

CODE OF ORDINANCES

OF THE

CITY OF

ST. ANSGAR, IOWA

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CODE OF ORDINANCES

CITY OF ST. ANSGAR, IOWA

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means the ordinances of the City of St. Ansgar, Iowa, as embodied in this Code of Ordinances, ordinances not repealed by the ordinance adopting this Code of Ordinances, and those enacted hereafter.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

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

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

15. “Shall” imposes a duty.

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

17. “State” means the State of Iowa.

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

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

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

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

(Code of Iowa, Sec. 364.1)

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

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

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

(Code of Iowa, Sec. 364.14)

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

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

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

(Code of Iowa, Sec. 380.2)

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

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

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

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

1.13 GENERAL STANDARDS FOR ACTION. Whenever this Code of Ordinances grants any discretionary power to the Council or any commission, board, or officer or employee of the City and does not specify standards to govern the exercise of the power, the power shall be exercised in light of the following standard: The discretionary power to grant, deny, or

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

1.14 GENERAL VIOLATIONS; STANDARD PENALTY.

1. State Law Violations Declared Simple Misdemeanor. Unless otherwise provided under this Code of Ordinances, any act or failure to act defined and made a simple misdemeanor under the *Code of Iowa*, as amended, or as may hereafter be so defined by a statute of the State of Iowa is hereby declared to be a simple misdemeanor under this Code of Ordinances, provided the regulation or prohibition of such acts or failures to act is now within or shall hereafter come within the scope of the powers granted expressly or by implication to the City of St. Ansgar as a municipal corporation.

2. Standard Criminal Penalty. Unless another penalty is expressly provided by this Code of Ordinances for any particular provision, section or chapter, the doing of any act prohibited or declared to be unlawful, an offense or a simple misdemeanor by this Code of Ordinances or any Code herein adopted by reference, or the omission or failure to perform any act or duty required by this Code of Ordinances or any Code herein adopted by reference, is a simple misdemeanor and is, unless another penalty is specified, or the violation is scheduled under State law, punishable by a penalty as set forth in Section 903.1[1a] of the *Code of Iowa*, as the same now exists or may hereafter be amended. This shall include any minimum fines imposed thereunder; and, as the Court may order, imprisonment in addition to or in lieu of a fine.

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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 St. Ansgar, 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)

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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
3.07 General Provisions

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. The City hereby enacts and adopts the classification of municipal infractions as environmental violations as defined in Section 364.22 of the *Code of Iowa*, as the same now exists or as hereafter may be amended.

3.03 PENALTIES. The City hereby enacts and adopts the penalty provisions for a municipal infraction, or environmental violation, as the case may be, that it is a civil offense punishable by a civil penalty up to the maximum as set forth under Section 364.22 of the *Code of Iowa*, as the same now exists or as hereafter may be amended. When a judgment has been entered against a defendant for a municipal infraction, there shall be imposed a minimum penalty of \$250.00, which penalty may be suspended or deferred under conditions imposed by the Court. Environmental violations are punishable the same as is set forth under the provisions of Section 364.22 of the *Code of Iowa*, as the same now exists or as hereafter may be amended.

3.04 CIVIL CITATIONS. Any officer authorized by the City to enforce this Code of Ordinances may issue a citation for a municipal infraction. Each officer so authorized will follow the provisions set forth under Section 364.22 of the *Code of Iowa*, as the same now exists or as hereafter may be amended, regarding the issuance, procedure and enforcement of municipal infractions.

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

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

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

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

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

3.07 GENERAL PROVISIONS. All other provisions of Section 364.22 of the *Code of Iowa*, as the same now exists or as hereafter may be amended, are hereby enacted, adopted and applicable to the use of municipal infractions by the City.

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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
5.12 Removal of Elected Officers
5.13 Miscellaneous Charges and Fees

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 St. Ansgar as now or hereafter required by law."

(Code of Iowa, Sec. 63.10)

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

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

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

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

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

(Code of Iowa, Sec. 64.13)

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

(Code of Iowa, Sec. 64.19)

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

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

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 21.4)

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

(Code of Iowa, Sec. 21.3)

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

(Code of Iowa, Sec. 21.3)

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

(Code of Iowa, Sec. 21.5)

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

(Code of Iowa, Sec. 21.7)

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

(Code of Iowa, Sec. 21.8)

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

(Code of Iowa, Sec. 362.5)

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

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

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

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

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

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

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

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

5. Newspaper. The designation of an official newspaper.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Subsections 10-12 – Ord. 447 – Sep. 19 Supp.)

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

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

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

(Code of Iowa, Sec. 372.15)

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

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

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

5.12 REMOVAL OF ELECTED OFFICERS.

1. Causes for Removal. If an incumbent municipal officer chosen by a vote of the people, after qualifying for said office:

A. Grossly neglects or refuses to serve by failure to attend all official meetings for a period of three consecutive months or more, excusable illness or emergencies excepted, or failure to sign papers, carry out duties clearly incumbent upon the officer, or otherwise exhibits failure to serve.

B. Is unable to attend any official meetings or carry out duties due to physical or mental infirmities that appear upon careful inquiry to be of such severe or chronic character as to preclude rendering necessary services expected of the office for six months or more.

C. By such mental or physical incapacity is unable to properly exercise official duties even when present or on the job.

D. Commits acts as would be a cause which would be grounds for an equitable action for removal in the District Court.

That officer is subject to removal from office, after hearing before the Council.

2. Council Hearing. The Council, upon adopting a motion setting a public hearing, shall cause notice to be given by certified mail to the officer for whom removal is sought. Such notice shall be mailed not less than 10 or more than 20 days before said hearing. In the case of severe physical or mental disability, said notice may be given to said person's attorney or to a person holding the power of attorney, or to the next of kin if there is no known attorney, if notice to the person would not be of practical effect. Refusal by the person to accept notice, inability to deliver notice because of frequent absence from said person's usual place of abode for extended periods, or other cause of failure to complete notice may be noted at hearing, but shall not bar the proceedings if notice has been diligently tried (and the efforts recited in the record).

3. Presentation of Case for Removal. The Council shall constitute the hearing body for other than Council members, but when a Council member is sought to be removed, the remaining members of the Council shall constitute the hearing body. The Council, at the time of making motion to hold a hearing for considering the removal of an elected officer, shall designate the president of the hearing, who shall be the Mayor in all cases except that if the Mayor is the one sought to be removed, it shall be the Mayor Pro Tem. The Council shall name one of its members to present the cause for removal, and municipal officers possessing pertinent facts shall provide such data upon request, including attendance record and testimony of negligent acts or of disabilities. All charges shall be in writing and the above data shall be presented as written affidavits. If medical or other professional evaluations are needed, depositions may be taken and presented unless personal testimony of such authorities is deemed necessary to more fully understand the circumstances.

4. Declaration of Vacancy. If it appears from the facts established at the hearing that grounds for removal exist, the Council may order removal of the person from office and declare the office vacant, but only upon a two-thirds vote of the entire Council. Said removal shall take effect 10 days after said vote and order unless the person has within said time appealed to the District Court under the provisions of Chapter 66, *Code of Iowa*. Where removal is consummated, the vacancy shall be filled promptly in the manner prescribed by law for filling vacancies in positions filled by election by the people. The record of the hearing shall be entered in the proceedings of the Council and the written charges, data and affidavits safely filed with the municipal records.

5.13 MISCELLANEOUS CHARGES AND FEES.

1. Unless otherwise provided by law, all fees and obligations due to the City shall be paid in full within 30 days of the billing date shown on a billing statement. Said billing statement shall be considered delivered to the person or entity by mailing the same regular US Mail to the last known address of said person or entity owing an obligation to the City. If said fee or obligation is not paid in full within said 30-day period, and if interest or finance charges are not prohibited or otherwise provided for regarding said fees or obligations, then the City may impose interest or finance charge on the fees or obligations due the City and unpaid after the 30-day billing. The finance charge or interest rate will be determined by applying a periodic rate not to exceed that

allowable by law, said rate to be set from time to time by the City Council as a matter of policy, to the balance due the City until paid in full. This interest or finance charge shall apply to all obligations due the City where interest or finance charges are not prohibited or not otherwise provided for.

2. The City shall impose a return check service charge in an amount not to exceed the maximum amount allowable by the then current Iowa Law.

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

7.03 CASH CONTROL. To assure the proper accounting and safe custody of moneys the following shall apply:

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

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

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

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

7.04 FUND CONTROL. There shall be established and maintained separate and distinct funds in accordance with the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

7.05 OPERATING BUDGET PREPARATION. The annual operating budget of the City shall be prepared in accordance with the following:

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

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

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

4. Resolution Establishing Maximum Property Tax Dollars. The Council shall adopt a resolution establishing the total maximum property tax dollars that may be certified for levy that includes taxes for City government purposes under *Code of Iowa* Section 384.1, for the City's trust and agency fund under *Code of Iowa* Section 384.6, Subsection 1, for the City's emergency fund under *Code of Iowa* Section 384.8, and for

the levies authorized under *Code of Iowa* Section 384.12, Subsections 8, 10, 11, 12, 13, 17, and 21, but excluding additions approved at election under *Code of Iowa* Section 384.12, Subsection 19.

(Code of Iowa, Sec. 384.15A)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Section 7.05 – Ord. 446 – Sep. 19 Supp.)

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

(Code of Iowa, Sec. 384.18)

1. Program Increase. Any increase in the amount appropriated to a program must be prepared, adopted, and subject to protest in the same manner as the original budget.
(IAC, 545-2.2[384, 388])

2. Program Transfer. Any transfer of appropriation from one program to another must be prepared, adopted, and subject to protest in the same manner as the original budget.
(IAC, 545-2.3[384, 388])

3. Activity Transfer. Any transfer of appropriation from one activity to another activity within a program must be approved by resolution of the Council.
(IAC, 545-2.4[384, 388])

4. Administrative Transfers. The finance officer shall have the authority to adjust, by transfer or otherwise, the appropriations allocated within a specific activity without prior Council approval.
(IAC, 545-2.4[384, 388])

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 384.22)

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CHAPTER 8

INDUSTRIAL PROPERTY TAX EXEMPTIONS

8.01 Purpose
8.02 Definitions
8.03 Period of Partial Exemption
8.04 Amounts Eligible for Exemption
8.05 Limitations

8.06 Applications
8.07 Approval
8.08 Exemption Repealed
8.09 Dual Exemptions Prohibited

8.01 PURPOSE. The purpose of this chapter is to provide for a partial exemption from property taxation of the actual value added to industrial real estate by the new construction of industrial real estate, research-service facilities, warehouses, and distribution centers.

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

1. “Actual value added” means the actual value added as of the first year for which the exemption is received.
2. “Distribution center” means a building or structure used primarily for the storage of goods that are intended for subsequent shipment to retail outlets. Distribution center does not mean a building or structure used primarily to store raw agricultural products, used primarily by a manufacturer to store goods to be used in the manufacturing process, used primarily for the storage of petroleum products, or used for the retail sale of goods.
3. “New construction” means new buildings and structures and includes new buildings and structures that are constructed as additions to existing buildings and structures. New construction does not include reconstruction of an existing building or structure that does not constitute complete replacement of an existing building or structure or refitting of an existing building or structure unless the reconstruction of an existing building or structure is required due to economic obsolescence and the reconstruction is necessary to implement recognized industry standards for the manufacturing and processing of specific products and the reconstruction is required for the owner of the building or structure to continue competitively to manufacture or process those products, which determination shall receive prior approval from the City Council.
4. “Research-service facilities” means a building or group of buildings devoted primarily to research and development activities, including (but not limited to) the design and production or manufacture of prototype products for experimental use and corporate research services that do not have a primary purpose of providing on-site services to the public.
5. “Warehouse” means a building or structure used as a public warehouse for the storage of goods pursuant to Chapter 554, Article 7, of the *Code of Iowa*, except that it does not mean a building or structure used primarily to store raw agricultural products or from which goods are sold at retail.

8.03 PERIOD OF PARTIAL EXEMPTION. The actual value added to industrial real estate by the new construction of industrial real estate, research-service facilities, warehouses, and distribution centers is eligible to receive a partial exemption from taxation for a period of

five years. The exemption shall also apply to the acquisition of or improvement to machinery and equipment assessed as real estate pursuant to Section 427A.1[1e] of the *Code of Iowa*, unless the machinery or equipment is part of the normal replacement or operating process to maintain or expand the existing operational status.

(Code of Iowa, Sec. 427B.3)

8.04 AMOUNTS ELIGIBLE FOR EXEMPTION. The amount of actual value added, which is eligible to be exempt from taxation, shall be as follows:

(Code of Iowa, Sec. 427B.3)

1. For the first year, 75 percent.
2. For the second year, 60 percent.
3. For the third year, 45 percent.
4. For the fourth year, 30 percent.
5. For the fifth year, 15 percent.

8.05 LIMITATIONS. The granting of the exemption under this chapter for new construction constituting complete replacement of an existing building or structure shall not result in the assessed value of the industrial real estate being reduced below the assessed value of the industrial real estate before the start of the new construction added.

(Code of Iowa, Sec. 427B.3)

8.06 APPLICATIONS. An application shall be filed for each project resulting in actual value added for which an exemption is claimed.

(Code of Iowa, Sec. 427B.4)

1. The application for exemption shall be filed by the owner of the property with the local assessor by February 1 of the assessment year in which the value added is first assessed for taxation.
2. Applications for exemption shall be made on forms prescribed by the Director of Revenue and shall contain information pertaining to the nature of the improvement, its cost, and other information deemed necessary by the Director of Revenue.

8.07 APPROVAL. A person may submit a proposal to the City Council to receive prior approval for eligibility for a tax exemption on new construction. If the City Council resolves to consider such proposal, it shall publish notice and hold a public hearing thereon. Thereafter, at least 30 days after such hearing, the City Council, by ordinance, may give its prior approval of a tax exemption for new construction if the new construction is in conformance with City zoning. Such prior approval shall not entitle the owner to exemption from taxation until the new construction has been completed and found to be qualified real estate.

(Code of Iowa, Sec. 427B.4)

8.08 EXEMPTION REPEALED. When in the opinion of the City Council continuation of the exemption granted by this chapter ceases to be of benefit to the City, the City Council may repeal this chapter, but all existing exemptions shall continue until their expiration.

(Code of Iowa, Sec. 427B.5)

8.09 DUAL EXEMPTIONS PROHIBITED. A property tax exemption under this chapter shall not be granted if the property for which the exemption is claimed has received any other property tax exemption authorized by law.

(Code of Iowa, Sec. 427B.6)

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CHAPTER 9

URBAN RENEWAL

EDITOR'S NOTE		
The following ordinances not codified herein, and specifically saved from repeal, have been adopted and provide for Urban Renewal Areas in the City and remain in full force and effect, for division of tax levied on taxable property.		
ORDINANCE NO.	ADOPTED	NAME OF AREA
241	11-86	Northwest Urban Renewal Area
290	7-13-93	1993 Addition to the Northwest Urban Renewal Area
378	11-21-05	Turtle Creek Urban Renewal Area
390	8-27-07	Season's First Addition Urban Renewal Area
410	July 12, 2010	2010 Addition to the Season's First Addition Urban Renewal Area
412	December 13, 2010	2010 Addition to the Northwest Urban Renewal Area
420	May 14, 2012	2012 Addition to the Season's First Addition Urban Renewal Area

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CHAPTER 10

URBAN REVITALIZATION

EDITOR'S NOTE		
The following ordinances not codified herein, and specifically saved from repeal, have been adopted designating Urban Revitalization Areas in the City and remain in full force and effect.		
ORDINANCE NO.	ADOPTED	NAME OF AREA
307	12-13-94	St. Ansgar Revitalization Area
382	2-6-06	Additional Area to St. Ansgar Revitalization Area
443	5-13-19	St. Ansgar Urban Revitalization Area

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CHAPTER 11

ECONOMIC DEVELOPMENT PROPERTY TAX EXEMPTION

11.01 Purpose
11.02 Definitions
11.03 Eligibility

11.04 When Effective
11.05 Application

11.01 PURPOSE. The purpose of this chapter is to provide for a property tax exemption for shell buildings constructed by community development organizations for speculative purposes in accordance with Section 427.1 of the *Code of Iowa*.

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

1. “Community development organization” means a City organization or a multi-community group formed for one or more of the following purposes:
 - A. To promote, stimulate, develop, and advance the business prosperity and economic welfare of the community, area, or region and its citizens.
 - B. To encourage and assist the location of new business and industry.
 - C. To rehabilitate and assist existing business and industry.
 - D. To stimulate and assist in the expansion of business activity.

For purposes of this definition, a community development organization must have at least 15 members with representation from the government at the level or levels corresponding to the community development organization’s area of operation; a private sector lending institution; a community organization in the area; business in the area; and private citizens in the community, area, or region.

2. “New construction” means new buildings or structures and includes new buildings or structures that are constructed as additions to existing buildings or structures. “New construction” also includes reconstruction or renovation of an existing building or structure that constitutes complete replacement of an existing building or structure or refitting of an existing building or structure, if the reconstruction or renovation of the existing building or structure is required due to economic obsolescence, if the reconstruction or renovation is necessary to implement recognized industry standards for the manufacturing or processing of products, and the reconstruction or renovation is required in order to competitively manufacture or process products or for community development organizations to market a building or structure as a speculative shell building, which determination must receive prior approval from the Council.

3. “Speculative shell building” means a building or structure owned and constructed or reconstructed by a community development organization without a tenant or buyer for the purpose of attracting an employer or user that will complete the building to the employer’s or user’s specification for manufacturing, processing, or warehousing the employer’s or user’s product line.

11.03 ELIGIBILITY. The new construction of shell buildings by the community development organization for speculative purposes is eligible for property tax exemption. The exemption shall be for one of the following:

1. The value added by new construction of a shell building or addition to an existing building or structure.
2. The value of an existing building being reconstructed or renovated, and the value of the land on which the building is located, if the reconstruction or renovation constitutes complete replacement or refitting of the existing building or structure.

11.04 WHEN EFFECTIVE.

1. If the exemption is for a project described in subsection 1 of Section 11.03, the exemption shall be effective for the assessment year in which the building is first assessed for property taxation or the assessment year in which the addition to an existing building first adds value. If the exemption is for a project described in subsection 2 of Section 11.03, the exemption shall be effective for the assessment year following the assessment year in which the project commences. An exemption allowed under this section shall be allowed for all subsequent years until the property is leased or sold or until the exemption is terminated by ordinance of the City Council.
2. Eligibility for an exemption as a speculative shell building shall be determined as of January 1 of the assessment year. If the shell building or any portion of the shell building is leased or sold, the portion of the shell building that is leased or sold and a proportionate share of the land on which it is located, if applicable, shall not be entitled to an exemption under this section for subsequent years. Upon the sale of the shell building, the shell building shall be considered new construction for purposes of Section 427B.1 of the *Code of Iowa* if used for purposes set forth in Section 427B.1.

11.05 APPLICATION.

1. If the speculative shell building project is a project described in subsection 1 of Section 11.03, an application shall be filed pursuant to Section 427B.4 of the *Code of Iowa*.
2. If the speculative shell building project is a project described in subsection 2 of Section 11.03, an application shall be filed pursuant to Section 427.1(27) of the *Code of Iowa*.

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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, give direction to department heads concerning the functions of the departments, and have the power to examine all functions of the municipal departments, their records and to call for special reports from department heads at any time.

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

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

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

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

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

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

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

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

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

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

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

9. Licenses and Permits. Sign all licenses and permits that have been granted by the Council, except those designated by law or ordinance to be issued by another municipal officer.
10. Nuisances. Issue written order for removal, at public expense, any nuisance for which no person can be found responsible and liable.
11. Absentee Officer. Make appropriate provision that duties of any absentee officer be carried on during such absence.

15.03 APPOINTMENTS. The Mayor shall appoint the following officials:
(Code of Iowa, Sec. 372.4)

1. Mayor Pro Tem
2. Police Chief, with Council approval
3. Library Board of Trustees, with Council approval
4. Aquatic Center Board, with Council approval
5. Parks, Beautification and Recreation Board, with Council approval
6. City Golf Facilities Board, with Council approval
7. Municipal Superintendent, with Council approval
8. City Disaster Services Coordinator, with Council approval
9. One voting member of DART Board, with Council approval
10. County E28 Economic Development Committee Representative

15.04 COMPENSATION. The salary of the Mayor is \$65.00 for each regular Council meeting attended and \$65.00 for each special Council meeting attended, to be paid quarterly; the Mayor also receives an annual salary of \$4,500.00, payable in equal quarterly installments of \$1,125.00.

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

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

(Code of Iowa, Sec. 372.4)

CHAPTER 16

MAYOR PRO TEM

16.01 Vice President of Council
16.02 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 & 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 & 384.38[1])

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

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

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

(Code of Iowa, Sec. 26.10)

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

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

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

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

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

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

1. Action by Council. Passage of an ordinance, amendment, or resolution requires a majority vote of all of the members of the Council. Passage of a motion requires a majority vote of a quorum of the Council. A resolution must be passed to spend public funds in excess of \$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 Attorney
3. Deputy Clerk
4. Cemetery Sexton
5. Planning and Zoning Commission
6. Zoning Board of Adjustment

17.06 COMPENSATION. The salary of each Council member is \$65.00 for each regular Council meeting attended and \$65.00 for each special Council meeting attended, to be paid quarterly.

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

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

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

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

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

(Code of Iowa, Sec. 362.3)

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

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

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

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

(Code of Iowa, Sec. 380.11)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18.13 CITY SEAL. The City seal is in the custody of the Clerk and shall be attached by the Clerk to all transcripts, orders, and certificates that it may be necessary or proper to authenticate. The City seal is circular in form, in the center of which are the words “ST. ANSGAR” and “INCORPORATION,” and around the margin of which are the words “SEAL OF CITY CLERK” and “IOWA.”

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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, Council, Clerk or Police Chief.

(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

LIBRARY BOARD OF TRUSTEES

21.01 Public Library	21.07 Nonresident Use
21.02 Library Trustees	21.08 Expenditures
21.03 Qualifications of Trustees	21.09 Annual Report
21.04 Organization of the Board	21.10 Injury to Books or Property
21.05 Powers and Duties	21.11 Theft
21.06 Contracting with Other Libraries	21.12 Notice Posted

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

21.02 LIBRARY TRUSTEES. The Board of Trustees of the Library, hereinafter referred to as the Board, consists of six resident members and one nonresident member. All resident members are to be appointed by the Mayor with the approval of the Council. The nonresident member is to be appointed by the Mayor with the approval of the County Board of Supervisors.

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

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

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

21.05 POWERS AND DUTIES. The Board shall have and exercise the following powers and duties:

1. Officers. To meet and elect from its members a President, a Secretary, and such other officers as it deems necessary.
2. Physical Plant. To have charge, control and supervision of the Library, its appurtenances, fixtures and rooms containing the same.
3. Charge of Affairs. To direct and control all affairs of the Library.

4. Hiring of Personnel. To employ a Library Director, and authorize the Library Director to employ such assistants and employees as may be necessary for the proper management of the Library, and fix their compensation; provided, however, prior to such employment, the compensation of the Library Director, assistants, and employees shall have been fixed and approved by a majority of the members of the Board voting in favor thereof.

5. Removal of Personnel. To remove the Library Director, by a two-thirds vote of the Board, and provide procedures for the removal of the assistants or employees for misdemeanor, incompetence, or inattention to duty, subject however, to the provisions of Chapter 35C of the *Code of Iowa*.

6. Purchases. To select, or authorize the Library Director to select, and make purchases of books, pamphlets, magazines, periodicals, papers, maps, journals, other Library materials, furniture, fixtures, stationery, and supplies for the Library within budgetary limits set by the Board.

7. Use by Nonresidents. To authorize the use of the Library by nonresidents and to fix charges therefor unless a contract for free service exists.

8. Rules and Regulations. To make and adopt, amend, modify, or repeal rules and regulations, not inconsistent with this Code of Ordinances and the law, for the care, use, government and management of the Library and the business of the Board, fixing and enforcing penalties for violations.

9. Expenditures. To have exclusive control of the expenditure of all funds allocated for Library purposes by the Council, and of all moneys available by gift or otherwise for the erection of Library buildings, and of all other moneys belonging to the Library including fines and rentals collected under the rules of the Board.

10. Gifts. To accept gifts of real property, personal property, or mixed property, and devises and bequests, including trust funds; to take the title to said property in the name of the Library; to execute deeds and bills of sale for the conveyance of said property; and to expend the funds received by them from such gifts, for the improvement of the Library.

11. Enforce the Performance of Conditions on Gifts. To enforce the performance of conditions on gifts, donations, devises and bequests accepted by the City by action against the Council.

(Code of Iowa, Ch. 661)

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

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

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

1. Contracting. The Board may contract with any other boards of trustees of free public libraries, with any other city, school corporation, private or semiprivate

organization, institution of higher learning, township, or County, or with the trustees of any County library district for the use of the Library by their respective residents.

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

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

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

1. Lending. By lending the books or other materials of the Library to nonresidents on the same terms and conditions as to residents of the City, or County, or upon payment of a special nonresident Library fee.
2. Depository. By establishing depositories of Library books or other materials to be loaned to nonresidents.
3. Bookmobiles. By establishing bookmobiles or a traveling library so that books or other Library materials may be loaned to nonresidents.
4. Branch Library. By establishing branch libraries for lending books or other Library materials to nonresidents.

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

(Code of Iowa, Sec. 384.20 & 392.5)

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

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

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 714.1)

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

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

(Code of Iowa, Sec. 714.5)

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

(Code of Iowa, Sec. 808.12)

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 & 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. The position of any Commission member shall be deemed vacated if said member moves permanently from the City or is absent from three consecutive regular meetings of the Commission, except in the case of sickness or temporary absence from the City.

(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 residue 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, BEAUTIFICATION AND RECREATION BOARD

23.01 Purpose	23.06 Compensation
23.02 Parks, Beautification and Recreation Board Created	23.07 Powers and Duties
23.03 Board Organization	23.08 Reports
23.04 Regular Meetings	23.09 Rules
23.05 Committees and Sub-Committees	23.10 Penalties

23.01 PURPOSE. The purpose of this chapter is to establish an administrative agency for operation of and planning for recreation, beautification and parks for the City.

23.02 PARKS, BEAUTIFICATION AND RECREATION BOARD CREATED. A Parks, Beautification and Recreation Board is hereby created to advise the Council on the facilities needed to provide open space such as parks, playgrounds, City beautification and community facilities for other forms of recreation. Said Board shall also plan and oversee City parks, beautification and recreation programs, and encourage other programs for the use of the parks, for City beautification, for recreation, for recreation education and safety, for the leisure time of the City's residents of all ages.

23.03 BOARD ORGANIZATION.

1. Term of Office. The Board consists of five members. At least three members of the Board must be citizens of the City. All members of the Board must reside in the local school district, which includes the City of St. Ansgar, and cannot be elected officials or employees of the City. The Board shall be appointed by the Mayor and approved by the Council for overlapping five-year terms. The Mayor and Council shall designate the terms of the first appointed members. The Board shall choose its Chairperson and Vice Chairperson every two years.
2. Vacancies. Vacancies shall be filled in the same manner as original appointments except that the new Board member shall fill out the unexpired term for which the appointment is made. The position of any Board member shall be deemed vacated if said member moves permanently from the City or is absent from three consecutive regular meetings of the Board, except in the case of sickness or temporary absence from the City.

23.04 REGULAR MEETINGS. The Board shall meet at such times and such places as it shall determine, but not less than monthly. At the first meeting of each year the Board shall organize and choose from its members such officers as required herein, or as it deems necessary. All regular and special meetings shall comply with the public notice requirements for the public bodies under Iowa State Law.

23.05 COMMITTEES AND SUB-COMMITTEES. The Board shall have authority to create committees and sub-committees among the membership of the Board. These committees and sub-committees shall be appointed by the Chairperson, subject to the approval of the Board.

23.06 COMPENSATION. Members of the Board shall serve without compensation, but may receive reimbursement for actual expenses for any expenditures of personal funds in the furtherance of the Board's business in accordance with procedures established by the Council.

23.07 POWERS AND DUTIES. The Parks, Beautification and Recreation Board shall have the following powers and duties:

1. **Property and Personnel.** The Board shall have authority over the properties devoted to parks, beautification and recreation, subject to the limitations of expenditures for salaries, supplies and capital outlay set forth in the annual budget provided by the Council for parks, beautification and recreation operation.
2. **Supplies and Materials.** The Board shall have the authority to order supplies and materials necessary to its operation, and payments will be made by check issued by Clerk, submitted and approved by the Board, subject to budgetary limitations.
3. **Planning.** The Board shall prepare and revise at least once every five years plans for the development and continuation of the system of City parks, pleasure grounds, tennis courts, beautification projects and other recreational facilities.
4. **Fees and Charges.** Whenever and only so long as there are no revenue bonds or pledge orders outstanding which are payable therefrom, the Board shall have the power and authority to establish fees, rates and charges for the use of the City parks, pleasure grounds, tennis courts, or other recreational facilities (except the Aquatic Center and except the City Golf Facility), subject, however, to the authority of the Council to adjust said rates and charges when such action is necessary to produce gross revenue at least sufficient to pay the expenses of the operation and maintenance of certain parks, pleasure grounds, tennis courts, or other recreational facilities or to pay for the principal and interest of any revenue bonds as they become due.
5. **Contracts.** The Board shall have the power to authorize and execute on behalf of the City, without action of the Council, contracts with public or private entities for service relative to recreational programs and activities. Such contracts shall be evidenced by a written contract approved by the City Attorney as to form.
6. **Lease Authority.** The Board shall have the authority to lease, under reasonable rules and requirements, a particular park or portion thereof, as follows:
 - A. For a period not in excess of 10 days to a charitable or fraternal and patriotic organization to conduct celebrations, anniversaries and entertainment.
 - B. For a period as the Board deems proper for the purpose of permitting the playing of amateur or professional baseball and softball or other athletic games.
7. **Rules and Regulations.** The Board shall have the power to make rules and regulations for the use of parks or other recreational facilities or for the conduct of recreational programs, and such rules shall be posted on the facility or otherwise publicized in a manner to provide adequate notice to the public.
8. **General Duties.** In addition to the powers and duties listed above and in addition to its duty to make a plan for parks, beautification and recreation and for the facilities for parks, beautification and recreation, and to update and revise those plans as required, the Board shall have authority over the properties and personnel devoted to City parks, beautification and recreation (except for the Aquatic Center and the City Golf Facilities), subject to the limitation of expenditures for salaries and supplies, contracts and capital outlays set forth in the annual budget provided by the Council for parks, beautification and recreation operations; and it shall cooperate with the Mayor in the allotment of time of City employees for parks, beautification and recreation

purposes. The Mayor shall warrant checks written by the City Clerk for invoices submitted and approved by the Board.

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

23.09 RULES. The Board shall have power to make rules and regulations for the use of the parks and recreational facilities or for the conduct of park and recreational programs, subject to the approval of the rules by the Council. Such rules shall be either posted on the facility or otherwise publicized in a manner to provide adequate notice to the using public.

23.10 PENALTIES. Violation of a Board rule which has been approved by the Council and adopted by ordinance may be cause for denial of use of the facility or participation in a program, but such denial which extends more than one day may be appealed to the Board or to the Council for a hearing. Violations may be prosecuted as a municipal infraction, if permitted by law, or as a criminal offense.

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CHAPTER 24

CITY GOLF FACILITIES BOARD

24.01 Purpose	24.06 Committees and Sub-Committees
24.02 City Golf Facilities Board Created	24.07 Compensation
24.03 Board Organization	24.08 Reports
24.04 Board Powers and Duties	24.09 Rules
24.05 Regular Meetings	24.10 Penalties

24.01 PURPOSE. The purpose of this chapter is to establish an administrative agency for the operation of and planning for a City Golf Course and related facilities, specifically Acorn Park Golf Course.

24.02 CITY GOLF FACILITIES BOARD CREATED. A City Golf Facilities Board is hereby created to advise the Council on the needed facilities to provide a City Golf Course and related facilities (now known as Acorn Park), and to provide for golf and related community recreational facilities. Said Board shall also plan and oversee City programs, and encourage other programs, for the use of the City Golf Course and related facilities (known as Acorn Park) for the leisure time use of the golf course and other related facilities for users of all ages.

24.03 BOARD ORGANIZATION.

1. Term of Office. The Board consists of five members. At least three members of the Board must reside in the local school district, which includes the City of St. Ansgar, and cannot be elected officials or employees of the City. All members of the Board must be a current season pass holder. The Board shall be appointed by the Mayor and approved by the Council for overlapping five-year terms. The Board shall choose its Chairperson and Vice Chairperson every two years.
2. Vacancies. Vacancies shall be filled in the same manner as original appointments except that the new Board member shall fill out the unexpired term for which the appointment is made. The position of any Board member shall be deemed vacated if said member moves permanently from the City or is absent from three consecutive regular meetings of the Board, except in the case of sickness or temporary absence from the City.

24.04 BOARD POWERS AND DUTIES. The City Golf Facilities Board shall have the following powers and duties:

1. Property and Personnel. The Board shall have authority over the properties devoted to City Golf Course and related facilities, subject to the limitations of expenditures for salaries, supplies and capital outlay set forth in the annual budget provided by the Council for City Golf Course and related facilities operation.
2. Supplies and Materials. The Board shall have the authority to order supplies and materials necessary to its operation and payments will be made by a check issued by the Clerk, submitted and approved by the Board, subject to budgetary limitations.
3. Planning. The Board shall prepare and revise at least once every five years plans for the development and continuation of the City Golf Course and related facilities.

4. Fees and Charges. Whenever and only so long as there are no revenue bonds or pledge orders outstanding which are payable therefrom, the Board shall have the power and authority to establish fees, rates and charges for the use of the City Golf Course and related operations and facilities, subject, however, to the authority of the Council to adjust said rates and charges when such action is necessary to produce gross revenue at least sufficient to pay the expenses of the operation and maintenance of the City Golf Course and related facilities or to pay for the principal and interest of any revenue bonds as they become due.

5. Contracts. The Board shall have the power to authorize and execute on behalf of the City, without action of the Council; contracts with public or private entities for service relative to contracts shall be evidenced by a written contract approved by the City Attorney as to form.

6. Lease Authority. The Board shall have the authority to lease, under reasonable rules and requirements, all and any part of the City Golf Course and related facilities, as follows:

A. For a period as the Board deems proper for the purpose of permitting the playing of amateur or professional golf.

B. For a period as the Board deems proper for the purpose of storing privately owned golf carts in golf course cart sheds on golf course property.

7. Rules and Regulations. The Board shall have the power to make rules and regulations for the use of the City Golf Course and related facilities. Such rules shall be posted on the facility or otherwise publicized in a manner to provide adequate notice to the public.

8. General Duties. In addition to the powers and duties listed above, and in addition to its duty to make a plan for golf course and related operations facilities and to update and revise those plans as required, the Board shall have authority over the properties and personnel devoted to the City Golf Course and related facilities, subject to the limitation of expenditures for salaries and supplies, contracts and capital outlays set forth in the annual budget provided by the Council for the City Golf Course and related facilities, and it shall cooperate with the Mayor in the allotment of time of City employees for the City Golf Course and related purposes. The Mayor shall warrant checks written by the City Clerk for invoices submitted and approved by the Board.

24.05 REGULAR MEETINGS. The Board shall meet at such times and such places, as it shall determine, but not less than monthly. At the first meeting of each year, the Board shall organize and choose from its members such officers as required herein, or as it deems necessary. All regular and special meetings shall comply with the public notice requirements for public bodies under Iowa State Law.

24.06 COMMITTEES AND SUB-COMMITTEES. The Board shall have authority to create committees and sub-committees among the membership of the Board. These committees and sub-committees shall be appointed by the Chairperson, subject to the approval of the Board.

24.07 COMPENSATION. Members of the Board shall serve without compensation, but may receive reimbursement for actual expense for any expenditures of personal funds in the furtherance of the Board's business in accordance with procedures established by the Council.

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

24.09 RULES. The Board shall have power to make rules and regulations for the use of the City Golf Course and related facilities or for the conduct of City Golf Course and related facilities, subject to the approval of the rules by the Council. Such rules shall be either posted at the facility or otherwise publicized in a manner to provide adequate notice to the using public.

24.10 PENALTIES. Violation of a Board rule which has been approved by the Council and adopted by ordinance may be cause for denial of use of the facility or participation in a program, but such denial which extends more than one day may be appealed to the Board or the Council for a hearing. Violations may be prosecuted as a municipal infraction, if permitted by law, or as a criminal offense.

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CHAPTER 25

AQUATIC CENTER BOARD

25.01 Aquatic Center Board Created
25.02 Board Organization
25.03 Duties of the Board
25.04 Regular Meetings

25.05 Committees and Sub-Committees
25.06 Reports
25.07 Rules
25.08 Penalties

25.01 AQUATIC CENTER BOARD CREATED. An Aquatic Center Board is hereby created to advise the Council on the facilities comprising the Aquatic Center for the City to provide for water safety education and recreational facilities. Said Board shall also plan and oversee City programs and encourage other programs for the use of the Aquatic Center for water safety, education and leisure time of the City's residents for all ages.

25.02 BOARD ORGANIZATION.

1. Term of Office. The Board consists of at least five members and no more than seven members, with the majority being residents of the City, and cannot include elected officials or employees of the City. The Board shall be appointed by the Mayor and approved by the Council for overlapping five-year terms. The Mayor and Council shall designate the terms of the first appointed members. The Board shall choose its Chairperson and Vice Chairperson every two years. Members shall serve without compensation, but may receive reimbursement for their actual expenses.
2. Vacancies. Vacancies shall be filled in the same manner as original appointments except that the new Board member shall fill out the unexpired term for which the appointment is made. The position of any Board member shall be deemed vacated if said member moves permanently from the City or is absent from three consecutive regular meetings of the Board, except in the case of sickness or temporary absence from the City.

25.03 DUTIES OF THE BOARD. In addition to its duty to make a plan for the recreation and for the facilities for water safety education, health and recreation, and to update and revise these plans as required, the Board shall have authority over the properties and personnel devoted to the Aquatic Center, subject to the limitation of expenditures for salaries and supplies, contracts and capital outlays set forth in the annual budget provided by the Council for the Aquatic Center's operations; and it shall cooperate with the Mayor in the allotment of time of City employees for the Aquatic Center's purposes. The Mayor shall warrant checks written by the City Clerk for invoices submitted and approved by the Board.

25.04 REGULAR MEETINGS. The Board shall meet at such times and such place as it shall determine, but not less than monthly. At the first meeting of each year, the Board shall organize and choose from its members such officers, other than Chairperson, as it deems necessary. Vacancies shall be filled in the same manner as the original appointments. All regular and special meetings shall comply with the public notice requirements for public bodies under Iowa State Law.

25.05 COMMITTEES AND SUB-COMMITTEES. The Board shall have the authority to create committees and sub-committees among the membership of the Board. These committees and sub-committees shall be appointed by the Chairperson, subject to the approval of the Board.

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

25.07 RULES. The Board shall have power to make rules and regulations for the use of the Aquatic Center facilities or for the conduct of Aquatic Center programs, subject to the approval of the rules by the Council. Such rules shall be either posted on the facility or otherwise publicized in a manner to provide adequate notice to the using public.

25.08 PENALTIES. Violation of a Board rule which has been approved by the Council and adopted by ordinance may be cause for denial of use of the facility or participation in a program, but such denial which extends more than one day may be appealed to the Board or to the Council for a hearing. Violations may be prosecuted as a municipal infraction, if permitted by law, or as a criminal offense.

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CHAPTER 30

POLICE DEPARTMENT

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

30.07 Powers and Duties of Police Chief
30.08 Departmental Rules
30.09 Summoning Aid
30.10 Taking Weapons
30.11 Contract Law Enforcement

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

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

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

30.04 REQUIRED TRAINING. All peace officers shall have received the minimum training required by law at an approved law enforcement training school within one year of employment. Peace officers shall also meet the minimum in-service training as required by law.
(Code of Iowa, Sec. 80B.11[2])
(IAC, 501-3 and 501-8)

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

30.06 PEACE OFFICERS APPOINTED. The Mayor shall appoint and dismiss the Police Chief subject to the consent of a majority of the Council. The Police Chief shall select, subject to the approval of Council, the other members of the department.
(Code of Iowa, Sec. 372.4)

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

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

4. Accident Reports. Report all motor vehicle accidents investigated to the State Department of Transportation.

(Code of Iowa, Sec. 321.266)

5. Prisoners. Be responsible for the custody of prisoners, including conveyance to detention facilities as may be required.

6. Assist Officials. When requested, provide aid to other City officers, boards, and commissions in the execution of their official duties.

7. Investigations. Provide for such investigation as may be necessary for the prosecution of any person alleged to have violated any law or ordinance.

8. Record of Arrests. Keep a record of all arrests made in the City by showing whether said arrests were made under provisions of State law or City ordinance, the offense charged, who made the arrest and the disposition of the charge.

9. Reports. Compile and submit to the Mayor and Council an annual report as well as such other reports as may be requested by the Mayor or Council.

10. Command. Be in command of all officers appointed for police work and be responsible for the care, maintenance, and use of all vehicles, equipment, and materials of the department.

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

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

(Code of Iowa, Sec. 804.17)

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

(Code of Iowa, Sec. 804.18)

30.11 CONTRACT LAW ENFORCEMENT. In lieu of the appointment of a Police Chief by the Mayor as provided by Section 30.06, the Council may contract with the County Sheriff or any other qualified lawful entity to provide law enforcement services within the City and in such event the Sheriff or such other entity shall have and exercise the powers and duties of the Police Chief as provided herein.

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

CHAPTER 31

RESERVE PEACE OFFICERS

31.01 Establishment of Force
31.02 Training
31.03 Status of Reserve Officers
31.04 Carrying Weapons
31.05 Supplementary Capacity
31.06 Supervision of Officers

31.07 No Reduction of Regular Force
31.08 Compensation
31.09 Benefits When Injured
31.10 Liability and False Arrest Insurance
31.11 No Participation in Pension Fund or Retirement System

31.01 ESTABLISHMENT OF FORCE. A force of reserve peace officers is hereby established. A reserve peace officer is a volunteer, non-regular, sworn member of the Police Department who will serve with or without compensation and has regular police powers while functioning as the Police Department's representative, and will participate on a regular basis in the agency's activities, including those of crime prevention and control, preservation of the peace and enforcement of the law.

31.02 TRAINING. Training for individuals appointed as reserve peace officers shall be provided by instructors in a community college or other facility, including a law enforcement agency, selected by the individual and approved by the law enforcement agency and the Iowa Law Enforcement Academy. All standards and training required under Chapter 80D of the *Code of Iowa* constitute the minimum standards for reserve peace officers. Upon satisfactory completion of training, the Iowa Law Enforcement Academy shall certify the individual as a reserve peace officer. There shall be no exemptions from the personal and training standards provided for in this chapter.

31.03 STATUS OF RESERVE OFFICERS. Reserve peace officers shall serve as peace officers on the orders and at the discretion of the Police Chief. While in the actual performance of official duties, reserve peace officers shall be vested with the same rights, privileges, obligations and duties as any other peace officer.

31.04 CARRYING WEAPONS. A member of the reserve force shall not carry a weapon in the line of duty until he or she has been approved by the Council and certified by the Iowa Law Enforcement Academy Council. After approval and certification, a reserve peace officer may carry a weapon in the line of duty only when authorized by the Police Chief.

31.05 SUPPLEMENTARY CAPACITY. Reserve peace officers shall act only in a supplementary capacity to the regular force and shall not assume full-time duties of regular peace officers without first complying with all the requirements of regular peace officers.

31.06 SUPERVISION OF OFFICERS. Reserve peace officers shall be subordinate to the Police Chief, shall not serve as peace officers unless under the direction of the Police Chief, and shall wear a uniform prescribed by the Police Chief, unless that superior officer designates alternate apparel for use when engaged in assignments involving special investigations, civil process, court duties, jail duties and the handling of mental patients. The reserve peace officers shall not wear an insignia of rank.

31.07 NO REDUCTION OF REGULAR FORCE. There shall be no reduction of the authorized size of the regular law enforcement department of the City because of the establishment or utilization of reserve peace officers.

31.08 COMPENSATION. While performing official duties, each reserve peace officer shall be considered an employee of the City and shall be paid a minimum of \$1.00 per year. The Council may provide additional monetary assistance for the purchase and maintenance of uniforms and equipment used by reserve peace officers.

31.09 BENEFITS WHEN INJURED. Hospital and medical assistance and benefits, as provided in Chapter 85 of the Code of Iowa, shall be provided by the Council to members of the reserve force who sustain injury in the course of performing official duties.

31.10 LIABILITY AND FALSE ARREST INSURANCE. Liability and false arrest insurance shall be provided by the City to members of the reserve force while performing official duties in the same manner as for regular peace officers.

31.11 NO PARTICIPATION IN PENSION FUND OR RETIREMENT SYSTEM. This chapter shall not be construed to authorize or permit a reserve peace officer to become eligible for participation in a pension fund or retirement system created by the laws of the State and of which regular peace officers may become members.

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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 Election of Officers
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

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

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 & 100.3)

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

(Code of Iowa, Sec. 100.12)

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

(Code of Iowa, Sec. 100.13)

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

12. Records. Cause to be kept records of the Fire Department personnel, firefighting equipment, depreciation of all equipment and apparatus, the number of

responses to alarms, their cause, and location, and an analysis of losses by value, type and location of buildings.

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

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

35.09 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 & 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 & 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 & 3])

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

(Code of Iowa, Sec. 100.41)

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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 St. Ansgar Fire Department 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 St. Ansgar Fire Department shall immediately notify the Department of Natural Resources.
2. Any other person who discovers a hazardous condition shall notify the Fire Department, 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

DISASTER SERVICES

37.01 Purpose	37.09 Ex-Officio DART Board Members
37.02 Disaster Services	37.10 Regular Meetings
37.03 City Disaster Services Coordinator	37.11 Committees and Sub-Committees
37.04 Definitions	37.12 Compensation
37.05 Authority	37.13 Limitation on Appointments
37.06 Disaster Area Relief Team Board Created	37.14 Specific Powers and Duties
37.07 Dart Board Organization	37.15 Coordination With Organizations
37.08 Limited Voting Advisory Members	37.16 Liability

37.01 PURPOSE. The purpose of this chapter is to establish an administrative agency, to establish plans for, provide for communication and cooperation for other organizations and/or government bodies, to carry out the responsibility of the City in times of disaster.

37.02 DISASTER SERVICES. There is hereby created a disaster services organization for carrying out the responsibility of the City in times of disaster or public disorder. This organization shall be officially known as the St. Ansgar City Disaster Area Relief Team, hereinafter referred to as DART.

37.03 CITY DISASTER SERVICES COORDINATOR. The Mayor shall appoint a City Disaster Services Coordinator, subject to majority approval by the Council. Said City Disaster Services Coordinator shall serve as executive director of DART and as Chairperson of the DART Board. The coordinator shall also be responsible for the direction of all DART and DART Board operations for the protection of the health, safety, and welfare of the citizens of the City as the same relate to disaster services. In the event the Mayor fails to appoint a coordinator, or the Council fails to approve a coordinator, the Mayor shall serve in this capacity.

37.04 DEFINITIONS. As used in this chapter, the definitions of the following terms shall be inclusive but not necessarily limited to the definitions appearing herein, and shall include definitions of the following terms and related terms under governing State or federal laws.

1. "City disaster plan" or "disaster emergency plan" means a plan or plans developed to describe City emergency operations, and emphasize the responsibilities of City government forces, other emergency response organizations and individuals. The plan shall include an outline of duties and responsibilities and their assignment to persons, officers and agencies. City disaster plans are developed under the direction of the City Disaster Services Coordinator, approved by the DART Board, then reviewed by the Mayor and referred to the Council for approval by resolution.
2. "Disaster" means manmade catastrophes and natural occurrences such as fire, flood, earthquake, tornado or windstorm, which threaten the public peace, health, and safety of the people, or which damage and destroy public or private property. The term includes enemy attack, sabotage or other hostile action from without the State.
3. "Disaster emergencies" means:
 - A. Any natural disaster or manmade calamity, including flood, conflagration, cyclone, tornado, earthquake, explosion or hazardous condition, as defined by State law, resulting in the death or injury of persons or the

destruction of property or imminent threat to public health or safety to the extent that the extraordinary measures must be taken to protect the public health, safety, and welfare.

B. Any threat to public safety, health and welfare resulting from declared or undeclared war against the United States.

4. “Disaster services” means the protection of persons and property by all measures available to the City and with such assistance as required and possible from other governmental agencies, together with organized efforts of private persons and agencies to meet public emergencies. It includes preparations for, operations during, and recovery from, natural or manmade disasters. These actions are broad in scope and include, but are not limited to: disaster plans, mitigation, warning, emergency operations, training, exercising, research, rehabilitation and recovery. It encompasses preplanning, prevention and assistance to those affected by disaster emergencies.

37.05 AUTHORITY. The Mayor may delegate such portions of the details of operation to the City Disaster Services Coordinator as will best serve the carrying out of the City disaster plans. The Disaster Services Coordinator shall submit to the Mayor recommendations regarding alternates and order of succession in the event the Mayor is unable to act. The Mayor shall designate alternates, and the order of succession, subject to approval by the Council, to serve in his or her place in the event he or she is unable to act due to absence or disability. The Mayor need not follow the recommendations of the Disaster Services Coordinator.

37.06 DISASTER AREA RELIEF TEAM BOARD CREATED. A City Disaster Area Relief Team Board, hereinafter referred to as DART Board or the Board, is hereby established and shall have such powers and duties as are expressed in this chapter relative to the development and overseeing and implementation of plans, policies, procedures and programs for the City disaster services and the DART Board.

37.07 DART BOARD ORGANIZATION. The Board shall consist of not less than six, or more than twelve members, six of whom shall be voting members, and the remaining shall be advisory members with strictly limited or no voting privileges. The City Disaster Services Coordinator shall be an ex-officio voting member of the DART Board, and shall serve as Chairperson of the Board. The Board may elect other officers as it deems necessary. On any matters before the DART Board, the Chairperson shall be allowed to vote only in the event of a tie. Other voting members of the DART Board shall be determined as follows:

1. The St. Ansgar Rescue Squad shall nominate a member of that organization to serve as a voting member of the DART Board; said individual shall be subject to approval by the Council.
2. The St. Ansgar Fire Department shall nominate a member of that organization to serve as a voting member of the DART Board; said individual shall be subject to approval by the Council.
3. The St. Ansgar Police Department shall nominate a member of that organization to serve as a voting member of the DART Board; said individual shall be subject to approval by the Council.
4. The Mayor shall nominate from the public at large an individual to serve as a voting member of the DART Board, subject to Council approval.

5. The Chairperson of the St. Ansgar City Council Community Protection Committee (or its successor committee) shall serve as a voting member of the DART Board.

Terms for the full voting members of the Board are two years, and are staggered. The nominations for full voting members shall be presented and acted upon by the Council at its first regular meeting in December preceding the January 1 commencement of the term of office. Three full voting members shall be nominated and approved for two-year terms for those terms beginning January 1 of odd numbered years. Three full voting members shall be appointed for two-year terms for those terms beginning January 1 of even numbered years.

37.08 LIMITED VOTING ADVISORY MEMBERS. In addition to the voting members nominated by the organizations, as set forth in Section 37.07, said organizations shall also nominate an alternate advisory member to serve on the DART Board; each nominated individual is subject to approval by the Council. Said individuals may participate in Board meetings in an advisory capacity. If the regular voting member nominated from a particular organization is not present at a given DART Board meeting, and the alternate advisory member from the same organization is present, then said alternate advisory member may vote in the place of the voting member from such organization at that particular meeting. Voting privileges are strictly limited as herein set forth and no proxies shall be permitted. Terms for limited voting advisory members of the DART Board are for two years and are staggered and, to the extent possible, coincide with the terms of the full voting member of the DART Board from the same organization. Limited voting advisory member nominations shall be presented and acted upon by the Council at its first regular meeting in December, preceding the January 1 commencement of the term of office. Two limited voting advisory members shall be appointed for two-year terms for those terms beginning January 1 of odd numbered years. Three limited voting advisory members shall be appointed for two-year terms, for those terms beginning January 1 of even numbered years. Said limited voting privileges shall be strictly interpreted. In all other matters, the limited voting advisory members of the DART Board shall act in an advisory capacity only.

37.09 EX-OFFICIO DART BOARD MEMBERS. The individual serving as the joint County Coordinator for Mitchell County may serve as an ex-officio, non-voting advisory member of the DART Board. If said individual is serving in a representative capacity as set forth herein as a regular voting or an alternate non-voting advisory member, this section shall not limit any voting privileges granted under said sections of this chapter.

37.10 REGULAR MEETINGS. The DART Board shall meet at such times and such place as it shall determine, but not less than semi-annually. At the first meeting of each year, the Board shall organize and choose from its members such officers, other than Chairperson, as it deems necessary. The City Clerk shall act as the Treasurer for the Board. Vacancies shall be filled in the same manner as the original appointments. All regular and special meetings shall comply with the public notice requirements for public bodies under Iowa State Law.

37.11 COMMITTEES AND SUB-COMMITTEES. The Board shall have the authority to create committees and sub-committees among the membership of the Board. These committees and sub-committees shall be appointed by the Chairperson, subject to the approval of the Board.

37.12 COMPENSATION. Members of the Board shall serve without compensation, but may receive reimbursement for any expenditures of personal funds in the furtherance of the Board's business in accordance with the procedures established by the Council.

37.13 LIMITATION ON APPOINTMENTS. No individual may serve as a representative on the DART Board from more than one of the organizations set forth herein, either as a full voting or as a non-voting advisory member, with the exception of the Joint County Coordinator, who may serve as an ex-officio non-voting advisory member, or as a voting or non-voting member of the Board if the Joint County Coordinator is nominated by one of the designated organizations and approved by the Council.

37.14 SPECIFIC POWERS AND DUTIES. The DART Board has the following powers and duties:

1. DART. The Board shall have authority over the disaster services organization, DART, and City disaster plans, subject to the limitation of expenditures for salaries, supplies and capital outlay set forth in the annual budget provided by the Council for disaster services.
2. Supplies and Materials. The Board shall have the authority to order supplies and materials necessary to its operation and payments will be made by check issued by the Clerk, when submitted and approved by the Board, subject to budgetary limitations.
3. Planning. The Board shall prepare and revise at least once every three years City disaster plans, as required by State Law and in coordination with other governmental and private organizations as applicable.

37.15 COORDINATION WITH ORGANIZATIONS. The DART organization established hereunder and all members thereof or appointees thereto shall function in accordance with a disaster emergency plan which shall be coordinated with the plans adopted by Mitchell County and the State, in accordance with State law. In addition, the Mayor or Mayor's representative shall participate fully in the Joint County Municipal Disaster Services and emergency planning administration as required by State law.

37.16 LIABILITY. Insofar as permitted by State law, the City, when acting in consonance with the disaster emergency plan, shall not be liable for failure to provide protection or to prevent damages to persons or property, the purpose of such plan being to ameliorate by organized effort the conditions arising from the emergency. The City shall carry such insurance on voluntary disaster service workers as deemed advisable by the Council, upon recommendation of the City Attorney.

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CHAPTER 40

PUBLIC PEACE

40.01 Assault
40.02 Harassment
40.03 Disorderly Conduct

40.04 Unlawful Assembly
40.05 Failure to Disperse

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

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

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

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

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

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

(Code of Iowa, Sec. 708.1)

40.02 HARASSMENT. No person shall commit harassment.

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

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

(Code of Iowa, Sec. 708.7)

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

(Code of Iowa, Sec. 708.7)

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

(Code of Iowa, Sec. 708.7)

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

(Code of Iowa, Sec. 708.7)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 723.5)

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

(Code of Iowa, Sec. 723.2)

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

(Code of Iowa, Sec. 723.3)

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CHAPTER 41

PUBLIC HEALTH AND SAFETY

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

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

(Code of Iowa, Sec. 727.1)

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

(Code of Iowa, Sec. 718.6)

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

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

(Code of Iowa, Sec. 719.1A)

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

(Code of Iowa, Sec. 719.2)

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

(Code of Iowa, Sec. 718.4)

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

(Code of Iowa, Sec. 719.1)

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

(Code of Iowa, Sec. 708.12)

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

(Code of Iowa, Sec. 727.3)

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

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

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

41.11 DISCHARGING WEAPONS.

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

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

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

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

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

41.14 FIREWORKS.

(Code of Iowa, Sec. 727.2)

1. Definitions. For purposes of this section:
 - A. “Consumer fireworks” means the following fireworks, as described in Chapter 3 of the American Pyrotechnics Association (“APA”) Standard 87-1:
 - (1) First-class consumer fireworks:
 - a. Aerial shell kits and reloadable tubes;
 - b. Chasers;
 - c. Helicopters and aerial spinners;
 - d. Firecrackers;
 - e. Mine and shell devices;
 - f. Missile-type rockets;
 - g. Roman candles;
 - h. Sky rockets and bottle rockets;
 - i. Multiple tube devices under this paragraph which are manufactured in accordance with APA Standard 87-1, Section 3.5.
 - (2) Second-class consumer fireworks:
 - a. Cone fountains;
 - b. Cylindrical fountains;
 - c. Flitter sparklers;
 - d. Ground and hand-held sparkling devices, including multiple tube ground and hand-held sparkling devices that are manufactured in accordance with APA Standard 87-1, Section 3.5;
 - e. Ground spinners;
 - f. Illuminating torches;
 - g. Toy smoke devices that are not classified as novelties pursuant to APA Standard 87-1, Section 3.2;
 - h. Wheels;

- i. Wire or dipped sparklers that are not classified as novelties pursuant to APA Standard 87-1, Section 3.2.
 - B. “Display fireworks” includes any explosive composition, or combination of explosive substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, and includes fireworks containing any explosive or flammable compound, or other device containing any explosive substance. “Display fireworks” does not include novelties or consumer fireworks enumerated in Chapter 3 of the APA Standard 87-1.
 - C. “Novelties” includes all novelties enumerated in Chapter 3 of the APA Standard 87-1, and that comply with the labeling regulations promulgated by the United States Consumer Product Safety Commission.
2. Display Fireworks. It is unlawful for any person to use or explode any display fireworks; provided, the City Council may, upon application in writing, grant a permit for the display of display fireworks by municipalities, fair associations, amusement parks, and other organizations or groups of individuals approved by the City when the display fireworks will be handled by a competent operator, but no such permit shall be required for the display of display fireworks at the Iowa State Fairgrounds by the Iowa State Fair Board, at incorporated county fairs, or at district fairs receiving State aid.. 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
3. Consumer Fireworks. It is unlawful for any person to use or explode consumer fireworks within the City.

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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 Unauthorized Computer Access
42.08 Other Public Property Offenses

42.01 TRESPASSING.

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

(Code of Iowa, Sec. 716.8)

2. Definitions. For purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 716.1)

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

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

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

(Code of Iowa, Sec. 714.8)

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

(Code of Iowa, Sec. 714.1)

42.07 UNAUTHORIZED COMPUTER ACCESS. It is unlawful for a person to knowingly and without authorization access a computer, computer system, or computer network.

(Code of Iowa, Sec. 716.6B)

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

1. Chapter 21 – Library
 - A. Section 21.10 – Injury to Books or Property
 - B. Section 21.11 – Theft of Library Property
2. Chapter 105 – Solid Waste Control and Recycling
 - A. Section 105.07 – Littering Prohibited
3. Chapter 135 – Street Use and Maintenance
 - A. Section 135.01 – Removal of Warning Devices
 - B. Section 135.02 – Obstructing or Defacing
 - C. Section 135.03 – Placing Debris On
 - D. Section 135.04 – Playing In
 - E. Section 135.05 – Traveling on Barricaded Street or Alley
 - F. Section 135.08 – Burning Prohibited
 - G. Section 135.12 – Dumping of Snow
4. Chapter 136 – Sidewalk Regulations
 - A. Section 136.15 – Interference with Sidewalk Improvements
 - B. Section 136.19 – Fires or Fuel on Sidewalks
 - C. Section 136.20 – Defacing
 - D. Section 136.21 – Debris on Sidewalks
 - E. Section 136.22 – Merchandise Display
 - F. Section 136.23 – Sales Stands

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CHAPTER 43

DRUG PARAPHERNALIA

43.01 Purpose

43.02 Controlled Substance Defined

43.03 Drug Paraphernalia Defined

43.04 Determining Factors

43.05 Possession of Drug Paraphernalia

43.06 Manufacture, Delivery, or Offering For Sale

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

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

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

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

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

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

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

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

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

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

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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 liquor control licensee, or wine or beer permittee under State laws.

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

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

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

45.02 PUBLIC CONSUMPTION OR INTOXICATION.

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 123.46)

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

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

(Code of Iowa, Sec. 123.47)

CHAPTER 46

MINORS

46.01 Cigarettes and Tobacco

46.02 Contributing to Delinquency

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

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

46.02 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)

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CHAPTER 47

PARK REGULATIONS

47.01 Purpose
47.02 Use of Drives Required
47.03 Fires

47.04 Littering
47.05 Camping
47.06 Penalties

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

(Code of Iowa, Sec. 364.12)

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

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

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

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

47.06 PENALTIES. Violations may be prosecuted as a municipal infraction, if permitted by law, or as a criminal offense.

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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

50.01 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. Dangerous Buildings **(See Chapter 145)**
3. Storage and Disposal of Solid Waste **(See Chapter 105)**
4. Trees **(See Chapter 151)**

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

(Code of Iowa, Sec. 657.3)

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

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

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

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

1. Contents of Notice to Property Owner. The notice to abate shall contain: [†]
 - A. Description of Nuisance. A description of what constitutes the nuisance.
 - B. Location of Nuisance. The location of the nuisance.

[†] **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 subsection 1 and 2, and the hearing as provided in subsection 3.
(Code of Iowa, Sec. 364.12[3h])
5. Abatement by City. If the person notified to abate a nuisance or condition neglects or fails to abate as directed, the City may perform the required action to abate, keeping an accurate account of the expense incurred. The itemized expense account shall be filed with the Clerk, who shall pay such expenses on behalf of the City.
(Code of Iowa, Sec. 364.12[3h])
6. Collection of Costs. The Clerk shall send a statement of the total expense incurred by certified mail to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one month, the Clerk shall certify the costs to the County Treasurer and such costs shall then be collected with, and in the same manner as, general property taxes.
(Code of Iowa, Sec. 364.12[3h])
7. Installment Payment of Cost of Abatement. If the amount expended to abate the nuisance or condition exceeds \$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.

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

1. “Junk” means all old or scrap copper, brass, lead, or any other non-ferrous metal; old or discarded rope, rags, batteries, paper, trash, rubber, debris, waste or used lumber, or salvaged wood; dismantled vehicles, machinery and appliances or parts of such vehicles, machinery or appliances; iron, steel or other old or scrap ferrous materials; old or discarded glass, tinware, plastic or old or discarded household goods or hardware. Neatly stacked firewood located on a side yard or a rear yard is not considered junk.

2. “Junk vehicle” means any vehicle legally placed in storage with the County Treasurer or unlicensed and having any of the following characteristics:

A. Broken Glass. Any vehicle with a broken or cracked windshield, window, headlight or tail light, or any other cracked or broken glass.

B. Broken, Loose, or Missing Part. Any vehicle with a broken, loose, or missing fender, door, bumper, hood, steering wheel or trunk lid.

C. Habitat for Nuisance Animals or Insects. Any vehicle that has become the habitat for rats, mice, snakes, or any other vermin or insects.

D. Flammable Fuel. Any vehicle that contains gasoline or any other flammable fuel.

E. Inoperable. Any motor vehicle that lacks an engine or two or more wheels or other structural parts, rendering said motor vehicle totally inoperable, or that cannot be moved under its own power or has not been used as an operating vehicle for a period of 30 days or more.

F. Defective or Obsolete Condition. Any other vehicle that, because of its defective or obsolete condition, in any other way constitutes a threat to the public health and safety.

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

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

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

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

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

51.04 EXCEPTIONS. The provisions of this chapter do not apply to any junk or a junk vehicle stored within a garage or other enclosed structure.

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])

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CHAPTER 52

NOISE POLLUTION CONTROL

52.01 Purpose and Scope	52.09 Regulation of Sound Equipment and Sound Amplifying Equipment
52.02 Definitions	52.10 Motorized Vehicles
52.03 Exceptions	52.11 Construction
52.04 Noise Disturbance Prohibited	52.12 Stationary Non-Emergency Signaling Devices
52.05 Immediate Threat	52.13 Places of Public Entertainment
52.06 Emergency Signaling Devices	52.14 Powers and Duties of the Noise Control Office
52.07 Specific Activities Prohibited	52.15 Sound Variances
52.08 Musical Instruments and Similar Devices	52.16 Civil Citations

52.01 PURPOSE AND SCOPE. The purpose of this chapter is to establish standards for the control of noise pollution in the City by setting maximum permissible sound levels for various activities, to protect the public health, safety and general welfare. This chapter may be cited as the “Noise Pollution Control Ordinance of the City of St. Ansgar.” This chapter applies to the control of all noise originating within the limits of the City or originating from properties lying outside the limits of the City except where either: (i) a State or federal agency has adopted a different standard or rule than that prescribed within this chapter and has so preempted the regulation of noise from a particular source as to render this chapter inapplicable thereto; or (ii) the Council has determined that, by reason of public acceptance of the activity producing a particular noise or noises, such noise is deemed acceptable to the residents of the City.

52.02 DEFINITIONS. Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms have the meanings shown.

1. “Ambient sound level” means the noise associated with a given environment, exclusive of a particular noise, being usually a composite of sounds from many sources near and far, exclusive of intruding noises from isolated identifiable sources.
2. “Construction” means any site preparation, assembly, erection, substantial repair, alteration or similar action for or of public or private rights-of-way, structures, utilities or similar property.
3. “Demolition” means dismantling, intentional destruction or removal of structures, utilities, public or private, right-of-way surfaces or similar property.
4. “Emergency” means any occurrence or set of circumstances involving actual or imminent physical or psychological trauma or property damage which demands immediate action.
5. “Emergency work” means any work performed for the purpose of alleviating or resolving an emergency.
6. “Impulsive sound” means sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts and the discharge of firearms.
7. “Motor vehicle” means any motor-operated vehicle licensed for use on the public highways, but not including a motorcycle.
8. “Motorcycle” means any motor vehicle having a saddle or seat for the use of the rider and designed to travel on two but not more than four wheels in contact with

the ground and licensed as such. The term shall include motorized bicycles, mopeds and motor scooters.

9. "Noise" means any sound which disturbs humans or which causes or tends to cause an adverse psychological or physiological effects on humans.

10. "Noise control office" means the same as the Police Department, which has the responsibility of enforcing this chapter.

11. "Noise disturbance" means any sound which endangers or injures the welfare, safety or health of a human being or disturbs a reasonable person of normal sensitivities or devalues or injures personal or real property.

12. "Noise sensitive activities" means activities which should be conducted under conditions of exceptional quiet including, but not limited to, operation of schools, libraries open to the public, churches, hospitals and nursing homes.

13. "Noise sensitive area" means that area within 300 feet of a hospital, nursing home, or care center at any time and that area within 300 feet of any public or private school during the hours of 8:00 a.m. until 4:00 p.m. on Monday through Friday of each week during the months of September through May and that area within 300 feet of any church during the hours of 8:00 a.m. through 12:00 noon on each Sunday and any other areas designated by the Council for the purpose of insuring exceptional quiet, provided such areas are clearly posted with noise sensitive area signs.

14. "Person" means any individual, firm or corporation and includes any officer, employee, department, agency or instrumentality of the State or any political subdivision of the State.

15. "Public right-of-way" means any street, avenue, boulevard, highway, sidewalk or alley or similar place which is owned or controlled by a governmental entity.

16. "Public space" means any real property, including any structure thereon, which is owned or controlled by a governmental entity.

17. "Pure tone" means any sound which can be distinctly heard as a single pitch or a set of single pitches.

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

19. "Receiving land use" means the use or occupancy of the property which receives the transmission of sound as hereinafter defined.

20. "Recreational vehicle" means any race car, motorcycle, snowmobile or any other motorized vehicle equipped for use in racing or other recreational events or uses off public right-of-way on public or private property. A motor vehicle or motorized vehicle which is taking part in an organized racing, endurance or other coordinated sporting event is deemed a recreational vehicle.

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

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

23. “Used or occupied” includes the words “intended, designed or arranged to be used or occupied.”

52.03 EXCEPTIONS. The provisions of this chapter do not apply to:

1. The emission of sound for the purpose of alerting persons to the existence of an emergency.
2. The emission of sound in the performance of emergency work.
3. Noncommercial public speaking and public assembly activities conducted on any private property, public space or public right-of-way, except those activities controlled by Section 52.09.
4. The unamplified human voice, except those controlled by Section 52.07(1).
5. Agricultural activities, exclusive of those involving the ownership or possession of animals or birds.
6. Snowmobiles regulated by Chapter 321G, *Code of Iowa*.
7. Rail and air transportation and public mass transportation vehicles.
8. The emission of sound in the performance of military operations, exclusive of travel by individuals to or from military duty.
9. The emission of sound in the discharge of weapons or in fireworks displays approved by the Council or County Board of Supervisors.
10. The emission of sound in the operation of snow removal equipment and street cleaning equipment.

52.04 NOISE DISTURBANCE PROHIBITED. No person shall make, continue or cause to be made or continued, except as permitted, any noise disturbances as defined in this chapter.

52.05 IMMEDIATE THREAT.

1. The Noise Control Office shall order an immediate halt to any sound which exposes any person, except those excluded under subsection 2 of this section to noise disturbance. If the sound has not abated within a reasonable length of time following issuance of such an order, the Noise Control Office may apply to the appropriate court for an injunction to replace the order or may treat the infraction in the manner provided in this chapter.
2. No order under subsection 1 shall be issued if the only persons exposed to a noise disturbance are exposed as a result of: (i) trespass; (ii) invitation upon private property by the person causing or permitting the sound; or (iii) employment by the person or contractor of the person causing or permitting the sound.
3. Any person subject to an order issued pursuant to subsection 1 shall comply with such order until: (i) sound is brought into compliance with the order as determined by the Noise Control Office; or (ii) a judicial order has superseded such order.

52.06 EMERGENCY SIGNALING DEVICES.

1. No person shall operate or permit the intentional sounding outdoors of any fire, burglar or civil defense alarm, siren, whistle or similar stationary emergency signaling

device, except for emergency purposes or for testing, as provided in subsection 2 of this section.

2. Testing of a stationary emergency signaling device shall occur at the same time of day each time the test is performed, but not before 9:00 a.m. or after 4:00 p.m. Any such testing shall use only the minimum cycle test time. In no case shall test times exceed 120 seconds.

52.07 SPECIFIC ACTIVITIES PROHIBITED.

1. Sale by "Hawking" or "Barking." No person shall offer for sale or sell anything by shouting or outcry in such a manner as to cause a noise disturbance across a residential real property boundary or outdoors within a noise sensitive area. The provisions of this section shall not be construed to prohibit the selling by outcry of merchandise, food and beverages at licensed sporting events, parades, fairs, circuses and other similar licensed public entertainment events, or to prohibit an auction sale by an auctioneer licensed under the provisions of this chapter.

2. Loading and Unloading. No person shall load, unload, open, close or handle boxes, crates, containers, building materials, garbage cans or similar objects between the hours of 10:00 p.m. and 7:00 a.m. the following morning so as to create a noise disturbance across a residential real property boundary or within a noise sensitive area. This section does not apply to activities covered by Section 52.10.

3. Vehicle or Motorboat Repairs and Testing. No person shall repair, rebuild, modify or test any vehicle, motorcycle or motorboat in such a manner as to cause a noise disturbance across a residential real property boundary or outdoors within a noise sensitive area.

52.08 MUSICAL INSTRUMENTS AND SIMILAR DEVICES. No person shall operate, play or permit the operation or playing of any drum, musical instrument or similar device which produces sound in such a manner as to create a noise disturbance across a residential real property boundary or outdoors within a noise sensitive area.

52.09 REGULATION OF SOUND EQUIPMENT AND SOUND AMPLIFYING EQUIPMENT.

1. Except for activities open to the public and for which a permit has been issued by the City under this section, no person shall operate, play or permit the operation or playing of any radio, television or record player, tape deck or player so as to:

- A. Create a noise disturbance across a residential real property boundary or outdoors within a noise sensitive area.
- B. Create a noise disturbance 50 feet from the device, when operated in or on a motor vehicle on a public right-of-way or public space.
- C. Create a noise disturbance to any person other than the operator of the device, when operated by any passenger on a common carrier.

2. Sound Equipment; Permit Required. No person shall use, operate or cause to be used or operated any radio, record player, tape deck or player, loud speaker, amplifier, sound truck or other device for producing, reproducing or amplifying sound, hereinafter referred to as "sound equipment," upon the public streets or in any building or upon any premises, public or private, if the sound therefrom be plainly audible from any public street or public place within the City, unless said person first obtains a permit

in accordance with this section, complies with the conditions imposed by the permit and complies with all other applicable provisions of this section. Sound equipment does not include:

- A. Equipment used for public health and safety purposes.
 - B. Church or clock carillons, bells or chimes.
 - C. Parades or processions for which a parade permit has been issued, provided the conditions of the permit are complied with.
 - D. Automobile radios, tape deck or players, or other standard automobile equipment used and intended for the use and enjoyment of the occupants, provided the sound emitting therefrom is not audible for more than 50 feet from the vehicle.
 - E. Recorded music used in a nonresidential district in conjunction with a civil or religious celebration.
 - F. Unamplified live music provided, sponsored or funded, in whole or in part, by a governmental entity.
 - G. Mobile radio or telephone signaling devices.
3. Fees. A separate permit shall be required for each type of activity described herein below, and permits shall be nontransferable. The permit shall be conspicuously displayed on or immediately adjacent to the sound equipment. Fees for sound equipment permits are set by resolution of the Council. However, no fee is required for any sound equipment permit issued to the City, State or the Federal government or a governmental subdivision or agency.
4. Information Required. Applications for permits required herein shall be made in writing to the Police Chief, accompanied by the required permit fee and the following information:
- A. Type of permit requested.
 - B. Name and address of applicant.
 - C. The purpose for which the sound equipment will be used.
 - D. The location where the sound equipment will be used.
 - E. The number of days of use and proposed hours of operation of the sound equipment.
 - F. A general description of the sound equipment, including the license number of any motor vehicle upon which it is to be operated.
5. Application Standards.
- A. Type A Permit; General Standards. A Type A permit may be issued for sound equipment emitting music or human speech registering not more than 60 dB(a)s when measured at the real property boundary of the private residence nearest the sound equipment and measuring not more than 100 dB(a)s at a distance of 50 feet from the sound equipment. Sound equipment permitted under a Type A permit may be used only in areas of the City zoned for nonresidential use and only between the hours of 9:00 a.m. and 2:00 a.m. the following morning.

B. Type B Permit – Sound Trucks; General Standards. Sound trucks may be operated only under a Type B permit. A Type B permit may be issued for sound equipment mounted upon a motor vehicle and intended for use upon City streets provided that the sound equipment emits only music or human speech registering not more than 80 dB(a)s when measured at a distance of 100 feet from the sound equipment. Sound equipment permitted under a Type B permit may be used only in nonresidential areas from 9:00 a.m. to 9:00 p.m.

C. Type C Permit – Parks; General Standards. A Type C permit may be used for sound equipment emitting music or human speech registering not more than 60 dB(a)s when measured at the real property boundary of the private residence nearest the sound equipment and registering not more than 100 dB(a)s when measured at a distance of 50 feet from the sound equipment. Sound equipment permitted under a Type C permit may be used only in public parks owned and operated by the City or public grounds owned and operated by another governmental body, from 10:00 a.m. to 11:00 p.m. for events authorized and approved by the Parks, Beautification and Recreation Board or other body having jurisdiction over the park or public grounds.

6. Commercial Advertising; Sound Equipment Prohibited. No sound equipment shall be permitted to be used on public streets or public places, or in any building or upon any premises if the sound therefrom may be plainly audible from any public street or public place within the City, when any such use is for commercial advertising purposes or for the purpose of attracting the attention of the public to any building or structure for monetary gain.

52.10 MOTORIZED VEHICLES.

1. No person shall operate the engine providing motive power or an auxiliary engine of a motor vehicle with a manufacturer's gross vehicle weight rating of 10,000 pounds or more for a consecutive period longer than 20 minutes while such vehicle is standing and located within 150 feet of property zoned and used for residential purposes except where such vehicle is standing within a completely enclosed structure. This section does not apply to delivery or pickup vehicles that require the operation of the engine to unload or load their vending loads.

2. No person shall operate either a motor vehicle or a combination of vehicles of a type subject to registration at any time or under any condition of grade, load acceleration or deceleration in such manner as to create a noise disturbance. This subsection applies to the total noise from a vehicle or combination of vehicles and shall not be construed as limiting or precluding the enforcement of any other provisions of this Code of Ordinances relating to motor vehicle mufflers or noise control.

3. Every motor vehicle shall at all times be equipped with a muffler in good working order as required by law.

4. Recreational Vehicles.

A. No person shall operate a recreational vehicle or permit the operation of one or more recreational vehicle, individually or in a group or in an organized racing event, on public or private property in such a manner that creates a noise disturbance.

B. No person shall permit the starting of any part of an organized racing event which involves contest between or among recreational vehicles on public

or private property after the hour of 10:30 p.m. and before 10:00 a.m. the following morning.

52.11 CONSTRUCTION. No person shall operate or permit the operation of any tools or equipment in construction, drilling or demolition work or in preventive maintenance work for public service utilities between the hours of 10:00 p.m. and 7:00 a.m. the following morning, in any manner which creates a noise disturbance across a residential real property boundary or within a noise sensitive area. The terms of this section do not apply to:

1. Emergency work or repair work performed by or for governmental entities or public service utilities.
2. The use of domestic power tools or equipment subject to this chapter.

52.12 STATIONARY NON-EMERGENCY SIGNALING DEVICES.

1. No person shall operate or permit the sounding of any stationary bell, chime, siren, whistle or similar device, intended primarily for non-emergency purposes, from any place for more than one minute in any hourly period.
2. Devices used in conjunction with places of religious worship are exempt from the operation of this section.
3. Exemptions for sound sources covered by this section, but not exempted under subsection 2, may be granted by the appropriate authority under the procedure set forth in this chapter.

52.13 PLACES OF PUBLIC ENTERTAINMENT. No person shall operate, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound in any place of public entertainment that creates a noise disturbance in any area occupied by a customer, unless a conspicuous and legible sign is located outside such place, near each public entrance, stating "WARNING: SOUND LEVELS WITHIN MAY CAUSE PERMANENT HEARING IMPAIRMENT."

52.14 POWERS AND DUTIES OF THE NOISE CONTROL OFFICE. The noise control program established by this chapter shall be implemented, administered and enforced by the Noise Control Office. The provisions of this chapter which prohibit the making, continuing or causing the making or continuing of any noise disturbance across a real property boundary or within a noise sensitive area shall be enforced only upon receipt of complaint made or filed with City officials by a person disturbed by such noise disturbances, or by any officer authorized by the Noise Control Office who personally observes a noise disturbance. Certification by an official charged with enforcement of provisions of this chapter that such complaint was made shall be sufficient to establish the fact of such complaint.

52.15 SOUND VARIANCES.

1. The Noise Control Office shall have the authority, consistent with this section, to grant sound variances from the chapter.
2. Any person seeking a sound variance under this section shall file an application with the Noise Control Office. The application shall contain information which demonstrates that bringing the source of sound or activity from which the sound variance is sought into compliance with this chapter would constitute an unreasonable hardship on the applicant, on the community or on other persons. The application shall

be accompanied by a fee in the amount set by resolution of the Council. If, prior to the giving of notice as outlined in subsection 3 of this section, the variance request is withdrawn, the applicant may, upon application to the Police Chief, be refunded that portion of the application fee which is in excess of \$10.00. The refund of any fee of \$10.00 or less shall not be made. Any individual who claims to be adversely affected by allowance of the sound variance may file a statement with the Noise Control Office containing any information to support the claim. If the Noise Control Office finds that a sufficient controversy exists regarding an application for a sound variance which is under consideration or for one previously granted, a public hearing may be held by the Council.

3. In determining whether to grant, deny or revoke the application, the Council shall balance the hardship to the applicant, the community and other persons by not allowing the sound variance against the adverse impact on the health, safety and welfare of persons affected, the adverse impact on property affected and any other adverse impacts of allowing the sound variance. Applicants for sound variances and persons contesting sound variances may be required to submit any information the Council may reasonably require. Applicants are required to give notice by certified mail to:

- A. The occupants of surrounding single-family or duplex residences located in an area that includes the next two homes in any direction, or those within 100 feet of the noise source, whichever is less; or
- B. The owner or manager of multiple-residence structures, including hotels, within such area.

In granting or denying an application or in revoking a sound variance previously granted, the Clerk shall place on public file a copy of the decision and the reasons for granting, denying or revoking the sound variance.

4. Sound variances shall be granted by notice to the applicant containing all necessary conditions, including a time limit on the permitted activity. The sound variance shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any condition of the sound variance shall terminate it and subject the person holding it to the provisions of this chapter regulating the source of sound or activity for which the sound variance was granted.

5. Determination on applications for extension of time limits specified in sound variance or for modification of other substantial sound variances under subsection 2 shall be made by the Noise Control Office based upon the criteria in subsection 3.

52.16 CIVIL CITATIONS. If a warning is required by this chapter, and after any warnings are issued under the provisions of this chapter, any violation of this chapter shall constitute a municipal infraction subject to the maximum civil penalties allowed by law for that infraction.

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CHAPTER 55

ANIMAL PROTECTION AND CONTROL

55.01 Definitions	55.10 Owner's Duty
55.02 Animal Neglect	55.11 Confinement
55.03 Livestock Neglect	55.12 At Large: Impoundment
55.04 Abandonment of Cats and Dogs	55.13 Disposition of Animals
55.05 Livestock	55.14 Impounding Costs
55.06 At Large Prohibited	55.15 Pet Awards Prohibited
55.07 Damage or Interference	55.16 Ownership of Animals Restricted
55.08 Annoyance or Disturbance	55.17 Unhealthful or Unsanitary Conditions
55.09 Rabies Vaccination	

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

1. "Advertise" means to present a commercial message in any medium including but not limited to print, radio, television, sign, display, label, tag or articulation.
2. "Animal" means a nonhuman vertebrate.
(Code of Iowa, Sec. 717B.1)
3. "At large" means off the premises of the owner and not under the control of a competent person, restrained within a motor vehicle, or housed in a veterinary hospital or kennel.
4. "Business" means any enterprise relating to any of the following:
 - A. The sale or offer for sale of goods or services.
 - B. A recruitment for employment or membership in an organization.
 - C. A solicitation to make an investment.
 - D. An amusement or entertainment activity.
5. "Fair" means any of the following:
 - A. The annual fair and exposition held by the Iowa State Fair Board pursuant to Chapter 173 of the *Code of Iowa* or any fair event conducted by a fair under the provisions of Chapter 174 of the *Code of Iowa*.
 - B. An exhibition of agricultural or manufactured products.
 - C. An event for operation of amusement rides or devices or concession booths.
6. "Game" means a "game of chance" or "game of skill" as defined in Section 99B.1 of the *Code of Iowa*.
7. "Livestock" means an animal belonging to the bovine, caprine, equine, ovine or porcine species, ostriches, rheas and emus; farm deer as defined in Section 170.1 of the *Code of Iowa*; or poultry.
(Code of Iowa, Sec. 717.1)
8. "Owner" means any person owning, keeping, sheltering or harboring an animal.
9. "Pet" means a living dog, cat, or an animal normally maintained in a small tank or cage in or near a residence, including but not limited to a rabbit, gerbil, hamster,

mouse, parrot, canary, mynah, finch, tropical fish, goldfish, snake, turtle, gecko, or iguana.

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

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

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

(Code of Iowa, Sec. 717.2)

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

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

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

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

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

55.08 ANNOYANCE OR DISTURBANCE. It is unlawful for the owner 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 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)

55.10 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)

55.11 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)

55.12 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.

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

(Code of Iowa, Sec. 351.37, 351.41)

55.14 IMPOUNDING COSTS. The owners or keepers of animals found in violation of this chapter and impounded are subject to a scheduled violation fee adopted by resolution of the City Council. In addition, the owners or keepers of any impounded animals shall be responsible for all charges and expenses for keeping, treating and boarding said animals, said charges and expenses shall be added to and be assessed as a part of the above referenced scheduled violation fee. In the event the owner or keeper of said animals found in violation of this chapter agree to allow said animals to be adopted, and pay all fees for keeping, treating and boarding said animals, the remaining portion of the scheduled impounding violation fee may be waived in the discretion of the charging officer.

55.15 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.

55.16 OWNERSHIP OF ANIMALS RESTRICTED. No person shall own, possess, or keep within the City more than three mature animals, including dogs, in any one household. This section does not apply to a person who operates a commercial kennel as a bona fide business with the intent to make a profit. Persons who own, possess, or keep more than three mature animals per household on the effective date of this section shall be permitted to continue to own, possess, or keep those animals only, but shall not be permitted to replace an animal which dies, is sold, transferred, or otherwise disposed of until the total number of animals per household is decreased to three.

55.17 UNHEALTHFUL OR UNSANITARY CONDITIONS.

1. An owner shall keep all structures, pens, coops or yards wherein animals are confined clean, devoid of vermin, and free of odors arising from feces.
2. No owner or walker of any animal shall permit the animal to discharge feces upon any public or private property, other than the property of the owner of the animal. The owner or walker shall be deemed to permit the animal's discharge of feces if the owner immediately thereafter takes steps to remove and clean up the feces from the property.
3. All feces removed as aforesaid shall be placed in an airtight container and shall be stored in a sanitary manner in an appropriate refuse container until it is removed pursuant to refuse collection procedures or otherwise disposed of in a sanitary manner.
4. An owner may, as an alternative to subsection 3 above, collect the feces and turn it under the surface of the owner's soil in any manner that prevents odor or collection of vermin.

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CHAPTER 56

VICIOUS ANIMALS

56.01 Definitions

56.02 Keeping of Vicious Animals Prohibited

56.03 Seizure, Impoundment and Disposition

56.04 Costs

56.01 DEFINITION. “Vicious animal” means any animal that has attacked, bitten or clawed a person while the animal is running at large, or on public property, or while the person is lawfully on private property, including the property of the owner of the animal, and the attack was unprovoked, or any animal that has exhibited vicious tendencies in present or past conduct, including such that said animal:

1. Has bitten more than one person during the animal’s lifetime.
2. Has bitten one person on two or more occasions during the animal’s lifetime.
3. Has attacked any domestic animal or fowl without provocation, causing injury or death to the other animal.
4. Has been trained for dog fighting, animal fighting or animal baiting or is owned for such purposes.
5. Is trained to attack human beings, upon command or spontaneously in response to human activities.

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

1. Animals under the control of law enforcement or military agency.
2. The keeping of guard dogs; however, guard dogs must be kept within a structure or fixed enclosure at all times, and any guard dog found at large shall be deemed as a vicious animal pursuant to the provisions of this chapter. Any premises guarded by a guard dog shall be prominently posted with a sign containing the wording, “Guard Dog,” or similar wording, and the owner of such premises shall register said guard dog with the City, informing City officials that a guard dog is on duty at said premises.
3. No animal shall be deemed to be vicious as a result of having attacked or injured any person who, at the time of such attack or injury, was committing a willful trespass or was committing or attempting to commit other criminal conduct while upon premises occupied by the owner or keeper of such animal or was, at the time of such attack or injury, teasing, tormenting, abusing or assaulting the animal. Further, no animal shall be deemed to be vicious as a result of having defended or protected its owner, keeper or handler from an unjustified attack or assault. No animal shall be deemed vicious for causing injury or death to another animal if it was defending itself from an unprovoked attack by such other animal.

56.03 SEIZURE, IMPOUNDMENT AND DISPOSITION.

1. In the event that a vicious animal is found at large and unattended upon public property, park property, public right of way or the property of someone other than its

owner, thereby creating a hazard to persons or property, such animal may, in the discretion of the Mayor or peace officer, be destroyed if it cannot be confined or captured. The City shall be under no duty to attempt the confinement or capture of a vicious animal found at large, nor shall it have a duty to notify the owner of such animal prior to its destruction.

2. Upon the complaint of any individual that a person is keeping, sheltering, or harboring a vicious animal on premises in the City, the Mayor or peace officer 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 vicious animal in the City, the Mayor or peace officer shall order the person named in the complaint to humanely euthanize said animal within three days of the receipt of such an order. Such order shall be contained in a notice to humanely euthanize the vicious animal or the wild animal, which notice shall be given in writing to the person keeping, sheltering, or harboring the vicious animal, and shall be served personally or by certified mail. Such order and notice to humanely euthanize the vicious animal shall not be required where such animal has previously caused serious physical harm or death to any person, in which case the Mayor or peace officer shall cause the animal to be immediately seized and impounded or destroyed if seizure and impoundment are not possible without risk of serious physical harm or death to any person. Such Order (Notice) shall be in a form consistent with a citation for a municipal infraction, and violation of this chapter constitutes a municipal infraction. In the event the person keeping, sheltering, or harboring the vicious animal does humanely euthanize said animal within three days of receipt of the Order contained in the Notice, and provide adequate proof of the same to the City, then the City will dismiss the citation for that municipal infraction. A copy of the Order-Notice (Citation) shall be retained by the issuing officer, and the original sent to the clerk of the District Court.

3. The order to humanely euthanize a vicious animal issued by the Mayor or peace officer may be appealed to the Iowa District Court for Mitchell County-Magistrate Division. In order to appeal such order, written notice of appeal must be filed with the Clerk of District Court for Mitchell County within three days after receipt of the order contained in the notice to humanely euthanize the vicious animal. Failure to file such written notice of appeal shall constitute a waiver of the right to appeal the order of the Mayor or peace officer.

4. The notice of appeal shall state the grounds for such appeal and shall be filed with the Mitchell County Clerk of District Court. The hearing of such appeal shall be scheduled within seven days of the filing of the notice of appeal. The hearing may be continued for good cause. After such hearing, the Court may affirm or reverse the order of the Mayor or peace officer.

5. If the Court affirms the order of the Mayor or peace officer, the Court shall order in its decision that the person owning, sheltering, harboring, or keeping such vicious animal to humanely euthanize said animal, and shall further order that the person owning, sheltering, harboring, or keeping such vicious animal provide proof of euthanasia to the Clerk of Court. The decision and order shall immediately be served upon the person against whom rendered in the same manner as the notice to humanely euthanize. If the original order of the Mayor or peace officer is not appealed and is not complied with within three days, or the order of the Court, after appeal, is not complied with within three days of issuance of said Order, the Mayor or peace officer is authorized to destroy such animal. Failure to comply with an order of the Mayor or

peace officer issued pursuant to this chapter and not appealed, or of the Court after appeal constitutes a simple misdemeanor.

56.04 COSTS. The owner, handler or keeper of a vicious animal shall be assessed and be liable for any and all costs associated with the enforcement of this chapter regarding said animal, including but not limited to the capture, seizure, transport, boarding, destroying or euthanizing, and any other costs incident thereto.

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CHAPTER 58

BIRD SANCTUARY

58.01 Purpose

58.02 Designation as Sanctuary

58.03 Protection of Bird Life

58.04 Exception

58.01 PURPOSE. The purpose of this chapter is to protect and promote the economic and social well-being of the community by preserving and protecting native bird life.

58.02 DESIGNATION AS SANCTUARY. The entire area within the City is designated as a bird sanctuary.

58.03 PROTECTION OF BIRD LIFE. It is unlawful for any person to trap, hunt, shoot, attempt to shoot or molest in any manner any bird, wild fowl or bird or wild fowl nest.

58.04 EXCEPTION. Starlings or similar birds found to be congregating in such numbers in a particular locality as to constitute a nuisance or menace to health or property may be destroyed in such numbers and in such manner as is deemed advisable by local health authorities, provided that:

1. Hearing Required. Local health authorities meet with representatives of the Garden Club or other clubs to determine the nature and scope of the nuisance and to present any alternative solutions available.
2. Notice of Hearing. Notice shall be published of the time and place of the required hearing.
3. Determination. If a nuisance is found to exist and no satisfactory alternative to abate such nuisance is found, then such birds may be destroyed under the supervision of the Police Chief.

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CHAPTER 60

ADMINISTRATION OF TRAFFIC CODE

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

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

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

(Code of Iowa, Sec. 321.1)

1. "Business District" means the territory contiguous to and including a highway when 50 percent or more of the frontage thereon for a distance of 300 feet or more is occupied by buildings in use for business.
2. "Park" or "parking" means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.
3. "Peace officer" means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.
4. "Residence district" means the territory contiguous to and including a highway not comprising a business, suburban or school district, where 40 percent or more of the frontage on such a highway for a distance of 300 feet or more is occupied by dwellings or by dwellings and buildings in use for business.
5. "School district" means the territory contiguous to and including a highway for a distance of 200 feet in either direction from a schoolhouse.
6. "Stand" or "standing" means the halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.
7. "Stop" means when required, the complete cessation of movement.
8. "Stop" or "stopping" means when prohibited, any halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control sign or signal.
9. "Suburban district" means all other parts of the City not included in the business, school, or residence districts.
10. "Traffic control device" means all signs, signals, markings, and devices not inconsistent with this chapter, lawfully placed or erected for the purpose of regulating, warning, or guiding traffic.

11. “Vehicle” means every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, street, or alley.

60.03 ADMINISTRATION AND ENFORCEMENT. Provisions of this Traffic Code and State law relating to motor vehicles and law of the road are enforced by the Police Chief.

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

60.04 POWER TO DIRECT TRAFFIC. A peace officer or, in the absence of a peace officer, any officer of the Fire Department when at the scene of a fire, is authorized to direct all traffic by voice, hand, or signal in conformance with traffic laws. In the event of an emergency, traffic may be directed as conditions require, notwithstanding the provisions of the traffic laws.

(Code of Iowa, Sec. 102.4 & 321.236[2])

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

(Code of Iowa, Sec. 321.273)

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

(Code of Iowa, Sec. 321.492)

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

(Code of Iowa, Sec. 321.229)

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

1. Definition. “Parade” means any march or procession of persons or vehicles organized for marching or moving on the streets in an organized fashion or manner or any march or procession of persons or vehicles represented or advertised to the public as a parade.
2. Permission Required. No parade shall be conducted without first obtaining permission from the Police Department. The permission shall include the time and date for the parade to be held and the streets or general route therefor. Such permission granted to the person organizing or sponsoring the parade shall be permission for all participants therein to parade when such participants have been invited to participate therein. No fee shall be required for such permission.
3. Parade Not a Street Obstruction. Any parade for which permission has been given as herein required, and the persons lawfully participating therein, shall not be deemed an obstruction of the streets notwithstanding the provisions of any other ordinance to the contrary.

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

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CHAPTER 61

TRAFFIC CONTROL DEVICES

61.01 Installation
61.02 Crosswalks
61.03 Traffic Lanes

61.04 Standards
61.05 Compliance

61.01 INSTALLATION. The Police Chief shall cause to be placed and maintained traffic control devices when and as required under this Traffic Code or under State law or emergency or temporary traffic control devices for the duration of an emergency or temporary condition as traffic conditions may require to regulate, guide or warn traffic. The Police Chief shall keep a record of all such traffic control devices.

(Code of Iowa, Sec. 321.255)

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

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

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

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

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

(Code of Iowa, Sec. 321.255)

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

(Code of Iowa, Sec. 321.256)

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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 – Penalty for abandonment.
10. Section 321.98 – Operation without registration.
11. Section 321.99 – Fraudulent use of registration.
12. Section 321.104 – Penal offenses against title law.
13. Section 321.115 – Antique vehicles; model year plates permitted.
14. Section 321.174 – Operators licensed.
15. Section 321.174A – Operation of motor vehicles with expired license.
16. Section 321.180 – Instruction permits.
17. Section 321.180B – Graduated driver’s licenses for persons aged fourteen through seventeen.
18. Section 321.193 – Restricted licenses.
19. Section 321.194 – Special minor’s licenses.
20. Section 321.208A – Operation in violation of out-of-service order.
21. Section 321.216 – Unlawful use of license and nonoperator’s identification card.
22. Section 321.216B – Use of driver’s license or nonoperator’s identification card by underage person to obtain alcohol.

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

54. Section 321.298 – Meeting and turning to right.
55. Section 321.299 – Overtaking a vehicle.
56. Section 321.302 – Overtaking and passing.
57. Section 321.303 – Limitations on overtaking on the left.
58. Section 321.304 – Prohibited passing.
59. Section 321.306 – Roadways laned for traffic.
60. Section 321.307 – Following too closely.
61. Section 321.308 – Motor trucks and towed vehicles; distance requirements.
62. Section 321.309 – Towing; convoys; drawbars.
63. Section 321.310 – Towing four-wheel trailers.
64. Section 321.312 – Turning on curve or crest of grade.
65. Section 321.313 – Starting parked vehicle.
66. Section 321.314 – When signal required.
67. Section 321.315 – Signal continuous.
68. Section 321.316 – Stopping.
69. Section 321.317 – Signals by hand and arm or signal device.
70. Section 321.318 – Method of giving hand and arm signals.
71. Section 321.319 – Entering intersections from different highways.
72. Section 321.320 – Left turns; yielding.
73. Section 321.321 – Entering through highways.
74. Section 321.322 – Vehicles entering stop or yield intersection.
75. Section 321.323 – Moving vehicle backward on highway.
76. Section 321.323A – Approaching certain stationary vehicles.
77. Section 321.324 – Operation on approach of emergency vehicles.
78. Section 321.324A – Funeral processions.
79. Section 321.329 – Duty of driver; pedestrians crossing or working on highways.
80. Section 321.330 – Use of crosswalks.
81. Section 321.332 – White canes restricted to blind persons.
82. Section 321.333 – Duty of drivers approaching blind persons.
83. Section 321.340 – Driving through safety zone.
84. Section 321.341 – Obedience to signal indicating approach of railroad train or railroad track equipment.
85. Section 321.342 – Stop at certain railroad crossings; posting warning.
86. Section 321.343 – Certain vehicles must stop.
87. Section 321.344 – Heavy equipment at crossing.

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

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

- 156. Section 321.460 – Spilling loads on highways.
- 157. Section 321.461 – Trailers and towed vehicles.
- 158. Section 321.462 – Drawbars and safety chains.
- 159. Section 321.463 – Maximum gross weight.
- 160. Section 321.465 – Weighing vehicles and removal of excess.
- 161. Section 321.466 – Increased loading capacity; reregistration.

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

(Code of Iowa, Sec. 321.255)

62.03 VEHICLES ON SIDEWALKS. The driver of a vehicle shall not drive upon or within any sidewalk area except at a driveway. *(See also Section 136.21.)*

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 miles per hour.
2. Residence or School District – 25 miles per hour.
3. Suburban District – 45 miles per hour.

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

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

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

(Code of Iowa, Sec. 321.290)

1. Special 20 MPH Speed Zones. A speed in excess of 20 miles per hour is unlawful on any of the following designated streets or parts thereof.
 - A. Fourth Street from railroad tracks to Main Street.
2. Special 25 MPH Speed Zones. A speed in excess of 25 miles per hour is unlawful on any of the following designated streets or parts thereof.
 - A. Industrial Drive.
 - B. Mitchell County No. 105 from station 362+91 to West Fourth Street.
 - C. Mitchell County No. T26 from south corporate limits to Fourth Street.
 - D. North Park Street.

- E. Industrial Park Drive.
 - F. Industrial Park area.
 - G. Franklin Street from Fifth Street to Eighth Street.
 - H. Center Street from Sixth Street to Eighth Street.
3. Special 35 MPH Speed Zones. A speed in excess of 35 miles per hour is unlawful on any of the following designated streets or parts thereof.
- A. Mitchell County No. 105 from the north corporate limits to station 362+91.
 - B. U.S. Highway No. 218 from Winter Street to a point on U.S. Highway 218 where an extension of North School Street would intersect U.S. Highway 218.
4. Special 45 MPH Speed Zones. A speed in excess of 45 miles per hour is unlawful on any of the following designated streets or parts thereof.
- A. U.S. Highway No. 218 from a point where an extension of North School Street would intersect U.S. Highway 218 to Station 1129 on said U.S. Highway 218.

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

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

(Code of Iowa, Sec. 321.236[9])

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CHAPTER 65

STOP OR YIELD REQUIRED

65.01 Through Streets
 65.02 Stop Required
 65.03 Three-Way Stop Intersections
 65.04 Yield Required

65.05 School Stops
 65.06 Stop Before Crossing Sidewalk
 65.07 Stop When Traffic Is Obstructed
 65.08 Yield to Pedestrians in Crosswalks

65.01 THROUGH STREETS. Every driver of a vehicle shall stop, unless yield is permitted by this chapter, before entering an intersection with the following designated through streets.
(Code of Iowa, Sec. 321.345)

STREET	FROM	TO
School Street	Fourth Street	North line of First Street
Eighth Street	East line of Main Street	East corporate limit
Fourth Street	East corporate limit	West corporate limit
Highway 218	North line of 4 th Street	North corporate limit
Main Street	South line of 4 th Street	South corporate limit
Main Street	North line of 4 th Street	North corporate limit

(Ord. 444 – Sep. 19 Supp.)

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

(Code of Iowa, Sec. 321.345)

VEHICLES ON	TRAVELING	SHALL STOP AT
Train Lane (Illinois Central Right-of-Way)	South/southeast	Eighth Street
Washington Street	North or south	Fourth Street
Washington Street	North or south	Fifth Street
George Street	North or south	Fifth Street
Third Street	East or west	Illinois Central Railroad Right-of-Way
Fourth Street	East or west	Mitchell Street
Fifth Street	East or west	George Street
Fifth Street	East or west	Washington Street
George Street	South	First Street
Center Street	South	Eighth Street
Eighth Street	East or west	Center Street and West School Drive and railroad crossing
Eighth Street	East	East School Drive, Red Ball Road and Train Lane
Red Ball Road	Northwest	Eighth Street, Train Lane, East School Drive, and Extension of Church Street into Eighth Street
Park Street	North or south	First Street

(Ord. 444 – Sep. 19 Supp.)

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

(Code of Iowa, Sec. 321.345)

1. Intersection of South School Street and Eighth Street. Vehicles approaching the intersection of South School and Eighth Street from the north, east and west shall stop before entering such intersection.
2. Intersection of Main Street and Fourth Street. Vehicles approaching the intersection of Main Street and Fourth Street from the west, north and south shall stop before entering such intersection.

(Section 65.03 – Ord. 444 – Sep. 19 Supp.)

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

(Code of Iowa, Sec. 321.345)

1. Sixth Street. Vehicles traveling on Sixth Street shall yield at extension of Park Street along Illinois Central ROW.
2. Extension of Church Street. Vehicles traveling southwest to west on the extension of Church Street into Eighth Street shall yield at Train Lane and Red Ball Road.

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

(Code of Iowa, Sec. 321.249)

1. Intersection of Eighth Street at S. School Street and S. Franklin Street.
2. Intersection of Eighth Street and Center Street.

65.06 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)

65.07 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.

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

(Code of Iowa, Sec. 321.327)

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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 Load Limits on Bridges

66.05 Truck Routes

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

(Code of Iowa, Sec. 321.471 & 472)

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

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

66.03 LOAD LIMITS UPON CERTAIN STREETS. When signs are erected giving notice thereof, no person shall operate any vehicle with a gross weight in excess of the amounts specified on such signs at any time upon any of the following streets or parts of streets:

(Code of Iowa, Sec. 321.473 & 475)

- NONE -

66.04 LOAD LIMITS ON BRIDGES. Where it has been determined that any City bridge has a capacity less than the maximum permitted on the streets of the City, or on the street serving the bridge, the Police Chief may cause to be posted and maintained signs on said bridge and at suitable distances ahead of the entrances thereof to warn drivers of such maximum load limits. No person shall drive upon said bridge any vehicle weighing, loaded or unloaded, in excess of such posted limit.

(Code of Iowa, Sec. 321.471)

66.05 TRUCK ROUTES. Truck route regulations are established as follows:

1. Truck Routes Designated. Every motor vehicle weighing 10 tons or more, when loaded or empty, 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 the following streets within the City and none other:

(Code of Iowa, Sec. 321.473)

STREET	FROM	TO
Main Street	South Corporate Limit	North Corporate Limit
George Street	Fourth Street	Fifth Street
Washington Street	Fourth Street	Fifth Street
Mitchell Street	Third Street	Fifth Street
School Street	Third Street	Fourth Street
Franklin Street	Fourth Street	Eighth Street
Park Street	North Corp. Limit	Sixth Street
Church Street	Fourth Street	Eighth Street
Pleasant Street	Fourth Street	Eighth Street
Summer Street	Third Street	Fourth Street
Winter Street	Third Street	Fourth Street
Third Street	Mitchell Street	School Street
Third Street	Summer Street	East Corp. Limit
Fourth Street	Main Street	East Corp. Limit
Fifth Street	George Street	Mitchell Street
Sixth Street	Park Street	Church Street
Seventh Street	Church Street	Pleasant Street
R.R. Right-of-way	Sixth Street	Seventh Street
Highway 218	North Corp. Limit	Fourth Street

2. Deliveries Off Truck Route. Any motor vehicle weighing 10 tons or more, 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 set out in this section to the nearest point of its scheduled or definite stop and shall proceed thereto, load or unload, and return by the most direct route 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. Upon the following streets and alleys, vehicular traffic, other than permitted cross traffic, shall move only in the indicated direction when appropriate signs are in place.

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

1. North-south alleys in Block 22 and Block 23, between Fourth Street on the south and Third Street on the north shall be northbound only.

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CHAPTER 69

PARKING REGULATIONS

69.01 Park Adjacent to Curb	69.09 Truck Parking Limited
69.02 Parking on One-Way Streets	69.10 Freight Loading Zone
69.03 Angle Parking	69.11 Parking Limited to Two Hours
69.04 Manner of Angle Parking	69.12 Parking Limited to Ten Minutes
69.05 Parking for Certain Purposes Illegal	69.13 Snow Removal
69.06 Parking Prohibited	69.14 Snow Routes
69.07 Persons with Disabilities Parking	69.15 Controlled Access Facilities
69.08 No Parking Zones	69.16 Reserved Parking Spaces

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

(Code of Iowa, Sec. 321.361)

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

(Code of Iowa, Sec. 321.361)

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

(Code of Iowa, Sec. 321.361)

1. School Street. On the east side of School Street from Fourth Street to the north boundary of Lot 3, Block 77 and on the east side of School Street from Fourth Street to the south boundary of Lot 3, Block 76.
2. Washington Street. On the west side of Washington Street from Sixth Street to Fifth Street, on the west side of Washington Street from Fourth Street to the south boundary of Lot 6, Block 26, and on the east side of Washington Street from Fourth Street to Third Street.
3. Sixth Street. On the north side of Sixth Street from Washington Street to the mid-point of south boundary of South Square.
4. Fifth Street. On the north side of Fifth Street from Washington Street to George Street, and on the south side of Fifth Street from Mitchell Street to Washington Street.
5. Mitchell Street. On the west side of Mitchell Street from the north boundary line of Sixth Street to the south boundary line of Fifth Street, and on the west side of Mitchell Street from the south boundary of Lot 6, Block 25, to the south boundary line of Fourth Street, and on the west side of Mitchell Street from the north boundary of Fourth Street to the north boundary of Lot 9, Block 22.

6. Second Street. On the north side of Second Street from Main Street to Jefferson Street, and on the south side of Second Street from Main Street to the west boundary of Lot 5, Block 8.
7. First Street. On the north side of First Street from Center Street to the west boundary of Lot 10, Block 105.
8. George Street. On the west side of George Street from Fourth Street to the south boundary of Lot 6, Block 27.
9. Fifth Street. On the north side of Fifth Street from Mitchell Street east to the alley.

69.04 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. 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)

69.05 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.

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

1. Crosswalk. On a crosswalk.
(Code of Iowa, Sec. 321.358[5])
2. Center Parkway. On the center parkway or dividing area of any divided street.
(Code of Iowa, Sec. 321.236[1])
3. Mailboxes. Within 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 10 feet of an intersection of any street or alley.

(Code of Iowa, Sec. 321.358[3])

7. Fire Hydrant. Within five feet of a fire hydrant.

(Code of Iowa, Sec. 321.358[4])

8. Stop Sign or Signal. Within 10 feet upon the approach to any flashing beacon, stop or yield sign, or traffic control signal located at the side of a roadway.

(Code of Iowa, Sec. 321.358[6])

9. Railroad Crossing. Within 50 feet of the nearest rail of a railroad crossing, except when parked parallel with such rail and not exhibiting a red light.

(Code of Iowa, Sec. 321.358[8])

10. Fire Station. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance when properly sign posted.

(Code of Iowa, Sec. 321.358[9])

11. Excavations. Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.

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

12. Double Parking. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.

(Code of Iowa, Sec. 321.358[11])

13. Hazardous Locations. When, because of restricted visibility or when standing or parked vehicles would constitute a hazard to moving traffic, or when other traffic conditions require, the Council may cause curbs to be painted with a yellow color and erect no parking or standing signs.

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

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

(Code of Iowa, Sec. 321.360)

15. Alleys.

A. General Provisions. Except as provided in paragraph B below, no person shall park a vehicle in an alley in such a manner or under such conditions as to leave available less than 10 feet of 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 of abutting property. The provisions of this paragraph shall not apply to a vehicle temporarily parked in an alley to take on or deliver goods or services, except as restricted in paragraph B of this subsection.

B. Restricted Alleys. No person shall stop, stand or park a vehicle within an alley in Blocks 23, 24, 25 and 76 in the town of St. Ansgar except as follows: vehicles may temporarily park on the northerly portion of the east/west alleys

in Blocks 24, 25 and 76 and on the easterly portion of the north/south alley in Block 23, to take on or discharge and deliver goods or services, may only do so between the hours of 6:00 a.m. and 6:00 p.m. Monday through Saturday, and to the extent possible, do so as to leave sufficient width of the roadway for the free movement of vehicular traffic. In no event shall a person stop, stand or park a vehicle within said alleys in such a position as to block the driveway entrance to any abutting property at any time.

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.

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

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

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

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

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

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

C. Use by a vehicle in violation of the rules adopted under Section 321L.8 of the *Code of Iowa*.

3. Wheelchair Parking Cones. No person shall use or interfere with a wheelchair parking cone in violation of the following:

A. A person issued a persons with disabilities parking permit must comply with the requirements of Section 321L.2A[1] of the *Code of Iowa* when utilizing a wheelchair parking cone.

B. A person shall not interfere with a wheelchair parking cone that is properly placed under the provisions of Section 321L.2A[1] of the *Code of Iowa*.

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

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

1. Mitchell Street on the east side from Fifth Street to a point 70 feet north.
2. Washington Street along the west side of Block 33, being the east or north bound side of Washington Street, between Sixth Street and Fifth Street, on Monday through Friday, during the hours of 7:00 a.m. and 9:00 a.m. and during the hours of 1:30 p.m. and 3:30 p.m. when the St. Ansgar Community School District is in session.
3. Fourth Street (U.S. Highway 218) along the south side of Block 80 and along the south side of the east one-half of Block 79, that being the north side of said street or the westbound side of Fourth Street; and Fourth Street along the north side of the east one-half of Block 74 and the north side of the west one-half of Block 73, that being the south side of said street or the eastbound side of Fourth Street.

69.09 TRUCK PARKING LIMITED. No person shall stand or park any truck, trailer, tractor-trailer or other commercial vehicle within the two-hour parking zone on Fourth Street or in any area where angle parking is permitted. This provision does not apply to pickup or light panel trucks.

69.10 FREIGHT LOADING ZONE. The Police Chief is authorized to issue special permits to allow the backing of a vehicle to the curb within the two-hour parking zone or in any area where angle parking is permitted for the purpose of loading or unloading merchandise or material. Such permits may be issued either to the owner or lessee of real property or to the owner of the vehicle.

69.11 PARKING LIMITED TO TWO HOURS. It is unlawful to park any vehicle for a continuous period of more than two hours between the hours of 9:00 a.m. and 5:00 p.m. on any day except Sunday, on both sides of Fourth Street from Washington Street to Franklin Street.

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

69.12 PARKING LIMITED TO TEN MINUTES. The Police Chief is hereby granted authority to designate one or two parking spaces in which no vehicle shall be parked for more than 10 minutes between the hours of 8:00 a.m. and 5:00 p.m. on any day except Sunday and legal holidays, at or near the location of City Hall or the medical office along that part of Fourth Street within the two-hour parking zone described in Section 69.11. If the Mayor exercises this authority, the Mayor shall cause appropriate signs to be erected notifying the public which space or spaces are designated as ten-minute zones and at what times of the day and on what days such 10-minute parking shall be enforced.

69.13 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])

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

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

69.15 CONTROLLED ACCESS FACILITIES. Parking restrictions on controlled access facilities are as specified in Chapter 140 of this Code of Ordinances.

69.16 RESERVED PARKING SPACES. The following parking spaces are reserved:

1. For City of St. Ansgar employees from 7:00 a.m. to 5:00 p.m., Monday through Friday, the first three spaces immediately east of the St. Ansgar City Hall Council Chambers counting from the northeast corner of the building south toward the intersecting library wall. The said reserved spaces are identified as being spaces one, two, and three.
2. For the St. Ansgar City Police Department and other emergency vehicles, 24 hours per day, counting from the northeast corner of the east wall of the St. Ansgar City Hall Council Chambers counting from northeast corner of the building south toward the intersection library wall, space four.

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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 & 321.485)

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

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

70.03 PARKING VIOLATIONS: ALTERNATE. Uncontested violations of parking restrictions imposed by this Code of Ordinances shall be charged upon a simple notice of a fine payable at the office of the City Clerk. The fine for each violation charged under a simple notice of a fine shall be in the amount of \$25.00 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] & 321L.4[2])

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

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

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

70.06 IMPOUNDING VEHICLES. A peace officer is hereby authorized to remove, or cause to be removed, a vehicle from a street, public alley, public parking lot or highway to the

nearest garage or other place of safety, or to a garage designated or maintained by the City, under the circumstances hereinafter enumerated:

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

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

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

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

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

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

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

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

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

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CHAPTER 75

ALL-TERRAIN VEHICLES AND SNOWMOBILES

75.01 Purpose

75.02 Definitions

75.03 General Regulations

75.04 Operation of Snowmobiles

75.05 Operation of All-Terrain Vehicles
or Off-Road Motorcycles

75.06 Negligence

75.07 Accident Reports

75.08 Equipment Required

75.09 Unlawful Operation

75.10 Permits and Permit Holders

75.11 Penalty

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

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

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

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

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

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

3. “Off-road utility vehicle” is the same as a “utility terrain vehicle,” as defined in Section 78.02 of this Code of Ordinances. An operator of an off-road utility vehicle is controlled by the provisions of Chapter 78 governing the operation of utility terrain vehicles.

4. “Operate” means to ride in or on, other than as a passenger, use, or control the operation of an ATV or snowmobile in any manner, whether or not the ATV or snowmobile is moving.

5. “Operator” means a person who operates or is in actual physical control of an ATV or snowmobile.

6. “Roadway” means that portion of a street, alley or highway, improved, designated, or ordinarily used for vehicular travel.

7. “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)

8. “Street, alley, 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 the purposes of vehicular travel.
(*Code of Iowa, Sec. 3211.1*)

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

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

1. Streets. Snowmobiles shall 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 ALL-TERRAIN VEHICLES OR OFF-ROAD MOTORCYCLES.

1. ATVs and off-road motorcycles shall not be operated on, and shall not cross U.S. Highway 218. ATVs and off-road motorcycles shall not be operated on Fourth Street, Mitchell County Highway 105, or Main Street other than to make a direct crossing. Permit holders that have driveways on Fourth Street, Highway 105, or Main Street may drive to the nearest side street and make a direct crossing.
2. ATVs and off-road motorcycles may be operated on the streets of St. Ansgar after first obtaining a permit as provided herein. Persons who obtain a permit as required herein are authorized to operate an ATV or off-road motorcycle on roadways or portions thereof within the City of St. Ansgar.
3. The operation of an ATV or off-road motorcycle on City streets is to be only by persons possessing valid permits and/or license or by special permit for disabilities, and who are 16 years of age or older.
4. It is unlawful for any parent, guardian, or other person having the care, custody, and control of a minor under the age of 16 to knowingly or negligently permit or allow such a minor to violate the provisions of this chapter.
5. The operation of ATVs and off-road motorcycles on City public streets is prohibited between the hours of 10:00 p.m. and 5:00 a.m. No ATV or off-road motorcycle shall be operated without a lighted headlight and taillight from sunset to 10:00 p.m. and from 5:00 a.m. to sunrise, and at such times when conditions provide insufficient lighting to render clearly discernible persons and vehicles at a distance of 500 feet.
6. The operation of ATVs and off-road motorcycles on those City public streets not prohibited shall be permitted year round.
7. The storage or cargo area, if any, of an ATV or off-road motorcycle shall not be used as a location where any passengers ride.
8. Every person riding on an ATV or off-road motorcycle shall be seated on a recognized driver or passenger seat installed by the original manufacturer. The number of riders, including the driver, shall not exceed the capacity or number recommended by the original manufacturer.
9. An ATV or off-road motorcycle may pull a trailer as a method of transporting cargo only on designated ATV or off-road motorcycle routes. Trailers pulled by ATVs or off-road motorcycles shall not be used as a means of providing for additional riders or passengers. Any trailer pulled by an ATV or off-road motorcycle shall not exceed in width the width of a standard ATV.

10. No ATVs or off-road motorcycles shall be operated on City public streets unless the operator can provide proof of off-premises liability insurance coverage in effect, and providing coverage for the ATVs or off-road motorcycles being operated.

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

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

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

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

75.08 EQUIPMENT REQUIRED.

1. ATVs and off-road motorcycles shall be equipped with a slow moving vehicle sign on the back for operation on City streets and alleys.
2. ATVs and off-road motorcycles shall be equipped with adequate brakes and other safety equipment as required by the City.
3. ATVs and off-road motorcycles shall be in good mechanical condition and thoroughly safe for transportation of passengers.

75.09 UNLAWFUL OPERATION. A person shall not drive or operate an ATV, off-road motorcycle, or snowmobile:

1. In a careless, reckless, or negligent manner as to endanger the person or property of another or cause injury or damage thereto.
2. While under the influence of intoxicating liquor or narcotics or habit forming drugs.
3. In or on any park, playground, sidewalk, or upon any publicly owned property except with the permission of the governing body thereof.
4. On private property without the express consent of the owner thereof. Operating on private property without said consent will be considered trespassing.
5. At a speed in excess of the lesser of 35 miles per hour or posted speed limits, and in no event at a rate of speed greater than reasonable or proper under all existing circumstances.

75.10 PERMITS AND PERMIT HOLDERS. For the persons who wish to operate ATVs or off-road motorcycles within the City, the following shall apply:

1. An application for a permit shall be made on a form supplied by the City.
2. The application shall contain the name and address of applicant, and the make, model, year, color and serial number of the ATV or off-road motorcycle.

3. The applicant shall provide a valid driver's license or permit and be 16 years or older on the date of issuance.
4. The ATV or off-road motorcycle owner will provide the City with proof of off-premises liability insurance covering the ATV or off-road motorcycle for which a permit is being applied for. This is additional insurance to cover liability when driving on City streets.
5. The applicant must provide a certificate of inspection from a City-approved entity.
6. Before any permit is issued, the person who makes the application shall pay to the Clerk a charge in the amount set by resolution of the Council.
7. All permits shall be issued for a specific ATV or off-road motorcycle. Permit holders will be issued a number from the City and the permit holder shall be required to purchase at a minimum three-inch adhesive reflective numbers to affix to the left side of the ATV near the front fender, or the left side of the fuel tank of an off-road motorcycle.
8. No permit shall be issued without the applicant providing proof of off-premises liability insurance coverage for the ATV or off-road motorcycle for which the permit is sought. In addition, permit holders must provide annual proof to the City Clerk of off-premises liability insurance coverage for the ATV or off-road motorcycle for which the permit is issued. Failure of a permit holder to provide proof of off-premises liability insurance coverage for the ATV or off-road motorcycle will result in the permit being revoked. The City Clerk shall provide a written notice, mailed to the applicant's last known mailing address by regular U.S. Mail. Failure of the permit holder to provide proof of insurance within the 10 days after said notice shall result in revocation of that permit.
9. All ATVs or off-road motorcycles must be registered through the County Recorder's office to obtain a permit from the City.

75.11 PENALTY.

1. In the event that the operator of the ATV or off-road motorcycle commits a traffic offense while driving an ATV or off-road motorcycle, the operator's ATV and/or off-road motorcycle permits shall be suspended for the rest of the permit year. In the event the operator commits a second traffic offense while driving an ATV or off-road motorcycle, the operator's ATV and/or off-road motorcycle permits shall be suspended for a period of five permit years. In the event the operator commits a third traffic offense while driving an ATV or off-road motorcycle, the operator's ATV and/or off-road motorcycle permits shall be revoked permanently in the City.
2. In addition to the suspension or revocation of the permit, a person who violates this chapter is guilty of a simple misdemeanor as set forth under Section 321I.15 of the *Code of Iowa*.
3. Upon conviction for a violation of specified provisions of this chapter, in addition to any other penalty, the defendant shall be subject to civil remedies as set forth under Section 321I.15A of the *Code of Iowa*.

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CHAPTER 76

BICYCLE REGULATIONS

76.01 Scope of Regulations	76.08 Riding on Sidewalks
76.02 Traffic Code Applies	76.09 Towing
76.03 Double Riding Restricted	76.10 Improper Riding
76.04 Two Abreast Limit	76.11 Parking
76.05 Speed	76.12 Equipment Requirements
76.06 Emerging from Alley or Driveway	76.13 Special Penalty
76.07 Carrying Articles	

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

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

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

(Code of Iowa, Sec. 321.234)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 321.397)

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

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

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

CHAPTER 77

GOLF CARTS

77.01 Purpose

77.02 Definitions

77.03 Operation of Roadways, Streets, or Highways

77.04 Equipment Required

77.05 Unlawful Operation

77.06 Permits and Permit Holders

77.07 Penalty

77.08 Community Events; Exception

77.01 PURPOSE. The purpose of this chapter is to permit and regulate the operation of golf carts on streets within the City.

77.02 DEFINITIONS.

1. “Golf cart” means a three- or four-wheeled recreational vehicle generally used for transportation of persons in the sport of golf, which is limited in engine displacement of less than 800 cubic centimeters and total dry weight of less than 800 pounds.
2. “Operate” means to ride in or on, other than as a passenger, use, or control the operation of a golf cart in any manner, whether or not the golf cart is moving.
3. “Operator” means a person who operates or is in actual physical control of a golf cart.
4. “Roadway” means that portion of a highway improved, designated, or ordinarily used for vehicular travel.
5. “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 the purposes of vehicular travel.

77.03 OPERATION ON ROADWAYS, STREETS, OR HIGHWAYS.

1. Golf carts shall not be operated on Highway 218, Fourth Street, Highway 105, or Main Street other than to make a direct crossing. Permit holders that have driveways on Highway 218, Fourth Street, Highway 105, or Main Street may drive to the nearest side street and make a direct crossing.
2. Golf carts may be operated on the streets of the City after first obtaining a permit as provided herein. Persons who obtain a permit as required below are authorized to operate a motorized golf cart on roadways or portions thereof within the City.
3. The operation of the golf carts on City streets is to be only by persons possessing a valid driver’s license or by special permit for disabilities and 16 years of age or older.
4. It is unlawful for any parent, guardian, or other person having the care, custody, and control of a minor under the age of 16 years to knowingly or negligently permit or allow such a minor to violate the provisions of this chapter.
5. The operation of golf carts on City streets is to be only from sunrise to sunset per the *Code of Iowa*.

6. The operation of golf carts on City public streets shall be permitted only during the months of April through October, inclusive.
7. The golf club storage area of the golf cart shall not be used as a location where any passengers ride.
8. Every person riding on a golf cart shall be seated on a recognized driver or passenger seat installed by the original manufacturer. The number of riders, including the driver, shall not exceed the capacity or number recommended by the original manufacturer.
9. A golf cart may pull a trailer as a method of transporting cargo only on designated golf cart routes. Trailers pulled by golf carts shall not be used as a means of providing for additional riders or passengers. Any trailer pulled by a golf cart shall not exceed in width one and one-half times the width of a standard golf cart.
10. No golf cart shall be operated on City public streets unless the operator can provide proof of off-premises liability insurance coverage in effect, and providing coverage for the golf cart being operated.

77.04 EQUIPMENT REQUIRED.

1. Golf carts shall be equipped with a bicycle safety flag extending at least five feet off the ground and a slow moving vehicle sign on the back for operation on City streets. The flag shall be visible above any golf cart equipped with a top or roof.
2. Golf carts shall be equipped with adequate brakes and other safety equipment as required by the City.
3. Golf carts shall be in good mechanical condition and thoroughly safe for transportation of passengers.
4. A mirror to assist the driver with a view from the rear must be affixed.
5. Golf cart operators and passengers are required to wear seatbelts if golf carts are equipped with them from the original manufacturer.

77.05 UNLAWFUL OPERATION. A person shall not drive or operate a golf cart:

1. In a careless, reckless, or negligent manner as to endanger the person or property of another or cause injury or damage thereto.
2. While under the influence of intoxicating liquor or narcotics or habit forming drugs.
3. In or on any park, playground, sidewalk, or upon any publicly owned property except with the permission of the governing body thereof.
4. On private property without the express consent of the owner thereof. Operating on private property without said consent will be considered trespassing.
5. At a speed in excess of 15 miles per hour.

77.06 PERMITS AND PERMIT HOLDERS. For the persons who wish to operate golf carts as mode of transportation within the City of St. Ansgar, the following shall apply:

1. An application for a permit shall be made on a form supplied by the City.

2. The application shall contain the name and address of applicant, and the make, model, year, color and serial number of the golf cart.
3. The applicant shall provide a valid driver's license and be 16 years or older on the date of issuance.
4. The applicant must provide a certificate of inspection from a City-approved entity.
5. Before any permit is issued, the person who makes the application shall pay to the Clerk a charge in an amount set by resolution of the Council.
6. All permits shall be issued for a specific motorized golf cart. Permit holders will be issued a number from the City and the permit holder shall be required to purchase minimum three-inch adhesive reflective numbers to affix to the left side of the golf cart near the front.
7. No permit shall be issued without the applicant providing proof of off-premises liability insurance coverage for the golf cart for which the permit is sought. In addition, permit holders must provide annual proof to the City Clerk of off-premises liability insurance coverage for the golf cart for which the permit is issued. Failure of a permit holder to provide proof of off-premises liability insurance coverage for the golf cart will result in the permit being revoked. The City Clerk shall provide a written notice, mailed to the applicant's last known mailing address by regular U.S. Mail. Failure of the permit holder to provide proof of insurance within the ten days after said notice shall result in revocation of that permit.

77.07 PENALTY. In addition to the suspension or revocation of the permit, a person who violates this chapter is guilty of a simple misdemeanor punishable as scheduled violation under Section 321.247 of the *Code of Iowa*.

77.08 COMMUNITY EVENTS; EXCEPTION. The City Council may grant exceptions and allow any type of golf cart to be used on any City street by community or civic organizations for community events, without the requirement that the operator obtain a permit.

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CHAPTER 78

UTILITY TERRAIN VEHICLES

78.01 Purpose

78.02 Definitions

78.03 Operation on Roadways, Streets, or Highways

78.04 Equipment Required

78.05 Unlawful Operation

78.06 Permits and Permit Holders

78.07 Penalty

78.08 Community Events; Exception

78.01 PURPOSE. The purpose of this chapter is to permit and regulate the operation of Utility Terrain Vehicles (UTVs), as defined herein, on streets and alleys within the City. This chapter shall control regarding the regulation of UTVs, notwithstanding the provisions of Chapter 76.

78.02 DEFINITIONS.

1. “Operate” means to ride in or on, other than as a passenger, use, or control the operation of a UTV in any manner, whether or not the UTV is moving.
2. “Operator” means a person who operates or is in actual physical control of an UTV.
3. “Roadway” means that portion of a street, alley or highway improved, designated, or ordinarily used for vehicular travel.
4. “Street, alley, 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 the purposes of vehicular travel.
5. “Utility Terrain Vehicle” (also referred to as UTV) means motorized vehicle with no fewer than four and not more than eight non-highway tires or rubberized tracks and which has a seat that is a bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control, and which is defined as an “off-road utility vehicle” in Section 321I.1[18a].

78.03 OPERATION ON ROADWAYS, STREETS, ALLEYS, OR HIGHWAYS.

1. No person shall operate a UTV within the City in violation of the provisions of Chapter 321I of the *Code of Iowa*, or rules established by the Natural Resources Commission of the Department of Natural Resources or rules established by the Iowa Department of Transportation.
2. No person shall operate a “type-3 off-road utility vehicle” on the roadways, streets, alleys or highways in the City. A type-3 off-road utility vehicle means an off-road utility vehicle (UTV) with a total dry weight of more than 2,000 pounds or a width of more than 65 inches, or both. See Section 321I.1[18a](3) of the *Code of Iowa* for the definition of a “type-3 off-road utility vehicle.”
3. UTVs shall not be operated on, and shall not cross U.S. Highway 218. UTVs shall not be operated on Fourth Street, Mitchell County Highway 105, or Main Street other than to make a direct crossing. Permit holders that have driveways on Fourth Street, Highway 105, or Main Street may drive to the nearest side street and make a direct crossing.

4. UTVs may be operated on the streets of St. Ansgar after first obtaining a permit as provided herein. Persons who obtain a permit as required herein are authorized to operate a motorized UTV on roadways or portions thereof within the City of St. Ansgar.
5. The operation of a UTV on City streets is to be only by persons possessing a valid driver's license or by special permit for disabilities and who are 18 years of age or older.
6. It is unlawful for any parent, guardian, or other person having the care, custody, and control of a minor under the age of 18 to knowingly or negligently permit or allow such a minor to violate the provisions of this chapter.
7. The operation of UTVs on City public streets is prohibited between the hours of 10:00 p.m. and 5:00 a.m. No UTV shall be operated without a lighted headlight and taillight from sunset to 10:00 p.m. and from 5:00 a.m. to sunrise, and at such times when conditions provide insufficient lighting to render clearly discernible persons and vehicles at a distance of 500 feet.
8. The operation of UTVs on those City public streets not prohibited shall be permitted year round.
9. The storage or cargo area of the UTV shall not be used as a location where any passengers ride.
10. Every person riding on a UTV shall be seated on a recognized driver or passenger seat installed by the original manufacturer. The number of riders, including the driver, shall not exceed the capacity or number recommended by the original manufacturer.
11. A UTV may pull a trailer as a method of transporting cargo only on designated UTV routes. Trailers pulled by UTVs shall not be used as a means of providing for additional riders or passengers. Any trailer pulled by a UTV shall not exceed in width the width of a standard UTV.
12. No UTV shall be operated on City public streets unless the operator can provide proof of off-premises liability insurance coverage in effect, and providing coverage for the UTV being operated.

78.04 EQUIPMENT REQUIRED.

1. UTVs shall be equipped with a slow moving vehicle sign on the back for operation on City streets and alleys.
2. UTVs shall be equipped with adequate brakes and other safety equipment as required by the City.
3. UTVs shall be in good mechanical condition and thoroughly safe for transportation of passengers.
4. UTVs shall be equipped with a rear view mirror and side mirrors to assist the driver with a view to the rear, and said mirrors must be affixed to the vehicle.
5. All UTV operators and passengers are required to wear seatbelts.

78.05 UNLAWFUL OPERATION. A person shall not drive or operate a UTV:

1. In a careless, reckless, or negligent manner as to endanger the person or property of another or cause injury or damage thereto.

2. While under the influence of intoxicating liquor or narcotics or habit forming drugs.
3. In or on any park, playground, sidewalk, or upon any publicly owned property except with the permission of the governing body thereof.
4. On private property without the express consent of the owner thereof. Operating on private property without said consent will be considered trespassing.
5. At a speed in excess of the lesser of 35 miles per hour or posted speed limits, and in no event at a rate of speed greater than reasonable or proper under all existing circumstances.

78.06 PERMITS AND PERMIT HOLDERS. For the persons who wish to operate UTVs within the City, the following shall apply:

1. An application for a permit shall be made on a form supplied by the City.
2. The application shall contain the name and address of applicant, and the make, model, year, color, and serial number of the UTV.
3. The applicant shall provide a valid driver's license and be 18 years or older on the date of issuance.
4. The UTV owner will provide the City with proof of off-premises liability insurance covering the UTV for which a permit is being applied for. This is additional insurance to cover liability when driving on City streets.
5. The applicant must provide a certificate of inspection from a City-approved entity.
6. Before any permit is issued, the person who makes the application shall pay to the Clerk a charge in the amount set by resolution of the Council.
7. All permits shall be issued for a specific UTV. Permit holders will be issued a number from the City and the permit holder shall be required to purchase at a minimum three-inch adhesive reflective numbers to affix to the left side of the UTV near the front fender.
8. No permit shall be issued without the applicant providing proof of off-premises liability insurance coverage for the UTV for which the permit is sought. In addition, permit holders must provide annual proof to the City Clerk of off-premises liability insurance coverage for the UTV for which the permit is issued. Failure of a permit holder to provide proof of off-premises liability insurance coverage for the UTV will result in the permit being revoked. The City Clerk shall provide a written notice, mailed to the applicant's last known mailing address by regular U.S. Mail. Failure of the permit holder to provide proof of insurance within the 10 days after said notice shall result in revocation of that permit.
9. All UTVs must be registered through the County Recorder's office to obtain a permit from the City.

78.07 PENALTY.

1. In the event that the operator of the UTV commits a traffic offense while driving the UTV, the operator's UTV permit shall be suspended for the rest of the permit year. In the event the operator commits a second traffic offense while driving the UTV, the operator's UTV permit shall be suspended for a period of five permit years. In the

event the operator commits a third traffic offense while driving the UTV, the operator's UTV permit shall be revoked permanently in St. Ansgar.

2. In addition to the suspension or revocation of the permit, a person who violates this chapter is guilty of a simple misdemeanor as set forth under Section 321I.15 of the *Code of Iowa*.

3. Upon conviction for a violation of specified provisions of this chapter, in addition to any other penalty, the defendant shall be subject to civil remedies as set forth under Section 321I.15A of the *Code of Iowa*.

78.08 COMMUNITY EVENTS; EXCEPTION. The City Council may grant limited exceptions, and may allow any type of UTV to be used on any City street by community or civic organizations for community events, without the requirement that the operator obtain a permit.

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CHAPTER 80

ABANDONED VEHICLES

80.01 Definitions

80.02 Authority to Take Possession of Abandoned Vehicles

80.03 Notice by Mail

80.04 Notification in Newspaper

80.05 Fees for Impoundment

80.06 Disposal of Abandoned Vehicles

80.07 Disposal of Totally Inoperable Vehicles

80.08 Proceeds from Sales

80.09 Duties of Demolisher

80.01 DEFINITIONS. For use in this chapter, the following terms are defined:
(*Code of Iowa, Sec. 321.89[1] & Sec. 321.90*)

1. “Abandoned vehicle” means any of the following:
 - A. A vehicle that has been left unattended on public property for more than 24 hours and lacks current registration plates or two or more wheels or other parts which renders the vehicle totally inoperable.
 - B. A vehicle that has remained illegally on public property for more than 24 hours.
 - C. A vehicle that has been unlawfully parked or placed on private property without the consent of the owner or person in control of the property for more than 24 hours.
 - D. A vehicle that has been legally impounded by order of a police authority and has not been reclaimed for a period of 10 days. However, a police authority may declare the vehicle abandoned within the 10-day period by commencing the notification process.
 - E. Any vehicle parked on the highway determined by a police authority to create a hazard to other vehicle traffic.
 - F. A vehicle that has been impounded pursuant to Section 321J.4B of the *Code of Iowa* by order of the court and whose owner has not paid the impoundment fees after notification by the person or agency responsible for carrying out the impoundment order.
2. “Demolisher” means a person licensed under Chapter 321H of the *Code of Iowa* whose business it is to convert a vehicle to junk, processed scrap or scrap metal, or otherwise to wreck, or dismantle vehicles.
3. “Garage keeper” means any operator of a parking place or establishment, motor vehicle storage facility, or establishment for the servicing, repair, or maintenance of motor vehicles.
4. “Police authority” means the Iowa State Patrol or any law enforcement agency of a county or city.

80.02 AUTHORITY TO TAKE POSSESSION OF ABANDONED VEHICLES. A police authority, upon the authority’s own initiative or upon the request of any other authority having the duties of control of highways or traffic, shall take into custody an abandoned vehicle on public property and may take into custody any abandoned vehicle on private property. The police authority may employ its own personnel, equipment, and facilities or hire a private entity,

equipment, and facilities for the purpose of removing, preserving, storing, or disposing of abandoned vehicles. A property owner or other person in control of private property may employ a private entity that is a garage keeper to dispose of an abandoned vehicle, and the private entity may take into custody the abandoned vehicle without a police authority's initiative. If a police authority employs a private entity to dispose of abandoned vehicles, the police authority shall provide the private entity with the names and addresses of the registered owners, all lienholders of record, and any other known claimant to the vehicle or the personal property found in the vehicle.

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

80.03 NOTICE BY MAIL. The police authority or private entity that takes into custody an abandoned vehicle shall notify, within 20 days, by certified mail, the last known registered owner of the vehicle, all lienholders of record, and any other known claimant to the vehicle or to personal property found in the vehicle, addressed to the parties' last known addresses of record, that the abandoned vehicle has been taken into custody. Notice shall be deemed given when mailed. The notice shall describe the year, make, model and vehicle identification number of the vehicle, describe the personal property found in the vehicle, set forth the location of the facility where the vehicle is being held, and inform the persons receiving the notice of their right to reclaim the vehicle and personal property within 10 days after the effective date of the notice upon payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody and upon payment of the costs of the notice. The notice shall also state that the failure of the owner, lienholders or claimants to exercise their right to reclaim the vehicle or personal property within the time provided shall be deemed a waiver by the owner, lienholders and claimants of all right, title, claim and interest in the vehicle or personal property and that failure to reclaim the vehicle or personal property is deemed consent to the sale of the vehicle at a public auction or disposal of the vehicle to a demolisher and to disposal of the personal property by sale or destruction. If the abandoned vehicle was taken into custody by a private entity without a police authority's initiative, the notice shall state that the private entity may claim a garage keeper's lien as described in Section 321.90 of the *Code of Iowa*, and may proceed to sell or dispose of the vehicle. If the abandoned vehicle was taken into custody by a police authority or by a private entity hired by a police authority, the notice shall state that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or property by the police authority or private entity or of the assessment of fees and charges provided by this section may ask for an evidentiary hearing before the police authority to contest those matters. If the persons receiving notice do not ask for a hearing or exercise their right to reclaim the vehicle or personal property within the 10-day reclaiming period, the owner, lienholders or claimants shall no longer have any right, title, claim, or interest in or to the vehicle or the personal property. A court in any case in law or equity shall not recognize any right, title, claim, or interest of the owner, lienholders or claimants after the expiration of the 10-day reclaiming period.

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

80.04 NOTIFICATION IN NEWSPAPER. If it is impossible to determine with reasonable certainty the identity and addresses of the last registered owner and all lienholders, notice by one publication in one newspaper of general circulation in the area where the vehicle was abandoned shall be sufficient to meet all requirements of notice under Section 80.03. The published notice may contain multiple listings of abandoned vehicles and personal property but shall be published within the same time requirements and contain the same information as prescribed for mailed notice in Section 80.03.

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

80.05 FEES FOR IMPOUNDMENT. The owner, lienholder, or claimant shall pay an amount set by resolution of the Council if claimed within five days of impounding, plus an additional amount set by resolution of the Council 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
81.05 Street Crossing Signs

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

1. “Operator” means any individual, partnership, corporation or other association that owns, operates, drives, or controls a railroad train.
2. “Railroad train” means an engine or locomotive, with or without cars coupled thereto, operated upon rails.

(Code of Iowa, Sec. 321.1)

81.02 OBSTRUCTING STREETS. Operators shall not operate any train in such a manner as to prevent vehicular use of any highway, street or alley for a period of time in excess of 10 minutes except:

(Code of Iowa, Sec. 327G.32)

1. Comply with Signals. When necessary to comply with signals affecting the safety of the movement of trains.
2. Avoid Striking. When necessary to avoid striking any object or person on the track.
3. Disabled. When the train is disabled.
4. Safety Regulations. When necessary to comply with governmental safety regulations including, but not limited to, speed ordinances and speed regulations.
5. In Motion. When the train is in motion except while engaged in switching operations.
6. No Traffic. When there is no vehicular traffic waiting to use the crossing.

An employee is not guilty of a violation of this section if the employee’s action was necessary to comply with the direct order or instructions of a railroad corporation or its supervisors. Guilt is then with the railroad corporation.

81.03 CROSSING MAINTENANCE. Operators shall construct and maintain good, sufficient, and safe crossings over any street traversed by their rails.

(Bourett vs. Chicago & N.W. Ry. 152 Iowa 579, 132 N.W. 973 [1943])

(Code of Iowa, Sec. 364.11)

81.04 SPEED. It is unlawful to operate any railroad train through any street crossing within the platted areas of the City at a speed greater than 16 miles per hour.

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

81.05 STREET CROSSING SIGNS. Operators shall erect and maintain non-mechanical warning signs on both sides of the tracks at each intersection of the tracks and a street, sidewalk, alley or similar public crossing within the City limits, except where some mechanical sign,

signal, device, or gate is required by resolution of the Council. Such non-mechanical signs shall be of a height and size and shall utilize such lettering as to give adequate warning of such crossing. Whenever the Council deems it necessary for the safety and convenience of the public that some mechanical sign, signal, device or gate be erected and maintained, the Council, by resolution, shall order and direct the railroad company or companies concerned to erect and maintain the same at the expense of such company or companies. The resolution shall specify the street or other public crossing at which the sign, signal device or gate shall be erected. After the resolution has been adopted, a copy shall be served on the railroad company or companies with a notice of the time limit for compliance.

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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. "Location" means, for billing purposes, each single-family dwelling unit, each dwelling unit in a duplex or other multiple-family dwelling unit, each mobile home, each commercial activity and each nonresidential, non-commercial activity, if it is substantially separate and distinct, considering all facts and circumstances, from other locations occupied by the same person or by another person. The Council shall determine if a person occupies a location. Occupation of a location may be full time or part time, and includes both residential and nonresidential uses of all kinds. A person may occupy two or more locations simultaneously.
4. "Superintendent" means the Superintendent of the City water system or any duly authorized assistant, agent or representative.
5. "Water main" means a water supply pipe provided for public or community use.
6. "Water service pipe" means the pipe from the water main to the building served.
7. "Water system" or "water works" means all public facilities for securing, collecting, storing, pumping, treating, and distributing water.

90.02 SUPERINTENDENT'S DUTIES. The Superintendent shall supervise the installation of water service pipes and their connection to the water main and enforce all regulations pertaining to water services in the City in accordance with this chapter. This chapter shall apply to all replacements of existing water service pipes as well as to new ones. The Superintendent shall make such rules, not in conflict with the provisions of this chapter, as may be needed for the detailed operation of the water system, subject to the approval of the Council. In the event of an

emergency the Superintendent may make temporary rules for the protection of the system until due consideration by the Council may be had.

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

90.03 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.

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 an amount set by resolution of the Council 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 *State 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 *State Plumbing Code* and the provisions of Chapter 135 of this Code of Ordinances.

90.10 TAPPING MAINS. All taps into water mains shall be made by or under the direct supervision of the Superintendent and in accordance with the following:

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

1. Independent Services. No more than one house, building, or premises shall be supplied from one tap unless special written permission is obtained from the Superintendent and unless provision is made so that each house, building, or premises may be shut off independently of the other.

2. **Sizes and Location of Taps.** All mains six inches or less in diameter shall receive no larger than a three-fourths inch tap. All mains of over six inches in diameter shall receive no larger than a one-inch tap. Where a larger connection than a one-inch tap is desired, two or more small taps or saddles shall be used, as the Superintendent shall order. All taps in the mains shall be made in the top half of the pipe, at least 18 inches apart. No main shall be tapped nearer than two feet of the joint in the main.
3. **Corporation Stop.** A brass corporation stop, of the pattern and weight approved by the Superintendent, shall be inserted in every tap in the main. The corporation stop in the main shall be of the same size as the service pipe.
4. **Location Record.** An accurate and dimensional sketch showing the exact location of the tap shall be filed with the Superintendent in such form as the Superintendent shall require.

90.11 INSTALLATION OF WATER SERVICE PIPE. Water service pipes from the main to the meter setting shall be Type K copper. The use of any other pipe material for the service line shall first be approved by the Superintendent. Pipe must be laid sufficiently waving, and to such depth, as to prevent rupture from settlement or freezing.

90.12 RESPONSIBILITY FOR WATER SERVICE PIPE. All costs and expenses incident to the installation, connection, and maintenance of the water service pipe from the curb valve to the building served shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation or maintenance of said water service pipe.

90.13 FAILURE TO MAINTAIN. When any portion of the water service pipe which is the responsibility of the property owner becomes defective or creates a nuisance and the owner fails to correct such nuisance, the City may do so and assess the costs thereof to the property.

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

90.14 CURB VALVE. There shall be installed within the public right-of-way a main shut-off valve on the water service pipe of a pattern approved by the Superintendent. The shut-off valve shall be constructed to be visible and even with the pavement or ground.

90.15 INTERIOR VALVE. There shall be installed a shut-off valve on every service pipe inside the building as close to the entrance of the pipe within the building as possible and so located that the water can be shut off conveniently. Where one service pipe supplies more than one customer within the building, there shall be separate valves for each such customer so that service may be shut off for one without interfering with service to the others.

90.16 INSPECTION AND APPROVAL. All water service pipes and their connections to the water system must be inspected and approved in writing by the Superintendent before they are covered, and the Superintendent shall keep a record of such approvals. If the Superintendent refuses to approve the work, the plumber or property owner must proceed immediately to correct the work. Every person who uses or intends to use the municipal water system shall permit the Superintendent to enter the premises to inspect or make necessary alterations or repairs at all reasonable hours and on proof of authority.

90.17 COMPLETION BY THE CITY. Should any excavation be left open or only partly refilled for 24 hours after the water service pipe is installed and connected with the water system, or should the work be improperly done, the City shall have the right to finish or correct the

work, and the Council shall assess the costs to the property owner or the plumber. If the plumber is assessed, the plumber must pay the costs before receiving another permit. If the property owner is assessed, such assessment may be collected with and in the same manner as general property taxes.

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

90.18 SHUTTING OFF WATER SUPPLY. The Superintendent may shut off the supply of water to any customer because of any violation of the regulations contained in these Water Service System chapters that is not being contested in good faith. The supply shall not be turned on again until all violations have been corrected and the Superintendent has ordered the water to be turned on.

90.19 OPERATION OF CURB VALVE AND HYDRANTS. It is unlawful for any person except the Superintendent to turn water on at the curb valve, and no person, unless specifically authorized by the City, shall open or attempt to draw water from any fire hydrant for any purpose whatsoever.

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CHAPTER 91

WATER METERS

91.01 Purpose	91.06 Meter Costs
91.02 Water Use Metered	91.07 Meter Repairs
91.03 Fire Sprinkler Systems; Exception	91.08 Right of Entry
91.04 Location of Meters	91.09 Meter Fee
91.05 Meter Setting	91.10 Accuracy Test

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 at each location. Meters are furnished and installed by or under the supervision of the City, unless the Council determines, using information provided by the Superintendent, that the installation of a meter is impractical or impossible.

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 the first water meter installed shall be paid to the City by the property owner or customer prior to the installation of the meter. The property owner or customer shall be responsible for the costs of acquiring devices or implements to protect meters from freezing and for the cost of installing said devices or implements to protect meters from freezing.

91.07 METER REPAIRS. Whenever a water meter owned by the City is found to be out of order the Superintendent shall have it repaired. If it is found that damage to the meter has occurred due to the carelessness or negligence of the customer or property owner, or the meter is not owned by the City, then the property owner shall be liable for the cost of repairs.

91.08 RIGHT OF ENTRY. The Superintendent shall be permitted to enter the premises of any customer at any reasonable time to read, remove, or change a meter.

91.09 METER FEE. There shall be a fee charged to the property owner for each new installation of a water meter in accordance with the schedule of such fees approved by resolution of the Council.

91.10 ACCURACY TEST. The Superintendent shall make a test of the accuracy of any water meter at any time when requested in writing, but not more often than once in 18 months. Such request shall be accompanied by a refundable deposit, in an amount set by resolution of the Council, guaranteeing payment of costs if found due. If the meter is found to overrun to the extent of two percent or more, the cost of the test shall be paid by the City and a refund shall be made to the customer for overcharges collected since the last known date of accuracy but not for longer than 30 months, plus the meter test deposit. If the meter is found to be accurate or slow, or less than two percent fast, the customer deposit shall be forfeited as the reasonable costs of the test, and the customer shall be liable for any deficiency over two percent up to 30 months.

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CHAPTER 92

WATER RATES

92.01 Service Charges
 92.02 Rates For Service
 92.03 Rate Adjustments
 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 Customer Deposits
 92.10 Temporary Vacancy
 92.11 Service Outside the City

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:

(Code of Iowa, Sec. 384.84)

Water Service Rates Per 1,000 Gallons or Part Thereof						
Water Usage	Effective Dates					
	7/15/2018 to 7/14/2019	7/15/2019 to 7/14/2020	7/15/2020 to 7/14/2021	7/15/2021 to 7/14/2022	7/15/2022 to 7/14/2023	7/15/2023 and 7/14/2024
Within City:						
First 1,000 Minimum bill	\$17.50	\$18.00	\$18.50	\$19.00	\$19.50	\$20.00
All over 1,000 Per 1,000	\$5.10	\$5.10	\$5.10	\$5.10	\$5.10	\$5.10
Outside City:						
First 1,000 Minimum bill	\$23.50	\$24.00	\$24.50	\$25.00	\$25.50	\$26.00
All over 1,000 Per 1,000	\$5.10	\$5.10	\$5.10	\$5.10	\$5.10	\$5.10

No customer located outside the corporate limits shall be provided water service unless the customer has signed a service contract agreeing to be bound by the ordinances, rules and regulations applying to water service established by the Council.

92.03 RATE ADJUSTMENTS. On each July 15 thereafter water rates shall be increased by \$.50 over the minimum rates in effect during the preceding year.

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. Water Service Furnished. Water service will be furnished for all or any part of a month, to end between the fifteenth and twentieth day of that month and each month thereafter.
2. Bills Issued. The Clerk shall prepare, date and issue bills for combined service accounts. Bills shall be deemed issued as of the date indicated on the bill. The date of issuance will normally be the first day of the month following the month for which water service was furnished.
3. Bills Payable. Bills for combined service accounts shall be due and payable from and after the date of issuance. The date of issuance shall normally be the first day of the month.
4. Late Payment Penalty. Bills not paid on or before the fifteenth day of the month following the month of service shall be delinquent. A one-time late payment penalty of 10 percent of the amount due shall be added to a delinquent bill.

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 Clerk shall notify each delinquent customer that service will be discontinued or disconnected if payment of the combined service account, including late payment charges, is not received by the date specified in the notice of delinquency. Such notice shall be sent by ordinary mail to the customer in whose name the delinquent charges were incurred and shall inform the customer of the nature of the delinquency and afford the customer the opportunity for a hearing prior to the discontinuance or disconnection.
2. Notice to Landlords. If the customer is a tenant, and if the owner or landlord of the property or premises has made a written request for notice, the notice of delinquency shall also be given to the owner or landlord. If the customer is a tenant and requests a change of name for service under the account, such request shall be sent to the owner or landlord of the property if the owner or landlord has made a written request for notice of any change of name for service under the account to the rental property.
3. Hearing. If a hearing is requested by noon of the day preceding the shut off, the Mayor or an appointed representative 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 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.

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, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal for a residential rental property where the charge is paid directly to the City by the tenant, if the landlord gives written notice to the City that the property is residential rental property and that the tenant is liable for the rates or charges for such service. The City may require a deposit not exceeding the usual cost of 90 days of such services to be paid to the City. When the tenant moves from the rental property, the City shall refund the deposit if all service charges are paid in full. The lien exemption does not apply to delinquent charges for repairs related to any of the services.
3. **Written Notice.** The landlord's written notice shall contain the name of the tenant responsible for charges, the address of the residential or commercial rental property that the tenant is to occupy, and the date that the occupancy begins. Upon receipt, the City shall acknowledge the notice and deposit. A change in tenant for a residential rental property shall require a new written notice to be given to the City within 30 business days of the change in tenant. A change in tenant for a commercial rental property shall require a new written notice to be given to the City within 10 business days of the change in tenant. A change in the ownership of the residential rental property shall require written notice of such change to be given to the City within 30 business days of the completion of the change of ownership. A change in the ownership of the commercial rental property shall require written notice of such change to be given to the City within 10 business days of the completion of the change of ownership.
4. **Mobile Homes, Modular Homes, and Manufactured Homes.** A lien for nonpayment of utility services described in subsections 1 and 2 of this section shall not be placed upon a premises that is a mobile home, modular home, or manufactured home if the mobile home, modular home, or manufactured home is owned by a tenant of and located in a mobile home park or manufactured home community and the mobile home park or manufactured home community owner or manager is the account holder, unless the lease agreement specifies that the tenant is responsible for payment of a portion of the rates or charges billed to the account holder.

92.08 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 CUSTOMER DEPOSITS. All customers who rent, lease, or otherwise occupy real estate which is owned by another, and who are responsible for the payment of water bills to that property, shall pay to the Clerk a deposit fee in an amount set by resolution of the Council, intended to guarantee the payment of bills for service. The deposit fee shall be held by the Clerk in a Trust and Agency Account without interest paid to the applicant, until such time as the applicant's use of water shall cease, at which time the deposit fee shall be returned upon settlement in full of the customer's account. The deposit fee may be used upon final settlement as a credit to offset against the amount owed by the customer. If a customer who has paid a deposit fee desires to terminate his or her use of water from one connection and make application for use of water from another connection for which the customer would be required to pay a deposit fee, then the deposit fee already paid may remain on deposit for the new application if the customer has paid his or her old account in full.

92.10 TEMPORARY VACANCY. A property owner may request water service be temporarily discontinued and shut off at the curb valve when the property is expected to be vacant for an extended period of time longer than two weeks. Fees in an amount set by resolution of the Council shall be collected for shutting the water off at the curb valve and for restoring service. During a period when service is temporarily discontinued as provided herein there shall be no monthly minimum service charge. The City will not drain pipes or pull meters for temporary vacancies.

92.11 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 water system may apply to the Council for permission to connect to the public water upon the terms and conditions stipulated by resolution of the Council. Permission shall only be granted where said property to be served is in the process of being annexed into the City or when annexation is imminent. Permission may also be granted where said property has been served by the City prior to the enactment of this section to the Code of Ordinances.

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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

95.01 PURPOSE. The purpose of the chapters of this Code of Ordinances pertaining to Sanitary Sewers is to establish rules and regulations governing the treatment and disposal of sanitary sewage within the City in order to protect the public health, safety, and welfare.

95.02 DEFINITIONS. For use in these chapters, unless the context specifically indicates otherwise, the following terms are defined:

1. “B.O.D.” (denoting Biochemical Oxygen Demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees C, expressed in milligrams per liter or parts per million.
2. “Building drain” means that part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (one and one-half meters) outside the inner face of the building wall.
3. “Building sewer” means that part of the horizontal piping from the building wall to its connection with the main sewer or the primary treatment portion of an on-site wastewater treatment and disposal system conveying the drainage of one building site.
4. “Combined sewer” means a sewer receiving both surface run-off and sewage.
5. “Customer” means any person responsible for the production of domestic, commercial, or industrial waste that is directly or indirectly discharged into the public sewer system.
6. “Garbage” means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce.
7. “Industrial wastes” means the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
8. “Inspector” means the person duly authorized by the Council to inspect and approve the installation of building sewers and their connections to the public sewer system; and to inspect such sewage as may be discharged therefrom.
9. “Natural outlet” means any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
10. “On-site wastewater treatment and disposal system” means all equipment and devices necessary for proper conduction, collection, storage, treatment, and disposal of wastewater from four or fewer dwelling units or other facilities serving the equivalent of 15 persons (1,500 gpd) or less.

11. “pH” means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
12. “Public sewer” means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
13. “Sanitary sewage” means sewage discharging from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories, or institutions, and free from storm, surface water, and industrial waste.
14. “Sanitary sewer” means a sewer that carries sewage and to which storm, surface, and ground waters are not intentionally admitted.
15. “Sewage” means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.
16. “Sewage treatment plant” means any arrangement of devices and structures used for treating sewage.
17. “Sewage works” or “sewage system” means all facilities for collecting, pumping, treating, and disposing of sewage.
18. “Sewer” means a pipe or conduit for carrying sewage.
19. “Sewer service charges” means any and all charges, rates or fees levied against and payable by customers, as consideration for the servicing of said customers by said sewer system.
20. “Slug” means any discharge of water, sewage, or industrial waste that in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation.
21. “Storm drain” or “storm sewer” means a sewer that carries storm and surface waters and drainage but excludes sewage and industrial wastes, other than unpolluted cooling water.
22. “Superintendent” means the 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 90 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])

(IAC, 567-69.1[3])

95.06 SERVICE OUTSIDE THE CITY. The owners of property outside the corporate limits of the City so situated that it may be served by the City sewer system may apply to the Council for permission to connect to the public sewer upon the terms and conditions stipulated by resolution of the Council. Permission shall only be granted where said property to be served is in the process of being annexed into the City or when annexation is imminent. Permission may also be granted where said property has been served by the City prior to the enactment of this section to the Code of Ordinances.

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

95.07 RIGHT OF ENTRY. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of these Sanitary Sewer chapters. The Superintendent or representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

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

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

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

CHAPTER 96

BUILDING SEWERS AND CONNECTIONS

96.01 Permit
96.02 Permit Fee
96.03 Plumber Required
96.04 Excavations
96.05 Connection Requirements

96.06 Interceptors Required
96.07 Sewer Tap
96.08 Inspection Required
96.09 Property Owner's Responsibility
96.10 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 PERMIT FEE. The person who makes the application shall pay a fee to the Clerk, in an amount set by resolution of the Council, to cover the cost of issuing the permit and supervising, regulating, and inspecting the work.

96.03 PLUMBER REQUIRED. All installations of building sewers and connections to the public sewer shall be made by a State-licensed plumber.

96.04 EXCAVATIONS. All trench work, excavation, and backfilling required for the installation of a building sewer shall be performed in accordance with the provisions of the *State Plumbing Code* and the provisions of Chapter 135 of this Code of Ordinances.

96.05 CONNECTION REQUIREMENTS. Any connection with a public sanitary sewer must be made under the direct supervision of the Superintendent and in accordance with the following:

1. **Old Building Sewers.** Old building sewers may be used in connection with new buildings only when they are found, on examination and test conducted by the owner and observed by the Superintendent, to meet all requirements of this chapter.
2. **Separate Building Sewers.** A separate and independent building sewer shall be provided for every occupied building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. In such cases the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
3. **Installation.** The installation and connection of the building sewer to the public sewer shall conform to the requirements of the *State Plumbing Code* and applicable rules and regulations of the City. All such connections shall be made gastight and

watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

4. Water Lines. When possible, building sewers should be laid at least 10 feet horizontally from a water service. The horizontal separation may be less, provided the water service line is located at one side and at least 12 inches above the top of the building sewer.

5. Size. Building sewers shall be sized for the peak expected sewage flow from the building with a minimum building sewer size of four inches.

6. Alignment and Grade. All building sewers shall be laid to a straight line to meet the following:

- A. Recommended grade at one-fourth inch per foot.
- B. Minimum grade of one-eighth inch per foot.
- C. Minimum velocity of two feet per second with the sewer half full.
- D. Any deviation in alignment or grade shall be made only with the written approval of the Superintendent and shall be made only with approved fittings.

7. Depth. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. The depth of cover above the sewer shall be sufficient to afford protection from frost.

8. Sewage Lifts. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.

9. Pipe Specifications. Building sewer pipe shall be free from flaws, splits, or breaks. Materials shall be as specified in the *State Plumbing Code* except that the building sewer pipe, from the property line to the public sewer, shall comply with the current edition of one of the following:

- A. Clay sewer pipe – A.S.T.M. C-700 (extra strength).
- B. Extra heavy cast iron soil pipe – A.S.T.M. A-74.
- C. Ductile iron water pipe – A.W.W.A. C-151.
- D. P.V.C. – SDR26 – A.S.T.M. D-3034.

10. Bearing Walls. No building sewer shall be laid parallel to or within three feet of any bearing wall that might thereby be weakened.

11. Jointing. Fittings, type of joint and jointing material shall be compatible with the type of pipe used, subject to the approval of the Superintendent. Solvent-welded joints are not permitted.

12. Unstable Soil. No sewer connection shall be laid so that it is exposed when crossing any watercourse. Where an old watercourse must of necessity be crossed or where there is any danger of undermining or settlement, cast iron soil pipe or vitrified clay sewer pipe thoroughly encased in concrete shall be required for such crossings. Such encasement shall extend at least six inches on all sides of the pipe. The cast iron pipe or encased clay pipe shall rest on firm, solid material at either end.

13. Preparation of Basement or Crawl Space. No connection for any residence, business or other structure with any sanitary sewer shall be made unless the basement

floor is poured, or in the case of a building with a slab or crawl space, unless the ground floor is installed with the area adjacent to the foundation of such building cleared of debris and backfilled. The backfill shall be well compacted and graded so that the drainage is away from the foundation. Prior to the time the basement floor is poured, or the first floor is installed in buildings without basements, the sewer shall be plugged and the plug shall be sealed by the Superintendent. Any accumulation of water in any excavation or basement during construction and prior to connection to the sanitary sewer shall be removed by means other than draining into the sanitary sewer.

96.06 INTERCEPTORS REQUIRED. Grease, oil, sludge and sand interceptors shall be provided by gas and service stations, convenience stores, car washes, garages, and other facilities when, in the opinion of the Superintendent, they are necessary for the proper handling of such wastes that contain grease in excessive amounts or any flammable waste, sand or other harmful ingredients. Such interceptors shall not be required for private living quarters or dwelling units. When required, such interceptors shall be installed in accordance with the following:

1. Design and Location. All interceptors shall be of a type and capacity as specified in the *State Plumbing Code*, to be approved by the Superintendent, and shall be located so as to be readily and easily accessible for cleaning and inspection.
2. Construction Standards. The interceptors shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers that shall be gastight and watertight.
3. Maintenance. All such interceptors shall be maintained by the owner at the owner's expense and shall be kept in continuously efficient operations at all times.

96.07 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.

96.08 INSPECTION REQUIRED. All connections with the sanitary sewer system before being covered shall be inspected and approved, in writing, by the Superintendent. As soon as all pipe work from the public sewer to inside the building has been completed, and before any backfilling is done, the Superintendent shall be notified and the Superintendent shall inspect and test the work as to workmanship and material; no sewer pipe laid underground shall be covered or trenches filled until after the sewer has been so inspected and approved. If the Superintendent refuses to approve the work, the plumber or owner must proceed immediately to correct the work.

96.09 PROPERTY OWNER'S RESPONSIBILITY. All costs and expenses incident to the installation, connection, and maintenance of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

96.10 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])

CHAPTER 97

USE OF PUBLIC SEWERS

97.01 Storm Water
97.02 Surface Waters Exception
97.03 Prohibited Discharges
97.04 Restricted Discharges

97.05 Restricted Discharges; Powers of Superintendent
97.06 Special Facilities
97.07 Control Manholes
97.08 Testing of Wastes

97.01 STORM WATER. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof run-off, sub-surface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Storm water and all other unpolluted drainage shall be discharged to such sewers that are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.

97.02 SURFACE WATERS EXCEPTION. Special permits for discharging surface waters to a public sanitary sewer may be issued by the Council upon recommendation of the Superintendent where such discharge is deemed necessary or advisable for purposes of flushing, but any permit so issued shall be subject to revocation at any time when deemed to the best interests of the sewer system.

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

1. Flammable or Explosive Material. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
2. Toxic or Poisonous Materials. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two milligrams per liter as CN in the wastes as discharged to the public sewer.
3. Corrosive Wastes. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
4. Solid or Viscous Substances. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
5. Excessive B.O.D., Solids or Flow.
 - A. Any waters or wastes: (i) having a five-day biochemical oxygen demand greater than 300 parts per million by weight; or (ii) containing more than 350 parts per million by weight of suspended solids; or (iii) having an

average daily flow greater than two percent of the average sewage flow of the City, shall be subject to the review of the Superintendent.

B. Where necessary in the opinion of the Superintendent, the owner shall provide, at the owner's expense, such preliminary treatment as may be necessary to: (i) reduce the biochemical oxygen demand to 300 parts per million by weight; or (ii) reduce the suspended solids to 350 parts per million by weight; or (iii) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and no construction of such facilities shall be commenced until said approvals are obtained in writing.

97.04 RESTRICTED DISCHARGES. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances restricted are:

1. High Temperature. Any liquid or vapor having a temperature higher than 150 degrees F (65 degrees C).
2. Fat, Oil, Grease. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 milligrams per liter or 600 milligrams per liter of dispersed or other soluble matter.
3. Viscous Substances. Water or wastes containing substances that may solidify or become viscous at temperatures between 32 degrees F and 150 degrees F (0 degrees to 65 degrees C).
4. Garbage. Any garbage that has not been properly shredded, that is, to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.
5. Acids. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solution whether neutralized or not.
6. Toxic or Objectionable Wastes. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
7. Odor or Taste. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits that may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of State, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

8. Radioactive Wastes. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or federal regulations.
9. Excess Alkalinity. Any waters or wastes having a pH in excess of 9.5.
10. Unusual Wastes. Materials that exert or cause:
 - A. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - B. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - C. Unusual B.O.D., chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - D. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
11. Noxious or Malodorous Gases. Any noxious or malodorous gas or other substance that, either singly or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.
12. Damaging Substances. Any waters, wastes, materials, or substances that react with water or wastes in the sewer system to release noxious gases, develop color of undesirable intensity, form suspended solids in objectionable concentration or create any other condition deleterious to structures and treatment processes.
13. Untreatable Wastes. Waters or wastes containing substances that are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

97.05 RESTRICTED DISCHARGES; POWERS OF SUPERINTENDENT. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 97.04 and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

1. Rejection. Reject the wastes by requiring disconnection from the public sewage system;
2. Pretreatment. Require pretreatment to an acceptable condition for discharge to the public sewers;
3. Controls Imposed. Require control over the quantities and rates of discharge; and/or
4. Special Charges. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Chapter 99.

97.06 SPECIAL FACILITIES. If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances, and laws. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

97.07 CONTROL MANHOLES. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at the owner's expense, and shall be maintained by the owner so as to be safe and accessible at all times.

97.08 TESTING OF WASTES. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, B.O.D. and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples).

CHAPTER 98

ON-SITE WASTEWATER SYSTEMS

98.01 When Prohibited
98.02 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.

(IAC, 567-69.1[3])

98.03 COMPLIANCE WITH REGULATIONS. The type, capacity, location, and layout of a private on-site wastewater treatment and disposal system shall comply with the specifications and requirements set forth by the Iowa Administrative Code 567, Chapter 69, and with such additional requirements as are prescribed by the regulations of the County Board of Health.

(IAC, 567-69.1[3 & 4])

98.04 PERMIT REQUIRED. No person shall install or alter an on-site wastewater treatment and disposal system without first obtaining a permit from the County Board of Health.

98.05 DISCHARGE RESTRICTIONS. It is unlawful to discharge any wastewater from an on-site wastewater treatment and disposal system (except under an NPDES permit) to any ditch, stream, pond, lake, natural or artificial waterway, drain tile or to the surface of the ground.

(IAC, 567-69.1[3])

98.06 MAINTENANCE OF SYSTEM. The owner of an on-site wastewater treatment and disposal system shall operate and maintain the system in a sanitary manner at all times and at no expense to the City.

98.07 SYSTEMS ABANDONED. At such time as a public sewer becomes available to a property served by an on-site wastewater treatment and disposal system, as provided in Section 95.05, a direct connection shall be made to the public sewer in compliance with these Sanitary Sewer chapters and the on-site wastewater treatment and disposal system shall be abandoned and filled with suitable material.

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

98.08 DISPOSAL OF SEPTAGE. No person shall dispose of septage from an on-site treatment system at any location except an approved disposal site.

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CHAPTER 99

SEWER SERVICE CHARGES

99.01 Sewer Service Charges Required
99.02 Special Rates
99.03 Private Water Systems

99.04 Payment of Bills
99.05 Lien for Nonpayment
99.06 Special Agreements Permitted

99.01 SEWER SERVICE CHARGES REQUIRED. Each customer shall pay sewer service charges for the use of and for the service supplied by the municipal sanitary sewer system based upon the amount of water consumed as follows:

(Code of Iowa, Sec. 384.84)

1. Within the City:
 - A. First 1,000 gallons \$30.00 per 1,000 gallons.
 - B. Next 1,000 gallons or lesser amount \$3.00 per 1000 gallons.
2. Rates Outside the City:
 - A. First 1,000 gallons \$36.00 per 1,000 gallons.
 - B. Next 1,000 gallons or lesser amount \$3.00 per 1000 gallons.

In no case shall the minimum service charge be less than \$30.00 per month, except in those cases where, in the judgment of the Superintendent and the Council, special conditions exist.

99.02 SPECIAL RATES. Where, in the judgment of the Superintendent and the Council, special conditions exist to the extent that the application of the sewer charges provided in Section 99.01 would be inequitable or unfair to either the City or the customer, a special rate shall be proposed by the Superintendent and submitted to the Council for approval by resolution.

(Code of Iowa, Sec. 384.84)

99.03 PRIVATE WATER SYSTEMS. Customers whose premises are served by a private water system shall pay sewer charges based upon the water used as determined by the City either by an estimate agreed to by the customer or by metering the water system at the customer's expense. Any negotiated or agreed-upon sales or charges shall be subject to approval of the Council.

(Code of Iowa, Sec. 384.84)

99.04 PAYMENT OF BILLS. All sewer service charges are due and payable under the same terms and conditions provided for payment of a combined service account as contained in Section 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.

99.05 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 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)

99.06 SPECIAL AGREEMENTS PERMITTED. No statement in these chapters shall be construed as preventing a special agreement, arrangement, or contract between the Council, and any industrial concern whereby an industrial waste of unusual strength or character may be accepted subject to special conditions, rate, and cost as established by the Council.

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CHAPTER 100

STORM WATER UTILITY

100.01 Purpose	100.06 Penalties
100.02 Definitions	100.07 Service Charge
100.03 Scope and Responsibility for Storm Water Utility	100.08 Billing for Storm Water Service
100.04 Prohibited Acts	100.09 Lien for Nonpayment
100.05 Right of Entry	100.10 Annual Revision of Rates

100.01 PURPOSE. The purpose of this chapter is to establish a Storm Water Utility and provide a means of funding the construction, operation, and maintenance of storm water management facilities, including (but not limited to) detention and retention basins, storm water sewers, inlets, ditches, and drains. The Council finds that the construction, operation, and maintenance of the City's storm and surface water drainage system should be funded through charging users of property which may connect or discharge directly, or indirectly, into the storm and surface water drainage system.

100.02 DEFINITIONS.

1. "Connection" means the physical act or process of tapping a public storm water sewer or drainage line, or joining onto an existing side sewer, for the purpose of connecting private impervious surface or other storm and surface water sources or systems to the public storm and surface water system. It also includes creation or maintenance of impervious surface that causes or is likely to cause an increase in the quantity or decrease in quality or both from the natural state of storm water runoff, and which drains, directly or indirectly, to the storm and surface water system.
2. "Customers of storm water utility" includes each location, building, premises, or connection shall be considered a separate and distinct customer if served and/or benefiting from the utility's acquisition, management, maintenance, extension, and improvement of the public storm water management system and facilities.
3. "Service charge" means the periodic rate, fee, or charge applicable to a parcel of developed land, which shall be reflective of the service provided by the City of St. Ansgar, Iowa, storm water utility. Service charges shall be based upon the actual costs of operation, maintenance, acquisition, extension, and replacement of the City's storm water management systems and facilities, including the costs of bond repayment, regulation, administration, and service of the City.
4. "Storm water management drainage system" means any combination of publicly owned storm and surface water quantity and quality facilities, pumping, or lift facilities, storm and secondary drain pipes and culverts, open channels, creeks and ditches, force mains, laterals, manholes, catch basins and inlets, including the grates and covers thereof, detention and retention facilities, laboratory facilities, and equipment, and any other publicly owned facilities for the collection, conveyance, treatment, and disposal of storm and surface water system within the City, to which sanitary sewage flows are not intentionally admitted.

100.03 SCOPE AND RESPONSIBILITY FOR STORM WATER UTILITY. The City water utility consists of all rivers, streams, creeks, branches, lakes, ponds, drainage ways,

channels, ditches, swales, storm water, culverts, inlets, catch basins, pipes, dams, head walls and other structures, natural or manmade, within the corporate boundaries of the City, which control and/or convey storm water through which the City intentionally diverts surface waters from its public street 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 street, rights-of-ways 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 or facilities. Operation, maintenance and improvement of storm water 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 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 storm water management systems or facilities.
2. Illicit Discharges. Throw, drain or otherwise discharge or cause to throw, drain, run or allow to seep or otherwise be discharged in the City Storm Water Management System and Facilities, including but not limited to pollutants or waters containing any pollutants, other than storm water.
3. Manholes. Open or enter any manhole, structure or intake of the storm water system, except by authority of the City.
4. Connection. Connection of any private storm water system to the City's Storm Water Management System and Facilities, except by authority of the City.

100.05 RIGHT OF ENTRY. Employees 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 storm water discharges directly or indirectly entering into any public storm water management system or facility in accordance with the provisions of this chapter.

100.06 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 hereof shall be subject to a civil penalty as set forth in Chapter 3 of this Code of Ordinances.
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.

100.07 SERVICE CHARGE. Each residential, commercial and industrial customer of the storm water utility within the corporate limits of the City shall pay a service charge of \$.50 per month. Exempt from these charges is property owned by a public governmental entity.

100.08 BILLING FOR STORM WATER SERVICE. All storm water service charges shall be billed as part of the combined service account and shall be due and payable under the same terms and conditions as set forth in Section 92.04. All City services 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 Sections 92.07 and 92.08 relating to lien exemptions and lien notices shall also apply in the event of a delinquent account.

100.09 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 storm water service charges to the premises. Storm 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.

100.10 ANNUAL REVISION OF RATES. The City will review the storm water 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 storm water management system and facilities. The liability of a storm 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 101

STORM WATER MANAGEMENT

101.01 Purpose
101.02 Definitions
101.03 Design Criteria
101.04 Applicability
101.05 Runoff Calculation
101.06 Storm Drainage System
101.07 Release Rate
101.08 Detention Requirements

101.09 Construction
101.10 Maintenance
101.11 Easements
101.12 Procedure
101.13 Erosion Control
Appendix A – Runoff Coefficients
Appendix B – Rainfall Intensities

101.01 PURPOSE. The purpose of this chapter is to reduce or eliminate the hazards to the public health and safety caused by extensive storm water runoff, reduce the effects of the soil erosion and sedimentation caused by development, reduce economic losses to individuals and the community at large, enhance broader social and economic objectives and protect, conserve and promote the orderly development of land and water resources.

101.02 DEFINITIONS. When used in this chapter, unless the context clearly indicates otherwise, the following words and phrases shall have the meanings respectively ascribed to them in this section.

1. “Control structure” means a structure designed to control the flow of storm water runoff that passes through it during a specific length of time.
2. “Detention facility” means an area designed to store excess storm water.
3. “Development” means the improvement of the land for its original state (unimproved and prior to any development) such as a structure, impervious surface being placed or constructed or agricultural crops thus increasing the amount or rainwater or surface water runoff.
4. “Dry bottom storm water storage area” means a facility designed to be normally dry and contain water only when excess storm water runoff occurs.
5. “Erosion” means the loss of natural soils by the action of wind and/or water.
6. “Excess storm water” means that portion of storm water which exceeds the transportation capacity of storm sewers or natural drainage channels serving a specific watershed.
7. “Excess storm water passageway” means the channel formed in the topography of the earth’s surface to carry storm water runoff through a specific area.
8. “Natural drainage” means channels formed by the existing surface topography prior to changes made by unnatural causes.
9. “Storm water runoff” means the flow of water resulting from precipitation which is not absorbed by the soil or plant material.
10. “Storm water runoff release rate” means the rate at which storm water runoff is released from dominant to subservient land.
11. “Tributary watershed” means all of the area that contributes storm water runoff to a given point.

12. “Wet bottom storm water storage area” means a facility designed to be maintained as a pond or free water surface which has the capacity to contain excess storm water runoff.

13. “X-year storm” means the average recurrence intervals within which a rainfall of given intensity and duration will be equaled or exceeded only once. A 100-year storm would have an intensity of rainfall which would, on the average, be equaled or exceeded only once in 100 years. This does not imply that it will occur in 100 years, or having occurred will not happen again for 100 years.

101.03 DESIGN CRITERIA. The design of the storm water runoff systems, structures and facilities shall be based on the following minimum standards, which do not preclude the use of higher design standards.

101.04 APPLICABILITY. The provisions of Sections 101.05 through 101.13 shall apply to any of the following areas under development:

1. All new residential developments and all commercial and industrial developments.
2. Any development where the percentage of the impervious area of the lot is 50 percent or greater.
3. Any development which changes or redirects internal or external storm water passageways will submit detailed plans of parcel showing adequate accommodations for storm water prior to building permit approval.
4. Any development, which, in the opinion of the City Council, with input from the Planning and Zoning Committee, lacks an adequate internal or external excess storm water passageway.
5. Developers may appeal any denials, but may be required to submit a drainage study at their cost.

101.05 RUNOFF CALCULATION. Design flows will be calculated using the “rational” method. The rational method is defined as:

$$Q = CIA$$

Where:

“Q” = resultant runoff rate in cubic feet per second.

“C” = runoff coefficient (see Appendix A at the end of this chapter for values).

“I” = intensity of rainfall (see Appendix B for values).

“A” = tributary watershed in acres.

101.06 STORM DRAINAGE SYSTEM. Storm drainage system and intakes shall be designed for a ten-year frequency storm, in such a manner that the flooded street width shall not exceed:

ALLOWABLE FLOODED WIDTH		
Street Width	Width Each Side	Flooded Lanes
27 feet	8 feet	1 – 10' lane
31 feet	10 feet	1 – 10' lane
35 feet	9 feet	2 – 8' lanes
41 feet	10 feet	2 – 10' lanes
45 feet	11 feet	2 – 11' lanes
49 feet	12 feet	2 – 12' lanes

The maximum allowable distance between storm sewer manholes is 400 feet.

101.07 RELEASE RATE. The storm water runoff release rate from any detention basin required under the chapter shall not exceed the storm water runoff rate from the drainage area from a five-year frequency storm having a runoff coefficient (“C”) of 0.2. The City may require a lesser release rate when the downstream outlet is insufficient to safely convey the release rate as determined.

101.08 DETENTION REQUIREMENTS.

1. **Storage Volume.** The volume of storage potential provided in storm water detention facilities shall be sufficient to control the excess storm water runoff, as determined to be the difference between the storm water quantities from the site in its developed state for a 100-year frequency rainfall less the allowable release rate as set forth in Section 101.07.

2. **Storage Area.** Detention storage may be provided as a dry bottom or wet bottom storage area.

A. Dry bottom storage area may be designed to serve a secondary purpose for recreation, open space, parking, or other types of uses that will not be adversely affected by intermittent flooding.

(1) A method of carrying the low flow through these areas shall be provided in addition to a system of drains to prevent soggy areas.

(2) Outlet control structures shall be designed as simply as possible and shall require little or no attention for proper operation. Each storm water storage area shall be provided with a method of emergency overflow in the event that a storm in excess of the 100-year frequency storm occurs. This emergency overflow facility shall be designed to function without attention. Hydraulic calculations shall be submitted to substantiate all design features.

(3) Both outlet control structures and emergency overflow facilities shall be designed and constructed to fully protect the public health, safety and welfare. Storm water runoff velocity shall be kept at a minimum and turbulent conditions at an outlet control structure will not be promoted without complete protection for the public safety. The

use of fences shall be kept to a minimum and used only as a last resort when no other method is feasible.

(4) Parking lot surfaces that are to serve as storage areas and rooftop storage shall be designed with permanent-type control outlets emergency overflows areas shall be provided.

B. Wet bottom storm water storage areas shall be designed with all of the items required for dry bottom storm water storage areas except that the provisions of subparagraph A(1) of this subsection shall not be required. However, the following additional conditions shall be complied with:

(1) Water surface area shall not exceed 1/15 of the tributary drainage area.

(2) Facilities shall be provided to lower the pond elevation by gravity flow for cleaning purposes and shoreline maintenance. Shoreline protection shall be provided to prevent erosion.

(3) Minimum normal water depth shall be four feet. If fish are to be maintained, some portion of the pond area should be a minimum of nine feet deep. The Council may impose a requirement for suitable fencing to provide for the safety of citizens.

(4) Control structures for storm water release shall be designed to operate with only a minor increase in water surface level when the design storage capacity has been exceeded. Hydraulic calculations shall be submitted to substantiate all designed features.

(5) Only that portion of the detention areas above the normal water level shall be used in calculating the storage capacity.

101.09 CONSTRUCTION.

1. Where development of a property presents a threat of flooding or damage by flash runoff to downstream residents, the facilities for storm water runoff control shall be construed as part of the first phase of construction of that project.

2. The construction of the storm water control system shall be accomplished as part of the cost of land development for each individual lot.

3. All flood control items such as earthen embankments, conduits, outlet structures, flood control structures, spill ways, excess storm water passageway channels, etc., shall be built as permanent facilities and all materials and their manner of construction shall be assembled to accomplish as much permanency as is possible.

101.10 MAINTENANCE.

1. Retention all plans submitted for storm water detention systems shall describe an adequate procedure of normal maintenance for the detention system. Any failure of the storm water detention, due to inadequate normal or capital maintenance, shall be the responsibility of the owner of the property on which the detention system is located. It shall also be the property owner's responsibility to remedy any negligence in maintenance that resulted in the failure of the system. The submittal of plans for such a system or the purchase of property on which such system is located shall be deemed as acceptance of responsibility for normal and capital maintenance of the system. In the event that maintenance is not provided, the City Clerk shall notify the party

responsible for maintenance to perform the work and set a reasonable time for its completion. If said party refuses, or is unable to comply with said order, the City Clerk shall arrange the maintenance to be completed at the expense of said party.

2. The East Buffer is to remain in place in light of any further and future development to the east of the current City limits, with allotments allowed for easements of street and utility access.

3. City reserves the right to clean and maintain access for water flow to existing ditches and culverts. The City will reseed any previous grass area disturbed in the involved clean out area.

101.11 EASEMENTS.

1. Drainage easement shall be provided for all areas of the detention basin, including the outlet structures and emergency spillway.

2. No structures (with the exception of drainage structures) shall be constructed in the easement areas, nor any filling or fencing or other obstacles, which will impede its intended use or capacity.

3. The developer shall provide reasonable public easements reserving the land for use as a storm water detention facility providing the City with the right to inspect the facility and for ingress and egress.

101.12 PROCEDURE.

1. Plans, specifications and all calculations for storm water runoff control shall be submitted for City review and approval prior to the approval of a final plat (in case of a subdivision) or issuance of a building permit (in case of a commercial or industrial construction). All plans, specifications, and calculations shall be prepared and sealed by a professional engineer registered in the State.

2. No certification of occupancy for any building in the development will be issued until the storm water detention facilities are constructed, inspected and improved.

101.13 EROSION CONTROL.

1. All developments shall have a temporary and permanent erosion control system designed in such a way to do and accomplish the following.

A. Provide that all loosened earthen materials, vegetative debris, construction debris, and/or rubbish caused by construction or erection of any building, structure, or parking lot or construction of streets be contained within the boundaries of the development during the period of construction permanent erosion controls are established by settling basins, berms, silt control fences or other standard recognized methods of permanently controlling erosion prior to removal of temporary erosion control.

B. Provide that all storm water outlets or drainage ways be constructed with controls to control erosion of material both on and adjacent to the developed tract of land. Erosion controls shall be provided such that velocities of storm water discharged from outlets and into natural drainage ways be limited to provide a non-erosive velocity flow of three feet per second or less. Means of controlling erosion shall include, but not limited to: energy

dissipaters, settling basins, riprap, or fabric slope protection and establishment of permanent vegetation.

C. Off-site vehicle tracking of sediment shall be minimized.

2. A certificate of occupancy or acceptance of a subdivision shall not be issued until all erosion control facilities are complete and approved by the City Engineer. The cost of said review shall be paid for by the developer.

APPENDIX A**RUNOFF COEFFICIENTS**

Type of Drainage Area Surfaces	Runoff Coefficient (“C”)
ROOF	0.95
PAVEMENTS:	
Asphalt	0.85
Concrete	0.95
Gravel (clean and loose)	0.50
Gravel (clayey and compact)	0.65
EARTH SURFACES:	
Bare	0.40
Light Vegetation	0.30
Dense Vegetation (Lawn)	0.20

APPENDIX B
RAINFALL INTENSITIES

Storm Duration (minutes)	Storm Frequency		
	5 Year	10 Year	100 Year
1,440 (24 hour)	0.16	0.19	0.27
720 (12 hour)	0.29	0.33	0.47
360 (6 hour)	0.48	0.57	0.80
180 (3 hour)	0.85	0.93	1.35
120 (2 hour)	1.15	1.31	1.85
90	1.53	1.76	2.50
60	1.95	2.22	3.15
50	2.14	2.46	3.50
40	2.45	2.82	4.00
30	3.06	3.52	5.00
20	3.82	4.40	6.25
15	4.41	5.07	7.20
10	5.23	6.02	8.55
5	6.79	7.81	11.10

One inch of rain per acre = 27,154 gallons of water.

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CHAPTER 105

SOLID WASTE CONTROL

105.01 Purpose	105.07 Littering Prohibited
105.02 Definitions	105.08 Toxic and Hazardous Waste
105.03 Sanitary Disposal Required	105.09 Waste Storage Containers
105.04 Health and Fire Hazard	105.10 Prohibited Practices
105.05 Open Burning Restricted	105.11 Recycling Program
105.06 Separation of Yard Waste Required	

105.01 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.
(IAC, 567-100.2)
5. “Landscape waste” means any vegetable or plant waste except garbage. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, and yard trimmings.
(IAC, 567-20.2[455B])
6. “Litter” means any garbage, rubbish, trash, refuse, waste materials, or debris 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.

(IAC, 567-100.2)

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

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

(IAC, 567-20.2[455B])

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

(IAC, 567-100.2)

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

(IAC, 567-100.2)

13. “Sanitary disposal project” means all facilities and appurtenances (including all real and personal property connected with such facilities) 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*.

(Ord. 445 – Sep. 19 Supp.)

(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

(Subsection 14 – Ord. 445 – Sep. 19 Supp.)

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, except that open burning is permitted in the following circumstances:

(IAC, 567-23.2[455B] and 567-100.2)

1. Disaster Rubbish. The open burning of rubbish, including landscape waste, for the duration of the community disaster period in cases where an officially declared emergency condition exists, provided that the burning of any structures or demolished structures is conducted in accordance with 40 CFR Section 61.145.

(IAC, 567-23.2[3a])

2. Trees and Tree Trimmings. The open burning of trees and tree trimmings at a City-operated burning site, provided such burning is conducted in compliance with the rules established by the State Department of Natural Resources.

(IAC, 567-23.2[3b])

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

(IAC, 567-23.2[3c])

4. Landscape Waste. The disposal by open burning of landscape waste originating on the premises after 4:00 p.m. Tuesdays through Fridays and from 9:00 a.m. until 9:00 p.m. on Saturdays. Burning is prohibited at any time on Sundays and Mondays. However, the burning of landscape waste produced in clearing, grubbing and construction operations shall be limited to areas located at least one-fourth mile from any building inhabited by other than the landowner or tenant conducting the open burning. Rubber tires shall not be used to ignite landscape waste.

(IAC, 567-23.2[3d])

5. Recreational Fires. Open fires for cooking, heating, recreation, and ceremonies, provided they comply with the limits for emission of visible air contaminants established by the State Department of Natural Resources. Rubber tires shall not be burned in a recreational fire.

(IAC, 567-23.2[3e])

6. Residential Waste. Backyard burning of residential waste at dwellings of four-family units or less.

(IAC, 567-23.2[3f])

7. Training Fires. Fires set for the purpose of conducting bona fide training of public or industrial employees in firefighting methods, provided that the training fires are conducted in compliance with rules established by the State Department of Natural Resources.

(IAC, 567-23.2[3g])

8. Pesticide Containers and Seed Corn Bags. The disposal by open burning of paper or plastic pesticide containers (except those formerly containing organic forms of beryllium, selenium, mercury, lead, cadmium or arsenic) and seed corn bags resulting from farming activities occurring on the premises if burned in accordance with rules established by the State Department of Natural Resources.

(IAC, 567-23.2[3h])

9. Agricultural Structures. The open burning of agricultural structures if in accordance with rules and limitations established by the State Department of Natural Resources.

(IAC, 567-23.2[3i])

10. Controlled Burning of a Demolished Building. The controlled burning of a demolished building by the City, subject to approval of the Council, provided that the controlled burning is conducted in accordance with rules and limitations established by the State Department of Natural Resources.

(IAC, 567-23.2[3j])

11. Variance. Any person wishing to conduct open burning of materials not permitted herein may make application for a variance to the Director of the State Department of Natural Resources.

(IAC, 567-23.2[2])

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 pickup as may be authorized by resolution of the Council. As used in this section, "yard waste" means any debris such as grass clippings, leaves, garden waste, brush, and trees. Yard waste does not include tree stumps or branches greater than three inches in diameter or more than 48 inches in length.

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

(Code of Iowa, Sec. 455B.363)

105.08 TOXIC AND HAZARDOUS WASTE. No person shall deposit in a solid waste container or otherwise offer for collection any toxic or hazardous waste. Such materials shall be transported and disposed of as prescribed by the Director of the State Department of Natural Resources. As used in this section, “toxic and hazardous waste” means waste materials, including (but not limited to) poisons, pesticides, herbicides, acids, caustics, pathological waste, flammable or explosive materials, and similar harmful waste that requires special handling and that must be disposed of in such a manner as to conserve the environment and protect the public health and safety.

(IAC, 567-100.2)

(IAC, 567-102.13[2] and 400-27.14[2])

105.09 WASTE STORAGE CONTAINERS. Every person owning, managing, operating, leasing, or renting any premises, dwelling unit or any place where refuse accumulates shall provide and at all times maintain in good order and repair portable containers for refuse in accordance with the following:

1. Container Specifications. Waste storage containers shall comply with the following specifications:
 - A. Residential. Residential waste containers, whether they are reusable, portable containers or heavy-duty disposable garbage bags, shall be of not less than 15 gallons or more than 30 gallons in nominal capacity, and shall be leak-proof and waterproof. The total weight of any container and contents shall not exceed 45 pounds. Disposable containers shall be kept securely fastened and shall be of sufficient strength to maintain integrity when lifted, and reusable containers shall be in conformity with the requirements of the solid waste hauler contract in effect.
 - 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 outdoors at some easily accessible place by the owner or occupant of the premises served.
4. Nonconforming Containers. Solid waste placed in containers that are not in compliance with the provisions of this section will not be collected.

105.10 PROHIBITED PRACTICES. It is unlawful for any person to:

1. Unlawful Use of Containers. Deposit refuse in any solid waste containers not owned by such person without the written consent of the owner of such containers.

2. Interfere with Collectors. Interfere in any manner with solid waste collection equipment or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors be those of the City, or those of any other authorized waste collection service.
3. Incinerators. Burn rubbish or garbage except in incinerators designed for high temperature operation, in which solid, semisolid, liquid, or gaseous combustible refuse is ignited and burned efficiently, and from which the solid residues contain little or no combustible material, as acceptable to the Environmental Protection Commission.
4. Scavenging. Take or collect any solid waste that has been placed out for collection on any premises, unless such person is an authorized solid waste collector.

105.11 RECYCLING PROGRAM. The City shall provide for the collection of recyclable material in accordance with the provisions of the contract between the City and the collector. All recyclable material shall be separated and prepared for collection in accordance with the rules and regulations as established by the collector.

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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
106.07 Contract Requirements
106.08 Collection Fees
106.09 Lien for Nonpayment
106.10 Volume-Based System

106.01 COLLECTION SERVICE. The City shall provide by contract for the collection of solid waste, except bulky rubbish as provided in Section 106.05, from residential premises only. The owners or operators of commercial, industrial, or institutional premises shall provide for the collection of solid waste produced upon such premises.

106.02 COLLECTION VEHICLES. Vehicles or containers used for the collection and transportation of garbage and similar putrescible waste or solid waste containing such materials shall be leak-proof, durable and of easily cleanable construction. They shall be cleaned to prevent nuisances, pollution, or insect breeding and shall be maintained in good repair.

(IAC, 567-104.9[455B])

106.03 LOADING. Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak, or spill therefrom, and shall be covered to prevent blowing or loss of material. Where spillage does occur, the material shall be picked up immediately by the collector or transporter and returned to the vehicle or container and the area properly cleaned.

106.04 FREQUENCY OF COLLECTION. All solid waste shall be collected from residential premises at least once each week and from commercial, industrial and institutional premises as frequently as may be necessary, but not less than once each week.

106.05 BULKY RUBBISH. Bulky rubbish 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.

106.07 CONTRACT REQUIREMENTS. No person shall engage in the business of collecting, transporting, processing or disposing of solid waste from residential premises for the City without first entering into a contract with the City. This section does not prohibit an owner from transporting solid waste accumulating upon premises owned, occupied or used by such owner, provided such refuse is disposed of properly in an approved sanitary disposal project. Furthermore, a contract is not required for the removal, hauling, or disposal of earth and rock material from grading or excavation activities, provided that all such materials are conveyed in tight vehicles, trucks or receptacles so constructed and maintained that none of the material being transported is spilled upon any public right-of-way.

106.08 COLLECTION FEES. The collection and disposal of solid waste as provided by this chapter are declared to be beneficial to the property served or eligible to be served and there shall be levied and collected fees for the same, in accordance with the following:

(Goreham vs. Des Moines, 1970, 179 NW 2nd, 449)

1. Fees. The fees for solid waste collection and disposal service, and for recycling service, used or available, shall be established by resolution of the Council.
2. Payment of Bills. All fees are due and payable under the same terms and conditions provided for payment of a combined service account as contained in Section 92.04 of this Code of Ordinances. Solid waste collection 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.

106.09 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 are jointly and severally liable for fees for solid waste collection and disposal. Fees remaining unpaid and delinquent shall constitute a lien upon the property or premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

(Code of Iowa, Sec. 384.84)

106.10 VOLUME-BASED SYSTEM.

1. Definition. "Volume-based garbage system" means a system with an ever-increasing charge based upon the number of containers utilized or upon actual weight of garbage generated.
2. Requirements. All waste haulers engaged in the collection and hauling of garbage and refuse from residential premises within the City shall charge based upon the volume of garbage and refuse generated. These volume-based charges may be made through the number of bags utilized or based upon actual weight collected.
3. Filing of Plan. All waste haulers doing business in the City boundaries shall file in writing with the Council a description of their volume or weight-based system concerning garbage and refuse. The collection system description must detail the base fee per residential premises and the additional charge that the hauler will assess the premises for weekly quantities over 100 gallons. Such a volume or weight-based system shall create a financial incentive to recycle and reduce the volume of garbage and refuse generated.

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CHAPTER 110

NATURAL GAS FRANCHISE

110.01 Franchise Granted	110.08 Relocation of Grantee's Facilities
110.02 Term	110.09 Confidential Information
110.03 Franchise Fees or Taxes	110.10 Force Majeure
110.04 Governing Rules and Regulations	110.11 Hold Harmless
110.05 Provision for Inadequate Energy Supplies	110.12 Successors and Assigns
110.06 Construction and Maintenance of Grantee's Facilities	110.13 No Third Party Beneficiaries
110.07 Extension of Grantee's Facilities	110.14 Non-Waiver
	110.15 Repeal Conflicting Ordinances

110.01 FRANCHISE GRANTED. The City hereby grants a nonexclusive franchise to Black Hills/Iowa Gas Utility Company, LLC d/b/a Black Hills Energy, a Delaware limited liability corporation (hereinafter called "Grantee"), its lessees, successors and assigns. Grantee is hereby granted the right, privilege, franchise, permission, and authority to lay, construct, install, maintain, operate, and extend in, along, over, above or across the present and future streets, alleys, avenues, bridges, public rights-of-way and public easements as are now within the present or future limits of the City, a natural gas distribution system and all facilities necessary for the purpose of supplying natural gas or processed gas and other operations connected therewith or incident thereto for all purposes to the inhabitants of the City and consumers in the vicinity thereof, and for the distribution of natural gas from or through the City to points beyond the limits thereof. Such facilities shall include, but not be limited to, all mains, services, pipes, poles, communication devices, conduits and all other apparatus and appliances necessary or convenient for transporting, distributing and supplying natural gas for all purposes for which it may be used, and to do all other things necessary and proper in providing natural gas service to the inhabitants of the City and in carrying on such business.

110.02 TERM. The rights and privileges granted hereunder shall remain in effect for a period of 25 years from the effective date of the ordinance codified by this chapter.[†]

110.03 FRANCHISE FEES OR TAXES. The City may, during the term of the franchise, in its discretion, in compliance with and as authorized by State law, after public hearing and upon a majority vote of a majority of the members of the Council then present, pass an ordinance imposing a franchise fee on Grantee's customers located within the corporate limits; provided, however, the franchise fee shall not be effective, and Grantee shall not be obligated to collect and pay same, unless and until: (i) it is satisfactory to Grantee with respect to its compatibility with Grantee's billing system; (ii) the form of assessment and collection of the franchise fee is based on a percentage of Grantee's gross receipts of regulated sales or transportation revenues collected from Grantee's customers within the corporate limits not to exceed five percent; and (iii) the City has imposed a franchise fee on all other parties supplying energy within the corporate limits, calculated in the same manner as the franchise fee imposed on Grantee's customers.

110.04 GOVERNING RULES AND REGULATIONS. The franchise granted hereunder is subject to all conditions, limitations and immunities now provided for, or as hereafter

[†] **EDITOR'S NOTE:** Ordinance No. 428, adopting a natural gas franchise for the City, was passed and adopted on June 9, 2014.

amended, and applicable to the operations of a public utility, by State or federal law. The rates to be charged by Grantee for service within the present or future corporate limits of the City and the rules and regulations regarding the character, quality and standards of service to be furnished by Grantee, shall be under the jurisdiction and control of such regulatory body or bodies as may, from time to time, be vested by law with authority and jurisdiction over the rates, regulations and quality and standards of service to be supplied by Grantee. Provided however, should any judicial, regulatory, or legislative body having proper jurisdiction take any action that precludes Grantee from recovering from its customers any cost associated with services provided hereunder, then Grantee and the City shall renegotiate the terms of this chapter in accordance with the action taken. In determining the rights and duties of the Grantee, the terms of this chapter shall take precedence over any conflicting terms or requirements contained in any other ordinance enacted by the City.

110.05 PROVISION FOR INADEQUATE ENERGY SUPPLIES. If an energy supplier is unable to furnish an adequate supply of energy due to an emergency, an order or decision of a public regulatory body, or other acts beyond the control of the Grantee, then the Grantee shall have the right and authority to adopt reasonable rules and regulations limiting, curtailing or allocating extensions of service or supply of energy to any customers or prospective customers, and withholding the supply of energy to new customers, provided that such rules and regulations shall be uniform as applied to each class of customers or prospective customers, and shall be non-discriminatory as between communities receiving service from the Grantee.

110.06 CONSTRUCTION AND MAINTENANCE OF GRANTEE'S FACILITIES.

Any pavements, sidewalks or curbing taken up and any and all excavations made shall be done in such a manner as to cause only such inconvenience to the inhabitants of the City and the general public as is reasonably necessary, and repairs and replacements shall be made promptly by Grantee, leaving such properties in as good a condition as existed immediately prior to excavation. Grantee agrees that for the term of this franchise, it will use its best efforts to maintain its facilities and equipment in a condition sufficient to meet the current and future energy requirements of the City, its inhabitants and industries. While maintaining its facilities and equipment, Grantee shall obtain permits as required by ordinance and will fix its excavations within a commercially reasonable time period, except that in emergency situations Grantee shall take such immediate unilateral actions as it determines are necessary to protect the public health, safety, and welfare; in which case, Grantee shall notify the City as soon as reasonably possible. Within a reasonable time thereafter, Grantee shall request and the City shall issue any permits or authorizations required by the City for the actions conducted by Grantee during the emergency situation. The City will give Grantee reasonable notice of plans for street improvements where paving or resurfacing of a permanent nature is involved that affects Grantee's facilities. The notice shall contain the nature and character of the improvements, the rights-of-way upon which the improvements are to be made, the extent of the improvements, and the time when the City will start the work, and, if more than one right-of-way is involved, the order in which the work is to proceed. The notice shall be given to the Grantee as soon as practical in advance of the actual commencement of the work, considering seasonable working conditions, to permit the Grantee to make any additions, alterations, or repairs to its facilities.

110.07 EXTENSION OF GRANTEE'S FACILITIES. Upon receipt and acceptance of a valid application for service, Grantee shall, subject to its own economic feasibility criteria as approved by the Iowa Utilities Board make reasonable extensions of its distribution facilities to serve customers located within the current or future corporate limits of the City.

110.08 RELOCATION OF GRANTEE'S FACILITIES. If the City elects to change the grade of or otherwise alter any street, alley, avenue, bridge, public right-of-way or public place for a public purpose, unless otherwise reimbursed by federal, State or local legislative act or governmental agency, Grantee, upon reasonable notice from the City, shall remove and relocate its facilities or equipment situated in the public rights-of-way, at the cost and expense of Grantee, if such removal is necessary to prevent interference with the City's facilities. If the City orders or requests Grantee to relocate its facilities or equipment for the primary benefit of a commercial or private project, or as a result of the initial request of a commercial or private developer or other non-public entity, and such removal is necessary to prevent interference with such project, then Grantee shall receive payment for the cost of such relocation as a precondition to relocating its facilities or equipment. The City shall consider reasonable alternatives in designing its public works projects and exercising its authority under this section so as not to arbitrarily cause Grantee unreasonable additional expense. If alternative public right-of-way space is available, the City shall also provide a reasonable alternative location for Grantee's facilities. The City shall give Grantee written notice of an order or request to vacate a public right-of-way; provided, however, that its receipt of such notice shall not deprive Grantee of its right to operate and maintain its existing facilities in such public right-of way until it: (i) if applicable, receives the reasonable cost of relocating the same; and (ii) obtains a reasonable public right-of-way, dedicated utility easement, or private easement alternative location for such facilities.

110.09 CONFIDENTIAL INFORMATION. The City acknowledges that certain information it might request from Grantee pursuant to this chapter may be of a proprietary and confidential nature, and that such requests may be subject to the Homeland Security Act or other confidentiality protections under State or federal law. If Grantee requests that any information provided by Grantee to the City be kept confidential due to its proprietary or commercial value, the City and its employees, agents and representatives shall maintain the confidentiality of such information, to the extent allowed by law. If the City is requested or required by legal or administrative process to disclose any such proprietary or confidential information, the City shall promptly notify Grantee of such request or requirement so that Grantee may seek an appropriate protective order or other relief.

110.10 FORCE MAJEURE. It shall not be a breach or default under this chapter if either party fails to perform its obligations hereunder due to force majeure. Force majeure shall include, but not be limited to, the following: (i) physical events such as acts of God, landslides, lightning, earthquakes, fires, freezing, storms, floods, washouts, explosions, breakage or accident or necessity of repairs to machinery, equipment or distribution or transmission lines; (ii) acts of others such as strikes, work-force stoppages, riots, sabotage, insurrections or wars; (iii) governmental actions such as necessity for compliance with any court order, law, statute, ordinance, executive order, or regulation promulgated by a governmental authority having jurisdiction; and (iv) any other causes, whether of the kind herein enumerated or otherwise not reasonably within the control of the affected party to prevent or overcome. Each party shall make reasonable efforts to avoid force majeure and to resolve such event as promptly as reasonably possible once it occurs in order to resume performance of its obligations hereunder; provided, however, this provision shall not obligate a party to settle any labor strike.

110.11 HOLD HARMLESS. Grantee, during the term of this chapter, agrees to save harmless the City from and against all claims, demands, losses and expenses arising directly out of the negligence of Grantee, its employees or agents, in constructing, operating, and maintaining its distribution and transmission facilities or equipment; provided, however, that

Grantee need not save the City harmless from claims, demands, losses and expenses arising out of the negligence of Grantor, its employees or agents.

110.12 SUCCESSORS AND ASSIGNS. All rights, privileges and authority granted to Grantee hereunder shall inure to the benefit of Grantee's lessees, successors and assigns, subject to the terms, provisions and conditions herein contained, and all obligations imposed upon Grantee hereunder shall be binding upon Grantee's lessees, successors and assigns.

110.13 NO THIRD PARTY BENEFICIARIES. This chapter constitutes a franchise agreement between the City and Grantee. No provision of this chapter shall inure to the benefit of any third person, including the public at large, so as to constitute any such person as a third party beneficiary of the agreement or of any one or more of the terms hereof, or otherwise give rise to any cause of action for any person not a party hereto.

110.14 NON-WAIVER. Any waiver of any obligation or default under this chapter shall not be construed as a waiver of any future defaults, whether of like or different character.

110.15 REPEAL CONFLICTING ORDINANCES. This chapter shall constitute the entire agreement between the City and the Grantee relating to the franchise granted by the City hereunder, and the same shall supersede all prior ordinances relating thereto, and any terms and conditions of such prior ordinances or parts of ordinances in conflict herewith are hereby repealed. Ordinance No. 257 of the City is hereby repealed as of the effective date hereof.

CHAPTER 111

ELECTRIC FRANCHISE

111.01 Franchise Granted
111.02 Placement of Facilities
111.03 Installation of Meters
111.04 Quality of System

111.05 Nonexclusive Franchise
111.06 No Interruption of Service
111.07 Term of Franchise

111.01 FRANCHISE GRANTED. There is hereby granted to Interstate Power & Light Company (herein referred to as the “Company”), its successors and assigns, the right and franchise to acquire, construct, erect, maintain and operate in the City works and plants for the manufacture and generation of electricity and a distribution system for electric light, heat and power and the right to erect and maintain the necessary poles, lines, wires, conduits and other appliances for the transmission of electric current along, under and upon the streets, avenues, alleys and public places in the City; also the right to erect and maintain upon the streets, avenues, alleys and public places transmission lines through the City, to supply individuals, corporations, communities, and municipalities both inside and outside of the City with electric light, heat and power for the period of 25 years;[†] and also includes the right of eminent domain as provided in Section 364.2 of the *Code of Iowa*.

111.02 PLACEMENT OF FACILITIES. The poles, wires and appliances shall be placed and maintained so as not to unnecessarily interfere with the travel on said streets, alleys and public places in the City or unnecessarily interfere with the proper use of the same, including ordinary drainage, or with the sewers, underground pipe and other property of the City, and the said Company, its successors and assigns shall hold the City free and harmless from all damages arising from the negligent acts or omissions of the Company in the erection or maintenance of said system.

111.03 INSTALLATION OF METERS. The Company, its successors and assigns shall furnish and install all meters at their own expense, and shall provide the service wire to buildings as set forth in the Company’s tariff filed with the Iowa Utilities Board.

111.04 QUALITY OF SYSTEM. The system authorized by this chapter shall be modern and up-to-date and shall be of sufficient capacity to supply all reasonable demands of the City and its inhabitants and shall be kept in a modern and up-to-date condition.

111.05 NONEXCLUSIVE FRANCHISE. The franchise granted by this chapter shall not be exclusive.

111.06 NO INTERRUPTION OF SERVICE. Service to be rendered by the Company under this chapter shall be continuous unless prevented from doing so by fire, acts of God, unavoidable accidents or casualties, or reasonable interruptions necessary to properly service the Company’s equipment, and in such event service shall be resumed as quickly as is reasonably possible.

[†] **EDITOR’S NOTE:** Ordinance No. 359, adopting an electric franchise for the City, was passed and adopted on May 14, 2002.

111.07 TERM OF FRANCHISE. The term of the franchise granted by this chapter and the rights granted hereunder shall continue for the period of 25 years from and after its acceptance by the said Company, as herein provided.

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CHAPTER 115

CEMETERY

115.01 Definition

115.02 Cemetery Sexton Appointed

115.03 Duties of Sexton; Maintenance

115.04 Records

115.05 Sale of Interment Rights

115.06 Perpetual Care

115.07 Rules and Regulations

115.01 DEFINITION. The term “cemetery” means the St. Ansgar Cemetery, which is a municipal cemetery under the provisions of Chapter 523I of the *Code of Iowa* and which shall be operated under the provisions of Chapter 523I of the *Code of Iowa* and this chapter.

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

115.02 CEMETERY SEXTON APPOINTED. The Council shall appoint a Cemetery Sexton who shall operate the cemetery in accordance with applicable rules and regulations and under the direction of the Council.

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

115.03 DUTIES OF SEXTON; MAINTENANCE.

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

1. The Cemetery Sexton shall supervise the opening of all graves.
2. Maintenance of the cemetery buildings, grounds and equipment is performed under contract. The City shall also have the option to contract for any services performed by the Cemetery Sexton.

115.04 RECORDS. It is the duty of the Sexton to report to the Clerk interments made in the cemetery. The Clerk shall make and keep complete records identifying the owners of all interment rights sold by the cemetery and historical information regarding any transfers of ownership. The records shall include all of the following:

(Code of Iowa, Sec. 523I.311)

1. Sales or Transfers of Interment Rights.
 - A. The name and last known address of each owner or previous owner of interment rights.
 - B. The date of each purchase or transfer of interment rights.
 - C. A unique numeric or alphanumeric identifier that identifies the location of each interment space sold by the cemetery.
2. Interments.
 - A. The date the remains are interred.
 - B. The name, date of birth, and date of death of the decedent interred, if those facts can be conveniently obtained.
 - C. A unique numeric or alphanumeric identifier that identifies the location of each interment space where the remains are interred.

115.06 SALE OF INTERMENT RIGHTS. The sale or transfer of interment rights in the cemetery shall be evidenced by a certificate of interment rights or other instrument evidencing the conveyance of exclusive rights of interment upon payment in full of the purchase price. The agreement for interment rights shall disclose all information required by Chapter 523I of the *Code of Iowa*. The payment of all fees and charges shall be made at the office of the Clerk where receipts will be issued for all amounts paid. Said fees and charges shall be based upon the charges as established by the Council.

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

115.06 PERPETUAL CARE. The Council, by resolution, shall accept, receive, and expend all moneys and property donated or left to them by bequest for perpetual care, and that portion of interment space sales or permanent charges made against interment spaces which has been set aside in a perpetual care fund. The assets of the perpetual care fund shall be invested in accordance with State law. The Council, by resolution, shall provide for the payment of interest annually to the appropriate fund, or to the cemetery, or to the person in charge of the cemetery, to be used in caring for or maintaining the individual property of the donor in the cemetery or interment spaces that have been sold with provisions for perpetual care, all in accordance with the terms of the donation or bequest or the terms of the sale or purchase of an interment space and Chapter 523I of the *Code of Iowa*.

(Code of Iowa, Sec. 523I.503, 523I.507 & 523I.508)

115.07 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)

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CHAPTER 120

LIQUOR LICENSES AND WINE AND BEER PERMITS

120.01 License or Permit Required
120.02 General Prohibition
120.03 Investigation

120.04 Action by Council
120.05 Prohibited Sales and Acts
120.06 Amusement Devices

120.01 LICENSE OR PERMIT REQUIRED. No person shall manufacture for sale, import, sell, or offer or keep for sale, alcoholic liquor, wine, or beer without first securing a liquor control license, wine permit, or beer permit in accordance with the provisions of Chapter 123 of the *Code of Iowa*.

(Code of Iowa, Sec. 123.22, 123.122 & 123.171)

120.02 GENERAL PROHIBITION. It is unlawful to manufacture for sale, sell, offer or keep for sale, possess or transport alcoholic liquor, wine or beer except upon the terms, conditions, limitations, and restrictions enumerated in Chapter 123 of the *Code of Iowa*, and a license or permit may be suspended or revoked or a civil penalty may be imposed for a violation thereof.

(Code of Iowa, Sec. 123.2, 123.39 & 123.50)

120.03 INVESTIGATION. Upon receipt of an application for a liquor license, wine or beer permit, the Clerk may forward it to the Police Chief, who shall then conduct an investigation and submit a written report as to the truth of the facts averred in the application. The Fire Chief may also inspect the premises to determine if they conform to the requirements of the City. The Council shall not approve an application for a license or permit for any premises that does not conform to the applicable law and ordinances, resolutions, and regulations of the City.

(Code of Iowa, Sec. 123.30)

120.04 ACTION BY COUNCIL. The Council shall either approve or disapprove the issuance of the liquor control license or retail wine or beer permit and shall endorse its approval or disapproval on the application, and thereafter the application, necessary fee and bond, if required, shall be forwarded to the Alcoholic Beverages Division of the State Department of Commerce for such further action as is provided by law.

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

120.05 PROHIBITED SALES AND ACTS. A person or club holding a liquor license or retail wine or beer permit and the person's or club's agents or employees shall not do any of the following:

1. Sell, dispense, or give to an intoxicated person, or one simulating intoxication, any alcoholic beverage.

(Code of Iowa, Sec. 123.49[1])

2. Sell or dispense any alcoholic beverage on the premises covered by the license or permit, or permit its consumption thereon between the hours of 2:00 a.m. and 6:00 a.m. on a weekday, and between the hours of 2:00 a.m. on Sunday and 6:00 a.m. on the following Monday; however, a holder of a liquor control license or retail wine or beer permit granted the privilege of selling alcoholic liquor, wine, or beer on Sunday may sell or dispense alcoholic liquor, wine, or beer between the hours of 8:00 a.m. on Sunday

and 2:00 a.m. of the following Monday, and further provided that a holder of any class of liquor control license or the holder of a class "B" beer permit may sell or dispense alcoholic liquor, wine, or beer for consumption on the premises between the hours of 8:00 a.m. on Sunday and 2:00 a.m. on Monday when that Monday is New Year's Day and beer for consumption off the premises between the hours of 8:00 a.m. on Sunday and 2:00 a.m. on the following Monday when that Sunday is the day before New Year's Day.

(Code of Iowa, Sec. 123.49[2b] & 123.150)

3. Sell alcoholic beverages to any person on credit, except with a bona fide credit card. This provision does not apply to sales by a club to its members, to sales by a hotel or motel to bona fide registered guests or to retail sales by the managing entity of a convention center, civic center, or events center.

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

4. Employ a person under 18 years of age in the sale or serving of alcoholic beverages for consumption on the premises where sold.

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

5. In the case of a retail wine or beer permittee, knowingly allow the mixing or adding of alcohol or any alcoholic beverage to wine, beer, or any other beverage in or about the permittee's place of business.

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

6. Knowingly permit or engage in any criminal activity on the premises covered by the license or permit.

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

7. Keep on premises covered by a liquor control license any alcoholic liquor in any container except the original package purchased from the Alcoholic Beverages Division of the State Department of Commerce and except mixed drinks or cocktails mixed on the premises for immediate consumption. However, mixed drinks or cocktails that are mixed on the premises and are not for immediate consumption may be consumed on the licensed premises, subject to rules adopted by the Alcoholic Beverages Division.

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

8. 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])

9. Allow any person other than the licensee, permittee, or employees of the licensee or permittee to use or keep on the licensed premises any alcoholic liquor in any bottle or other container that is designed for the transporting of such beverages, except as allowed by State law.

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

10. 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[2i])

11. Permit or allow any person under 21 years of age to remain upon licensed premises unless over 50 percent of the dollar volume of the business establishment comes from the sale and serving of prepared foods. This provision does not apply to holders of a class “C” beer permit only.

120.06 AMUSEMENT DEVICES. The following provisions pertain to electrical or mechanical amusement devices possessed and used in accordance with Chapter 99B of the *Code of Iowa*. (Said devices are allowed only in premises with a liquor control license or beer permit, as specifically authorized in said Chapter 99B.)

(Code of Iowa, Sec. 99B.57)

1. As used in this section, “registered electrical or mechanical amusement device” means an electrical or mechanical device required to be registered with the Iowa Department of Inspection and Appeals, as provided in Section 99B.53 of the *Code of Iowa*.
2. It is unlawful for any person under the age of 21 to participate in the operation of a registered electrical or mechanical amusement device.
3. It is unlawful for any person owning or leasing a registered electrical or mechanical amusement device, or an employee of a person owning or leasing a registered electrical or mechanical amusement device, to knowingly allow a person under the age of 21 to participate in the operation of a registered electrical or mechanical amusement device.
4. It is unlawful for any person to knowingly participate in the operation of a registered electrical or mechanical amusement device with a person under the age of 21.

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CHAPTER 121

CIGARETTE AND TOBACCO PERMITS

121.01 Definitions
121.02 Permit Required
121.03 Application
121.04 Fees
121.05 Issuance and Expiration

121.06 Refunds
121.07 Persons Under Legal Age
121.08 Self-Service Sales Prohibited
121.09 Permit Revocation

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

1. “Alternative nicotine product” means a product, not consisting of or containing tobacco, that provides for the ingestion into the body of nicotine, whether by chewing, absorbing, dissolving, inhaling, snorting, or sniffing, or by any other means. “Alternative nicotine product” does not include cigarettes, tobacco products, or vapor products, or a product that is regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.
2. “Cigarette” means any roll for smoking made wholly or in part of tobacco, or any substitute for tobacco, irrespective of size or shape and irrespective of tobacco or any substitute for tobacco being flavored, adulterated, or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material. However, cigarette shall not be construed to include cigars.
3. “Place of business” means any place where cigarettes, tobacco products, alternative nicotine products, or vapor products are sold, stored, or kept for the purpose of sale or consumption by a retailer.
4. “Retailer” means every person who sells, distributes or offers for sale for consumption, or possesses for the purpose of sale for consumption, cigarettes, alternative nicotine products, or vapor products, irrespective of the quantity or amount or the number of sales, or who engages in the business of selling tobacco, tobacco products, alternative nicotine products, or vapor products to ultimate consumers.
5. “Self-service display” means any manner of product display, placement, or storage from which a person purchasing the product may take possession of the product, prior to purchase, without assistance from the retailer or employee of the retailer, in removing the product from a restricted access location.
6. “Tobacco products” means the following: cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco; snuff; cavendish; plug and twist tobacco; fine-cut and other chewing tobaccos; shorts or refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or for both chewing and smoking, but does not mean cigarettes.
7. “Vapor product” means any noncombustible product, which may or may not contain nicotine, that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from a solution or other substance. “Vapor product” includes

an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device, and any cartridge or other container of a solution or other substance, which may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. "Vapor product" does not include a product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.

121.02 PERMIT REQUIRED.

1. Retail Cigarette Permits. It is unlawful for any person, other than a holder of a retail permit, to sell cigarettes, alternative nicotine products, or vapor products at retail and no retailer shall distribute, sell, or solicit the sale of any cigarettes, alternative nicotine products, or vapor products within the City without a valid permit for each place of business. The permit shall, at all times, be publicly displayed at the place of business so as to be easily seen by the public and the persons authorized to inspect the place of business.

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

2. Retail Tobacco Permits. It is unlawful for any person to engage in the business of a retailer of tobacco, tobacco products, alternative nicotine products, or vapor products at any place of business without first having received a permit as a retailer for each place of business owned or operated by the retailer.

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

A retailer who holds a retail cigarette permit is not required to also obtain a retail tobacco permit. However, if a retailer only holds a retail cigarette permit and that permit is suspended, revoked, or expired, the retailer shall not sell any tobacco, tobacco products, alternative nicotine products, or vapor products, during such time.

121.03 APPLICATION. A completed application on forms furnished by the State Department of Revenue or on forms made available or approved by the Department and accompanied by the required fee shall be filed with the Clerk. Renewal applications shall be filed at least five days prior to the last regular meeting of the Council in June. If a renewal application is not timely filed, and a special Council meeting is called to act on the application, the costs of such special meeting shall be paid by the applicant.

(Code of Iowa, Sec. 453A.13 & 453A.47A)

121.04 FEES. The fee for a retail cigarette or tobacco permit shall be as follows:

(Code of Iowa, Sec. 453A.13 & 453A.47A)

FOR PERMITS GRANTED DURING:	FEE:
July, August or September	\$ 75.00
October, November or December	\$ 56.25
January, February or March	\$ 37.50
April, May or June	\$ 18.75

121.05 ISSUANCE AND EXPIRATION. Upon proper application and payment of the required fee, a permit shall be issued. Each permit issued shall describe clearly the place of business for which it is issued and shall be nonassignable. All permits expire on June 30 of each year. The Clerk shall submit a duplicate of any application for a permit to the Alcoholic Beverages Division of the Department of Commerce within 30 days of issuance of a permit.

121.06 REFUNDS. A retailer may surrender an unrevoked permit and receive a refund from the City, except during April, May, or June, in accordance with the schedule of refunds as provided in Section 453A.13 or 453A.47A of the *Code of Iowa*.

(Code of Iowa, 453A.13 & 453A.47A)

121.07 PERSONS UNDER LEGAL AGE. No person shall sell, give, or otherwise supply any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes to any person under 18 years of age. The provision of this section includes prohibiting a minor from purchasing tobacco, tobacco products, alternative nicotine products, vapor products, and cigarettes from a vending machine. If a retailer or employee of a retailer violates the provisions of this section, the Council shall, after written notice and hearing, and in addition to the other penalties fixed for such violation, assess the following:

1. For a first violation, the retailer shall be assessed a civil penalty in the amount of \$300.00. Failure to pay the civil penalty as ordered under this subsection shall result in automatic suspension of the permit for a period of 14 days.
2. For a second violation within a period of two years, the retailer shall be assessed a civil penalty in the amount of \$1,500.00 or the retailer's permit shall be suspended for a period of 30 days. The retailer may select its preference in the penalty to be applied under this subsection.
3. For a third violation within a period of three years, the retailer shall be assessed a civil penalty in the amount of \$1,500.00 and the retailer's permit shall be suspended for a period of 30 days.
4. For a fourth violation within a period of three years, the retailer shall be assessed a civil penalty in the amount of \$1,500.00 and the retailer's permit shall be suspended for a period of 60 days.
5. For a fifth violation within a period of four years, the retailer's permit shall be revoked.

The Clerk shall give 10 days' written notice to the retailer by mailing a copy of the notice to the place of business as it appears on the application for a permit. The notice shall state the reason for the contemplated action and the time and place at which the retailer may appear and be heard.

(Code of Iowa, Sec. 453A.2, 453A.22 and 453A.36[6])

121.08 SELF-SERVICE SALES PROHIBITED. Except for the sale of cigarettes through a cigarette vending machine as provided in Section 453A.36[6] of the *Code of Iowa*, a retailer shall not sell or offer for sale tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes through the use of a self-service display.

(Code of Iowa, Sec. 453A.36A)

121.09 PERMIT REVOCATION. Following a written notice and an opportunity for a hearing, as provided by the *Code of Iowa*, the Council may also revoke a permit issued pursuant to this chapter for a violation of Division I of Chapter 453A of the *Code of Iowa* or any rule adopted thereunder. If a permit is revoked, a new permit shall not be issued to the permit holder for any place of business, or to any other person for the place of business at which the violation occurred, until one year has expired from the date of revocation, unless good cause to the contrary is shown to the Council. The Clerk shall report the revocation or suspension of a retail permit to the Alcoholic Beverages Division of the Department of Commerce within 30 days of the revocation or suspension.

(Code of Iowa, Sec. 453A.22)

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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 in an amount set by resolution of the Council shall be paid at the time of filing such application to cover the cost of investigating the facts stated therein.

122.05 LICENSE FEES. License fees shall be paid to the Clerk prior to the issuance of any license. Fees are set by resolution of the Council.

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 St. Ansgar Community School District conducting projects sponsored by organizations recognized by the school.
5. Route Sales. Route delivery persons who only incidentally solicit additional business or make special sales.
6. Resale or Institutional Use. Persons customarily calling on businesses or institutions for the purposes of selling products for resale or institutional use.

122.18 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 in writing to the Clerk the name and purpose of the cause for which such activities are sought, names and addresses of the officers and directors of the organization, the period during which such activities are to be carried on, and whether any commissions, fees or wages are to be charged by the solicitor and the amount thereof. If the Clerk finds that the organization is a bona fide charity or nonprofit organization, the Clerk shall issue, free of charge, a license containing the above information to the applicant. In the event the Clerk denies the exemption, the authorized representatives of the organization may appeal the decision to the Council, as provided in Section 122.14 of this chapter.

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CHAPTER 123

HOUSE MOVERS

123.01 House Mover Defined
123.02 Permit Required
123.03 Application
123.04 Bond Required
123.05 Insurance Required
123.06 Permit Fee

123.07 Permit Issued
123.08 Public Safety
123.09 Time Limit
123.10 Removal by City
123.11 Protect Pavement
123.12 Overhead Wires

123.01 HOUSE MOVER DEFINED. A “house mover” means any person who undertakes to move a building or similar structure upon, over or across public streets or property when the building or structure is of such size that it requires the use of skids, jacks, dollies, or any other specialized moving equipment.

123.02 PERMIT REQUIRED. It is unlawful for any person to engage in the activity of house mover as herein defined without a valid permit from the City for each house, building or similar structure to be moved. Buildings of less than 100 square feet are exempt from the provisions of this chapter.

123.03 APPLICATION. Application for a house mover’s permit shall be made in writing to the Clerk. The application shall include:

1. Name and Address. The applicant’s full name and address and, if a corporation, the names and addresses of its principal officers.
2. Building Location. An accurate description of the present location and future site of the building or similar structure to be moved.
3. Routing Plan. A routing plan approved by the Police Chief, Municipal Superintendent, and public utility officials. The route approved shall be the shortest route compatible with the greatest public convenience and safety.

123.04 BOND REQUIRED. The applicant shall post with the Clerk a penal bond in the minimum sum of \$5,000.00 issued by a surety company authorized to issue such bonds in the State. The bond shall guarantee the permittee’s payment for any damage done to the City or to public property, and payment of all costs incurred by the City in the course of moving the building or structure.

123.05 INSURANCE REQUIRED. Each applicant shall also file a certificate of insurance indicating that the applicant is carrying public liability insurance in effect for the duration of the permit covering the applicant and all agents and employees for the following minimum amounts:

1. Bodily Injury – \$50,000.00 per person; \$100,000.00 per accident.
2. Property Damage – \$50,000.00 per accident.

123.06 PERMIT FEE. A permit fee in an amount set by resolution of the Council shall be payable at the time of filing the application with the Clerk. A separate permit shall be required for each house, building or similar structure to be moved.

123.07 PERMIT ISSUED. Upon approval of the application, filing of bond and insurance certificate, and payment of the required fee, the Clerk shall issue a permit.

123.08 PUBLIC SAFETY. At all times when a building or similar structure is in motion upon any street, alley, sidewalk or public property, the permittee shall maintain flag persons at the closest intersections or other possible channels of traffic to the sides, behind and ahead of the building or structure. At all times when the building or structure is at rest upon any street, alley, sidewalk or public property the permittee shall maintain adequate warning signs or lights at the intersections or channels of traffic to the sides, behind and ahead of the building or structure.

123.09 TIME LIMIT. No house mover shall permit or allow a building or similar structure to remain upon any street or other public way for a period of more than 12 hours without having first secured the written approval of the City.

123.10 REMOVAL BY CITY. In the event any building or similar structure is found to be in violation of Section 123.09, the City is authorized to remove such building or structure and assess the costs thereof against the permit holder and the surety on the permit holder's bond.

123.11 PROTECT PAVEMENT. It is unlawful to move any house or building of any kind over any pavement, unless the wheels or rollers upon which the house or building is moved are at least one inch in width for each 1,000 pounds of weight of such building. If there is any question as to the weight of a house or building, the estimate of the City as to such weight shall be final.

123.12 OVERHEAD WIRES. The holder of any permit to move a building shall see that all telephone, cable television and electric wires and poles are removed when necessary and replaced in good order, and shall be liable for the costs of the same.

CHAPTER 124

PUBLIC SALE OF FOOD, BEVERAGES AND NON-FOOD ITEMS ON CITY PROPERTY

124.01 Purpose

124.02 Vendor

124.03 Vendor Application

124.04 Vendor Fees

124.05 Nuisance

124.06 Exception

124.01 PURPOSE. The purpose of this chapter is to provide rules, regulations and restrictions concerning the sale of any consumable food, beverage or non-food item upon any publicly owned City property, including (but not limited to) streets, sidewalks, parks, rights-of-way, parking lots, and other public grounds owned by the City. The provisions of this chapter are enacted for the protection of the health, safety and welfare of the citizens of the City.

124.02 VENDOR. No person shall provide or sell any consumable food, beverage or non-food item upon any publicly owned City property to the public in the City unless the person first obtains a vendor's permit from the City. An exception to this requirement is provided in Section 124.06.

124.03 VENDOR APPLICATION. The vendor shall submit an application for each day the vendor intends to operate and for each location if the vendor intends to operate at more than one location per day. All food vendors shall comply with the Iowa Department of Health rules and regulations governing the sale of food for consumption on the premises.

124.04 VENDOR FEES. Fees are set by resolution of the Council. A new permit is required for each day and for each location a vendor will operate from.

124.05 NUISANCE. The sale of any consumable food, beverage or non-food item upon any publicly owned City property without a permit or in violation of any of the provisions of this chapter is hereby declared to be a nuisance. Any member of the Police Department is empowered to cause any vendor in violation of this chapter to be immediately removed without notice.

124.06 EXCEPTION. It is not a violation of this chapter and no vendor permit is required for a person to sell any consumable food, beverage or non-food item under the following conditions: (i) the person is a vendor at an event located on City-owned public property; (ii) the sponsor of the event has had prior approval of the Council; (iii) the sponsor of the event has authorized and approved said vendor, including the assessment of any fee established by the sponsor; and (iv) the vendor complies with the Iowa Department of Health rules and regulations governing the sale of food for consumption on the premises.

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CHAPTER 125

ADULT ORIENTED BUSINESSES

125.01 Purpose

125.02 Definitions

125.03 General Regulations

125.04 Location

125.05 Screening and Advertising Displays

125.06 Minors Prohibited

125.07 Alcohol Prohibited

125.01 PURPOSE. The purpose of this chapter is to protect the established rights of adult businesses while at the same time providing for physical separation from sensitive land uses to minimize negative secondary impacts to the public health, safety, comfort, convenience and general welfare of the citizens of St. Ansgar.

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

1. “Adult,” as used in this chapter, refers to persons who have attained the age of 18 years.
2. “Adult cabaret” means a building or portion of a building regularly featuring dancing or other live entertainment if the dancing or entertainment that constitutes the primary live entertainment is distinguished or characterized by an emphasis on the exhibiting of specified sexual activities or specified anatomical areas for observation by patrons therein.
3. “Adult media” means magazines, books, videotapes, movies, slides, CD-ROMS or other devices used to record computer images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to hardcore material.
4. “Adult media shop” means an establishment that rents and/or sells media, and that meets any of the following three tests:
 - A. Forty percent or more of the gross public floor area is devoted to adult media.
 - B. Forty percent or more of the stock in trade consists of adult media.
 - C. It advertises or holds itself out in any forum as “XXX,” “adult,” “sex,” or otherwise as a sexually oriented business other than an adult media store, adult motion picture theater, or adult cabaret.
5. “Adult mini-motion picture theater” means an enclosed building, with a capacity for less than 50 persons, which is used for presenting motion pictures, slides or photographic reproductions which: (i) are distinguished or characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas, for observance by patrons therein; or (ii) excludes minors by reason of age.
6. “Adult motion picture theater” means an enclosed building, with a capacity of 50 or more persons, which is used predominantly for presenting motion pictures, slides or photographic reproductions which: (i) are distinguished or characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or

specified anatomical areas, for observance by patrons therein; or (ii) excludes minors by reason of age.

7. “Adult oriented business” is an inclusive term used to describe the following collectively: adult cabaret; adult media shop; adult mini-motion picture theater; lingerie modeling studio; adult motion picture theater; video arcade; bathhouse; massage establishment; sex shop; and/or sexual activity establishment.

8. “Adult use” – see definition of adult oriented business and sexually oriented business.

9. “Display publicly” means the act of exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a street, highway, or public sidewalk, or from the property of others, or from any portion of the premises where items and material other than adult media are on display to the public.

10. “Hardcore material” means media characterized by sexual activity that includes one or more of the following: erect male penis; contact of the mouth of one person with the genitals of another; penetration with a finger or male penis into any orifice in another person; open female labia; penetration of a sex toy into an orifice; male ejaculation; or the aftermath of male ejaculation.

11. “Hardcore performance” means live human performance characterized by sexual activity that includes one or more of the following: erect male penis; contact of the mouth of one person with the genitals of another; penetration with a finger or male penis into any orifice in another person; open female labia; penetration of a sex toy into an orifice; male ejaculation; or the aftermath of male ejaculation.

12. “Lingerie modeling studio” means an establishment or business that provides the service of live models modeling lingerie to individuals, couples, or small groups in a room smaller than 600 square feet.

13. “Massage” means any method of treating the external parts of the human body by rubbing, stroking, kneading, tapping or vibrating with the hand or any instrument for any form of consideration or gratuity.

14. “Massage establishment” means any establishment having a fixed place of business, which excludes minors by reason of age, where massages are administered for any form of consideration or gratuity, including, but not limited to, massage parlors, health clubs, sauna baths and steam baths. This definition shall not be construed to include: (i) persons licensed by the State of Iowa under the provisions of Chapter 148, 148A, 148B, 152, 153, 157 or 158, of the *Code of Iowa*, when performing massage therapy or massage services as a part of the profession or trade for which licensed; (ii) persons performing massage therapy or massage services under the direction of a person licensed as described in item (i) of this definition; (iii) persons performing massage therapy or massage services upon a person pursuant to the written instruction or order of a licensed physician; (iv) nurses’ aides, technicians and attendants at any hospital or healthcare facility licensed pursuant to Chapter 135B, 135C or 145A of the *Code of Iowa*, in the course of their employment and under the supervision of the administrator thereof or of a person licensed as described in item (i) of this definition; (v) an athletic coach or trainer in any accredited public or private secondary school, junior college or university or employed by a professional or semi-professional athletic team or organization, in the course of his or her employment as such coach or trainer. This

definition shall not be construed to include a nonprofit organization operating a community center, swimming pool, tennis court or other educational, cultural, recreational and athletic facilities for the welfare of the residents of the area.

15. "Media" means anything printed or written, or any picture, drawing, photograph, motion picture, film, videotape or videotape production, or pictorial representation or any electrical or electronic reproduction of anything that is or may be used as a means of communication. Media includes, but shall not necessarily be limited to books, newspapers, magazines, movies, videos, sound recordings, CD-ROMs, other digital media, other magnetic media, and undeveloped pictures.

16. "Media shop" means a general term, identifying a category of business that may include sexually oriented material but that is not subject to the special provisions applicable to adult media shops. In that context, media shop means a retail outlet offering media for sale or rent, for consumption off the premises, provided that any outlet meeting the definition of "adult media shop" shall be treated as an adult media outlet.

17. "Minor," as used in this chapter, refers to persons who have not attained the age of 18 years.

18. "Protected land use" includes religious institutions, community gateway corridors, public or private K through 12 educational institutions, public or private pre-K educational facilities, public park, public library, or a childcare facility licensed by or registered with the State of Iowa.

19. "Religious institution" means a building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. The term includes, but is not limited to a synagogue, temple, mosque, church, or other such place for worship and religious activities.

20. "Residential districts" are districts that include one-family, two-family, and multiple-family dwellings.

21. "Sadomasochistic practices" means flagellation or torture by or upon a person clothed or naked, or the condition of being fettered, bound, or otherwise physically restrained on the part of one clothed or naked.

22. "Sex shop" means an establishment offering goods for sale or rent and that meets any of the following tests:

A. The establishment offers for sale or rent items from any two of the following categories: (i) adult media; (ii) lingerie; or (iii) leather goods marketed or presented in a context to suggest their use for sadomasochistic practices; and the combination of such items constitutes more than 10 percent of its stock in trade or occupies more than 10 percent of its floor area.

B. More than five percent of its stock in trade consists of sexually oriented toys or novelties.

C. More than five percent of its gross public floor area is devoted to the display of sexually oriented toys or novelties.

23. "Sexual activity establishment" means an establishment which excludes minors by reason of age, used for the display of live presentations distinguished or

characterized by an emphasis on matter depicting or describing or involving specified sexual activities or specified anatomical areas. Provided, that the provisions of this definition shall not apply to a theater, concert hall, art center, museum or similar establishment which is primarily devoted to presentations distinguished or characterized by an emphasis on matter depicting or describing or relating to specified sexual activities or specified anatomical areas.

24. “Sexual oriented business” – see definition of adult oriented businesses, an inclusive term used to describe the following collectively: adult cabaret; adult media shop; adult mini-motion picture theater; lingerie modeling studio; adult motion picture theater; video arcade; bathhouse; massage establishment; sex shop; and/or sexual activity establishment.

25. “Sexually oriented toys or novelties” means instruments, devices, or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs.

26. “Specified anatomical areas,” as used in this chapter, means: (i) less than completely and opaquely covered human genitals, pubic region, buttocks, and female breast below a point immediately above the top of the areola; and (ii) human male genitals in a discernible turgid state even if completely and opaquely covered.

27. “Specified sexual activities,” as used in this chapter, means: (i) human genitals in a state of sexual stimulation or arousal; (ii) acts of human masturbation, sexual intercourse, oral sex acts or sodomy; (iii) fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.

28. “Video viewing booth or arcade booth” means any booth, cubicle, stall, or compartment that is designed, constructed, or used to hold or seat patrons and is used for presenting live human performances or motion pictures or viewing publications by any photographic, electronic, magnetic, digital, or other means or media (including, but not limited to, film, video or magnetic tape, laser disk, CD-ROM, books, magazines, or periodicals) for observation by patrons therein. A video viewing booth does not mean a theater, movie house, playhouse, or a room or enclosure or portion thereof that contains more than 600 square feet.

125.03 GENERAL REGULATIONS. The location of an adult oriented business or other adult use near a regularly scheduled school bus stop, personal residence, a public or parochial school, a public or private pre-K educational facility, licensed day care facility, church, public park, public library, or Residential District (one-family, two-family, or multiple-family dwellings), or City Hall, has a deleterious effect on both the business and residential segments of the City. The establishment of more than two adult uses within 300 feet of each other compounds this deleterious effect. Control of adult uses is needed to allow an acceptable level of such uses while maintaining neighborhoods which meet the expectations of the general public.

125.04 LOCATION. An adult use shall not be located within 300 feet of any public or parochial school, regularly scheduled school bus stop, public or private pre-K educational facilities, licensed day care facility, church, public park, public library, or Residential District (one-family, two-family, or multiple-family dwellings), or City Hall. The 300-foot restriction shall be computed by measurement from the nearest property line of the land used for another adult use or of any regularly scheduled school bus stop, public or parochial school, public or private pre-K educational facility, licensed day care facility, church, public park, public library

or Residential District (one-family, two-family, or multiple-family dwellings), or City Hall, to the nearest entrance of the building in which adult uses are to occur, using a route of direct measured horizontal distance.

125.05 SCREENING AND ADVERTISING DISPLAYS. All building openings, entries, windows, etc., shall be covered or screened in such a manner as to prevent a view of the interior from any public or semi-public area. Advertisements, displays or other promotional materials shall not be shown or exhibited so as to be visible to the public from the pedestrian sidewalks, walkways, or from other public or semi-public areas.

125.06 MINORS PROHIBITED. No minor as defined by this chapter shall be permitted in any establishment in which adult uses are permitted.

125.07 ALCOHOL PROHIBITED. No alcohol shall be permitted in any establishment in which adult uses are permitted, unless such is specifically allowed pursuant to Iowa law. This prohibition applies equally to the proprietor and the patrons of the establishment involved.

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CHAPTER 135

STREET USE AND MAINTENANCE

135.01 Removal of Warning Devices	135.08 Burning Prohibited
135.02 Obstructing or Defacing	135.09 Excavations
135.03 Placing Debris On	135.10 Property Owner's Responsibility for Maintenance
135.04 Playing In	135.11 Failure to Maintain
135.05 Traveling on Barricaded Street or Alley	135.12 Dumping of Snow
135.06 Use for Business Purposes	135.13 Driveway Culverts
135.07 Washing Vehicles	

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. Permission Required. No excavation shall be commenced without first obtaining permission as provided herein. A written application 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 applicant/property owner.
4. 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 applicant/property owner.
5. 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 applicant/property owner shall provide the City with notice at least 24 hours prior to the time when inspection of backfill is desired.
6. 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 applicant/property owner.
7. Responsibility for Costs. All costs and expenses incident to the excavation shall be borne by the applicant and/or property owner. The applicant and owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by such excavation.
8. 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*.

9. Permission Granted. Upon approval of the application, permission shall be given. A separate permission shall be required for each excavation.

10. Exemption. Utility companies are exempt from the application requirement of this section. They shall, however, comply with all other pertinent provisions of this chapter.

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 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.

[†] **EDITOR'S NOTE:** See also Section 136.07 relating to property owner's responsibility for maintenance of sidewalks.

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CHAPTER 136

SIDEWALK REGULATIONS

136.01 Definitions	136.13 Barricades and Warning Lights
136.02 Standard Sidewalk Specifications	136.14 Failure to Repair or Barricade
136.03 Permission for Construction or Removal	136.15 Interference with Sidewalk Improvements
136.04 Failure to Obtain Permission; Remedies	136.16 Awnings
136.05 Inspection and Approval	136.17 Encroaching Steps
136.06 Removal of Snow, Ice, and Accumulations	136.18 Openings and Enclosures
136.07 Property Owner's Responsibility for Maintenance	136.19 Fires or Fuel on Sidewalks
136.08 City May Order Repairs	136.20 Defacing
136.09 Sidewalk Construction Ordered	136.21 Debris on Sidewalks
136.10 Notice of Assessment for Repair or Cleaning Costs	136.22 Merchandise Display
136.11 Hearing and Assessment	136.23 Sales Stands
136.12 Billing and Certifying to County	136.24 Use of Vehicles Restricted

136.01 DEFINITIONS. As used in this chapter the following terms have these meanings:

1. "Defective sidewalk" is defined by the City Superintendent, who shall prepare or cause to be prepared a complete definition, specifically describing what constitutes a defective sidewalk, and upon approval of the Council, said definition shall be kept on file in the office of the Clerk.
2. "Owner" means the person owning the fee title or the contract purchaser for purposes of notification required herein. For all other purposes, "owner" includes the lessee, if any.
3. "Sidewalk" means all permanent public walks in the City, or within the area governed by the City.
4. "Sidewalk improvements" means the reconstruction, repair, replacement or removal, of a public sidewalk or the excavating, filling or depositing of material in the public right-of-way in connection therewith.
5. "Superintendent" means the City Superintendent or the officer designated by the Council to perform the duties prescribed for the Superintendent by this chapter.

136.02 STANDARD SIDEWALK SPECIFICATIONS. The City Superintendent shall prepare or cause to be prepared complete plans and specifications for the construction, reconstruction, and repair of sidewalks and driveway crossings in the sidewalk, which, upon approval of the Council, shall be kept on file in the office of the Clerk. The specifications may include descriptions and location of barricades and warning lights. All sidewalk improvements in public property, whether performed by the owner of the abutting property or by the City, shall be performed under the supervision and inspection of the Superintendent, and in accordance with the plans and specifications adopted in accordance with this chapter.

136.03 PERMISSION FOR CONSTRUCTION OR REMOVAL. No person shall make any sidewalk improvements unless such person obtains permission from the Superintendent. Such permission shall be granted on the condition that the person will comply with the ordinances of the City and with the specifications for sidewalks adopted by the City, and that the work will be done under the direction and approval of the Superintendent. Applications shall be filed and preserved in the office of the Superintendent. The Superintendent shall state when the work is to be commenced and when the work is to be completed. The Superintendent

may withhold permission for any sidewalk improvements for a sufficient period to determine the necessity for the proposed improvements or when weather conditions will adversely affect the sidewalk improvements.

136.04 FAILURE TO OBTAIN PERMISSION; REMEDIES. Whenever any sidewalk improvements are made that do not conform to the provisions of this chapter and with the specifications, or when any sidewalk improvements are made without permission, the Superintendent shall serve notice upon the property owner and upon the contractor doing the work. If the sidewalk is in the course of construction, the notice shall order the work to stop until permission is obtained and the work is corrected to comply with the specifications. If the sidewalk work has been completed, the owner shall obtain permission immediately and perform any needed corrections within five days thereafter. If the owner fails to comply with this notice, the Superintendent shall have the work completed and the costs assessed to the property owner as provided in Section 136.08 of this chapter.

136.05 INSPECTION AND APPROVAL. Upon the final completion, the Superintendent shall inspect the work and may order corrections if the work does not meet specifications.

136.06 REMOVAL OF SNOW, ICE, AND ACCUMULATIONS. The abutting property owner shall remove snow, ice, and accumulations promptly from sidewalks. If a property owner does not remove snow, ice, or accumulations within a reasonable time, the City may do so and assess the costs against the property owner for collection in the same manner as a property tax. The abutting property owner may be liable for damages caused by failure to remove snow, ice, and accumulations promptly from the sidewalk.

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

136.07 PROPERTY OWNER'S RESPONSIBILITY FOR MAINTENANCE. The abutting property owner shall repair, replace, or reconstruct, or cause to be repaired, replaced, or reconstructed, all broken or defective sidewalks and maintain in a safe and hazard-free condition any sidewalk outside the lot and property lines and inside the curb lines or, in the absence of a curb, any sidewalk between the property line and that portion of the public street used or improved for vehicular purposes. The abutting property owner may be liable for damages caused by failure to maintain the sidewalk.

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

136.08 CITY MAY ORDER REPAIRS. If the abutting property owner does not maintain sidewalks as required, the Council may serve notice on such owner, by certified mail, requiring the owner to repair, replace or reconstruct sidewalks within a reasonable time and if such action is not completed within the time stated in the notice, the Council may require the work to be done and assess the costs against the abutting property for collection in the same manner as a property tax.

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

136.09 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)

136.10 NOTICE OF ASSESSMENT FOR REPAIR OR CLEANING COSTS. When the Superintendent submits a bill for sidewalk improvements or for removal of accumulations as

provided in Section 136.03, 136.06 or 136.08 of this chapter, the Clerk shall send a notice of such facts to the owner of the abutting property. The notice may be given either by personal service or by certified mail to the last known address of the owner. The notice shall contain a statement of the work performed, the cost of the work that is being assessed, a description of the property affected and the fact that the person may pay the amount assessed by a certain date without interest or penalty. The notice also shall indicate that the person may object to such assessment and give the place and time at which the Council will hear such objections. The time set for hearing shall be at least 15 days after the service or mailing of the notice.

136.11 HEARING AND ASSESSMENT. At the time and place designated in the notice, the Council shall consider all objections to the assessment, correct all errors or omissions and adopt a corrected list of the amounts to be assessed against the property.

136.12 BILLING AND CERTIFYING TO COUNTY. Thirty days after the Council's decision, the Clerk shall certify any unpaid amounts to the County Treasurer. The unpaid assessments shall constitute a lien against the property and shall be collected by the County Treasurer in the same manner as other taxes. Any assessment that exceeds \$100.00 may be paid in installments as set by the Council, not exceeding ten, in the same manner and at the same interest rates as special assessments as provided under the Code of Iowa. No interest shall be charged for assessments, or parts thereof, paid within 30 days of the time the Council determined the final amounts.

136.13 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.

136.14 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.

136.15 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.

136.16 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.

136.17 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.

136.18 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.

136.19 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.

136.20 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)

136.21 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])

136.22 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.

136.23 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.

136.24 USE OF VEHICLES RESTRICTED. It is unlawful for a person to operate a motor vehicle on any sidewalk except to cross said sidewalk at the intersections of drives, alleyways or otherwise obtain access to property, except in the case where motorized carts or chairs are required for a person to ambulate. Further, it is unlawful for a person to ride, coast or slide upon any sidewalk by means of any sled, coaster wagon or similar vehicle in such a manner as to interfere with the free and uninterrupted passage of pedestrians on the sidewalk.

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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] & 364.7[3])

EDITOR'S NOTE		
The following ordinances, not codified herein and specifically saved from repeal, have been adopted vacating certain streets, alleys and/or public grounds and remain in full force and effect.		
ORDINANCE NO.	ADOPTED	STREET OR ALLEY VACATED
64	October 12, 1903	Alley in Block 20
80	June 24, 1921	Streets and alleys in Block 52 through 57, and Blocks 68 through 73, Original Plat
85	October 16, 1922	Parts of Summer Street and Winter Street
124	February 5, 1951	Alley in Block 20
131	June 3, 1957	Alley in Block 81
132	July 1, 1957	Alley in Block 75
141	July 1, 1963	Alley in Block 7
153	October 8, 1971	Alley in Block 33
171	July 7, 1975	Part of Park Street
173	February 2, 1975	Unopened Street abutting Block 82 and alleys in Block 82
175	July 12, 1976	Alley in Block 27
192	February 5, 1979	Part of Park Street
196	December 3, 1979	Part of Seventh Street
198	July 7, 1980	Fifth Street at its crossing with ICGRR between Center Street and Park Street
206	April 6, 1981	Part of Park Street
222	July 5, 1983	Part of Park Street
242	February 2, 1987	Part of Fifth Street
256	August 7, 1989	Part of Park Street

CHAPTER 138

STREET GRADES

138.01 Established Grades

138.02 Record Maintained

138.01 ESTABLISHED GRADES. The grades of all streets, alleys and sidewalks, which have been heretofore established by ordinance, are hereby confirmed, ratified, and established as official grades.

138.02 RECORD MAINTAINED. The Clerk shall maintain a record of all established grades and furnish information concerning such grades upon request.

EDITOR'S NOTE			
The following ordinances not codified herein, and specifically saved from repeal, have been adopted establishing street and/or sidewalk grades and remain in full force and effect.			
ORDINANCE NO.	ADOPTED	ORDINANCE NO.	ADOPTED
66	1906		
69	1906		
77	1916		
152	1971		

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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 St. Ansgar, 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

CONTROLLED ACCESS FACILITIES

140.01 Exercise of Police Power
140.02 Definition
140.03 Right of Access Limited
140.04 Access Controls Imposed

140.05 Unlawful Use of Controlled Access Facility
140.06 Permitted Access Points
140.07 Parking Restricted

140.01 EXERCISE OF POLICE POWER. This chapter shall be deemed an exercise of the police power of the City under Chapter 306A, *Code of Iowa*, for the preservation of the public peace, health, safety and for the promotion of the general welfare.

(Code of Iowa, Sec. 306A.1)

140.02 DEFINITION. The term “controlled access facility” means a highway or street especially designed for through traffic, and over, from or to which owners or occupants of abutting land or other persons have no right or easement or only a controlled right or easement of access, light, air, or view by reason of the fact that their property abuts upon such controlled access facility or for any other reason.

(Code of Iowa, Sec. 306A.2)

140.03 RIGHT OF ACCESS LIMITED. No person has any right of ingress or egress to or from abutting lands onto or across any controlled access facility, except at such designated points at which access is permitted.

(Code of Iowa, Sec. 306A.4)

140.04 ACCESS CONTROLS IMPOSED. There are hereby fixed and established controlled access facilities within the City, described as follows:

(Code of Iowa, Sec. 306A.3)

1. Project No. F-573(3). On the Primary Road System extension improvement, Project No. F-573(3), Primary Road No. 105, within the City, described as follows:

*From Station 366+28.0 (north corporate line), thence south 1,354.5 feet
to Station 379+82.5 (intersection of Main Street and Fourth Street)*

regulating access to and from abutting properties along said highway all in accordance with the plans for such improvement identified as Project No. F-573(3), on file in the office of the Clerk.

140.05 UNLAWFUL USE OF CONTROLLED ACCESS FACILITY. It is unlawful for any person to:

(Code of Iowa, Sec. 306A.3 and 321.366)

1. Cross Dividing Line. Drive a vehicle over, upon, or across any curb, central dividing section, or other separation or dividing line on such controlled access facilities.
2. Turns. Make a left turn or a semicircular or U-turn except through an opening provided for that purpose in the dividing curb section, separation, or line.

3. Use of Lanes. Drive any vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation, section, or line.
4. Enter Facility. Drive any vehicle into the controlled access facility from a local service road except through an opening provided for that purpose in the dividing curb or dividing section or dividing line that separates such service road from the controlled access facility property.

140.06 PERMITTED ACCESS POINTS. Points of access on Iowa No. 105 are hereby permitted as follows:

(Code of Iowa, Sec. 306A.4)

Station	Side	Width	Type
368 90	right	18 feet	Agricultural (not in use; removed on construction)
370 48	left	18 feet	Residential
373 98	left	18 feet	Residential
377 43	left	18 feet	Residential
377 30	right	18 feet	Residential
378 20	left	18 feet	Residential
378 49	right	18 feet	Residential

140.07 PARKING RESTRICTED. The parking of vehicles on or along controlled access facilities is restricted as follows:

1. Minor Street Approaches. Parking shall be prohibited on all minor street approaches for a distance of 35 feet in advance of the stop sign.
2. Minor Street Exits. Parking shall be prohibited on the exit side of a minor street for a distance of 35 feet.

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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 Council 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 & 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 Council 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 Council 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 Council. 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 Council.

(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 Council shall cause to be posted at each entrance to such building a notice to read: "DO NOT ENTER. UNSAFE TO OCCUPY. CITY OF ST. ANSGAR, 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 Council, 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 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

PUBLIC WATER SUPPLY WELL FIELD PROTECTION

146.01 Purpose	146.07 Exceptions
146.02 Definitions	146.08 Determination of Locations within Zones
146.03 Substances Regulated	146.09 Enforcement and Penalties
146.04 Maps of Zones of Influence	146.10 Inspections
146.05 Restrictions within the Primary Protection Zone	146.11 Notice of Violation and Hearing
146.06 Restrictions within the Secondary Protection Zone	146.12 Injunctive Relief

146.01 PURPOSE. The purpose of this chapter is to institute land use regulations and restrictions to protect the City's water supply and well fields, restrict the location of potential sources of contamination in close proximity to a public water supply, and to promote the public health, safety and general welfare of the residents of the City.

146.02 DEFINITIONS.

1. "Alluvium" means sand, clay, etc., gradually deposited by moving water.
2. "Aquifer" means a rock formation, group of rock formations or part of a rock formation that contains enough saturated permeable material to yield significant quantities of water.
3. "Contamination" means the presence of any harmful or deleterious substances in the water supply.
4. "Groundwater" means subsurface water in the saturated zone from which wells, springs and groundwater runoff are supplied.
5. "Hazardous substances" means those materials specified in Section 146.03 of this chapter.
6. "Permitted pumping capacity" means the amount of water authorized to be pumped from a well during a one-year period.
7. "Person" means any natural person, individual, public or private corporation, firm, association, joint venture, partnership, municipality, governmental agency, political subdivision, public officer, or any other entity whatsoever or any combination of such, jointly or severally.
8. "Petroleum product" means fuels (gasoline, diesel fuel, kerosene and mixtures of those products), lubricating oils, motor oils, hydraulic fluids and other similar products.
9. "Pollution" means the presence of any substance (organic, inorganic, radiological or biological) or condition (temperature, pH turbidity) in water that tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water.
10. "Potable water" means water that is satisfactory for drinking, culinary and domestic purposes, meeting current drinking water standards.
11. "Primary containment" means the first level of product-tight containment, i.e., the inside portion of that container which comes into immediate contact on its inner surface with the hazardous material being contained.

12. “Public utility” means any utility (gas, water, sewer, electrical, telephone, cable television, etc.) whether publicly owned or privately owned.

13. “Secondary containment” means the level of product-tight containment external to and separate from the primary containment. Secondary containment consists of leakproof trays under containers, floor curbing or other containment systems and shall be of adequate size and design to handle all spills, leaks, overflows and precipitation until appropriate action can be taken. The specific design and selection of materials shall be sufficient to preclude any substance loss. Containment systems shall be sheltered so that the intrusion of precipitation is effectively prevented.

14. “Shallow well” means a well located and constructed in such a manner that there is not a continuous five-foot layer of low permeability soil or rock between the aquifer from which the water supply is drawn and a point 25 feet below the normal ground surface.

15. “Toxic substance” means any substance that has the capacity to produce personal injury or illness to humans through ingestion, inhalation or absorption into the body.

16. “Transit” means the act or process of passing through the wellhead protection zones, where the vehicle in transit may be parked (within the wellhead protection area) for a period not to exceed two hours.

17. “Water pollution” means the introduction in any surface or underground water of any organic or inorganic deleterious substance in such quantities, proportions and accumulations that are injurious to human, plant, animal, fish and other aquatic life or property or that unreasonably interfere with the comfortable enjoyment of life or property or the conduct of business.

18. “Well” means a pit or hole sunk into the earth to reach a resource supply such as water.

19. “Well field” means a tract of land that contains a number of wells for supplying water.

20. “Zones of influence” means zones delineated by fixed radii around well heads, within which toxic substances will be regulated to protect the quality of the underground resource.

146.03 SUBSTANCES REGULATED. The materials regulated by this chapter are the following:

1. Petroleum products as defined in Section 146.02.
2. Substances listed in 40 CFR Part 261, subparts A, B, C and D, the Federal Hazardous Waste List.
3. Substances listed by the Iowa Labor Commissioner pursuant to Section 89B.12 of the Code of Iowa (Hazardous Chemicals Risks - Right to Know).
4. Substances listed by the Iowa Department of Natural Resources and/or Iowa Environment Protection Commission in Iowa Administrative Code 567 Chapter 43.

146.04 MAPS OF ZONES OF INFLUENCE.

1. Maps. Zones of influence maps and any amendments thereto are incorporated by reference and made a part of this chapter. These maps are on file at City Hall. The

location of all wells in the City supplying potable water to the City Water System are shown on the official Well Head Protection Map with Primary and Secondary Protection Zones indicated. Said maps shall be provided to the Clerk, County Health Department and any other agency requesting said maps.

2. Map Maintenance. The zones of influence maps may be updated on an annual basis. The reasons for such an update may include, but are not limited to, the following:
 - A. Changes in the technical knowledge concerning the aquifer.
 - B. Changes in permitted pumping capacity of City well fields.
 - C. Additions of wells to existing well fields.
 - D. Designation of new well fields.
3. Zones of Influence. The zones of influence indicated on the zone of influence maps are as follows:
 - A. Primary Protection Zone — an area extending 200 feet radially from any well supplying potable water to the City Water Systems.
 - B. Secondary Protection Zone — an area extending between 200 and 1,000 feet radially from any well supplying potable water to the City Water System.

146.05 RESTRICTIONS WITHIN THE PRIMARY PROTECTION ZONE.

1. Permitted Uses. The following uses are permitted uses within the Primary Protection Zone. Uses not listed are to be considered prohibited uses unless permits are granted by the Council under this section.
 - A. Parks, provided there is no on-site waste disposal or fuel storage tank facilities associated within this use, and the Iowa Department of Natural Resources *Separation Distances from Wells* for sources of contamination is complied with.
 - B. Playgrounds.
 - C. Wildlife areas.
 - D. Nonmotorized trails, such as biking, skiing, nature and fitness trails.
2. Prohibited Uses. The following uses are prohibited uses within the Primary Protection Zone (Zone A). Uses not listed are not considered permitted uses, unless specifically listed under subsection 1 of this section.
 - A. Sewered or unsewered residential uses.
 - B. On-site private sewage systems.
 - C. Underground storage tanks.
 - D. Agricultural activities.
 - E. Pesticide and/or fertilizer storage and use.
 - F. Septage and/or sludge spreading.
 - G. Animal waste land spreading.
 - H. Animal waste facilities.

- I. Animal confinement facilities.
 - J. Gas stations.
 - K. Vehicle repair establishments, including auto body repair.
 - L. Printing and duplicating businesses.
 - M. Any manufacturing or industrial businesses.
 - N. Bus or truck terminals.
 - O. Landfills or waste disposal facilities.
 - P. Wastewater treatment facilities.
 - Q. Spray wastewater facilities.
 - R. Junk yards or auto salvage yards.
 - S. Bulk fertilizer and/or pesticide facilities.
 - T. Asphalt products manufacturing.
 - U. Dry cleaning businesses.
 - V. Salt storage.
 - W. Electroplating facilities.
 - X. Exterminating businesses.
 - Y. Paint and coating manufacturing.
 - Z. Hazardous and/or toxic materials storage.
 - AA. Toxic and hazardous waste facilities.
 - BB. Radioactive waste facilities.
3. Hazardous Substances. No person shall discharge or cause or permit the discharge of a hazardous substance (including herbicide and pesticide application) to the soils, groundwater or surface water within the Primary Protection Zone. Any person knowing or having evidence of a discharge shall report such information to the Well Head Field Protection Officer.
4. Uses Requiring Permits. The following uses are not allowed within the Primary Protection Zone unless a permit is issued for such use by the Council.
- A. Basement storage tanks.
 - B. Repair shops (excluding those prohibited under subsection 2 of this section).

146.06 RESTRICTIONS WITHIN THE SECONDARY PROTECTION ZONE.

1. Permitted Uses. The following uses are permitted in the Secondary Protection Zone.
- A. All uses listed as permitted in the Primary Protection Zone.
 - B. Sewered residential, commercial and/or industrial uses except those listed as prohibited uses in subsection 2 of section 146.05.
 - C. Above-ground storage tanks of 660 gallons or less.

- D. Basement storage tanks.
2. Prohibited Uses. The following uses are prohibited uses within the Secondary Protection Zone (Zone B). Uses not listed are not considered permitted uses unless specifically listed under subsection 1 or granted a permit by the Council.
- A. Landfills.
 - B. Wastewater treatment facilities.
 - C. Spray wastewater facilities.
 - D. Junk yard or auto salvage yards.
 - E. Hazardous and toxic materials storage and use.
 - F. Hazardous and toxic waste facilities.
 - G. Radioactive waste facilities.
3. Uses Requiring Permits. The following uses are prohibited within the Secondary Protection Zone (Zone B) unless a permit is granted for such use by the Council.
- A. Underground storage tanks of any size.
 - B. Private sewage systems.
 - C. Agricultural activities.
 - D. Pesticide and/or fertilizer storage and use.
 - E. Septage and/or sludge spreading.
 - F. Animal waste land spreading.
 - G. Animal waste facilities.
 - H. Animal confinement facilities.
 - I. Gas stations.
 - J. Vehicle repair establishments, including auto body repair.
 - K. Printing and duplication businesses.
 - L. Bus or truck terminals.
 - M. Repair shops.
 - N. Bulk fertilizer and pesticide facilities.
 - O. Asphalt products manufacturing.
 - P. Dry cleaning facilities.
 - Q. Salt storage.
 - R. Electroplating facilities.
 - S. Exterminating shops.
 - T. Paint and coating manufacturing.
 - U. Tire and battery services.
 - V. Garage and vehicular towing.

W. Public and municipal maintenance garage.

146.07 EXCEPTIONS.

1. The following activities or uses are exempt from the provisions of this chapter:
 - A. The transportation of any hazardous substance through the well field protection zones, provided the transporting vehicle is in transit.
 - B. Silviculture uses and mosquito control spraying providing that said uses comply with the Iowa Commercial and Public Pesticide Applicators and Dealers Licensing through the Iowa Department of Agriculture. The use and storage of herbicides and pesticides for silviculture uses is prohibited within the Primary Protection Zone but is allowed within the Secondary Protection Zone.
 - C. The use of any hazardous substance solely as fuel in a vehicle fuel tank or as lubricant in a vehicle.
 - D. Fire, police, emergency medical services, emergency management center facilities or public utility transmission facilities.
 - E. Retail sales establishments for resale in their original unopened containers.
 - F. Consumer products limited to use at a facility solely for janitorial or minor maintenance purposes.
 - G. Consumer products located in the home which are used for personal, family or household purposes.
 - H. The storage and use of hazardous substances as a fuel or lubricant to provide auxiliary power for emergency use to the well field, provided an enclosed secondary containment system is provided for the hazardous substance.
 - I. The use of water treatment chemicals connected with the operation of the well.
2. The use of structures or facilities existing at the time of the adoption of the ordinance codified by this chapter may be continued even though such use may not conform with the regulations of this chapter. However, such structures or facilities may not be enlarged, extended, reconstructed or substituted subsequent to adoption of said ordinance.
3. Any person who engages in nonresidential activities relating to the storage, handling, use and/or production of any toxic or hazardous substances who is exempt from this chapter by law shall not be subject to the restrictions contained herein.
4. All written requests for permits allowed under Sections 146.05 and 146.06 of this chapter will be made to the Council and must include an environmental assessment report. Any permits granted will be made conditional and may include environmental and safety monitoring and/or a bond posted for future monitoring and cleanup costs. The exemption will be made void if environmental and/or safety monitoring indicates the facility is emitting any releases of harmful contaminants to the surrounding environment. The facility will be financially responsible for all environmental cleanup costs.

146.08 DETERMINATION OF LOCATIONS WITHIN ZONES. In determining the location of properties within the zones depicted on the Zones of Influence Maps, the following rules shall apply:

1. Properties located wholly within one zone reflected on the applicable Zone of Influence Map shall be governed by the restrictions applicable to that zone.
2. For properties having parts lying within more than one zone as reflected on the applicable Zones of Influence Map, each part shall be governed by the restrictions applicable to the zone in which it is located.

146.09 ENFORCEMENT AND PENALTIES.

1. The Public Works Director is designated as the Well Field Protection Officer unless another person is specifically designated by the Council to supervise the implementation and enforcement of this chapter.
2. No building permit shall be issued which is a violation of the Iowa Department of Natural Resources *Separation Distance from Wells*, a violation of this chapter or a source of contamination for a City well.
3. No new underground tanks will be allowed for auxiliary fuel storage in the Primary or Secondary Zones.
4. Any person who fails to comply with the provisions of this chapter shall be subject to provisions and penalties provided in Chapter 3 of this Code of Ordinances.

146.10 INSPECTIONS.

1. The Well Field Protection Officer or Inspector shall have the power and authority to enter and inspect all buildings, structures and land within well field zones of influence for the purpose of making an inspection. Failure of a person having common authority over a property to permit an inspection shall be sufficient grounds and probable cause for a court of competent jurisdiction to issue a search warrant to the Protection Officer to inspect such premises.
2. In the event a building or structure appears to be vacant or abandoned, and the owner cannot be readily contacted in order to obtain consent for an inspection, the officer or inspector may enter into or upon any open unsecured portion of the premises in order to conduct an inspection thereof.
3. The Well Field Protection Officer or Inspector may inspect each well field annually and shall maintain an inventory, if applicable, of all hazardous substances which exist within each well field zone. An emergency plan shall be prepared and filed with the County Emergency Management Agency indicating the procedures which will be followed in the event of spillage of a regulated substance so as to control and collect all such spills materials.
4. It is the duty of all law enforcement officers to assist in making inspection when such assistance is requested by the officer or inspector.

146.11 NOTICE OF VIOLATION AND HEARING. Whenever an officer or an inspector determines that there is a violation of this chapter, said officer shall give notice thereof, and such notice of violation shall:

1. Be in writing.

2. Be dated and signed by the officer or inspector.
3. Specify the violation or violations.
4. State that said violations shall be corrected within a specified period of time as issued in writing by the inspector.

146.12 INJUNCTIVE RELIEF. If any person who engages in nonresidential activities stores, handles, uses and/or produces toxic substances within the well field zones of influence, as indicated on the Zones of Influence Maps, continues to operate in violation of the provisions of this chapter, then the City may file an action for injunctive relief in the court of jurisdiction.

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CHAPTER 150

BUILDING NUMBERING

150.01 Definitions

150.02 Owner Requirements

150.03 Building Numbering Plan

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

1. “Owner” means the owner of the principal building.
2. “Principal building” means the main building on any lot or subdivision thereof.

150.02 OWNER REQUIREMENTS. Every owner shall comply with the following numbering requirements:

1. Obtain Building Number. The owner shall obtain the assigned number to the principal building from the Clerk.

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

2. Display Building Number. The owner shall place or cause to be installed and maintained on the principal building the assigned number in a conspicuous place to the street in figures not less than two and one-half inches in height and of a contrasting color with their background.

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

3. Failure to Comply. If an owner refuses to number a building as herein provided, or fails to do so for a period of 30 days after being notified in writing by the City to do so, the City may proceed to place the assigned number on the principal building and assess the costs against the property for collection in the same manner as a property tax.

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

150.03 BUILDING NUMBERING PLAN. Building numbers shall be assigned in accordance with the building numbering plan on file in the office of the Clerk.

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CHAPTER 151

TREES

151.01 Definition

151.02 Planting Restrictions

151.03 Duty to Trim Trees

151.04 Trimming Trees to Be Supervised

151.05 Disease Control

151.06 Inspection and Removal

151.01 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.

151.02 PLANTING RESTRICTIONS. No tree shall be planted in any parking or street except in accordance with the following:

1. Alignment. Provided prior approval is obtained from the City, any trees planted in any street must be planted in the parking midway between the outer line of the sidewalk and the curb. In the event the curb line is not established, trees shall be planted on a line 10 feet from the property line. The City will locate the street side property line prior to any tree planting, and the City will waive any fees for locating said property line.
2. Spacing. Trees shall not be planted on any parking which 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. Trees must be planted inside the property lines and not between the sidewalk and the curb, unless permission is obtained from the City prior to any tree planting in the parking area.
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.

151.03 DUTY TO TRIM TREES. City will keep trees trimmed so that all branches overhanging the street will be at least 15 feet above the surface of the street. The property owner must keep all trees trimmed so that all branches overhanging the sidewalk will be at least eight feet above the sidewalks. If the property owner fails to trim the trees, the City may serve notice on the property owner requiring that such action be taken within 14 days. If such action is not taken within that time, the City may perform the required action and assess the costs against the abutting property for collection in the same manner as a property tax.

(Code of Iowa, Sec. 364.12[2c, d & e])

151.04 TRIMMING TREES TO BE SUPERVISED. Except as allowed in Section 151.03, 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.

151.05 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.

151.06 INSPECTION AND REMOVAL. The Council shall inspect or cause to be inspected any trees or shrubs in the City reported or suspected to be dead, diseased or damaged, and such trees and shrubs shall be subject to the following:

1. City Property. If it is determined that any such condition exists on any public property, including the strip between the curb and the lot line of private property, the Council may cause such condition to be corrected by treatment or removal. The Council may also order the removal of any trees on the streets of the City which interfere with the making of improvements or with travel thereon.
2. Private Property. If it is determined with reasonable certainty that any such condition exists on private property and that danger to other trees or to adjoining property or passing motorists or pedestrians is imminent, the Council shall notify by certified mail the owner, occupant or person in charge of such property to correct such condition by treatment or removal within 14 days of said notification. If such owner, occupant, or person in charge of said property fails to comply within 14 days of receipt of notice, the Council may cause the condition to be corrected and the cost assessed against the property.

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

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CHAPTER 160

FLOOD PLAIN MANAGEMENT

160.01 Statutory Authority, Findings of Fact and Purpose	160.05 Administration
160.02 Definitions	160.06 Nonconforming Uses
160.03 General Provisions	160.07 Penalties for Violation
160.04 Flood Plain Management Standards	160.08 Amendments

160.01 STATUTORY AUTHORITY, FINDINGS OF FACT AND PURPOSE.

1. Statutory Authority. The Legislature of the State of Iowa has in Chapter 364, *Code of Iowa*, as amended, delegated the power to cities to exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges, and property of the City or of its residents, and to preserve and improve the peace, safety, health, welfare, comfort and convenience of its residents.

2. Findings of Fact.

A. The flood hazard areas of the City of St. Ansgar are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare of the community.

B. These flood losses, hazards, and related adverse effects are caused by: (i) the occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding; and (ii) the cumulative effect of obstructions on the floodplain causing increases in flood heights and velocities.

3. Statement of Purpose. It is the purpose of this chapter to protect and preserve the rights, privileges, and property of the City and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing those flood losses described in subsection 2(A) of this section with provisions designed to:

A. Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities.

B. Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.

C. Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.

D. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

160.02 DEFINITIONS. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

1. "Appurtenant Structure" means a structure that is on the same parcel of the property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.
2. "Base flood" means the flood having one percent chance of being equaled or exceeded in any given year. (See "100-year flood.")
3. "Base flood elevation" means the elevation floodwaters would reach at a particular site during the occurrence of a base flood event.
4. "Basement" means any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. (Also see "lowest floor.")
5. "Development" means any manmade change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials. Development does not include minor projects or routine maintenance of existing buildings and facilities, as those terms are defined in this section. It also does not include gardening, plowing, and similar practices that do not involve filling, grading.
6. "Existing construction" means any structure for which the start of construction commenced before the effective date of the first flood plain management regulations adopted by the community and may also be referred to as "existing structure."
7. "Existing factory-built home park or subdivision" means a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first flood plain management regulations adopted by the community.
8. "Expansion of existing factory-built home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
9. "Factory-built home" means any structure, designed for residential use which is wholly (or in substantial part) made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this chapter, factory-built homes include mobile homes, manufactured homes, and modular homes and also include recreational vehicles that are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.
10. "Factory-built home park" means a parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.
11. "Flood" means a general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.

12. "Flood elevation" means the elevation floodwaters would reach at a particular site during the occurrence of a specific flood. For instance, the 100-year flood elevation is the elevation of flood waters related to the occurrence of the 100-year flood.
13. "Flood Insurance Rate Map" (FIRM) means the official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.
14. "Flood insurance study" means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.
15. "Flood plain" means any land area susceptible to being inundated by water as a result of a flood.
16. "Flood plain management" means an overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of flood plains, including but not limited to emergency preparedness plans, flood control works, flood proofing and flood plain management regulations.
17. "Flood proofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.
18. "Floodway" means the channel of a river or stream and those portions of the flood plains adjoining the channel, which are reasonably required to carry and discharge floodwaters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one foot.
19. "Floodway fringe" means those portions of the flood plain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities.
20. "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
21. "Historic structure" means any structure that is:
 - A. Listed individually in the National Register of Historic Places maintained by the Department of Interior or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;
 - B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (i) by an approved State program as determined by the Secretary of the Interior; or (ii) directly by the Secretary of the Interior in states without approved programs.

22. “Lowest floor” means the floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:

- A. The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section 160.04(4)(A) of this chapter; and
- B. The enclosed area is unfinished (not carpeted, dry-walled, etc.) and used solely for low damage potential uses such as building access, parking or storage; and
- C. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one foot above the 100-year flood level; and
- D. The enclosed area is not a basement, as defined in this section.

In cases where the lowest enclosed area satisfies criteria A, B, C and D above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

23. “Minor projects” means small development activities (except for filling, grading and excavating) valued at less than \$500.00.

24. “New construction” (new buildings, factory-built home parks) means those structures or development for which the start of construction commenced on or after the effective date of the first flood plain management regulations adopted by the community.

25. “New factory-built home park or subdivision” means a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of first flood plain management regulations adopted by the community.

26. “100-year flood” means a flood, the magnitude of which has a one percent chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded at least once every 100 years.

27. “Recreational vehicle” means a vehicle that is:

- A. Built on a single chassis;
- B. Four hundred (400) square feet or less when measured at the largest horizontal projection;
- C. Designed to be self-propelled or permanently towable by a light duty truck; and
- D. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

28. “Routine maintenance of existing buildings and facilities” means repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:

- A. Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;

- B. Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;
 - C. Basement sealing;
 - D. Repairing or replacing damaged or broken window panes;
 - E. Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.
29. "Special flood hazard area" means the land within a community subject to the 100-year flood. This land is identified as Zone A on the community's Flood Insurance Rate Map.
30. "Start of construction" includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.
31. "Structure" means anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, storage tanks, and other similar uses.
32. "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
33. "Substantial improvement" means any improvement to a structure which satisfies either of the following criteria:
- A. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either: (i) before the start of construction of the improvement; or (ii) if the structure has been substantially damaged and is being restored, before the damage occurred. The term does not, however, include any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of a historic structure, provided the alteration will not preclude the structure's designation as a historic structure.
 - B. Any addition that increases the original floor area of a building by 25 percent or more. All additions constructed after the first flood plain management regulations adopted by the community shall be added to any

proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

34. “Variance” means a grant of relief by a community from the terms of the flood plain management regulations.

35. “Violation” means the failure of a structure or other development to be fully compliant with the community’s flood plain management regulations.

160.03 GENERAL PROVISIONS.

1. Lands to Which Chapter Applies. The provisions of this chapter apply to all areas having special flood hazards within the jurisdiction of the City. For the purpose of this chapter, the special flood hazard areas are those areas designated as Zone A on the Flood Insurance Rate Map for Mitchell County and Incorporated Areas, City of St. Ansgar, Panels 19131C0045C, 0160C, dated February 6, 2013, which is hereby adopted and made a part of this chapter.

2. Rules for Interpretation of Flood Hazard Boundaries. The boundaries of the Special Flood Hazard areas shall be determined by scaling distances on the Official Flood Insurance Rate Map. When an interpretation is needed as to the exact location of a boundary, the Zoning Administrator shall make the necessary interpretation. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Zoning Administrator in the enforcement or administration of this chapter.

3. Compliance. No structure or land shall hereafter be used and no structure shall be located, extended, converted, or structurally altered without full compliance with the terms of this chapter and other applicable regulations that apply to uses within the jurisdiction of this chapter.

4. Abrogation and Greater Restrictions. It is not intended by this chapter to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provision of this chapter shall prevail. All other ordinances inconsistent with this chapter are hereby repealed to the extent of the inconsistency only.

5. Interpretation. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

6. Warning and Disclaimer of Liability. The standards required by this chapter are considered reasonable for regulatory purposes. This chapter does not imply that areas outside the designated special flood hazard areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

7. Severability. If any section, clause, provision or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

160.04 FLOOD PLAIN MANAGEMENT STANDARDS. All uses must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Where 100-year flood elevations and floodway data have not been provided on the

Flood Insurance Rate Map, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

1. All Development. All development within the special flood hazard areas shall:
 - A. Be consistent with the need to minimize flood damage.
 - B. Use construction methods and practices that will minimize flood damage.
 - C. Use construction materials and utility equipment that are resistant to flood damage.
 - D. Obtain all other necessary permits from federal, State and local governmental agencies including approval when required from the Iowa Department of Natural Resources.
2. Residential Buildings. All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one foot above the 100-year flood level. Construction shall be upon compacted fill, which shall, at all points, be no lower than one foot above the 100-year flood level and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers) may be allowed subject to favorable consideration by the City Council, where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding. All new residential structures shall be provided with a means of access which will be passable by wheeled vehicles during the 100-year flood.
3. Nonresidential Buildings. All new or substantially improved nonresidential buildings shall have the lowest floor (including basement) elevated a minimum of one foot above the 100-year flood level, or together with attendant utility and sanitary systems, be flood proofed to such a level. When flood proofing is utilized, a professional engineer registered in the State of Iowa shall certify that the flood proofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood; and that the structure, below the 100-year flood level, is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are flood proofed shall be maintained by the Administrator.
4. All New and Substantially Improved Structures:
 - A. Fully enclosed areas below the "lowest floor" (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:
 - (1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - (2) The bottom of all openings shall be no higher than one foot above grade.

- (3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

Such areas shall be used solely for parking of vehicles, building access and low damage potential storage.

B. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

C. New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5. Factory-Built Homes:

A. All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one foot above the 100-year flood level.

B. All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions shall be anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

6. Utility and Sanitary Systems:

A. On-site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.

B. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one foot above the 100-year flood elevation.

C. New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one foot above the 100-year flood elevation.

D. Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.

7. Storage of Materials and Equipment. Storage of equipment and materials that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one foot above the 100-year flood level. Other material and equipment must either be similarly elevated or: (i) not subject to major flood damage

and anchored to prevent movement due to floodwaters; or (ii) readily removable from the area within the time available after flood warning.

8. Flood Control Structures. Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from a 100-year flood with a minimum of three feet of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources.

9. Watercourse Alterations or Relocations. Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, the Department of Natural Resources must approve such alterations or relocations.

10. Subdivision. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this chapter. Subdivision proposals intended for residential use shall provide all lots with a means of access that will be passable by wheeled vehicles during the 100-year flood. Proposals for subdivisions greater than five acres or 50 lots (whichever is less) shall include 100-year flood elevation data for those areas located within the Special Flood Hazard Area.

11. Accessory Structures to Residential Uses.

A. Detached garages, sheds, and similar structures that are incidental to a residential use are exempt from the base flood elevation requirements where the following criteria are satisfied.

(1) The structure shall be used solely for low flood damage potential purposes such as vehicle parking and limited storage. The structure shall not be used for human habitation.

(2) The structure shall be designed to have flood damage potential. Its size shall not exceed 600 square feet in size. Those portions of the structure located less than one foot above the base flood elevation must be constructed of flood-resistant materials.

(3) The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.

(4) The structure shall be firmly anchored to resist flotation, collapse and lateral movement.

(5) The structure's service facilities such as electrical and heating equipment shall be elevated or flood proofed to at least one foot above the 100-year flood level.

(6) The structure's walls shall include openings that satisfy the provisions of paragraph 4(A) of this section.

B. Exemption from the 100-year flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

12. Recreational Vehicles.
 - A. Recreational vehicles are exempt from the requirements of subsection 5 of this section regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.
 - (1) The recreational vehicle shall be located on the site for less than 180 consecutive days, and,
 - (2) The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.
 - B. Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of subsection 5 of this section regarding anchoring and elevation of factory-built homes.
13. Pipeline Crossings. Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

160.05 ADMINISTRATION.

1. Appointment, Duties and Responsibilities of Flood Plain Administrator.
 - A. The Zoning Administrator is hereby appointed to implement and administer the provisions of this chapter and will herein be referred to as the Administrator.
 - B. Duties of the Administrator shall include, but not necessarily be limited to the following:
 - (1) Review all flood plain development permit applications to assure that the provisions of this chapter will be satisfied.
 - (2) Review flood plain development applications to assure that all necessary permits have been obtained from federal, State and local governmental agencies including approval when required from the Department of Natural Resources for flood plain construction.
 - (3) Record and maintain a record of the elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of all new or substantially improved structures.
 - (4) Record and maintain a record of the elevation (in relation to North American Vertical Datum 1988) to which all new or substantially improved structures have been flood proofed.
 - (5) Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.

(6) Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this chapter.

2. Flood Plain Development Permit.

A. Permit Required. A Flood Plain Development Permit issued by the Administrator shall be secured prior to any flood plain development (any manmade change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations), including the placement of factory-built homes.

B. Application for Permit. Application shall be made on forms furnished by the Administrator and shall include the following:

(1) Description of the work to be covered by the permit for which application is to be made.

(2) Description of the land on which the proposed work is to be done (i.e., lot, block, track, street address or similar description), which will readily identify and locate the work to be done.

(3) Indication of the use or occupancy for which the proposed work is intended.

(4) Elevation of the 100-year flood.

(6) Elevation (in relation to North American Vertical Datum) of the lowest floor (including basement) of buildings or of the level to which a building is to be flood proofed.

(7) For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.

(8) Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this chapter.

C. Action on Permit Application. The Administrator shall, within a reasonable time, make a determination as to whether the proposed flood plain development meets the applicable standards of this chapter and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefor. The Administrator shall not issue permits for variances except as directed by the Board of Adjustment.

D. Construction and Use to Be as Provided in Application and Plans. Flood Plain Development Permits based on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this chapter. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building floor elevations, flood proofing, or other flood protection measures were accomplished in compliance with the provisions of this chapter, prior to the use or occupancy of any structure.

3. Variance.

A. The Board of Adjustment may authorize upon request in specific cases such variances from the terms of this chapter that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship. Variances granted must meet the following applicable standards.

(1) Variances shall only be granted upon: (i) a showing of good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.

(2) Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(3) In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this chapter, the applicant shall be notified in writing over the signature of the Administrator that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage; and (ii) such construction increases risks to life and property.

B. Factors Upon Which the Decision of the Board of Adjustment Shall Be Based. In passing upon applications for Variances, the Board of Adjustment shall consider all relevant factors specified in other sections of this chapter and:

(1) The danger to life and property due to increased flood heights or velocities caused by encroachments.

(2) The danger that materials may be swept on to other land or downstream to the injury of others.

(3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

(4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

(5) The importance of the services provided by the proposed facility to the City.

(6) The requirements of the facility for a flood plain location.

(7) The availability of alternative locations not subject to flooding for the proposed use.

(8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

- (9) The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
- (10) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (11) The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
- (12) The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.
- (13) Such other factors which are relevant to the purpose of this chapter.

C. Conditions Attached to Variances. Upon consideration of the factors listed above, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose of this chapter. Such conditions may include, but not necessarily be limited to:

- (1) Modification of waste disposal and water supply facilities.
- (2) Limitation of periods of use and operation.
- (3) Imposition of operational controls, sureties, and deed restrictions.
- (4) Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this chapter.
- (5) Flood proofing measures.

160.06 NONCONFORMING USES.

1. A structure or the use of a structure or premises which was lawful before the passage or amendment of this chapter, but which is not in conformity with the provisions of this chapter, may be continued subject to the following conditions:

- A. If such use is discontinued for six consecutive months, any future use of the building premises shall conform to this chapter.
- B. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.

2. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50 percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this chapter. This limitation does not include the cost of any alteration to comply with existing State or local health, sanitary, building or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.

160.07 PENALTIES FOR VIOLATION. Violations of the provisions of this chapter or failure to comply with any of the requirements shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 or imprisoned for not more than 30 days. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy violation.

160.08 AMENDMENTS. The regulations and standards set forth in this chapter may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval of the Department of Natural Resources.

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CHAPTER 165

ZONING REGULATIONS

165.01 Purpose	165.11 RS Residential Single-Family District
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165.04 Rules for Interpretation of District Boundaries	165.14 Special Commercial District
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165.01 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, safety, and general welfare of the City.

165.02 APPLICATION OF DISTRICT REGULATIONS. The regulations set by this chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

1. No building, structure, or land shall hereafter be used or occupied, no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all the regulations herein specified for the district in which it is located.
2. No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this chapter, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
3. No yard or lot existing at the time of passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements established by this chapter.
4. Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions, or covenants, the most restrictive or that imposing the higher standards shall govern.
5. All structures existing, as of the effective date of this chapter and which comply with the terms and conditions of this chapter, shall be considered lawful and be allowed to continue and exist or be reconstructed on the current perimeters of the existing structure.

165.03 ESTABLISHMENT OF DISTRICTS; OFFICIAL ZONING MAP.

1. **Official Zoning Map.** The City shall be divided into districts, as shown on the Official Zoning Map, which, together with all explanatory matter thereon, shall be adopted by ordinance. The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 1.02.02 of Ordinance

No. _____ of the City of St. Ansgar, Iowa,” together with the date of adoption. If, in accordance with the provisions of this chapter and Chapter 414 of the *Code of Iowa*, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council, with an entry on the Official Zoning Map as follows: “By official action of the City Council, the following changes were made on the Official Zoning Map.” (Indicating the changes by ordinance numbers and date of publication.) No amendment of this chapter which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.

2. Annexation of New Land. Any land annexed to the City after the effective date of this chapter shall be zoned [AG] Agricultural until the Zoning Commission and City Council shall have studied the area and adopted a final zoning plan for the area in acceptance with this chapter.

3. Replacement of the Official Zoning Map. In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Council may by ordinance adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bearing the Seal of the City under the following words: “This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted as part of Ordinance No. _____ of the City of St. Ansgar, Iowa.” Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

165.04 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following City limits shall be construed as following such City limits.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
5. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams, rivers, or other bodies of water shall be construed to follow such centerlines.
6. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 3 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections 1 through 6, the Board of Adjustment shall interpret the district boundaries.
8. Whenever the Council vacates and disposes of a street or alley, adjacent districts shall extend to the centerline of the vacation.
9. Whenever a variance exists between the Official Zoning Map and the legal description on an amendment to this chapter, the legal description applies.

165.05 DEFINITIONS. For the purposes of this chapter, the words “used” and “occupied” include the words “intended, designed, or arranged to be used or occupied.” The word “lot” includes the words “plot” or “parcel.”

1. “Abutting” means having property or district lines in common.
2. “Access” means a way of approaching or entering a property from a public street.
3. “Accessory building” means a subordinate building located on the same lot with the main building, occupied by or devoted to an accessory use. Where an accessory building is attached to the main building in a substantial manner, as by a wall or roof, such accessory building shall be considered part of the main building.
4. “Accessory use” means a use customarily incidental and subordinate to the main use or building and located on the same lot therewith. In no case shall such accessory use dominate, in area, extent, or purpose, the principal lawful use or building.
5. “Agricultural Services” means establishments primarily engaged in supplying soil preparation services, crop services, landscaping, horticultural services, veterinary and other animal services, and farm labor and management services.
6. “Agriculture” means the production, keeping or maintenance, for sale, lease, or personal use, of plants and animals useful to humans, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, mules, or goats, or any mutations or hybrids thereof including the breeding and grazing of any or all such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds; vegetables; or land devoted to a soil conservation or forestry management program.
7. “Alley” means a public way, other than a street, 30 feet or less in width, affording secondary means of access to abutting property.
8. “Basement” means a story having part but not more than one-half its height above grade. A basement shall be counted as a story if the vertical distance from the average adjoining grade to its ceiling is over five feet.
9. “Bed and breakfast house” means a house or portion thereof where short-term lodging, rooms, and meals are provided. The operator shall live on the premises or in the immediate area of the business. Immediate area means no more than 200 feet from the lot that the business exists upon.
10. “Board” means the Board of Adjustment.
11. “Boarding house” means a building other than a hotel where, for compensation, meals and lodging are provided for four or more persons.

12. “Building” means any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property, but not including signs or billboards and not including structures or vehicles originally designed for transportation purposes.
13. “Building, height of” means the vertical distance from the average natural grade at the building line to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.
14. “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.
15. “Dwelling” means any building, or portion thereof, which is designed or used exclusively for residential purposes, but not including a tent, cabin, trailer or mobile home. Tents, mobile homes and RVs are not acceptable dwellings within the City limits for longer than 72 hours.
16. “Dwelling, multiple” means a building or portion thereof designed for or occupied exclusively for residence purposes by three or more families.
17. “Dwelling, single-family” means a building designed for or occupied exclusively for residence purposes by one family.
18. “Dwelling, two-family” (duplex) means a dwelling designed for or occupied exclusively by two families with separate housekeeping and cooking facilities in each.
19. “Elder home” means any residential facility which meets the definition of an elder home as defined in Chapter 231B and referenced sections of the *Code of Iowa*.
20. “Family” means one or more persons related by blood, marriage or adoption occupying a single dwelling unit. A family may include four, but not more than four, persons, not related by blood, marriage or adoption but further provide that domestic employees employed on the premises may be housed on the premises without being counted as a family or families. When facilities for dwelling purposes are rented to other occupants of a building, those occupants shall not be considered part of the same family under this chapter.
21. “Family home” means a community-based residential home which is licensed as a residential care facility under Chapter 135C or as a child foster care facility under Chapter 237 to provide room and board, personal care, rehabilitation services, and supervision in a family environment exclusively for not more than eight developmentally disabled persons and any necessary support personnel. However, family home does not mean an individual foster care family home licensed under Chapter 237.
22. “Fence” means an artificially constructed barrier of any material or combination of materials erected to enclose, screen or separate areas.
23. “Frost-free foundation” means a foundation supporting a structure which is required to be at least 42 inches below grade.
24. “Garage” means a building or portion thereof in which a motor vehicle containing gasoline, distillate or other volatile, flammable liquid in its tank is stored, repaired, or kept.

25. "Garage, private" means a building or part thereof accessory to a main building and providing for the storage of automobiles and in which no occupation or business for profit is carried on.
26. "Garage, public or storage" means a building or part thereof other than a private garage for the storage of motor vehicles and in which service station activities may be carried on.
27. "Grade" means the average elevation of the finished ground at the exterior walls of the main building.
28. "Home occupation" means an occupation conducted in a dwelling unit and work performed within the confines of a residence that does not require walk-in sales or service, provided that:
- A. No more than one person other than members of the family residing on the premises shall be engaged at any one time on the premises in such occupation, except by special exception of the Board of Adjustment. Residing on the premises means living at the address as evidenced by, but not limited to, the place of personal mail delivery, address of any registrations, or other evidence of the principal domicile of the employee.
 - B. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation.
 - C. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.
 - D. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or cause fluctuations in line voltage off the premises.
29. "Hospital" means an institution which is devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care over a period exceeding 24 hours of two or more non-related individuals suffering from illness, injury, or deformity, or a place which is devoted primarily to the rendering over a period exceeding twenty-four hours of obstetrical or other medical or nursing care for two or more non-related individuals, or any institution, place, building or agency in which any accommodation is primarily maintained, furnished or offered for the care over a period exceeding 24 hours of two or more non-related aged or infirm persons requiring or receiving chronic or convalescent care; and shall include sanitariums or other related institutions. Provided, however, this shall not apply to hotels or other similar places that furnish only food and lodging, or either, to their guests.
30. "Hotel" means a building occupied as the more or less temporary residence of individuals who are lodged for compensation with or without meals, in which there are sleeping rooms or suites of rooms with no provision made for cooking in any individual room or suite of rooms, and entrance is through a common lobby or office.
31. "Junk yard" means any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled or packed, disassembled or handled, including places or yards for storage of salvaged house wrecking and structural steel materials and

equipment; but not including areas where such uses are conducted entirely within a completely enclosed building and not including the processing of used, discarded or salvaged materials as part of manufacturing operations.

32. “Kennel” (commercial) means an establishment in which dogs or domestic animals more than one year old are housed, groomed, bred, boarded, trained, or sold.

33. “Lodging house” means a building originally designed for or used as single-family, two-family, or multiple-family dwelling, all or a portion of which contains lodging rooms or rooming units which accommodate persons who are not members of the keeper’s family. Lodging or meals, or both, are provided for compensation. The term “lodging house” shall be construed to include: boarding house, rooming house, fraternity house, sorority house, and dormitories.

34. “Lot” means, for purposes of this chapter, a 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 an approved public street, or on an approved 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, or complete lots of record and portions of lots of record, or of portions 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.

35. “Lot frontage” means the front of a lot shall be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under “yards” in this section.

36. “Lot measurements”:

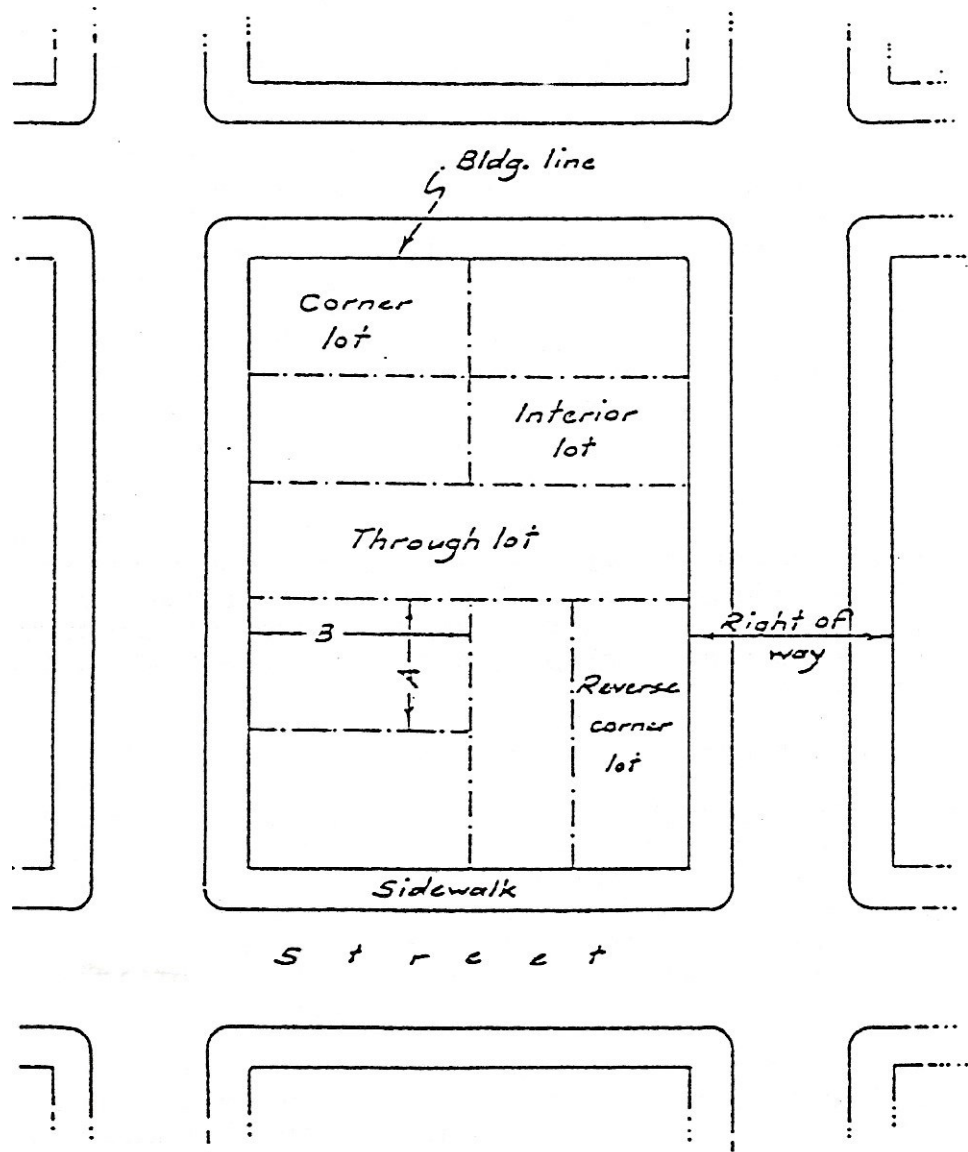
- A. Depth of a lot shall be the distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- B. Width of a lot shall be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the building line; provided, however, that width between side lot lines at their foremost points (where they intersect with the street line or front property line) shall not be less than 80 percent of the required lot width except in the case of lots on the turning circle of cul-de-sac where 80 percent requirement shall not apply.

37. “Lot of record” means a lot which is part of a subdivision recorded in the Office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

38. “Lot types” – Diagram 1 illustrates terminology used in this chapter with reference to “corner” lots, “interior” lots, “through” lots, and “reversed corner” lots as follows:

- A. “Corner” lot – a lot located at the intersection of two or more streets.

- B. "Interior" lot – a lot other than a corner lot with only one frontage on a street other than an alley.
- C. "Through" lot – a lot other than a corner lot with frontage on more than one street other than an alley. Lots with frontage on two nonintersecting streets may be referred to as "through" lots.
- D. "Reversed corner" lot – a corner lot, the side street line of which is substantially a continuation of the front lot line of the first lot to its rear.

DIAGRAM 1 - LOTS

A – Width of Lot

B – Length of Lot

39. “Manufactured home” means a manufactured home shall be located and installed according to the same standards, including but not limited to, a foundation system, setback, and minimum square footage which would apply to a site-built, single-family dwelling on the same lot. A manufactured home is a factory-built structure, which is manufactured or constructed under the authority of 42 U.S.C. Section 4403 and is to be used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site and which does not have permanently attached to its body or frame any wheels or axles. A mobile home as defined in Section 435.1 of the *Code of Iowa* is not a manufactured home, unless it has been converted to real property as provided in Section 435.26 of the *Code of Iowa*, and shall be taxed as a site-built dwelling. This section shall not be construed as abrogating a recorded restrictive covenant.

40. “Mobile home” means any structure used for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirtings, and which is, has been, or reasonably may be, equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means.

41. “Motel” (also motor hotel, motor court, motor lodge, or tourist court) means a building or group of buildings designed to provide sleeping accommodations to transient guests for compensation, and provides near each guest room a parking space for the guest’s vehicle. A swimming pool, restaurant, meeting rooms, management offices and other such accessory facilities may be included.

42. “Nonconformities” means lots, structures, uses of land and structures, or characteristics of uses, which are prohibited under the terms of the Zoning Ordinance but were lawful at the date of this chapter’s enactment.

43. “Nursing or convalescent home” means a building or structure having accommodations and where care is provided for invalid, infirm, aged, convalescent, or physically disabled persons, not including insane and other mental cases, inebriate, or contagious cases.

44. “Parking” (off-street) means parking spaces solely developed on privately owned properties and not including any public right-of-way areas.

45. “Parking space” means an area of not less than 180 square feet either within a structure or in the open, exclusive of driveway or access drives, for the parking of a motor vehicle.

46. “Permitted use” means a use by right which is specifically authorized in a particular zoning district.

47. “Premises” means a lot, parcel, tract, or plot of land together with the buildings and structures thereon.

48. “Principal use” means the main use of land or structures as distinguished from an accessory use.

49. “Projections” (into yards) means parts of buildings such as architectural features that extend beyond the building’s exterior wall.

50. “Service station” (gas station) means a building or premises used for dispensing or offering for sale at retail any automobile fuels, oils, or having pumps and storage

tanks therefor, or where battery, tire or any similar services are rendered, and where vehicles are not parked for purposes of inspection or sale.

51. "Setback" means the required distance between every structure and lot line on the lot in which it is located.

52. "Signs" means any advertising device or surface out-of-doors, on- or off-premises, on which letters, illustrations, designs, figures or symbols are printed or attached and which conveys information or identification.

53. "Signs, on-premises" means an advertising device concerning the sale or lease of the property upon which they are located and advertising devices concerning activities conducted or products sold on the property upon which they are located.

54. "Signs, off-premises" means an advertising device including the supporting structure which directs the attention of the general public to a business, service, or activity not usually conducted or a product not usually sold upon the premises where such a sign is located. Such a sign shall not include: On-premises signs, directional or other official sign or signs which have a significant portion of their face devoted to giving public service information (date, time, temperature, weather, information, etc.)

55. "Statement of intent" means a statement preceding regulations for individual districts, intended to characterize the districts and their legislative purpose.

56. "Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling or roof next above it.

57. "Story, half" means a space under a sloping roof which has the line of intersection of roof decking and wall face not more than four feet above the top floor level. A half-story containing independent apartments or living quarters shall be counted as a full story.

58. "Street" means all property dedicated or intended for public or private use for access to abutting lands or subject to public easements therefor, and whether designated as a street, highway, thoroughfare, parkway, throughway, expressway, road, avenue, boulevard, lane, place, circle, or however otherwise designated.

59. "Street line" means the right-of-way line of a street.

60. "Structural alteration" means any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof or the exterior walls.

61. "Structure" means anything constructed or erected which requires location on the ground or attached to something having location on the ground, including signs and billboards, but not including other structures specifically exempted by City resolution.

62. "Swimming pool" means a water filled enclosure, permanently constructed or portable, having a depth of more than 18" below the level of the surrounding land or an above surface pool, having a depth of more than 30" designed, used, and maintained for swimming and bathing.

63. "Use" means the purpose or activity for which a piece of land or its buildings is designed, arranged, or intended, or for which it is occupied or maintained.

64. "Variance" means a device used by the Board of Adjustment which grants a property owner relief from certain provisions of a Zoning Ordinance when, because of

the particular physical surroundings, shape, or topographical condition of the property, compliance would result in particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make more money and which condition is not of the owner's own making.

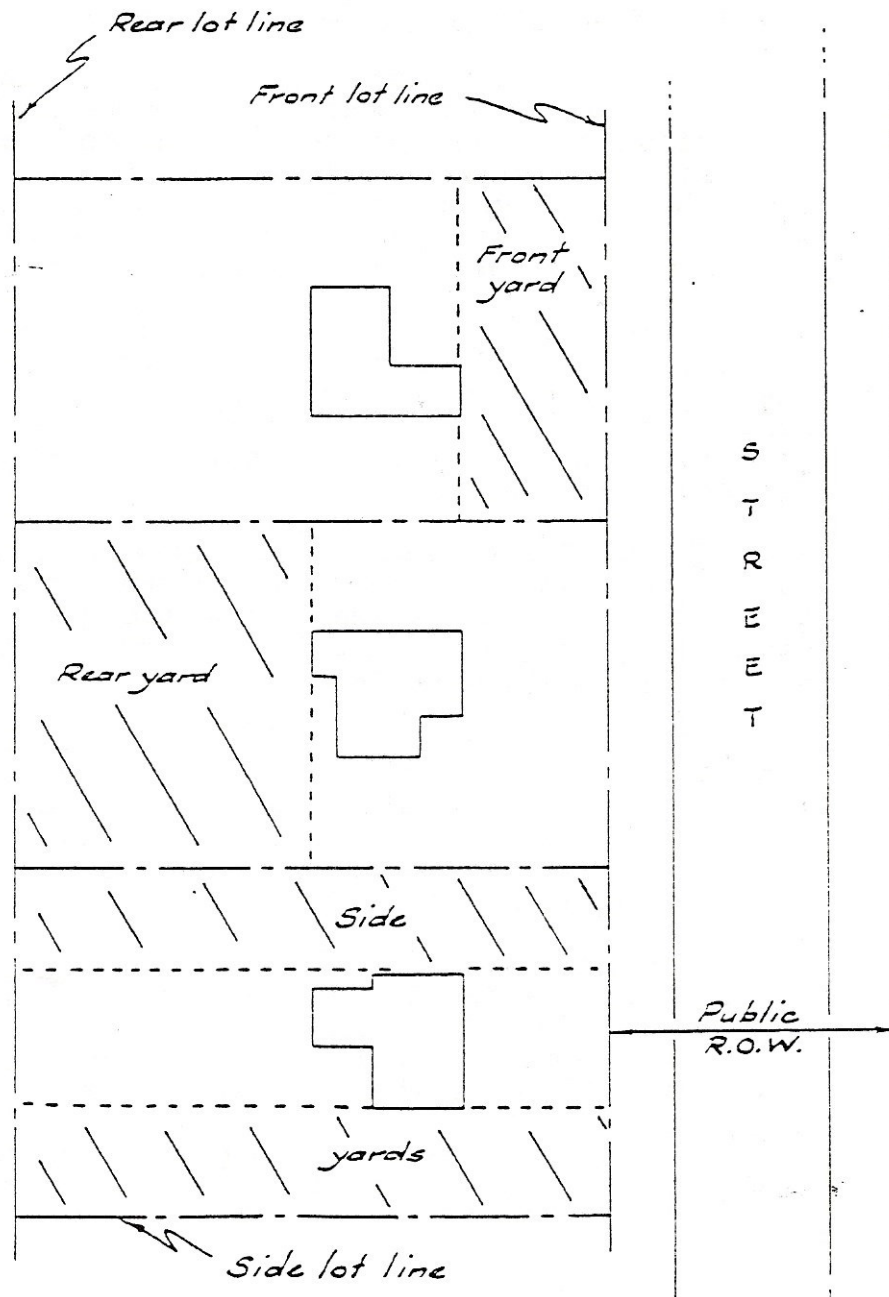
65. "Yard" means an open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, excepting as otherwise provided herein. In measuring a yard for the purpose of determining the depth of a front yard or the depth of a rear yard, the least distance between the lot line and the main building shall be used. Fences and walls are permitted in any yard, subject to height limitations as indicated herein.

66. "Yard, front" means a yard extending across the full width of the lot and measured between the front lot line and the building or any projection thereof, other than the projection of the usual steps or unenclosed porches. Corner lots shall have two front yards, one side yard, and one rear yard.

67. "Yard, rear" means a yard extending across the full width of the lot and measured between the rear lot line and the building or any projections other than steps, unenclosed balconies or unenclosed porches. On interior lots the rear yard shall be the opposite end of the lot from the front yard.

68. "Yard, side" means a yard extending from the front yard to the rear yard and measured between the side lot lines and the building.

DIAGRAM 2 - YARDS



Where yards overlap all regulations applying to either yard shall apply to that portion which overlaps.

69. “Zoning/Building Administrator” means the local official responsible for reviewing zoning permits and following a determination by the Zoning Board of Adjustment for special exceptions and variances. Decisions of the official may be appealed to the Board of Adjustment. Permits are issued by the Zoning Administrator.

70. “Zoning Commission” means a Commission appointed by the Council to recommend the boundaries of the various districts and appropriate regulations and restrictions to be enforced through this chapter.

71. “Zoning district” means a section the City designated in the text of the Zoning Ordinance and delineated on the Zoning Map in which requirements for the use of land, the building and development standards are prescribed. Within each district, all requirements are uniform.

72. “Zoning map” means the map delineating the boundaries of districts which, along with the zoning text, comprises the Zoning Ordinance.

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165.06 NONCONFORMITIES.

1. Intent. Within the districts established by this chapter there exist: lots; structures; uses of land and structures; and characteristics of use which were lawful before the Zoning Ordinance was passed or amended, but which are prohibited, regulated, or restricted under the terms of this chapter or future amendment. It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. Further nonconformities shall not be enlarged upon, expanded or extended, or be used as grounds for adding other structures or uses prohibited elsewhere in the same district. But it is the intent of this chapter to allow structures which were nonconforming under the previous ordinance, but which are conforming under this chapter to be considered legal as of the date of adoption of Zoning Ordinance and shall be allowed to be rebuilt, added to, or modified within the terms and requirements of this chapter. To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this chapter and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

2. Nonconforming Lots of Record. In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this chapter, notwithstanding limitations imposed by other provisions of this chapter. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, if the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through the action of the Board of Adjustment.

3. Nonconforming Uses of Land or Land with Minor Structures Only. Where at the time of passage of the Zoning Ordinance lawful use of land exists which would not be permitted by the regulations imposed by this chapter, and where such use involves no individual structure with a replacement cost exceeding \$1,000.00, the use may be continued so long as it remains otherwise lawful, provided:

A. No such nonconforming use shall be enlarged or increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter.

B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this chapter.

C. If any such nonconforming use of land ceases for any reason for a period of 12 months, then any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.

- D. No additional structure not conforming to the requirements of this chapter shall be erected in connection with such nonconforming use of land.
4. Nonconforming Structures. Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
- A. No such nonconforming structure may be enlarged or altered in such a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
- B. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than 60 percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter, unless rebuilt within the setbacks that existed at the time of destruction.
- C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
5. Nonconforming Uses of Structures or Structures and Premises in Combination. If lawful use involving individual structures with a replacement cost of \$1,000.00 or more, or of structure and premises in combination, exists at the effective date of adoption or amendment of this chapter, that would not be allowed in the district under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions.
- A. No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside such building.
- C. If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may as a special exception be changed to another nonconforming use provided that the Board of Adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accordance with the provisions of this chapter.
- D. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.
- E. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for 12 consecutive months or for 18

months during any three-year period (except when government action impedes access to the premises) the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.

F. When nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of the subsection is defined as damage to an extent of more than 60 percent of the replacement cost at time of destruction. Replacement shall begin within six months of the time of destruction or the nonconforming status shall expire. Said construction shall also be completed within 18 months of the time of destruction or the nonconforming status shall expire.

6. Repairs and Maintenance. On any building devoted in whole or in part to any nonconforming use, work may be done on ordinary repairs, provided that the cubic content of the building as it existed at the time of passage or amendment of this chapter shall not be increased.

7. Uses under Special Exception Provisions Not Nonconforming Uses. Any use which is permitted as a special exception in a district under the terms of this chapter (other than a change through Board of Adjustment action from a nonconforming use to another use not generally permitted in the district) shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

165.07 ZONING ADMINISTRATOR.

1. Administration and Enforcement. A Zoning Administrator designated by the City Council shall administer and enforce this chapter. The administrator may be provided with the assistance of such other persons as the City Council may direct.

2. Zoning/Building Permits Required. No building or other structure or portion in excess of 120 square feet thereof shall be structurally altered, erected, moved, or added to, without a permit therefor issued by the Zoning Administrator. No zoning/building permit shall be issued except in conformity with the provisions of this chapter, except after written order from the Board of Adjustment. The building permit fee must accompany the building permit application and is nonrefundable. Fees for zoning/building permits shall be as provided by City Council resolution. Zoning/building permits shall be applied for with the City Administrator and shall expire two years after the date of issuance if work is begun within 180 days of issuance or after 180 days if no substantial beginning of construction has occurred. Extensions of time may be granted in writing by the Zoning Administrator for good cause. All building permits must be available on the site for which said permit was issued. In addition, a sign issued by the Zoning Administrator that states the construction project has been approved shall be posted at said location during construction.

3. Residential Dwelling Standards. All single-family dwelling units shall meet the following minimum standards.

A. The minimum dwelling width shall be 22 feet at the exterior dimension.

B. All dwelling units including attached garages shall be placed on a permanent frost-free foundation.

C. All dwelling units shall provide for a minimum of 900 square feet of floor space.

4. Zoning Commission. In order to avail itself of the powers conferred by this chapter, the Council shall provide for a Zoning Commission. Such Commission shall, with due diligence, prepare reports and hold public hearings on issues under this chapter and such Council shall not hold or take action until it has received the report or reports of such Commission.

165.08 BOARD OF ADJUSTMENT.

1. Board Created. A Board of Adjustment is hereby established which shall consist of five members. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. Vacancies shall be filled in the same manner as original appointments except that the new Board member shall fill out the unexpired term for which the appointment is made. The position of any Board member shall be deemed vacated if said member moves permanently from the City or is absent from three consecutive regular meetings of the Board, except in the case of sickness or temporary absence from the City. A majority of the members of the Board of Adjustment shall be persons representing the public at large and shall not be involved in the business of purchasing or selling of real estate.

2. Proceedings of the Board of Adjustment. The Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this chapter. Meetings shall be held at the call of the Chairperson and at such other time as the Board may determine. The Chairperson or, in the Chairperson's absence, the Acting Chairperson may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board of Adjustment shall, through its Secretary, keep minutes of its proceedings, showing the vote of each member upon each question or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. It shall be the responsibility of the appellant to record said action and all corresponding stipulations and further said action shall take effect upon the Board receiving sufficient confirmation of the same. A copy of said action shall also be filed in the office of the Zoning Administrator.

3. Powers and Duties. The Board of Adjustment shall have the following powers and duties.

A. Administrative Review. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this chapter.

(1) Appeals to the Board may be taken by any person aggrieved, or by any officer, department, board or bureau of the City affected by any decision of the administrative officer. Such appeal shall be taken within 10 days by filing with the Zoning Administrator, and with the Board, a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from is taken.

(2) The Board shall fix a reasonable time for the hearing of the appeal, and give not less than seven days' or more than 20 days' public notice in a paper of general circulation in the City, and decide the same within 30 days. At said hearing, any party may appear in person, by agent or by attorney.

(3) Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator from whom the appeal is taken certifies to the Board of Adjustment after the Notice of Appeal is filed with the Administrator, that by reason of facts stated in the certificate, a stay would, in the Administrator's opinion, cause imminent peril to life and property. In

such case proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the Zoning Administrator from whom the appeal is taken and on due cause shown.

B. Special Exceptions: Conditions Governing Applications; Procedures. To hear and decide only such special exceptions as the Board of Adjustment is specifically authorized to pass on by the terms of this chapter; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this chapter, or to deny special exceptions when not in harmony with the purpose and intent of this chapter. A special exception shall not be granted by the Board of Adjustment unless and until:

- (1) A written application for a special exception is submitted indicating the section of this chapter under which the special exception is sought and stating the grounds on which it is requested.
- (2) The Board shall fix a reasonable time for the hearing of the special exception, and give not less than seven days' or more than 20 days' public notice in a paper of general circulation in the City, and decide the same within 30 days. At said hearing, any party may appear in person, by agent or by attorney.
- (3) The public hearing shall be held. Any party may appear in person, or by agent or attorney.
- (4) The Board of Adjustment shall make a finding that it is empowered under the section of this chapter described in the application to grant the special exception, that the granting of the special exception will not adversely affect the public interest.

C. Variance, Conditions Governing Application; Procedures. To authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship. A variance from the terms of this chapter shall not be granted by the Board of Adjustment unless and until:

- (1) A written application for a variance is submitted demonstrating:
 - a. That special conditions and circumstances exist which are peculiar to land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
 - b. That literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter.
 - c. That the special conditions and circumstances do not result from the actions of the applicant.

d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district.

No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of land, structures, or buildings in other districts may be considered grounds for the issuance of a variance.

(2) The Board shall fix a reasonable time for the hearing of the variance, and give not less than seven days' or more than 20 days' public notice in a paper of general circulation in the City, and decide the same within 30 days. At said hearing, any party may appear in person, by agent or by attorney.

(3) The public hearing shall be held. Any party may appear in person, or by agent or by attorney.

(4) The Board of Adjustment shall make findings that requirements of this subsection have been met by the applicant for a variance.

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter and punishable under this chapter. The variance shall become effective once it is received in the office of the County Recorder and the copy filed with the City Clerk. These recording costs shall be paid for by the applicant. Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this chapter in the district involved or any use expressly or by implication prohibited by the terms of this chapter in said district. The concurring vote of a majority of the members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to effect any variation in the application of this chapter.

4. Appeals from the Board of Adjustment. Any person or any board, taxpayer, department, board or bureau of the City, or other areas subject to this chapter aggrieved by any decision of the Board of Adjustment may seek review by a court of record of such decision, in the manner provided by the laws of the State and particularly by Chapter 414, *Code of Iowa*.

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165.09 DISTRICTS ESTABLISHED. The City is divided into the following districts:

AG	Agricultural District
RS	Residential Single-Family District
RM	Residential Multi-Family District
MH	Mobile Home District
SC	Special Commercial District
AC	Arterial Commercial District
BC	Central Business Commercial District
LI	Light Industrial District
HI	Heavy Industrial District

These districts are established as identified on the Official Zoning Map which, together with all explanatory matters thereon, is hereby adopted by reference and declared to be part of this chapter.

165.10 AG AGRICULTURAL DISTRICT. This district is intended to provide for areas in which agriculture and related uses are encouraged as the principal use of land. However, uses which may be offensive to the surrounding area or to the community as a whole by reasons of noise, dust, smoke, odor, traffic or physical appearance or other similar factors are not permitted. The district prohibits urban density residential use until these areas may be served by utilities and services of the City. This district is also intended to preserve land suited for eventual development into other uses, pending proper timing for economical and practical provisions of streets, utilities, schools and other facilities, so that reasonably compact development will occur and the fiscal integrity of the City is preserved. All newly annexed areas to the City will automatically be placed into this district classification unless otherwise suitably classified.

1. Permitted Uses. The following uses are permitted in the AG District:
 - A. Agriculture, including the usual agricultural buildings and structures and excluding offensive uses.
 - B. Home occupations.
2. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the AG District.
 - A. Living quarters of persons employed on the premises and not rented or otherwise used as a separate dwelling.
 - B. Private garages, barns and other farm buildings.
 - C. Roadside stands offering for sale only agricultural products or other products produced on the premises.
 - D. Temporary buildings for the uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.
 - E. Satellite dishes.
3. Special Exceptions. Certain uses may be permitted in the AG District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses.
 - A. Cemeteries, crematories or mausoleums.

- B. Commercial kennels.
- C. Stables, private or public.
- D. Greenhouses and nurseries.
- E. Publicly operated sanitary landfills.
- F. Private recreational camps, golf courses and recreational facilities.
- G. Public or private utility substations, relay stations, etc.
- H. Churches.
- I. Publicly owned and operated buildings and facilities.
- J. Agricultural Services.

4. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in the AG District.

Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Maximum Height (lesser of)
40,000 square feet	150 feet	40 feet	15 feet	45 feet	2½ stories or 40 feet

5. Off-Street Parking. The following off-street parking requirements shall apply in the AG District:

- A. Dwellings: two parking spaces on the lot for each living unit in the building.
- B. Churches: one parking space on the lot for each five seats in the main auditorium.
- C. Public buildings and facilities: one parking space for each 300 square feet of gross floor area or one parking space for each five seats in the main assembly area.
- D. Roadside stands: one parking space for each 50 square feet of enclosed floor area.
- E. Greenhouses and nurseries: one parking space per 1,000 square feet of enclosed floor area.

6. Off-Street Loading. The following off-street loading requirements shall apply in the AG District.

- A. All activities or uses allowed in the AG District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.

7. Signs. The following sign regulations shall apply to the AG District:

- A. Off-premises signs, except political signs, are not permitted.
- B. On-premises signs are permitted.

- C. Real estate signs not exceeding six square feet in area advertising the sale, lease, or rental of billboards are permitted, provided that they shall be at least 25 feet from any street line and not more than five feet in front of the principal building.
- D. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.
- E. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.
- F. No sign may imitate or resemble an official traffic control sign, signal or device.
- G. Signs shall not encroach or extend over public right-of-way.
- H. No sign may obscure or physically interfere with an official traffic control sign, signal or device.
- I. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, municipal or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.
- J. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.

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165.11 RS RESIDENTIAL SINGLE-FAMILY DISTRICT. This district is intended to provide for a variety of single-family residential areas where public utilities and services are available and to encourage a suitable living environment through the promotion of public health, safety and welfare. Low and medium population density neighborhoods are recognized and provided for by varying the minimum bulk regulations. Criteria such as topography, soil types, access, traffic load on streets, schools, utilities, recreation and other public facilities shall be taken into consideration when the lot area requirement is established for the various single-family residential areas of the City.

1. Permitted Uses. The following uses are permitted in the RS District:
 - A. Single-family detached dwellings.
 - B. Two-family dwellings.
 - C. Family homes.
 - D. Elder homes.
 - E. Home occupations.
2. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the RS District:
 - A. Private garages.
 - B. Private recreational facilities.
 - C. Temporary buildings for use incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.
3. Special Exceptions. Certain uses may be permitted in the RS District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses.
 - A. Nursery schools.
 - B. Public or private utility substations, relay stations, etc.
 - C. Churches.
 - D. Publicly owned and operated buildings and facilities.
 - E. Private schools with a curriculum similar to public schools.
 - F. Golf courses but not miniature courses or separate driving tees.
 - G. Bed and breakfast houses.
4. Bulk Regulations. The following requirements shall provide for light and air around permitted residential uses and buildings in the RS District:

Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Maximum Height (lesser of)
8,000 square feet	80 feet	25 feet	6 feet	25 feet	2½ stories or 40 feet

On lots of record at the time of adoption of this chapter having a width less than 80 feet, the side yards may be reduced for single-family dwellings only as follows:

- A. Each side yard may be reduced to not less than 10 percent of the lot width.
 - B. On corner lots, only the interior side yard may be reduced below six feet.
5. Off-Street Parking. The following off-street parking requirements shall apply in the RS District.
- A. Dwellings: two parking spaces on the lot for each living unit in the building.
 - B. Two-family dwellings: one parking space on the lot for each dwelling unit.
 - C. Churches: one parking space on the lot for each five seats in the main auditorium.
 - D. Public buildings and facilities: one parking space for each 300 square feet of gross floor area or one parking space for each five seats in the main assembly area.
 - E. Elementary, junior high and equivalent private or parochial schools: one parking space for each classroom and office plus one parking space per each 300 square feet of gross floor area in auditorium or gymnasium.
 - F. Senior high schools and equivalent private or parochial schools: one parking space for each employee and one parking space for each 10 students.
 - G. Colleges, universities, institutions of higher learning, and equivalent private or parochial schools: one parking space for each employee and one parking space for each five students.
 - H. Public buildings and facilities: one parking space for each 300 square feet of gross floor area.
 - I. Nursery schools: one parking space per employee.
6. Off-Street Loading. The following off-street loading requirements shall apply in the RS District:
- A. All activities or uses allowed in the RS District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.
7. Signs. The following sign regulations shall apply to the RS District:
- A. Off-premises signs, except political signs, are not permitted.
 - B. On-premises signs are permitted.
 - C. Real estate signs not exceeding six square feet in area advertising the sale, lease, or rental of billboards are permitted, provided that they shall be at least 25 feet from any street line and not more than five feet in front of the principal building.
 - D. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.

- E. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.
- F. No sign may imitate or resemble an official traffic control sign, signal or device.
- G. Signs shall not encroach or extend over public right-of-way.
- H. No sign may obscure or physically interfere with an official traffic control sign, signal or device.
- I. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, municipal or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.
- J. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.

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165.12 RM RESIDENTIAL MULTI-FAMILY DISTRICT. This district is intended to provide for a variety of multi-family residential areas where public utilities and services are available and to encourage a suitable living environment through the promotion of public health, safety and welfare. Medium and high population density neighborhoods are recognized and provided for by varying the minimum bulk regulations. Criteria such as topography, soil types, access, traffic load on streets, schools, utilities, recreation and other public facilities shall be taken into consideration when the lot area requirement is established for the various multi-family residential areas of the City.

1. Permitted Uses. The following uses are permitted in the RM District:
 - A. Single-family detached dwellings.
 - B. Multi-family dwellings not exceeding eight dwelling units.
 - C. Home occupations.
 - D. Family homes.
 - E. Elder homes.
 - F. Boarding or lodging houses.
2. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the RM District:
 - A. Private garages.
 - B. Parking lots.
 - C. Private recreational facilities.
 - D. Temporary buildings for the use incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.
3. Special Exceptions. Certain uses may be permitted in the RM District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses.
 - A. Nursery schools.
 - B. Public or private utility substations, relay stations, etc.
 - C. Churches and publicly owned and operated buildings and facilities.
 - D. Private schools with curriculum similar to public schools.
 - E. Bed and breakfast houses.
 - F. Health care facilities.
 - G. Hospitals.

4. Bulk Regulations. The following requirements shall provide for light and air around permitted residential uses and buildings in the RM District:

Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Maximum Height (lesser of)
8,000 square feet	80 feet	25 feet	6 feet	25 feet	2½ stories or 40 feet

5. Off-Street Parking. The following off-street parking requirements shall apply in the RM District:

- A. Single-family dwellings: two parking spaces on the lot.
- B. Multi-family dwellings: one parking space on the lot for each dwelling unit.
- C. Churches: one parking space on the lot for each five seats in the main auditorium.
- D. Elementary, junior high and equivalent private or parochial schools: one parking space for each classroom and office plus one parking space per each 300 square feet of gross floor area in auditorium or gymnasium.
- E. Senior high schools and equivalent private or parochial schools: one parking space for each employee and one parking space for each 10 students.
- F. Colleges, universities, institutions of higher learning, and equivalent private or parochial schools: one parking space for each employee and one parking space for each five students.
- G. Public buildings and facilities: one parking space for each 300 square feet of gross floor area or one parking space for each five seats in the main assembly area.
- H. Nursery schools: one parking space per employee.

6. Off-Street Loading. The following off-street loading requirements shall apply in the RM District.

- A. All activities or uses allowed in the RM District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.

7. Signs. The following sign regulations shall apply to the RM District:

- A. Off-premises signs, except political signs, are not permitted.
- B. On-premises signs are permitted.
- C. Real estate signs not exceeding six square feet in area advertising the sale, lease, or rental of billboards are permitted, provided that they shall be at least 25 feet from any street line and not more than five feet in front of the principal building.
- D. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.
- E. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.

- F. No sign may imitate or resemble an official traffic control sign, signal or device.
- G. Signs shall not encroach or extend over public right-of-way.
- H. No sign may obscure or physically interfere with an official traffic control sign, signal or device.
- I. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, municipal or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.
- J. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.

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165.13 MH MOBILE HOME DISTRICT. This district is intended to provide for certain medium density residential areas in the City now developed as mobile home parks which by reason of their design and location are compatible with surrounding residential areas and areas of the City where similar development seems likely to occur. This district has useful application as a transition zone between shopping areas and residential areas and is normally located along thoroughfares where direct access to the site is available.

1. Permitted Uses. The following uses are permitted in the MH District.
 - A. Mobile homes located in an approved mobile home park.
 - B. Home occupations.
2. Accessory Uses.
 - A. Private recreational facilities.
 - B. Temporary buildings for use incidental to construction work. Such buildings shall be removed upon completion or abandonment of the construction work.
3. Special Exceptions.
 - A. Public or private utility substation, relay stations, etc.
 - B. Nursery schools.
 - C. Churches or accessory facilities, on or off site.
 - D. Home occupations.
4. Bulk Regulations. The following requirements shall provide for light and air around permitted residential uses and buildings in the MH District:
 - A. No mobile home shall be located within 15 feet of any other, within five feet of any driveway or parking space, or within 40 feet of the right-of-way line of a public street.
 - B. Each mobile home site shall be provided with a stand consisting of a solid, six-inch thick, poured Portland cement concrete apron not less than eight feet wide and 45 feet long and a paved outdoor patio of at least 180 square feet located at the main entrance to the mobile home.
 - C. A greenbelt, at least 30 feet in width, shall be located along all boundaries of each mobile home park, except where it is crossed by driveways.
 - D. Each mobile home shall be located on a lot having an area of at least 4,000 square feet provided.
 - E. Each mobile home park shall be graded and drained so that rain water will not stand in pools or puddles.
 - F. Each street and parking area in any mobile home park shall be bounded by a sidewalk at least four feet wide.

G. All minimum street widths in mobile home parks shall be approved as private streets and further comply with the following.

(1)	No parking on street	one-way	14 feet
		two-way	24 feet
(2)	Parallel parking on side	one-way	20 feet
		two-way	30 feet
(3)	Parallel parking both sides	one-way	26 feet
		two-way	36 feet

5. Signs. The following sign regulations shall apply to the MH District:

- A. Off-premises signs, except political signs, are not permitted.
- B. On-premises signs are permitted.
- C. Real estate signs not exceeding six square feet in area advertising the sale, lease, or rental of billboards are permitted, provided that they shall be at least 25 feet from any street line and not more than five feet in front of the principal building.
- D. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.
- E. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.
- F. No sign may imitate or resemble an official traffic control sign, signal or device.
- G. Signs shall not encroach or extend over public right-of-way.
- H. No sign may obscure or physically interfere with an official traffic control sign, signal or device.
- I. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, municipal or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.
- J. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.

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165.14 SPECIAL COMMERCIAL DISTRICT. This district is intended to provide certain areas of the City for the development of protected special district services. Some residential type structures are also permitted. This district is characterized by large homes suitable for use as commercial conversions compatible with residential and each other. The uses permitted are intended to require a low volume of traffic and limited outdoor advertising so as to protect the abutting and surrounding residential districts. Special design approvals are required to insure compatibility and maintenance of the character of the area as well as the homogeneity of the area.

1. Permitted Uses. The following uses are permitted in the SC District:
 - A. Offices and clinics.
 - B. Sale and service of goods and products conducted entirely within the building, excluding any manufacturing or processing of goods or petroleum products, and excluding taverns, bars and entertainment establishments dispensing alcoholic beverages, unless such alcohol sales are incidental to the primary sales or service.
 - C. Single-family or multi-family dwellings.
2. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the SC District.
 - A. Private garages.
 - B. Parking lots.
 - C. Temporary buildings for the uses incidental to construction work which buildings shall be removed upon the completion or abandonment of the construction work.
3. Special Exceptions. Certain uses may be permitted in the SC District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses.
 - A. Public or private utility substations, relay stations, etc.
 - B. Undertaking establishments.
 - C. Restaurants and the consumption of prepared foods on the premises only, including outdoor seating and the dispensing of alcohol which is incidental to the principal use.
 - D. Nursery schools.
 - E. Churches and public owned and operated buildings and facilities.
4. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in the SC District.

Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Maximum Height (lesser of)
6,000 square feet	60 feet	25 feet	6 feet	25 feet	3 stories or 45 feet

5. Off-Street Parking. The following parking requirements shall apply to the SC District.

- A. Single-family dwellings: two parking spaces on the lot.
- B. Multi-family dwellings: one parking space on the lot for each dwelling unit.
- C. Offices: one parking space per 300 square feet of gross floor area.
- D. Clinics: one parking space per 300 square feet of gross floor area.
- E. Sales and service buildings: one parking space per 300 square feet of gross floor area.
- F. Churches: one parking space on the lot for each five seats in the main auditorium.
- G. Public buildings and facilities: one parking space per 300 square feet of gross floor area.
- H. Undertaking establishments: one parking space for each five seats plus one parking space for each vehicle maintained on the premises.

6. Off-Street Loading. The following off-street loading requirements shall apply in the SC District:

- A. All activities or uses allowed in the SC District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.
- B. Loading shall not be permitted to block public right-of-way.

7. Signs. The following sign regulations shall apply to the SC District:

- A. Off-premises and on-premises signs are permitted.
- B. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.
- C. Real estate signs not exceeding six square feet in area advertising the sale, lease, or rental of billboards are permitted, provided that they shall be at least 25 feet from any street line and not more than five feet in front of the principal building.
- D. Billboards shall be set back from the street line at least as far as the required front yard depth. When at the intersection of a street, the setback of an outdoor advertising sign or billboard shall not be less than the required front yard on each of the street frontages.
- E. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.
- F. No sign may imitate or resemble an official traffic control sign, signal or device.
- G. Signs shall not encroach or extend over public right-of-way.
- H. No sign may obscure or physically interfere with an official traffic control sign, signal or device.

- I. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, municipal or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.
 - J. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.
8. General Regulations. The following general regulations shall apply in the SC District.
- A. All required yards, including those which may be used for off-street parking shall be landscaped. They shall be landscaped attractively with natural lawn, living trees and/or shrubs, etc. Any areas left in a natural state shall be properly maintained in a sightly and well-kept condition.
 - B. All business shall be conducted within an enclosed yard or building, except by special exceptions.
 - C. New additions and conversions from residential to commercial shall:
 - (1) Preserve significant historic materials and features. Building finishes used for the addition should be similar in material, color, and dimension to those used on the existing structure.
 - (2) Preserve the character of the building. The scale of the addition should be compatible with the original building.
 - (3) Make a visual distinction between old and new construction.
9. Design Review Board. The following regulations shall apply in the SC District.
- A. The Planning and Zoning Commission shall be responsible for reviewing all applications for design review required under this section.
 - B. The Planning and Zoning Commission shall have the power to approve or deny applications with or without conditions. If an application is denied the reasons for the denial shall be stated.
 - C. The Planning and Zoning Commission shall create and maintain a list of design guidelines which it shall apply to all applications. Said guidelines may be amended by a majority vote of the Planning and Zoning Commission.
10. Design Review Procedure. The following procedures shall apply in the SC District:
- A. The applicant shall obtain a Design Review application from the Administrative Official which shall be responsible for the overall coordination and administration of the Design Review Process. Once the application and appropriate set(s) of plans have been received and determined to be complete, the Planning and Zoning Commission shall within 20 working days conduct a review and approval or disapproval or modification of the application.
 - B. Should a question arise as to compliance with the conditions as outlined by the Design Review Board, a clarification review before the Board may be called by any City Department having jurisdiction or by the applicant.

- C. Upon receipt of a properly completed application the applicant shall be notified of the time and place the review will be held. The Planning and Zoning Commission shall have full power and authority to consider any application subject to design review under this section.
 - D. The Planning and Zoning Commission may require such changes in said plans and specifications as in its judgment may be requisite and appropriate to the maintenance of a high standard of design and architecture.
 - E. No zoning/building permit shall be issued unless all the plans, including amendments, notes, revision, or modifications have been approved by the Planning and Zoning Commission. Minor modifications to plans that have been approved by the Planning and Zoning Commission will be permitted when approved by the Administrative Official.
 - F. An applicant may submit an application for a zoning/building permit simultaneously with a design plan review in order to expedite processing. However, no zoning/building permit shall be issued until the final design plan has been approved.
11. Landscaping. The applicant shall submit the following:
- A. A general concept of the intended landscaping, graphic or written.
 - B. A listing of existing vegetation by type, number, size and location.
 - C. Proposals to protect and preserve trees during and after construction.
 - D. A proposed plan showing number, size, type and location of plant materials.
 - E. Any maintenance needs or landscape construction plans.
12. Appeal. The applicant or any City Department having jurisdiction may appeal any decision of the Planning and Zoning Commission to the Board of Adjustment.

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165.15 AC ARTERIAL COMMERCIAL DISTRICT. This district is intended to provide for certain areas of the City for the development of service, retail, and other nonresidential uses which because of certain locational requirements and operational characteristics are appropriately located in close proximity to arterial and other main thoroughfares. The district is further characterized by a typical need for larger lot sizes, off-street parking, adequate setbacks, clear vision, safe ingress and egress, and access to other adjacent thoroughfares.

1. Permitted Uses.
 - A. Sales and display rooms and lots, including yards for the storage or display of new or used building materials but not for any scrap or salvage operation storage or sales.
 - B. Offices and clinics.
 - C. Churches and publicly owned and operated buildings and facilities.
 - D. Hotels and motels.
 - E. Any other retail or service sales business, including food preparation for sale off-premises.
 - F. Publicly owned and operated buildings and facilities.
2. Accessory Uses. Uses of land or structures customarily incidental and subordinate to a permitted use in the AC District.
 - A. Private recreational facilities.
 - B. Living quarters of persons employed on the premises and not rented or otherwise used as a separate dwelling.
 - C. Private garages.
 - D. Parking lots.
 - E. Temporary buildings for the uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.
3. Special Exceptions. Certain uses may be permitted in the AC District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses.
 - A. Public or private utility substations, relay stations, etc.
 - B. Single-family or multi-family dwellings.

4. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and building in the AC District.

Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Maximum Height (lesser of)
None, however, where the property is used for dwellings, it shall be 7,000 square feet	None, however, where the property is used for dwellings it shall be 60 feet	None, however, where the property is used for dwellings, it shall be 25 feet	None, however, where the property is used for dwellings, it shall be 6 feet	None, however, where the property is used for dwellings, it shall be 25 feet	3 stories or 45 feet

5. Off-Street Parking. The following off-street parking requirements shall apply in the AC District.

- A. Sales and service building: one parking space per 300 square feet of gross floor area.
- B. Offices/clinics: one parking space per 300 square feet of gross floor area.
- C. Churches: one parking space on the lot for each five seats in the main auditorium.
- D. Public buildings and facilities: one parking space per 300 square feet of gross floor area or one parking space for each five seats in the main assembly area.
- E. Hotels and motels: one parking space per room plus one parking space for each employee.
- F. Single-family dwellings: two parking spaces on the lot.
- G. Multi-family dwellings: one parking space on the lot for each dwelling unit.

6. Off-Street Loading. The following off-street loading requirements shall apply in the AC District.

- A. All activities or uses allowed in the AC District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.

7. Signs. The following sign regulations shall apply to the AC District:

- A. Off-premises and on-premises signs are permitted.
- B. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.
- C. Real estate signs not exceeding six square feet in area advertising the sale, lease, or rental of billboards are permitted, provided that they shall be at least 25 feet from any street line and not more than five feet in front of the principal building.

- D. Billboards shall be set back from the street line at least as far as the required front yard depth. When at the intersection of a street, the setback of an outdoor advertising sign or billboard shall not be less than the required front yard on each of the street frontages.
 - E. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.
 - F. No sign may imitate or resemble an official traffic control sign, signal or device.
 - G. Signs shall not encroach or extend over public right-of-way.
 - H. No sign may obscure or physically interfere with an official traffic control sign, signal or device.
 - I. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, municipal or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.
 - J. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.
8. Adult Oriented Businesses; Adult Uses; Sexually Oriented Businesses. Definitions and regulations governing adult uses are included in Chapter 125 of this Code of Ordinances.
9. Multi-Family Dwellings and Single-Family Dwellings. There shall not be any multi-family dwelling or single-family dwellings on the ground floor of any building within the Arterial Commercial District. "Ground floor" for this section is defined as the floor at or near the level of the public street.

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165.16 BC BUSINESS COMMERCIAL DISTRICT. This district is intended to accommodate the major business and office concentration of the City. It is characterized further by a variety of stores and related activities which occupy the central commercial area of the City. This district is intended to be the single central business district of St. Ansgar and no other use of this district shall be utilized other than contiguously with the currently established BC District. Bulk regulations further reflect a more in time use and development pattern.

1. Permitted Uses. The following uses are permitted in the BC District:
 - A. Business sales and services conducted entirely within the building, including those with incidental manufacturing or processing of goods or products.
 - B. Offices and clinics.
 - C. Hotels and motels.
 - D. Publicly owned and operated buildings and facilities.
2. Accessory Uses. Uses of land or structures customarily incidental and subordinate to a permitted use in the BC District:
 - A. Outdoor sales and service.
 - B. Private garages.
 - C. Parking lots.
 - D. Temporary buildings for the uses incidental to construction work. Such buildings shall be removed upon the completion or abandonment of the construction work.
 - E. Accessory uses customarily incidental to any permitted principal use.
3. Special Exceptions. Certain uses may be permitted in the BC District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses.
 - A. Service stations.
 - B. Warehousing.
 - C. Churches or accessory facilities, on or off site.
 - D. Outdoor storage.
 - E. Single-family, two-family and multi-family dwellings.

4. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in the BC District:

Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Maximum Height (lesser of)
None, however, where the property is used for dwellings, it shall be 7,000 square feet	None, however, where the property is used for dwellings it shall be 60 feet	None, however, where the property is used for dwellings, it shall be 25 feet	None, however, where the property is used for dwellings, it shall be 6 feet	None, however, where the property is used for dwellings, it shall be 25 feet	3 stories or 45 feet

5. Off-Street Parking. None required.
6. Off-Street Loading. The following off-street loading requirements shall apply in the BC District.
- A. All activities or uses allowed in the BC District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.
7. Signs. The following sign regulations shall apply to the BC District:
- A. Off-premises and on-premises signs are permitted.
- B. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.
- C. Real estate signs not exceeding six square feet in area advertising the sale, lease, or rental of billboards are permitted, provided that they shall be at least 25 feet from any street line and not more than five feet in front of the principal building.
- D. Billboards shall be set back from the street line at least as far as the required front yard depth. When at the intersection of a street, the setback of an outdoor advertising sign or billboard shall not be less than the required front yard on each of the street frontages.
- E. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.
- F. No sign may imitate or resemble an official traffic control sign, signal or device.
- G. No sign may obscure or physically interfere with an official traffic control sign, signal or device.
- H. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, municipal or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.
- I. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.

8. 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 full passage of pedestrians.

9. Adult Oriented Businesses; Adult Uses; Sexually Oriented Businesses. Definitions and regulations governing adult uses are included in Chapter 125 of this Code of Ordinances.

10. Multi-Family Dwellings and Single-Family Dwellings. There shall not be any multi-family dwelling or single-family dwellings on the ground floor of any building within the Central Business Commercial District. "Ground floor" for this section is defined as the floor at or near the level of the public street.

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165.17 LI LIGHT INDUSTRIAL DISTRICT. This district is intended to provide for areas of development by industrial firms that have high standards of performance and that can locate in close proximity to residential and business uses. The district regulations are designed to permit the development of any manufacturing or industrial operations which on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the community as a whole by reasons of noise, dust, smoke, order, traffic, physical appearance or other similar factors. All industrial operations must be in an enclosed building. No residential uses are permitted in this district.

1. Permitted Uses. The following uses are permitted in the LI District.
 - A. Any nonresidential building or use which would not be hazardous, obnoxious, offensive or unsightly by reason of odor, sound, vibrations, radioactivity, electrical interference, glares, liquid or solid waste, smoke, or other air pollutants.
 - B. Storage, manufacture, compounding, processing, packing and/or treatment of products, exclusive of the rendering or refining of fats and/or oils.
 - C. Manufacture, compounding, assembly and/or treatment of articles or merchandise derived from previously prepared materials.
 - D. Assembly of appliances and equipment, including manufacture of small parts.
 - E. Wholesale distribution of all standard types of prepared or packaged merchandise.
 - F. Sale and storage of building materials.
 - G. Contractors' offices and storage of equipment.
 - H. Public or private utility substations, relay stations, etc.
2. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the LI District.
 - A. Accessory buildings and uses customarily incidental to a permitted use.
 - B. Living quarters for watchmen or custodians of industrial properties.
3. Special Exceptions. Certain uses may be permitted in the LI District subject to specific conditions and requirements intended to make them compatible with and acceptable adjacent uses.
4. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in the LI District.

Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Maximum Height (lesser of)
None	None	30 feet	30 feet, unless adjacent to a residential district, then it shall be 100 feet	30 feet, unless adjacent to a residential district, then it shall be 100 feet	3 stories

5. Off-Street Parking. The following off-street parking requirements shall apply in the LI District.
 - A. All commercial uses shall provide one parking space on the lot for each 300 square feet of floor area.
 - B. All industrial uses shall provide one parking space on the lot for each two employees of maximum number employed at any one time.
6. Off-Street Loading. The following off-street loading requirements shall apply in the LI District.
 - A. All activities or uses allowed in the LI District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.
7. Signs. The following sign regulations shall apply to the LI District.
 - A. Off-premises and on-premises signs are permitted.
 - B. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.
 - C. Real estate signs not exceeding six square feet in area advertising the sale, lease, or rental of billboards are permitted, provided that they shall be at least 25 feet from any street line and not more than five feet in front of the principal building.
 - D. Billboards shall be set back from the street line at least as far as the required front yard depth. When at the intersection of a street, the setback of an outdoor advertising sign or billboard shall not be less than the required front yard on each of the street frontages.
 - E. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.
 - F. No sign may imitate or resemble an official traffic control sign, signal or device.
 - G. Signs shall not encroach or extend over public right-of-way.
 - H. No sign may obscure or physically interfere with an official traffic control sign, signal or device.
 - I. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, municipal or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.
 - J. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.
8. Adult Oriented Businesses; Adult Uses; Sexually Oriented Businesses. Definitions and regulations governing adult uses are included in Chapter 125 of this Code of Ordinances.

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165.18 HI HEAVY INDUSTRIAL DISTRICT. This district is intended to provide areas for activities and uses of a heavy industrial character and is the least restrictive of any district. In the best interest of the City, certain uses in the HI District shall be subject to final Council approval, conditional approval, or denial to insure that proper safeguards are taken. No residential uses are permitted.

1. Permitted Uses. There may be any use, excluding residential uses and mobile homes. The following uses must be given separate City Council approval before a permit is issued.

- A. Acid manufacture.
- B. Cement, lime, gypsum, or plaster of Paris manufacture.
- C. Distillation of bones.
- D. Explosive manufacture or storage.
- E. Fat rendering.
- F. Fertilizer manufacture.
- G. Gas manufacture.
- H. Garbage, offal, or dead animals, reduction or dumping.
- I. Glue manufacture.
- J. Petroleum, or its products, refining of.
- K. Smelting of tin, copper, zinc, or iron ores.
- L. Stockyards or slaughter of animals.
- M. Junk yards. Must be surrounded by a solid fence at least six feet high located within building lines and the junk piled not higher than the fence.

Before granting such separate approval, the City Council shall refer applications to the Commission for study, investigation and report. If no report is received in 30 days, the City Council may assume approval of the application.

2. Consideration After Public Hearing. The City Council shall then after holding a public hearing consider all of the following provisions in its determination upon the particular use at the location requested.

- A. That the proposed location design, construction, and operation of the particular use adequately safeguards the health, safety and general welfare of persons residing or working in adjoining or surrounding property.
- B. That such use shall not impair an adequate supply of light and air to surrounding property.
- C. That such use shall not unduly increase congestion in the streets, or public danger of fire and safety.
- D. That such use shall not diminish or impair established property values in adjoining or surrounding property.
- E. That such use shall be in accord with the intent, purpose and spirit of this chapter and the Comprehensive Plan of the City.

3. Required Conditions.
 - A. The best practical means known for the disposal of refuse matter or water-carried waste, the abatement of obnoxious or offensive odor, dust, smoke, gas, noise, or similar nuisance shall be employed and subject to all State and federal regulations.
 - B. All principal buildings and all accessory buildings or structures, including loading and unloading facilities, shall be located at least 100 feet from any R District boundary, except where adjoining a railroad right-of-way, and 50 feet from any commercial boundary.
4. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the HI District.
 - A. Accessory buildings and uses customarily incidental to a permitted use.
 - B. Living quarters for watchmen or custodians of industrial properties.
5. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in the HI District.

Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Maximum Height (lesser of)
None	None	30 feet	30 feet, unless adjacent to a residential district, then it shall be 100 feet	30 feet, unless adjacent to a residential district, then it shall be 100 feet	3 stories

6. Off-Street Parking. The following off-street parking requirements shall apply in the HI District.
 - A. All commercial uses shall provide one parking space on the lot for each 300 square feet of floor area.
 - B. All industrial uses shall provide one parking space on the lot for each two employees of maximum number employed at any one time.
7. Off-Street Loading. The following off-street loading requirements shall apply in the HI District.
 - A. All activities or uses allowed in the HI District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.
8. Signs. The following sign regulations shall apply to the LI District.
 - A. Off-premises signs are permitted.
 - B. On-premises signs are permitted.
 - C. Real estate signs not exceeding six square feet in area advertising the sale, lease, or rental of billboards are permitted, provided that they shall be at least 25

feet from any street line and not more than five feet in front of the principal building.

D. Billboards shall be set back from the street line at least as far as the required front yard depth. When at the intersection of a street, the setback of an outdoor advertising sign or billboard shall not be less than the required front yard on each of the street frontages.

E. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.

F. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.

G. No sign may imitate or resemble an official traffic control sign, signal or device.

H. Signs shall not encroach or extend over public right-of-way.

I. No sign may obscure or physically interfere with an official traffic control sign, signal or device.

J. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, municipal or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.

K. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.

9. Adult Oriented Businesses; Adult Uses; Sexually Oriented Businesses. Definitions and regulations governing adult uses are included in Chapter 125 of this Code of Ordinances.

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165.19 SUPPLEMENTARY DISTRICT REGULATIONS.

1. Building Lines on Approved Plats. Whenever the plat of a land subdivision approved by the Planning Commission and on record in the office of the County Recorder shows a building line along any frontage for the purpose of creating a front yard or side street yard line, the building line thus shown shall apply along such frontage in place of any other yard line required in this chapter unless specific yard requirements in this chapter require a greater setback.
2. Structures to Have Access. Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.
3. Erection of More Than One Principal Structure on a Lot. In any district, more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this chapter shall be met for each structure as though it were on an individual lot.
4. Accessory Buildings/Structures. No accessory building/structure may be erected in any required front yard and no separate accessory building/structure may be erected within 10 feet of a main building. No accessory building/structure shall be closer than two feet to the rear or side lot line. Accessory buildings located in the rear yard may not occupy more than 30 percent of the rear yard. No accessory building shall be used without occupancy of the principal building. If a garage is entered directly from an alley in a perpendicular or nearly perpendicular manner, the garage setback shall be 12 feet.
5. Fences. No fence more than four feet high may be located on any part of a lot except fences less than six feet high may be erected on those parts of a lot that are as far back or further back from a street than the main building. Higher fences may be allowed by special exception only. All fences shall be at least one foot from all property lines, however, fences may be constructed up to the lot line where a written agreement is executed by the equity titleholders of adjacent properties.
6. Height Limits. Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tank, water towers, ornamental towers, spires, wireless tower, grain elevators, or necessary mechanical appurtenances are exempt from height regulations in Sections 165.10 through 165.18 of this chapter.
7. Sills, belt courses, cornices, and ornamental features may project only two feet into a required yard.
8. Open fire escapes, fireproof outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into a rear yard for a distance of not more than three and one-half feet when so placed as not to obstruct light and ventilation, may be permitted by the Zoning/Building Administrator.
9. Open, unenclosed porches may extend 10 feet into a front yard.
10. Terraces/decks which do not extend above grade may project into a required side yard, provided these projections are distant at least two feet from the adjacent side lot line. Terraces/decks above grade may project no closer than eight feet into a required side yard. Terraces/decks which do not extend above grade may project to the rear lot

line, however, terraces/decks which are above grade may project no more than eight feet into a required rear yard.

11. Nothing in this chapter shall have the effect of prohibiting utility service lines.

12. Yards and Visibility. On a corner lot in any district, nothing shall be erected, placed, planted or allowed to grow in such a manner as materially to impede vision between a height of three and 10 feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines 25 feet from the point of the intersection. (See Diagram 3).

13. All vehicular parking spaces located in required front yards shall be a minimum of 10 feet in width and be surfaced with gravel, concrete, or asphalt.

14. Private swimming pools at grade shall be allowed in required side or rear yards and shall not be allowed in required front yards. Private swimming pools above grade shall be subject to the requirements of subsection 10 of this section.

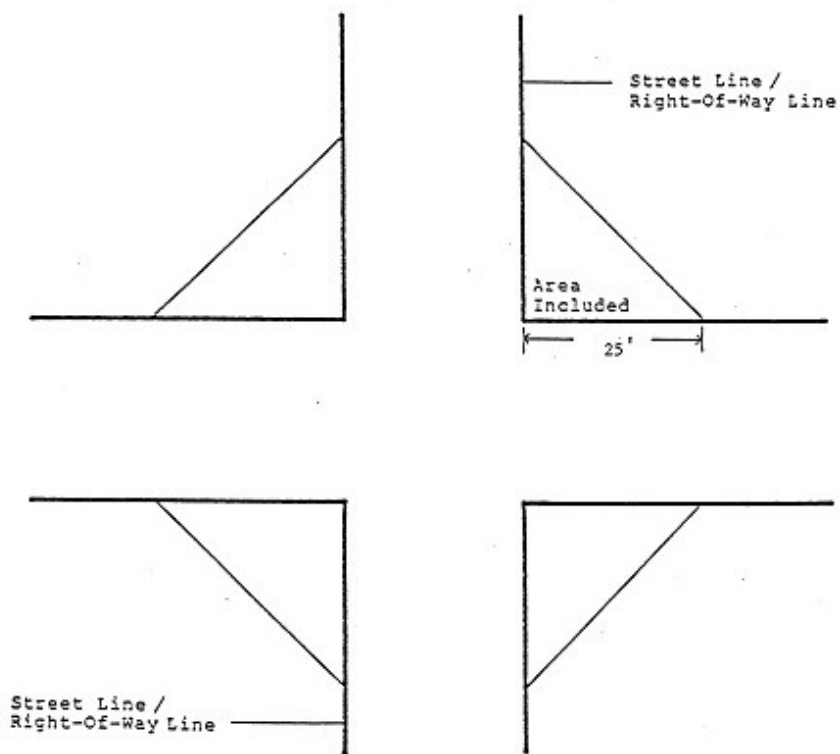
15. Satellite dishes shall be allowed in all districts except in front yards.

16. Where, on the effective date of this chapter, 40 percent or more of a frontage is occupied by two or more buildings, the front yard is established in the following manner:

A. Where the building farthest from the street provides a front yard not more than 10 feet deeper than the building closest to the street, then the front yard for the frontage is and remains an average of the existing front yards.

B. Where paragraph A is not the case, and a lot is within 100 feet of a building on each side, then the front yard is a line drawn from the closest front corners of these two adjacent buildings.

C. Where neither paragraph A or B is the case and the lot is within 100 feet of an existing building on one side only, then the front yard is the same as that of the existing adjacent building.

DIAGRAM 3 - CORNER LOTS - YARDS AND VISIBILITY

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165.20 ADMINISTRATION.

1. Duties of Zoning Administrator, Board of Adjustment, Planning and Zoning Commission, and Courts on Matters of appeal. All questions of interpretation and enforcement shall be first presented to the Zoning Administrator, or that person's assistant, and such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Zoning Administrator, and recourse from the decisions of the Board of Adjustment shall be to the courts as provided by law and particularly by Chapter 414, *Code of Iowa*.
2. Amendments. The regulations, restrictions, and boundaries may, from time to time, be amended, supplemented, changed, modified, or repealed, provided that at least seven days' notice of the time and place of such hearing shall be published in a paper of general circulation in the City. In no case shall the notice be published more than 20 days prior to the hearing. The regulations, restrictions, and boundaries may, from time to time, be amended, supplemented, changed, modified, or repealed. Notwithstanding Section 414.2, as a part of an ordinance changing land from one zoning district to another zoning district or an ordinance approving a site development plan, a Council may impose conditions on a property owner which are in addition to existing regulations if the additional conditions have been agreed to in writing by the property owner before the public hearing required under this section or any adjournment of the hearing. The conditions must be reasonable and imposed to satisfy public needs which are directly caused by the requested change. In case, however, of a written protest against a change or repeal which is filed with the City Clerk and signed by the owners of 20 percent or more of the area of the lots included in the proposed change or repeal, or by the owners of 20 percent or more of the property which is located within 200 feet of the exterior boundaries of the property for which the change or repeal is proposed, the change or repeal shall not become effective except by the favorable vote of at least three-fourths of all the members of the Council. The protest, if filed, must be filed before or at the public hearing. Proposed amendments not recommended by the Planning and Zoning Commission shall become effective only upon a favorable vote of three-fourths of the members of the City Council. All zoning amendment application forms shall be approved by resolution of the City Council.
3. Penalties for Violation. Violation of the provisions of this chapter or with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall be a violation of this Code of Ordinances. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City from taking such other legal action as is necessary to prevent any violation.
4. Schedule of Fees, Charges, and Expenses. The City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for zoning district changes, zoning permits, appeals, and other matters pertaining to this chapter. The schedule of fees shall be posted in the office of the Zoning Administrator and the City Clerk, and may be altered or amended only by the City Council, as recommended by the Planning and Zoning Commission. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.
5. Complaints Regarding Violations. Whenever a violation of this chapter occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the Zoning Administrator.

The Administrator shall record properly such complaint, immediately investigate, and take action thereon as provided by this chapter.

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CHAPTER 166

SUBDIVISION REGULATIONS

166.01 Purpose	166.10 Minimum Standards of Design and Development
166.02 Application and Jurisdiction	166.11 Inspection of Improvements
166.03 Financial Responsibility	166.12 Maintenance of Improvements
166.04 Improvements Required	166.13 Utilities
166.05 Definitions	166.14 Monumentation
166.06 Plat Approval and Acceptance	166.15 Resubdivision of Land
166.07 Information Required In Plats	166.16 Variations
166.08 Attachments To Final Plat	166.17 Enforcement, Violations and Penalties
166.09 Design Standards Are Minimum	

166.01 PURPOSE. The purpose of this chapter is to establish minimum standards for the design, development and improvement of all new subdivisions and resubdivisions so that existing developments will be protected and so that adequate provisions are made for public services and to promote the health, safety and general welfare.

166.02 APPLICATION AND JURISDICTION. The authority to review the subdivision of land within one-half mile of the corporate limits of the City is granted to the City pursuant to Section 354.9 of the *Code of Iowa*. Any provision in this chapter notwithstanding, the City reserves all rights and authority granted to the City under said section, and specifically those granted under subsection 2 of Section 354.9 of the *Code of Iowa*.

166.03 FINANCIAL RESPONSIBILITY. The subdivider assumes full responsibility for all fees (other than those specifically assumed by the City in written agreement with the subdivider) necessary for compliance with this Code of Ordinances, the *Code of Iowa* and the Code of any other governmental entity having jurisdiction over the tract of land to be platted. These include but are not limited to processing, license, filing, legal and publishing costs, and application fees required by any appropriate governmental entity.

166.04 IMPROVEMENTS REQUIRED. The subdivider shall install and construct all improvements required by these regulations in accordance with the specifications and under the supervision of the Council and to its satisfaction.

166.05 DEFINITIONS. For use in this chapter certain terms or words used herein shall be interpreted or defined as follows:

1. “Alley” means a public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.
2. “Block” means a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or corporate boundaries.
3. “Bond” means any form of security including a cash deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the Council.
4. “Building” means any structure designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels, or property of any kind.

5. "Building line" means a line established on a plat as a restrictive covenant, beyond which no building may be placed. The building lines need not correspond to the front, side or rear yard requirement established in the Zoning Code of the City, and where they do not, the most restrictive requirement will control.
6. "Commission" means the Planning and Zoning Commission of the City.
7. "Cul-de-sac" means a municipal service street with only one outlet and having an appropriate terminal for safe and convenient reversal of traffic movement.
8. "Developer" means the owner of land proposed to be subdivided or the owner's agent.
9. "Easement" means authorization by a property owner for the use by another and for a specified purpose, of any designated part of said owner's property.
10. "Final plat" means the map or drawing, on which the subdivision plan is presented in the form which, if approved by the Council and Commission, will be filed and recorded with the County Recorder.
11. "Frontage" means that side of a lot abutting on a street; the front lot line.
12. "Lot" means a tract of land represented and identified by number or letter designation on an official plat.
13. "Plat" means the graphical representation of the division of land or rights in land, created as the result of a conveyance or condemnation for right-of-way purposes by an agency of the government or other persons having the power of eminent domain.
14. "Preliminary plat" means a study or drawings indicating the proposed manner or layout of the subdivision which is submitted to the Council and Commission for consideration.
15. "Proprietor" means a person who has a recorded interest in land, including a person selling or buying land pursuant to a contract, but excluding persons holding a mortgage, easement or lien interest.
16. "Public improvement" means any drainage ditch, roadway, parkway, sidewalk, pedestrian crosswalk, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.
17. "Right-of-way" means a strip of land occupied, or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for another special use. The usage of the term "right-of-way" for land platting purposes means that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.
18. "Roadway" means that portion of the street available for vehicular traffic, and where curbs are laid, the portion from back to back of curbs.

19. “Street” means a general term used to describe a public right-of-way which provides a channel for vehicular and pedestrian movement, and may provide for vehicular and pedestrian access to properties adjacent to it, and which may also provide space for the location of utilities (both above and below ground).

20. “Subdivider” means any person or legal entity undertaking the subdivision or resubdivision of a tract or parcel of land.

21. “Subdivision” means the division of a separate tract of land into three or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new street is involved, any division of a parcel of land.

22. “Subdivision plat” means the graphical representation of the subdivision of land, prepared by a registered land surveyor, having a number or letter designation for each lot within the plat and a succinct name or title that is unique for the County where the land is located.

23. “Surveyor” means a registered land surveyor who engages in the practice of land surveying pursuant to Chapter 542B.

166.06 PLAT APPROVAL AND ACCEPTANCE. Procedures for plat approval and acceptance are as follows:

1. Preliminary Approval by Commission. Whenever the owner of any tract or parcel of land is required by law to secure the approval of the Commission or of the Council to any plat or subdivision, said owner shall file said preliminary plat in triplicate, together with any other required information, with the Clerk. Two copies of said plat and other information shall be referred by the Clerk to the Commission for its preliminary study and approval. Such preliminary plat shall contain such information and data as outlined in Section 166.07(1).

2. Study of Preliminary Plat by the Commission. The Commission shall study such preliminary plat and other information submitted to see if it conforms with the requirements of this chapter and shall approve or reject such plat and plan within 30 days after the date of the submission thereof to the Commission. The approval of the preliminary plat and plan constitutes authorization to proceed with the preparation of the final plat, but the final plat must be submitted to the Commission and the Council for approval as provided in the following subsection.

3. Final Plat of Subdivision. The subdivider shall also file with the Clerk for submission to the Commission, for its approval or rejection, the final plat and plan of the subdivision which shall contain the data and information outlined in Section 166.07(2) of this chapter. If the Commission approves the final plat and plan, such approval and the date thereof shall be noted on the plat and plan over the signatures of the Chairperson of the Commission.

4. Approval by the Council. After the approval of the final plat and plan by the Commission, it shall be submitted to the Council for final approval and for acceptance of all streets, alleys, easements, parks, or other areas preserved for or dedicated to the public.

5. Approval by the Council after the Disapproval of the Commission. If the Commission does not approve the final plat and plan of the subdivision, the Council may approve said plat and plan and accept the streets, alleys, easements, parks or other areas preserved for or dedicated to the public by said plat or plan, only by a minimum four-fifths vote of the entire membership of the Council.

6. Filing in Office of Clerk. After approval of the final plat and plan by the Council, two copies of such final plat and plan shall be filed in the office of the Clerk.

166.07 INFORMATION REQUIRED IN PLATS. Plat information requirements are as follows:

1. Preliminary Plat. The preliminary plat shall be drawn to scale and shall show the proposed location and width of streets, lot lines, building lines, and areas of each proposed lot. The plat shall also show surrounding streets, lots, water courses, sewers and water mains. The scale of such preliminary plat shall not be less than one inch to 100 feet. Wherever the land is so rolling or rugged that the preliminary location and grades of streets and sewers cannot be properly considered without the aid of a topographical map, the Commission may require the developer to provide a topographical map of the property showing contour intervals of not less than five feet. Any plat not containing all information specified above shall not be considered by the Commission.
2. Final Plat. The final plat on a reproducible original and two prints thereof shall be submitted to the Commission. It shall show:
 - A. The boundaries of the property.
 - B. The lines of all proposed streets and alleys, with their widths and names, and any other areas intended to be dedicated to public use; the names of the streets shall be a continuation of the existing method of naming streets in the City.
 - C. The lines of adjoining streets and alleys, with their widths and names.
 - D. All lot lines, building lines and easements, with figures showing their dimensions.
 - E. All dimensions, both linear and angular, necessary for locating boundaries of the subdivided area or of the lots, streets, alleys, easements, and building line setbacks, and any other similar public or private uses. The linear dimensions shall be expressed in feet and decimals of a foot.
 - F. Radii, arcs, and chords, points of tangency, central angles for all circilinear streets, and radii for all rounded corners.
 - G. All monuments, together with their description. (See Section 166.14 for details).
 - H. Title and description of property subdivided, showing its location and extent, points of compass, scale of plan, classification of property under zoning law, and name of subdivider and of registered land surveyor staking the lots.
 - I. Profiles may be required of any streets.
 - J. Any private restrictions shall be shown on the plat or reference made to them thereon; and plats shall contain proper acknowledgments of owners and mortgagees accepting said platting and restrictions.

166.08 ATTACHMENTS TO FINAL PLAT. The final plat shall have the following attached to it:

1. A statement by the proprietors and their spouses, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged

before an officer authorized to take the acknowledgments of deeds. The statement by the proprietors may also include a dedication to the public of all lands within the plat that are designated for streets, alleys, parks, open areas, school property, or other public use, if the dedication is approved by the Council.

2. An opinion by an attorney-at-law who has examined the abstract of title of the land being platted. The opinion shall state the names of the proprietors and holders of mortgages, liens or other encumbrances on the land being platted and shall note the encumbrances, along with any bonds securing the encumbrances. Utility easements shall not be construed to be encumbrances for the purpose of this section.

3. A certificate of the County Treasurer that the land is free from certified taxes and certified special assessments or that the land is free from certified taxes and that the certified special assessments are secured by bond in compliance with Section 354.12 of the *Code of Iowa*.

4. A statement from the mortgage holders or lienholders, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgment of deeds. An affidavit and bond as provided for in Section 354.12 of the *Code of Iowa* may be recorded in lieu of the consent of the mortgage or lienholder. When a mortgage or lienholder consents to the subdivision, a release of mortgage or lien shall be recorded for any areas conveyed to the City or dedicated to the public.

5. A statement of restriction of all types that run with the land and become covenants in the deeds of lots.

6. A resolution and certificate for approval by the Council and for signatures of the Mayor and Clerk.

7. The performance bond and maintenance bond, if any.

166.09 DESIGN STANDARDS ARE MINIMUM. The standards and details 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. In the design and development of the subdivision, however, the subdivider shall use standards consistent with the site conditions so as to assure an economical, pleasant and durable neighborhood.

166.10 MINIMUM STANDARDS OF DESIGN AND DEVELOPMENT. No preliminary or final plat of a subdivision shall be approved by either the Commission or by the Council unless it conforms to the minimum standards and requirements contained in this chapter.

1. Acre Subdivision. Whenever the area is divided into lots containing one or more acres and there are indications that such lots will eventually be subdivided into small building plots, consideration must be given to the street and lot arrangement of the original subdivision so that additional streets can be opened which will permit a logical arrangement of smaller lots.

2. Relation to Adjoining Street System. The arrangement of streets in new subdivisions shall make provisions for the continuation of the principal existing streets in adjoining additions (or their proper projection where adjoining property is not subdivided) insofar as they may be necessary for public requirements. The width of such streets in new subdivisions shall not be less than the minimum street widths established herein. The street and alley arrangement must also be such as to cause no hardship to owners of adjoining property when they plat their own land and seek to

provide for convenient access to it. Whenever there exists a dedicated or platted half-street or alley adjacent to the tract to be subdivided, the other half of the street or alley shall be platted.

3. Streets in Relation to Railroads. When the area to be subdivided adjoins a railroad right-of-way, no street shall be dedicated which is parallel or approximately parallel to the railroad, unless it is 100 feet or more from the line of the railroad right-of-way.

4. Street Right-of-Way Width. The minimum width of street rights-of-way shall be 60 feet.

5. Street Width. The minimum width of streets shall be 20 feet, except in those cases where topographical conditions, existing streets, or special conditions make a street of less width more suitable. Under these conditions the Commission may waive the minimum requirements.

6. Street Jogs at Intersections. At street intersections, street jogs with centerline offsets of less than 125 feet shall be prohibited, except where topographic or other physical conditions make such jogs unavoidable.

7. Street Angles at Intersections. Streets shall intersect as nearly at right angles as possible.

8. Dead-end Streets. Dead-end streets are prohibited except where a street is planned to continue past the subdivider's property. A dead-end street shall terminate in a temporary circular right-of-way with a minimum diameter of 90 feet, unless the Commission approves an equally safe and convenient space. The length of the cul-de-sac shall be measured along its centerline from the turn-around to the intersecting point.

9. Alleys. The minimum width of an alley shall be 20 feet. (Alleys are not recommended for residential districts except under unusual conditions.)

10. Easements Where There Are No Alleys. Where alleys are not provided, easements of not less than six feet in width shall be provided on each side of all rear lot lines and on those side lines where necessary for poles, wires, conduits, storm and sanitary sewers, gas, water, and heat mains. Easements of greater width may be required along lines or across lots where necessary for the extension of main sewers and similar utilities.

11. Lot Lines. All side lines of lots shall be at right angles to straight street lines or radial to curved street lines, unless a variation of this rule will give a better street and lot plan. Lots with double frontage shall be avoided.

12. Size and Shape of Lots. The minimum dimensions for lots shall be 80 feet for width and 100 feet for depth, and in no case shall a lot that is to be used for residential purposes contain less area than is required by the lot area regulation of the zoning district in which the property is located. In laying out an arrangement of lots, the subdivider should, whenever possible, arrange for wide, shallow lots and avoid long, narrow lots.

13. Corner Lots. All corner lots shall have extra width sufficient to permit the maintenance of building lines on both the front end and side streets as required by any applicable zoning regulations.

14. Building Lines. Building lines shall be shown on all lots intended for residential use of any character, and on commercial lots immediately adjoining

residential areas. Such building lines shall not be less than required by any applicable zoning regulations.

15. Character of Development. The Commission shall confer with the subdivider regarding the type and character of development that will be permitted in the subdivision, and may require that certain minimum deed restrictions be placed upon the property, which restrictions would prevent such construction which would clearly depreciate the character and value of adjoining property. The Commission may also require that the deed restrictions provide for the creation of a property owners' association which would be responsible for the enforcement of the restrictions and for the protection and improvement of the general welfare of the subdivision.

16. Improvements. Before any portion of the final plat of any subdivision is finally approved for recording, the subdivider shall make and install improvements as required in paragraphs A through H of this subsection, in that portion of the plat which is to be finally recorded. In lieu of final completion of the minimum improvements before the plat is finally approved, the subdivider may be required to post a bond, approved by the City Attorney, with the City, which bond will insure to the City that the improvements (with the exception of the surfacing of streets) will be completed by the subdivider within one year after final approval of the plat. The amount of the bond shall be not less than the estimated cost of the improvements, and the amount of the estimate must be approved by a registered engineer. If the improvements are not completed within the specified time, the Council may use the bond or any necessary portion thereof to complete the same.

A. Grading and Improving Streets. The subdivider shall grade and improve all streets and alleys (if any) within the subdivision. The surfacing of such streets and alleys shall be of such character as is suitable for the expected traffic and in harmony with similar improvements in the surrounding areas, but in no case shall it consist of less than a minimum granular base of six inches of crushed rock. The street design shall be certified by a registered professional engineer. When 50 percent of the lots within the subdivision have sold, but not sooner than two years from the installation of utilities within the right-of-way, the subdivider shall surface or cause to be surfaced roadways to the widths prescribed in these regulations. Said surfacing shall be of Portland concrete or asphalt. Adequate provision shall be made for culverts, drains, and bridges. The design and specifications for all road pavement, shoulders, drainage improvements and structures, curbs, turnarounds, and sidewalks shall be approved by the City. For those subdivisions within the corporate limits of the City, the City shall assume responsibility for final surfacing of the roadway.

B. Grading and Improving Lots. Whenever necessary, the subdivider shall grade any portion of the property subdivided into lots so that each lot that is to be offered for sale will be usable and suitable for the erection of residential or any structure thereon.

C. Sanitary Sewers. The subdivider shall install sanitary sewers and provide a connection for each lot. Such installations shall be in accordance with good engineering practices, shall be in compliance with this Code of Ordinances, shall be shown on plans drawn by a registered engineer and shall meet the sanitation provisions of the City, County, State Health Department and the State Department of Natural Resources. For those subdivisions within the corporate limits of the City, the City shall assume responsibility for the

extension of sewer mains to allow reasonable connection to individual lots within the subdivision.

D. Storm Sewers. Where deemed necessary by the Commission, the developer shall install a storm sewer adequate to serve the platted area. The design of the storm sewer system shall be certified by a registered professional engineer.

E. Water Mains. The subdivider shall install water mains and fire hydrants in the subdivided area. Such installations shall be in accordance with the ordinances of the City and standards of the State Department of Natural Resources, and fire hydrant locations should meet the approval of the City. The design of the water mains shall be certified by a registered professional engineer. For those subdivisions within the corporate limits of the City, the City shall assume responsibility for the extension of water mains to allow reasonable connection to individual lots within the subdivision.

F. Other Improvements. It is also desirable to install other improvements such as sidewalks, telephone, security lighting, and cable lines, and similar facilities in any subdivision. Whenever the Commission deems it necessary, they may require that such improvements shall be installed before the plat is approved. For those subdivisions within the corporate limits of the City, the City shall assume responsibility for installation of security lighting.

G. Trees. The subdivider may plant trees in subdivisions whenever there are no existing woodlands. In order to protect sidewalks, sewers and water mains, the Commission may prevent the planting of trees on the parking area and certain species that are subject to disease or pests or which may eventually become nuisances because of the growth of their roots in the service utilities.

H. Sump Pumps. Where storm sewers are required, all lots adjacent thereto shall be provided with connections for sump pumps to the main prior to approval of any plat, the inlet for which connections shall be installed on each lot and not in the right-of-way. The location of such connections shall be shown on either the preliminary or final plat.

The subdivider may request the Council to provide the materials necessary for the water, sanitary sewer, and storm sewer systems within the subdivision to be developed.

166.11 INSPECTION OF IMPROVEMENTS. The Council shall provide for inspection of required improvements during construction and insure their satisfactory completion. The subdivider shall pay to the City an inspection fee equal to the actual cost of inspection. These fees shall be due and payable upon demand of the City and no building permits or certificates of occupancy shall be issued until all fees are paid. The subdivider shall furnish the Council with a construction schedule prior to the commencement of any and all construction, and notify the City not less than 24 hours in advance of readiness for required inspections.

166.12 MAINTENANCE OF IMPROVEMENTS. Improvements shall be maintained and a maintenance bond provided as follows:

1. Maintenance of Improvements Before Acceptance. The subdivider shall be required to maintain all improvements on the individual subdivided lots and provide for snow removal on streets and sidewalks, if required, until acceptance of said improvements by the Council. If there are any residents of the subdivision residing on

a street not dedicated to the City, the City may, on 12 hours' notice, plow the street or effect emergency repairs and charge same to subdivider.

2. Maintenance Bond. The subdivider may, at the discretion of the City, be required to file a maintenance bond with the governing body, prior to dedication, in an amount considered adequate by the Council and in a form satisfactory to the City Attorney, in order to assure the satisfactory condition of the required improvements for a period of five years after the date of their acceptance by the governing body and dedication of same to the City.

166.13 UTILITIES. The following shall apply to the provision of utilities:

1. Location. The Council may require that all utility facilities, including, but not limited to gas, electric power, telephone, and CATV cables, be located underground throughout the subdivision. All utility facilities existing and proposed throughout the subdivision shall be shown on the preliminary plat. Underground service connections to the street property line of each platted lot shall be installed at the subdivider's expense. At the discretion of the Council, the requirement for service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership and intended to be developed for the same primary use.

2. Easements. Easements shall be provided as follows:

A. Easements centered on rear lot lines shall be provided for utilities. Such easements shall be at least 12 feet wide. Proper coordination shall be established between the subdivider and the applicable utility companies for the establishment of utility easements established in adjoining properties.

B. Where topographical or other conditions are such as to make impractical the inclusion of utilities within the rear lot lines, perpetual unobstructed easements at least 12 feet in width shall be provided alongside lot lines with satisfactory access to the street or rear lot lines. Easements shall be indicated on the plat.

166.14 MONUMENTATION. Monuments shall be in conformance with the following requirements:

1. The surveyor shall confirm the prior establishment of control monuments at each controlling corner on 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.

2. Control monuments shall be placed at the following locations:

A. Each corner and angle point of each lot, block, or parcel of land surveyed.

B. 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.

C. Each point of curve, tangency, reversed curve, or compounded curve on each right-of-way line established.

3. 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.

4. 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 the 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.

166.15 RESUBDIVISION OF LAND. The following requirements shall govern the resubdividing of land.

1. Procedure for Resubdividing. For any change in a map of an approved or recorded subdivision plat, if such change affects any street layout shown on such map, or area reserved for public use indicated on the map, or any lot line, or if it affects any map or plan legally established prior to the adoption of any regulations controlling subdivisions, such parcel shall be approved by the same procedure, rules, and regulations as for a subdivision.

2. Acreage Lots. Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one acre of land and there are indications that such lots will eventually be resubdivided into smaller building sites, the Commission and Council may require that such parcel of land allow for future opening of streets and the ultimate extension of adjacent streets. Easements providing for the future opening and extension of such streets may be made a requirement of the plat.

166.16 VARIATIONS. Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of this chapter would result in real difficulties and substantial hardships, the Commission may vary or modify such requirements so that the subdivider is allowed to develop the property in a reasonable manner, but at the same time the public welfare and interests of the City are protected and the general intent and spirit of this chapter are preserved.

166.17 ENFORCEMENT, VIOLATIONS AND PENALTIES. No plat or subdivision within the City shall be filed or recorded with the County, or shall any plat or subdivision have any validity until it complies with these regulations, has been approved by the Council as herein set forth, and further:

1. Building Permits. The City shall not issue building or repair permits for any structure located on a lot in any subdivision, the plat of which has been prepared after the date of the adoption of this Code of Ordinances but which has not been approved in accordance with the provisions contained herein. An original tract may be divided into two lots or tracts and not be subject to the provisions of this section. If an original tract shall be divided into more than two lots or tracts after the date of the adoption of this Code of Ordinances, no building or repair permits shall be issued for any structure located or proposed to be located on any of such tracts or lots, unless or until a plat as required by this chapter has been fully approved by the Council.

2. Public Improvements. The Council shall not permit any public improvement over which it has any control to be made or any money expended for improvements in any area that has been subdivided or upon any street that has been platted after the date

of the adoption of this Code of Ordinances unless such subdivision or street has been approved in accordance with the provisions contained therein.

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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 follows:

ORDINANCE NO. ____**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ST. ANSGAR, IOWA, BY ADDING A NEW SECTION LIMITING PARKING TO 30 MINUTES ON A PORTION OF SOUTH BOONE STREET**

BE IT ENACTED by the City Council of the City of St. Ansgar, Iowa:

SECTION 1. NEW SECTION. The Code of Ordinances of the City of St. Ansgar, 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. South Boone Street, on the west side, from Forest Avenue to Mason Drive.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the Council the ____ day of _____, 20____, and approved this ____ day of _____, 20____.

Mayor

ATTEST:

City Clerk

First Reading: _____

Second Reading: _____

Third Reading: _____

I certify that the foregoing was published as Ordinance No. ____ on the ____ day of _____, 20____.

City Clerk

DELETION OF EXISTING PROVISIONS

Provisions may be removed from the Code of Ordinances by deleting SUBSECTIONS, SECTIONS or CHAPTERS as follows:

ORDINANCE NO. ____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ST. ANSGAR, IOWA, BY REPEALING SECTION 65.02, SUBSECTION 5, PERTAINING TO THE SPECIAL STOP REQUIRED ON LAKE BOULEVARD

BE IT ENACTED by the City Council of the City of St. Ansgar, Iowa:

SECTION 1. SUBSECTION REPEALED. The Code of Ordinances of the City of St. Ansgar, Iowa, is hereby amended by repealing Section 65.02, Subsection 5, which required vehicles traveling south on Lake Boulevard to stop at Second Place North.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the Council the ____ day of _____, 20 ___, and approved this ____ day of _____, 20 ____.

Mayor

ATTEST:

City Clerk

First Reading: _____

Second Reading: _____

Third Reading: _____

I certify that the foregoing was published as Ordinance No. ____ on the ____ day of _____, 20 ____.

City Clerk

MODIFICATION OR CHANGE OF EXISTING PROVISION

Existing provisions may be added to, partially deleted, or changed as follows:

ORDINANCE NO. ____**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE
CITY OF ST. ANSGAR, IOWA, BY AMENDING PROVISIONS
PERTAINING TO SEWER SERVICE CHARGES**

BE IT ENACTED by the City Council of the City of St. Ansgar, Iowa:

SECTION 1. SECTION MODIFIED. Section 99.02 of the Code of Ordinances of the City of St. Ansgar, Iowa, is repealed and the following adopted in lieu thereof:

99.02 RATE. Each customer shall pay sewer service charges in the amount of 100 percent of the bill for water and water service attributable to the customer for the property served, but in no event less than \$10.00 per month.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the Council the ____ day of _____, 20 __, and approved this ____ day of _____, 20 __.

Mayor

ATTEST:

City Clerk

First Reading: _____

Second Reading: _____

Third Reading: _____

I certify that the foregoing was published as Ordinance No. ____ on the ____ day of _____, 20 __.

City Clerk

**ORDINANCES NOT CONTAINED IN THE
CODE OF ORDINANCES**

There are certain types of ordinances which the City will be adopting which do not have to be incorporated in the Code of Ordinances. These include ordinances: (1) establishing grades of streets or sidewalks; (2) vacating streets or alleys; (3) authorizing the issuance of bonds; and (4) amending the zoning map.

(Code of Iowa, Sec. 380.8)

ORDINANCE NO. ____**AN ORDINANCE VACATING THE ALLEY LYING IN BLOCK TWO
RAILROAD ADDITION TO ST. ANSGAR, IOWA**

Be It Enacted by the City Council of the City of St. Ansgar, Iowa:

SECTION 1. The alley lying in Block Two, Railroad Addition to St. Ansgar, 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 St. Ansgar, 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 St. Ansgar, 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 St. Ansgar, 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 St. Ansgar, Iowa

By: _____
(enforcement officer)

**RESOLUTION AND ORDER
REGARDING DANGEROUS BUILDING**

BE IT RESOLVED, by the City Council of the City of St. Ansgar, 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 St. Ansgar, 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 St. Ansgar, Iowa

By: _____, _____
(Name) (Title)

RESOLUTION AND ORDER
REQUIRED SEWER CONNECTION

BE IT RESOLVED, by the City Council of the City of St. Ansgar, 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

**APPLICATION FOR ADMINISTRATIVE REVIEW
TO THE BOARD OF ADJUSTMENT****CITY OF ST. ANSGAR**Basic Instructions and Questions

- I. The Board of Adjustment will hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Administrative Official in the enforcement of the City Ordinance.
- II. Complete the following questions as accurately and completely as possible. Include any rough drawings or other material that may be relevant to this request for Administrative Review.

- III. Legal description of area in proposed conflict:

- IV. Layman's description or address:

- V. Zoning District: _____

- VI. Brief description of reason for Administrative Review:

- VII. General Information:

Name of Person making request: _____

Address: _____

Telephone: _____

(Office Use Only)

Case Number _____

Date of Board of Adjustment Meeting _____

POLICY STATEMENT OF THE BOARD OF ADJUSTMENT

It is the policy of the Board of Adjustment for the City of St. Ansgar, Iowa, to grant or deny Administrative Reviews, Special Exceptions or Variances in accordance with the provisions of the Zoning Ordinance of the City. The intent of a particular District Regulation of the Zoning Ordinance shall take precedence over personal convenience of an applicant. Approvals shall be granted only when the applicant can prove that literal enforcement of a provision of the City Ordinance will result in unnecessary hardship.

No approval shall be granted unless the above provisions have been met and the appropriate application completed.

I certify that the attached application is complete and true to the best of my knowledge:

Owner(s)

CERTIFICATION:

Department of _____

Director of _____

Filing Fee: _____

City Clerk

(Date)

**PETITION
TO AMEND THE ZONING ORDINANCE
OF THE CITY OF ST. ANSGAR, IOWA**

The City Council of the City of St. Ansgar:

The undersigned is the owner of the following described property located in St. Ansgar, Iowa, and requests that an Amendment be made to the Zoning Ordinance of the City of St. Ansgar, Iowa.

Requested Action: _____

Legal Description: _____

Layman’s Description or Address: _____

Size of Tract: _____

Comprehensive Land Use Plan Reference: _____

Topography: _____

Available Utilities: _____

Present Use: _____

Proposed Use: Residential _____ (Multi-Family _____) (Single-Family _____)
Commercial _____
Industrial _____

Additional Comments: _____

Applicant's Name: _____

Address: _____

Telephone: _____

Date property purchased: _____ / _____ / _____

Is an offer on property pending: Yes _____ No _____

Applicant's Signature _____ Date _____
_____ Date _____

Planning Certification _____ Date _____

Case Number: _____

Filing Fee Paid: _____

City Clerk's Office _____ Date _____

Routing: To City Council _____ / _____ / _____

To Planning and Zoning _____ / _____ / _____

**APPLICATION FOR SPECIAL EXCEPTION
TO THE BOARD OF ADJUSTMENT**

CITY OF ST. ANSGAR

BASIC INSTRUCTIONS:

- I. The following application must be completed as accurately and completely as possible in order for the Board of Adjustment to fully assess this request. Application should be submitted at least 21 days in advance of Board meeting.
- II. A rough layout of the proposed location for the special exception shall be attached to this application.
- III. The owner of the property for which a special exception is sought and/or owner's agent shall be notified of the time and date of required public hearings. Notice of such hearing(s) will also be published and posted on the property of the requested special exception.

(Office Use Only)

Case Number _____

Date of Board of Adjustment Meeting: _____

The undersigned is the owner of the following described property located in St. Ansgar, Iowa, and is hereby requesting a Special Exception under the provisions of the Zoning Ordinance of the City for the purpose of:

I. _____

II. Legal Description of Property: _____

III. Layman's Description or Address: _____

IV. Zoning District: _____

V. Are there properties in your District which are presently being used for similar purposes: YES _____ NO _____

VI. Briefly describe the need for which a Special Exception is being requested: _____

VII. Will granting the Special Exception substantially increase traffic or use additional parking spaces? _____

VIII. Site Conditions:

a) Topographical Characteristics: _____

b) Available Utilities: _____

c) Present Use: _____

d) Proposed Use: _____

IX. Owners of Record:

a) Name: _____

b) Address: _____

c) Telephone No.: _____

**APPLICATION FOR VARIANCE REQUEST TO THE
BOARD OF ADJUSTMENT**

CITY OF ST. ANSGAR, IOWA

BASIC INSTRUCTIONS:

- I. Prior to board action there shall be no construction or alteration on the proposed site of the variance.
- II. At least eight days in advance of the scheduled Board of Adjustment meeting, in which a case shall be reviewed, the building or addition must be staked for board members to review.
- III. A rough layout of the proposed development showing lot lines, streets, dimensions and other appropriate data shall be attached to this application.
- IV. In order for the Board of Adjustment to fully assess this application all questions must be answered as accurately and completely as possible.

(Office Use Only)

Case Number _____

Date of Board of Adjustment Meeting _____

The undersigned is the owner of the following described property located in St. Ansgar, Iowa, and is hereby requesting a variance under the provisions of the Zoning Ordinance of the City for the purpose of:

- I. _____

- II. Describe any irregularities in your lot (peculiar shape, narrowness, contours, etc.) or buildings that prohibit your building or improvement without a variance: _____

- III. Provide examples of properties in your area that are enjoying the benefits for which you are applying: _____

- IV. Had the applicant conducted improvements in the past or altered the shape of the lot for which he/she is applying for a variance: _____
- V. In what year was the property purchased? _____
- VI. Legal description of property: _____

- VII. Layman's description or address: _____
- VIII. Zoning District: _____
- IX. Site Conditions:
- a) Land Topography: _____
 - b) Available Utilities: _____
 - c) Present Use: _____
 - d) Proposed Use: _____
- X. Owners of Record:
- a) Name: _____
 - b) Address: _____
 - c) Phone: _____

**APPLICATION FOR A ZONING/BUILDING PERMIT
City of St. Ansgar**

Permit Number _____

Applicant _____ Date _____

Address _____ Phone _____

Legal Description of Property _____

Existing Buildings or Structures on Property _____

Zoning Classification _____ Lot Size _____ Square Footage of Lot _____

Ownership: Private _____ Public _____

Type of Improvement

_____ New Building _____ Garage _____ Addition _____ Storage Shed _____ Fence _____ Sign _____
 _____ Sidewalk _____ Deck Other _____ (please list)

Front Yard Width _____ Side Yard Width _____ Rear Yard Width _____

Building Width _____ Foundation _____ Parking Spaces Provided _____

Principal Use _____ Accessory Use _____

Beginning Construction Date _____ Completion Date _____

Cost of Improvement \$ _____

Principal Type of Frame: _____ Masonry _____ Wood Frame _____ Structural Steel _____ Other _____

Principal Type of Heating Fuel: _____ Natural Gas _____ Electricity _____ Other _____

Type of Water Supply: _____ Public _____ Private _____

Type of Sewage Disposal: _____ Public _____ Private _____

A SITE PLAN SHOWING THE LOCATION AND DIMENSIONS OF THE PROPOSED DEVELOPMENT SHALL ACCOMPANY THE APPLICATION. THE APPLICANT CERTIFIES THAT THE ABOVE INFORMATION IS TRUE AND ACCURATE AND THAT THE ABOVE CONSTRUCTION WILL COMPLY WITH THE ZONING ORDINANCE IN ALL RESPECTS. ZONING/BUILDING PERMITS SHALL BE APPLIED FOR WITH THE CITY ADMINISTRATOR AND SHALL EXPIRE TWO YEARS AFTER THE DATE OF ISSUANCE IF WORK IS BEGUN WITHIN 180 DAYS OF ISSUANCE OR AFTER 180 DAYS IF NO SUBSTANTIAL BEGINNING OF CONSTRUCTION HAS OCCURRED. EXTENSIONS OF TIME MAY BE GRANTED IN WRITING BY THE ZONING ADMINISTRATOR FOR GOOD CAUSE.

Signature of Applicant_____
Contractor_____
Address

The zoning/building permit is [] Approved [] Denied Permit Fee \$ _____

Zoning Administrator_____
Date

