable message copy may change no more than seven times in a 24-hour period and shall not include any flashing, flowing, alternating or blinking lights.
2. Electric changeable message copy shall be integral to and a part of an approved monument sign.
3. Electric changeable message copy shall be limited to one color.
4. Sign copy shall not include any use of logos or symbols and message shall be limited to advertisement of events.
5. In the case of convenience stores, electric changeable message copy shall be limited only to advertise the price of automotive fuels.

168.14 RELIGIOUS SYMBOLS. All religious symbols which convey a commercial use shall be permitted, subsequent to Planning and Zoning Commission and Council approval prior to erection.

168.15 NEON LIGHTS; MURALS. Neon light, murals, or similar architecture details, subsequent to Planning and Zoning Commission and Council approval, may be permitted as part of the theme of the site if it is determined that the architecture detail proposed is intended to create an identifiable theme and will not be detrimental with the surrounding environment.

168.16 HOME OCCUPATIONS. Home occupation signs and property address identification shall be permitted provided such signs shall not be larger than two square feet in sign area.

168.17 GARAGE SALES. Garage sale signs shall be limited to six square feet in area. Such signs shall be removed within 24 hours of the event of which it advertises. No sign shall be placed on public property.

168.18 ADDRESSES. Address letters on commercial and manufacturing developments shall not have a dimension greater than 12 inches.

168.19 FLAGS. Flags of the United States, the State, the City, foreign nations having diplomatic relations with the United States, and other flags adopted or sanctioned by an elected legislative body of competent jurisdiction, must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Notwithstanding the above, the following flags shall not be prohibited by this section:

1. Any flag of the United States, the State, or any political subdivision thereof provided the following:
 - A. The size of the flag is not greater than six feet by 10 feet.
 - B. The flag shall be displayed on separate flagpoles and in no event higher than 35 feet. Minimum setback from property line shall be the height of the flagpole.

2. A flag identifying a corporate, business, commercial enterprise, educational institution, or any other entity or organization that satisfies the following requirements must comply with the general provisions for flags and first obtain administrative approval.

- A. The size is not greater than three feet by five feet.
- B. The flag shall be flown horizontally, in conjunction with and at the same time as a flag of the United States and the State is flown on the premises,
- C. The flag shall be displayed on a separate flagpole located in close proximity to and no higher than the flagpoles of the Stars and Stripes and the State and in no event higher than 30 feet. One commercial flag shall be allowed in connection with any lot of record. Minimum setback from property line shall be the height of the flagpole.

3. No flag of a commercial nature may be flown in a residential zone, except an apartment complex may have one flag in addition to the Stars and Stripes and the State flag. A flag not meeting any one of the regulations established in this section shall be considered a banner sign and regulated as such.

4. Flags shall be displayed on flagpoles only. Flags displayed on light poles, utility poles, etc., except for City sponsored events, are prohibited.

168.20 AUTHORITY OF ZONING ADMINISTRATOR TO CLASSIFY. The Zoning Administrator has the authority to classify a proposed sign as incompatible to the already existing environment.

168.21 SIGN AREA FORMULA. The area of a sign is determined by the Zoning Administrator using actual dimensions where practical, or approximate dimensions when irregularity of a sign shape warrants. The sign area shall be the sum of the area of not more than two contiguous rectangles or squares that enclose the extreme points or edges of all copy, logos, and symbols of said sign. In the case of a horizontal multiple tenant building or a vertical multiple tenant building, the sign area shall not include any blank space located between two individual tenant signs.

168.22 SIGN REGULATION TABLE.

Setback	Height	Area
5 feet	5 feet	25 square feet
6 feet	5 feet	26 square feet
7 feet	5 feet	27 square feet
8 feet	6 feet	28 square feet
9 feet	6 feet	29 square feet
10 feet	6 feet	30 square feet
11 feet	7 feet	31 square feet
12 feet	7 feet	32 square feet
13 feet	7 feet	33 square feet
14 feet	8 feet	34 square feet
15 feet	8 feet	35 square feet
16 feet	8 feet	36 square feet
17 feet	9 feet	37 square feet
18 feet	9 feet	38 square feet
19 feet	9 feet	39 square feet
20 feet	10 feet	40 square feet

168.23 TEMPORARY SIGNS. Signs in this section shall be permitted in all districts and require a temporary sign permit. Two options are available for temporary signs: a 30-day temporary sign permit, and a one-year temporary sign permit. Thirty-day permitted signs shall be limited to two events per year for any one business. In conjunction with a temporary site plan, the Council may permit the display of temporary signs for a greater period of time. Temporary signs shall be no larger than 32 square feet in area. The minimum sign setback of temporary signs shall be five feet from property line. Under no circumstances shall any temporary sign be located on public property.

1. Real Estate/Project Identification Boards, provided such sign shall not exceed 32 square feet.
 - A. Such real estate board shall be limited to two boards for each plat listed in any residential district. Such real estate board shall be limited to one board for each lot listed in any commercial or industrial district.
 - B. Real estate boards placed in public property or on public right-of-way will be removed at the expense of the sign owner.
 - C. The minimum setback required of a real estate board is five feet.
 - D. Such signs shall be removed before issuance of a certificate of occupancy.
2. Bag signs, provided such signs shall be permitted to be displayed for a period no longer than 45 days.

168.24 SIGNS ON PUBLIC PROPERTY. It is unlawful for any person to paint, print, or in any way affix any picture, bill, sign, signboard, poster, or advertising material on any post, utility pole, fire escape, hydrant, curb, sidewalk, tree, lamp post or other structure of any kind on, or as to overhang or protrude over any property owned by the City or any easement of the City. No sign shall be located on or allowed to extend over public property except by permission of the Council. The Zoning Administrator is hereby authorized and empowered to remove any such sign at the expense of the parties responsible for erection of such signs.

168.25 PERMIT. It is unlawful for any person to erect, alter or relocate within the City any sign without first obtaining a permit from the City and paying the fee required herein unless provided elsewhere. The Zoning Administrator may require persons failing to hold such permit to pay double the permit fee. No person shall erect, construct, or maintain any sign upon any property or building without the consent of the owner or person entitled to possession of the property or building. Application for permits shall be made upon forms provided by the City.

168.26 PERMIT FEES. Every applicant, before being granted a permit hereunder, shall pay to the City a permit fee in an amount determined by resolution of the Council from time to time. See Section 168.34.

168.27 SIGNS NOT NEEDING A PERMIT. The following signs do not require a permit:

1. Real estate sign, provided such sign shall not exceed six square feet.
 - A. Such real estate signs shall be limited to one sign for each parcel listed.
 - B. Real estate signs are not permitted on City property or within City right-of-way.

- C. Real estate signs shall be permitted on lots for sale, lease, or rent in all zoning districts. Said signs shall be removed within seven days following the sale, lease, or rental of said property.
- D. The minimum setback required of a real estate sign is five feet.
- 2. Political Signs. Political signs are not permitted on City property or within City right-of-way. Said signs must be removed within seven days following an election.
- 3. Professional nameplates, not exceeding two square feet in area.
- 4. Home occupation signs, provided such sign shall not exceed two square feet in total sign area.
- 5. Signs located within the confines of a building.
- 6. Memorial signs.
- 7. Garage and yard sale signs.
- 8. Traffic or other municipal signs, civic or service organizations, legal notices, railroad crossing signs, danger, and such temporary, emergency or non-advertising signs as may be approved by the Council.
- 9. Project identification signs only during the time work is actually being performed on said premises. Such signs shall not be located on public property.

168.28 INSPECTIONS. All construction work for which a permit is required shall be subject to inspection by the Building Official. All such construction or work including footings and foundations (structural and location), electrical connections, etc. shall remain accessible and exposed for inspection until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this Code of Ordinances. Inspections presuming to give authority to violate or cancel the provisions of this Code of Ordinances shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes and to schedule, and be present for the required inspections. Neither the Building Official nor the City shall be liable for expense entailed in the removal of any material required to allow inspection.

168.29 MAINTENANCE. All signs and parts thereof including, but not limited to, electrical wiring and fixtures, supports, faces, lighting, and braces shall be kept in good repair at all times, and shall be kept neatly painted or otherwise treated to prevent rust and similar unsightly deterioration and weathering. The Zoning Administrator, after 30 days' written notice to the sign owner, may order the removal of any sign that is not maintained in accordance with the provisions of this section and the cost assessed against the property where said sign is located. However, in the case a sign structure becomes a safety hazard as defined in the *International Building Code*, the Building Official shall require owner of said sign structure to immediately abate safety hazard as provided in the *International Building Code*. The Zoning Administrator may cause to be inspected from time to time as he deems necessary, any sign regulated by this section for the purpose of ascertaining whether the same is secure, and whether it is in need of removal or repair to be in compliance with this section.

168.30 ABANDONED SIGNS. Any abandoned sign now or hereafter existing shall be taken down and removed by the owner, agent or person having beneficial use of the building or land upon which sign may be found within 30 days after written notification from the Zoning Administrator and, upon failure to comply with such notice within the time specified in such order, the Zoning Administrator is hereby authorized to cause removal of such sign, and any

expense thereto shall be paid by the owner of the building or structure to which the sign is attached.

168.31 NONCONFORMING SIGNS. Where a sign exists at the effective date of adoption or amendment of the ordinance codified in this chapter that could not be built under the terms of said ordinance by reason of restrictions on area, use, height, setback, or other characteristics of the sign or its location on the lot, such sign may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such sign may be enlarged or altered in a way that increases its nonconformity; however, reasonable repairs and alterations may be permitted.
2. Should such sign be destroyed or altered by any means to an extent of 50 percent or more of its replacement cost at time of destruction/alteration, it shall not be reconstructed or altered except in conformity with the provisions of this chapter.

168.32 PLANS. A copy of plans and specifications shall be submitted to the Zoning Administrator for each sign regulated by this chapter. Such plans shall show sufficient detail about the size of the sign, location on the site to a discernable scale, materials to be used, and such other data as may be required for the Zoning Administrator to determine compliance with this chapter.

168.33 ENFORCEMENT AND REMEDIES. Any violation or attempted violation of this chapter or of any condition or requirement adopted pursuant hereto may be restrained, corrected, or abated, as the case may be, by injunction or other appropriate proceeding pursuant to State law. A violation of this chapter is considered a violation of the Zoning Code of the City. The remedies of the City include the following:

1. Issuing a stop-work order for any and all work on any signs on the same zone lot.
2. Seeking an injunction or other order of restraint or abatement that requires the removal of the signs or the correction of the nonconformity.
3. Imposing any penalties that can be imposed directly by the City under the Zoning Code.
4. Seeking in court the imposition of any penalties that can be imposed by such court under the Zoning Code.
5. In the case of a sign that poses an immediate danger to the public health or safety, taking such measures as are available to the City under the applicable provision of the Zoning Code and Building Code for such circumstances.

The City shall have such other remedies as are and as may, from time to time, be provided for or allowed by State law for the violation of the Zoning Code. All remedies provided herein shall be cumulative. To the extent that State law may limit the availability of a particular remedy set forth herein for certain violation or part thereof, such remedy shall remain available for other violations or other parts of the same violation.

168.34 FEE SCHEDULE. (See also Section 168.26.)

1. Sign Permit – Permanent Sign - \$75.00
2. Sign Permit – Temporary Sign:
 - A. 30-day \$10.00

- B. One year \$50.00
- C. 30-day or one year period, for not-for-profit organizations, schools,
and/or school organizations and City/County and/or City/County organizations
- \$0.00

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APPENDIX TO CODE OF ORDINANCES

USE AND MAINTENANCE OF THE CODE OF ORDINANCES

The following information is provided to assist in the use and proper maintenance of this Code of Ordinances.

DISTRIBUTION OF COPIES

1. **OFFICIAL COPY.** The “OFFICIAL COPY” of the Code of Ordinances must be kept by the City Clerk and should be identified as the “OFFICIAL COPY.”

2. **DISTRIBUTION.** Other copies of the Code of Ordinances should be made available to all persons having a relatively frequent and continuing need to have access to ordinances which are in effect in the City as well as reference centers such as the City Library, County Law Library, and perhaps the schools.

3. **SALE.** The sale or distribution of copies in a general fashion is not recommended as experience indicates that indiscriminate distribution tends to result in outdated codes being used or misused.

4. **RECORD OF DISTRIBUTION.** The City Clerk should be responsible for maintaining an accurate and current record of persons having a copy of the Code of Ordinances. Each official, elected or appointed, should return to the City, upon leaving office, all documents, records and other materials pertaining to the office, including this Code of Ordinances.

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

NUMBERING OF ORDINANCES AMENDING THE CODE OF ORDINANCES

It is recommended that a simple numerical sequence be used in assigning ordinance numbers to ordinances as they are passed. For example, if the ordinance adopting the Code of Ordinances is No. 163, we would suggest that the first ordinance passed changing, adding to, or deleting from the Code be assigned the number 164, the next ordinance be assigned the number 165, and so on. We advise against using the Code of Ordinances numbering system for the numbering of ordinances.

RETENTION OF AMENDING ORDINANCES

Please note that two books should be maintained: (1) the Code of Ordinances; and (2) an ordinance book. We will assist in the maintenance of the Code of Ordinances book, per the Supplement Agreement, by revising and returning appropriate pages for the Code of Ordinances book as required to accommodate ordinances amending the Code. The City Clerk is responsible for maintaining the ordinance book and must be sure that an original copy of each ordinance adopted, bearing the signatures of the Mayor and Clerk, is inserted in the ordinance book and preserved in a safe place.

SUPPLEMENT RECORD

A record of all supplements prepared for the Code of Ordinances is provided in the front of the Code. This record will indicate the number and date of the ordinances adopting the original Code and of each subsequently adopted ordinance which has been incorporated in the Code. For each supplemented ordinance, the Supplement Record will list the ordinance number, date, topic, and chapter or section number of the Code affected by the amending ordinance. A periodic review of the Supplement Record and ordinances passed will assure that all ordinances amending the Code have been incorporated therein.

DISTRIBUTION OF SUPPLEMENTS

Supplements containing revised pages for insertion in each Code will be sent to the Clerk. It is the responsibility of the Clerk to see that each person having a Code of Ordinances receives each supplement so that each Code may be properly updated to reflect action of the Council in amending the Code.

AMENDING THE CODE OF ORDINANCES

The Code of Ordinances contains most of the laws of the City as of the date of its adoption and is continually subject to amendment to reflect changing policies of the Council, mandates of the State, or decisions of the Courts. Amendments to the Code of Ordinances can only be accomplished by the adoption of an ordinance.

(Code of Iowa, Sec. 380.2)

The following forms of ordinances are recommended for making amendments to the Code of Ordinances:

ADDITION OF NEW PROVISIONS

New material may require the addition of a new SUBSECTION, SECTION or CHAPTER, as shown in the following sample ordinance:

ORDINANCE NO. ____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE
CITY OF _____, IOWA, BY ADDING A NEW SECTION
LIMITING PARKING TO 30 MINUTES ON A PORTION OF
_____ STREET

BE IT ENACTED by the City Council of the City of _____, Iowa:

SECTION 1. NEW SECTION. The Code of Ordinances of the City of _____, Iowa, is amended by adding a new Section 69.16, entitled PARKING LIMITED TO 30 MINUTES, which is hereby adopted to read as follows:

69.16 PARKING LIMITED TO 30 MINUTES. It is unlawful to park any vehicle for a continuous period of more than 30 minutes between the hours of 8:00 a.m. and 8:00 p.m. on each day upon the following designated streets:

1. _____ Street, on the _____ side, from _____ Street to _____ Street.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the Council the ____ day of _____, 20____, and approved this ____ day of _____, 20____.

Mayor

ATTEST:

City Clerk

First Reading: _____

Second Reading: _____

Third Reading: _____

I certify that the foregoing was published as Ordinance No. _____ on the ____ day of _____, 20____.

City Clerk

DELETION OF EXISTING PROVISIONS

Provisions may be removed from the Code of Ordinances by deleting SUBSECTIONS, SECTIONS or CHAPTERS, as shown in the following sample ordinance:

ORDINANCE NO. ____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF _____, IOWA, BY REPEALING SECTION 65.02, SUBSECTION 5, PERTAINING TO THE SPECIAL STOP REQUIRED ON _____ STREET.

BE IT ENACTED by the City Council of the City of _____, Iowa:

SECTION 1. SUBSECTION REPEALED. The Code of Ordinances of the City of _____, Iowa, is hereby amended by repealing Section 65.02, Subsection 5, which required vehicles traveling south on _____ Street to stop at _____ Street.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the Council the ____ day of _____, 20____, and approved this ____ day of _____, 20____.

Mayor

ATTEST:

City Clerk

First Reading: _____

Second Reading: _____

Third Reading: _____

I certify that the foregoing was published as Ordinance No.____ on the ____ day of _____, 20____.

City Clerk

MODIFICATION OR CHANGE OF EXISTING PROVISION

Existing provisions may be added to, partially deleted, or changed, as shown in the following sample:

ORDINANCE NO. ____**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE
CITY OF _____, IOWA, BY AMENDING PROVISIONS
PERTAINING TO SEWER SERVICE CHARGES**

BE IT ENACTED by the City Council of the City of _____, Iowa:

SECTION 1. SECTION MODIFIED. Section 99.01 of the Code of Ordinances of the City of _____, Iowa, is repealed and the following adopted in lieu thereof:

99.01 SEWER SERVICE CHARGES REQUIRED. Every customer shall pay to the City sewer service charges in the amount of _____ percent of the bill for water and water service attributable to the customer for the property served, but in no event less than \$_____ dollars per _____.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the Council the ____ day of _____, 20____, and approved this ____ day of _____, 20____.

Mayor

ATTEST:

City Clerk

First Reading: _____

Second Reading: _____

Third Reading: _____

I certify that the foregoing was published as Ordinance No. _____ on the ____ day of _____, 20____.

City Clerk

**ORDINANCES NOT CONTAINED IN THE
CODE OF ORDINANCES**

There are certain types of ordinances which the City will be adopting which do not have to be incorporated in the Code of Ordinances. These include ordinances: (1) establishing grades of streets or sidewalks; (2) vacating streets or alleys; (3) authorizing the issuance of bonds; and (4) amending the zoning map.

(Code of Iowa, Sec. 380.8)

ORDINANCE NO. ____

**AN ORDINANCE VACATING (INSERT LOCATION OR LEGAL
DESCRIPTION OF STREET OR ALLEY BEING VACATED) TO
_____, IOWA**

Be It Enacted by the City Council of the City of _____, Iowa:

SECTION 1. The *(location or legal description of street or alley)* to _____, Iowa, is hereby vacated and closed from public use.

SECTION 2. The Council may by resolution convey the alley described above to abutting property owners in a manner directed by the City Council.

SECTION 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 5. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the Council the ____ day of _____, 20____, and approved this ____ day of _____, 20____.

Mayor

ATTEST:

City Clerk

First Reading: _____

Second Reading: _____

Third Reading: _____

I certify that the foregoing was published as Ordinance No. ____ on the ____ day of _____, 20____.

City Clerk

These ordinances should be numbered in the same numerical sequence as any other amending ordinance and placed in their proper sequence in the ordinance book.

SUGGESTED FORMS

FIRST NOTICE – DANGEROUS BUILDING

TO: (Name and address of owner, agent, or occupant of the property on which nuisance is located or the person causing or maintaining the nuisance).

You are hereby notified to abate the nuisance existing at (name location of nuisance) within ____ days from service of this notice or file written request for a Council hearing with the undersigned officer within said time limit.

The nuisance consists of (describe the nuisance and cite the law or ordinance) and shall be abated by (state action necessary to abate the particular nuisance).

In the event you fail to abate or cause to be abated the above nuisance, as directed, or file written request for hearing within the time prescribed herein, the City will take such steps as are necessary to abate or cause to be abated the nuisance and the cost will be assessed against you as provided by law.

Date of Notice: _____

City of _____, Iowa

By: _____
(enforcement officer)

NOTICE OF HEARING ON DANGEROUS BUILDING

TO: (Name and address of the owner, agent, or occupant of the property on which nuisance is located or the person causing or maintaining the nuisance).

You are hereby notified that the City Council of _____, Iowa, will meet on the ____ day of _____, 20____, at _____ p.m., in the Council Chambers of the City Hall, at (address of City Hall) for the purpose of considering whether or not the alleged nuisance consisting of (describe the nuisance) on your property, locally known as _____, constitutes a nuisance pursuant to Chapter _____ of the Code of Ordinances of _____, Iowa, and should be abated by (state action necessary to abate the particular nuisance).

You are further notified that at such time and place you may appear and show cause why the said alleged nuisance should not be abated.

You are further notified to govern yourselves accordingly.

Date of Notice: _____

City of _____, Iowa

By: _____
(enforcement officer)

**RESOLUTION AND ORDER
REGARDING DANGEROUS BUILDING**

BE IT RESOLVED, by the City Council of the City of _____, Iowa:

WHEREAS, notice has heretofore been served on the ____ day of _____, 20____, on (property owner's name), through (agent's name or "none"), agent, to abate the nuisance existing at (legal description and address) within ____ days from service of said notice upon the said (name of owner or agent). and

(EITHER)

WHEREAS, a hearing was requested by the said (name of property owner or agent) and the same was held at this meeting and evidence produced and considered by the City Council.

(OR, ALTERNATE TO PRECEDING PARAGRAPH)

WHEREAS, the said owner (agent) named above has failed to abate or cause to be abated the above nuisance as directed within the time set, and after evidence was duly produced and considered at this meeting, and said owner has failed to file a written request for hearing, as provided, after being properly served by a notice to abate.

NOW THEREFORE, BE IT RESOLVED that the owner of said property, or said owner's agent (name of owner or agent) is hereby directed and ordered to abate the nuisance consisting of (describe the nuisance) by (state action necessary to abate) within ____ days after the service of this Order upon said owner or agent. and

BE IT FURTHER RESOLVED that the enforcement officer be and is hereby directed to serve a copy of this Order upon the said property owner or agent named above. and

BE IT FURTHER RESOLVED that in the event the owner, or agent (name the owner or agent) fails to abate the said nuisance within the time prescribed above, then and in that event the City will abate the said nuisance and the cost will be assessed against the property and/or owner (owner's name) at (address), as the law shall provide.

Moved by _____ to adopt.

Adopted this ____ day of _____, 20____.

Mayor

ATTEST:

City Clerk

Note: It is suggested by the blank space in the resolution that additional time be allowed the owner to abate the nuisance after the passage of the resolution before any action is taken on the part of the City to abate the same. In some instances, for the sake of public safety, the time element could be stricken from the resolution and immediate action be taken to abate the nuisance after the order is given.

NOTICE TO ABATE NUISANCE

TO: (Name and address of owner, agent, or occupant of the property on which the nuisance is located or the person causing or maintaining the nuisance).

You are hereby notified to abate the nuisance existing at (name location of nuisance) or file written request for a hearing with the undersigned officer within (hours or days) from service of this notice.

The nuisance consists of: (describe the nuisance) and shall be abated by: (state action necessary to abate the particular nuisance).

In the event you fail to abate or cause to be abated the above nuisance as directed, the City will take such steps as are necessary to abate or cause to be abated the nuisance and the costs will be assessed against you as provided by law.

Date of Notice: _____

City of _____, Iowa

By: _____
(designate officer initiating notice)

NOTICE

REQUIRED SEWER CONNECTION

TO: _____
(Name)

(Street Address)
_____, Iowa

You are hereby notified that connection to the public sanitary sewer system is required at the following described property within _____ (____) days from service of this notice or that you must file written request for a hearing before the Council with the undersigned office within said time limit.

Description of Property

The nearest public sewer line within _____ (____) feet of the above described property is located

In the event you fail to make connection as directed, or file written request for hearing within the time prescribed herein, the connection shall be made by the City and the costs thereof assessed against you as by law provided.

Date of Notice: _____

City of _____, Iowa

By: _____, _____
(Name) (Title)

NOTICE OF HEARING

REQUIRED SEWER CONNECTION

TO: _____
(Name)

(Street Address)
_____, Iowa

You are hereby notified that the City Council of _____, Iowa, will meet on the ____ day of _____, 20____, at _____m. in the Council Chambers of the City Hall for the purpose of considering whether or not connection to the public sanitary sewer system shall be required at the following described property:

Description of Property

You are further notified that at such time and place you may appear and show cause why said connection should not be required.

You are further notified to govern yourselves accordingly.

Date of Notice: _____

City of _____, Iowa

By: _____, _____
(Name) (Title)

RESOLUTION AND ORDER
REQUIRED SEWER CONNECTION

BE IT RESOLVED, by the City Council of the City of _____, Iowa:

WHEREAS, notice has heretofore been served on the ____ day of _____, 20____, on
_____, (Name of Property
Owner)
through _____, Agent,
(Agent's Name or "None")

to make connection of the property described as

to the public sanitary sewer located _____
within _____ (_____) days from service of notice upon said owner or agent. and

(EITHER)

WHEREAS, a hearing was requested by the said owner or agent and the same was held at this meeting and evidence produced and considered by the City Council.

(OR AS ALTERNATE TO THE PRECEDING PARAGRAPH)

WHEREAS, the said owner or agent named above has failed to make such required connection within the time set, and after evidence was duly produced and considered at this meeting, and said owner or agent has failed to file a written request for hearing after being properly served by a notice to make such connection or request a hearing thereon.

NOW, THEREFORE, BE IT RESOLVED that the owner of said property, or said owner's agent, _____

(Name of Owner or Agent)

is hereby directed and ordered to make such required connection within _____ days after the service of this ORDER upon said owner or agent. and

BE IT FURTHER RESOLVED that the City Clerk be and the same is hereby directed to serve a copy of this ORDER upon said property owner or agent named above. and

BE IT FURTHER RESOLVED, that in the event the owner, or agent,

_____,

(Name of Owner or Agent)

fails to make such connection within the time prescribed above, then and in that event the City will make such connection and the cost thereof will be assessed against the property and/or owner

(Owner's Name)

_____, as provided by law.

(Address)

Moved by _____ to adopt.

Seconded by _____.

AYES: _____, _____, _____,

_____, _____, _____.

NAYS: _____, _____, _____,

_____, _____, _____.

Resolution approved this ____ day of _____, 20__.

Mayor

ATTEST:

City Clerk

