

CODE OF ORDINANCES
OF THE
CITY OF
COLUMBUS JUNCTION,
IOWA

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CODE OF ORDINANCES
CITY OF COLUMBUS JUNCTION, 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 Columbus Junction, 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 Columbus Junction, Iowa.
3. "Clerk" means the city clerk of Columbus Junction, 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 Columbus Junction, Iowa.
6. "Council" means the city council of Columbus Junction, Iowa.
7. "County" means Louisa County, Iowa.
8. "IAC" means the Iowa Administrative Code.
9. "May" confers a power.
10. "Measure" means an ordinance, amendment, resolution, or motion.
11. "Must" states a requirement.
12. "Occupant" or "tenant," applied to a building or land, includes any person who occupies the whole or a part of such building or land, whether alone or with others.
13. "Ordinances" means the ordinances of the City of Columbus Junction, Iowa, as embodied in this Code of Ordinances, ordinances not repealed by the ordinance adopting this Code of Ordinances, and those enacted hereafter.

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

15. "Public way" includes any street, alley, boulevard, parkway, highway, sidewalk, or other public thoroughfare.

16. "Shall" imposes a duty.

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

18. "State" means the State of Iowa.

19. "Statutes" or "laws" means the latest edition of the *Code of Iowa*, as amended.

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

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

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

(Code of Iowa, Sec. 364.1)

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

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

to appear and defend. A judgment obtained in the suit is conclusive in any action by the City against any person so notified, as to the existence of the defect or other cause of the injury or damage, as to the liability of the City to the plaintiff in the first named action, and as to the amount of the damage or injury. The City may maintain an action against the person notified to recover the amount of the judgment together with all the expenses incurred by the City in the suit.

(Code of Iowa, Sec. 364.14)

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

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

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

(Code of Iowa, Sec. 380.2)

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

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

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

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

1.13 GENERAL STANDARDS FOR ACTION. Whenever this Code of Ordinances grants any discretionary power to the Council or any commission, board, or officer or employee

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

1.14 STANDARD PENALTY. Unless another penalty is expressly provided by this Code of Ordinances for violation of any particular provision, section, or chapter, any person failing to perform a duty required by this Code of Ordinances or otherwise violating any provision of this Code of Ordinances or any rule or regulation adopted herein by reference shall, upon conviction, be subject to a fine of at least \$105.00 but not to exceed \$855.00. The court may order imprisonment not to exceed 30 days in lieu of a fine or in addition to a fine.[†]

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

[The next page is 9]

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

CHAPTER 2

CHARTER

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

2.01 TITLE. This chapter may be cited as the charter of the City of Columbus Junction, Iowa.[†]

2.02 FORM OF GOVERNMENT. The form of government of the City is the Mayor-Council form of government.
(Code of Iowa, Sec. 372.4)

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

2.04 NUMBER AND TERM OF COUNCIL. The Council consists of five Council Members elected at large for overlapping terms of four years.
(Code of Iowa, Sec. 376.2)

2.05 TERM OF MAYOR. The Mayor is elected for a term of four years.
(Code of Iowa, Sec. 376.2)

2.06 COPIES ON FILE. The Clerk shall keep an official copy of the charter on file with the official records of the Clerk and the Secretary of State, and shall keep copies of the charter available at the Clerk's office for public inspection.
(Code of Iowa, Sec. 372.1[3])

[†] **EDITOR'S NOTE:** Ordinance No. 105 adopting a charter for the City was passed and approved by the Council on June 25, 1975.

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CHAPTER 3

MUNICIPAL INFRACTIONS

3.01 Municipal Infraction
3.02 Environmental Violation
3.03 Penalties

3.04 Civil Citations
3.05 Alternative Relief
3.06 Alternative Penalties

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

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

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

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

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

3.03 PENALTIES. A municipal infraction is punishable by the following civil penalties:

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

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

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 364.22[9])

3.06 ALTERNATIVE PENALTIES. This chapter does not preclude a peace officer from issuing a criminal citation for a violation of this Code of Ordinances or regulation if criminal

penalties are also provided for the violation. Nor does it preclude or limit the authority of the City to enforce the provisions of this Code of Ordinances by criminal sanctions or other lawful means.

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

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CHAPTER 5

OPERATING PROCEDURES

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

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

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

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

(Code of Iowa, Sec. 63.1)

2. Prescribed Oath. The prescribed oath is: "I, (name), do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Iowa, and that I will faithfully and impartially, to the best of my ability, discharge all duties of the office of (name of office) in Columbus Junction 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[1a] and [3])

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

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

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

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

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

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

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

1. 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, volunteer firefighter as defined in Section 85.61 of the *Code of Iowa*, emergency medical care provider as defined in Section 147A.1 of the *Code of Iowa*, or employee holding more than one City office or position, the holding of which is not incompatible with another public office or is not prohibited by law. This subsection shall not be construed to prohibit nominal stipends, compensation, incentives, or benefits for volunteer firefighters or emergency medical care providers.

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

(Subsection 1 – Ord. 3 – Sep. 25 Supp.)

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

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

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

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

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

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

5. Newspaper. The designation of an official newspaper.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 372.15)

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

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

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

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CHAPTER 6

CITY ELECTIONS

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

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

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

(Code of Iowa, Sec. 376.3)

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

(Code of Iowa, Sec. 45.1)

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

(Code of Iowa, Sec. 45.2)

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

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

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

(Code of Iowa, Sec. 45.4)

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

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

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CHAPTER 7

FISCAL MANAGEMENT

7.01 Purpose
7.02 Finance Officer
7.03 Cash Control
7.04 Fund Control

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

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

7.02 FINANCE OFFICER. The 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, and 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.

(545 IAC 2.5[2])

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

(545 IAC 2.5[3])

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

(545 IAC 2.5[4])

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

- A. The amount of the expenses of disbursements for operating and maintaining the utility or enterprise for the preceding three months; and
- B. The amount necessary to make all required transfers to restricted accounts for the succeeding three months.

(545 IAC 2.5[5])

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

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

1. Proposal Prepared. The finance officer is responsible for preparation of the annual budget detail, for review by the Mayor and Council and adoption by the Council in accordance with directives of the Mayor and Council.
2. Boards and Commissions. All boards, commissions, and other administrative agencies of the City that are authorized to prepare and administer budgets must submit their budget proposals to the finance officer for inclusion in the proposed City budget at such time and in such form as required by the Council.
3. Submission to Council. The finance officer shall submit the completed budget proposal to the Council each year at such time as directed by the Council.
4. Resolution Establishing Maximum Property Tax Dollars. The Council shall adopt a resolution establishing the total maximum property tax dollars that may be certified for levy that includes taxes for City government purposes under *Code of Iowa* Section 384.1, for the City's trust and agency fund under *Code of Iowa* Section 384.6, Subsection 1, for the City's emergency fund under *Code of Iowa* Section 384.8, and for

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

(Code of Iowa, Sec. 384.15A)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 384.18)

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

(545 IAC 2.2)

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

(545 IAC 2.3)

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

(545 IAC 2.4)

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

(545 IAC 2.4)

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

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

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

3. Checks. Checks shall be prenumbered and signed by the Mayor and Clerk following Council approval, except as provided by Subsection 5 hereof.

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

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

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

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

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

(Code of Iowa, Sec. 384.22)

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CHAPTER 8

URBAN REVITALIZATION AREA

8.01 Boundaries of Area
8.02 Assessed Valuation
8.03 Owners of Record

8.04 Zoning Classifications
8.05 City Services
8.06 Tax Abatement

8.01 BOUNDARIES OF AREA. The legal description of the real estate forming boundaries of the proposed area are the existing corporate boundaries of the City.

8.02 ASSESSED VALUATION. The existing assessed valuation of the real estate in the proposed area, as divided between land and buildings is as follows:

1. Land\$ 5,051,188.00
2. Buildings\$19,079,220.00

8.03 OWNERS OF RECORD. The names and addresses of the owners of record of the real estate within the area of Columbus Junction are as set forth in the records of the Auditor of Louisa County, Iowa.

8.04 ZONING CLASSIFICATIONS. The existing zoning classifications and district boundaries and the existing and proposed land uses within the area are set forth in Chapter 165 of this Code Ordinances.

8.05 CITY SERVICES. There are no current proposals for improving or expanding City services within the area contemplated herein. However, should the Council wish to improve or expand services, this section may be amended.

8.06 TAX ABATEMENT. The revitalization of the City shall be applicable to all districts or uses within the City except agricultural. The abatement shall be effective for the following properties:

1. Industrial Tax Abatement:
 - A. There shall be no tax abatement for rehabilitation of industrial areas.
 - B. For new development of industrial areas or uses there shall be a five year exemption from taxation for the actual value over a five year sliding scale as follows:

(1)	First year	75 percent
(2)	Second year	60 percent
(3)	Third year	45 percent
(4)	Fourth year	30 percent
(5)	Fifth year	15 percent

2. Commercial Tax Abatement. For commercial uses, including C-1 and C-2 classifications in the City:

A. Rehabilitation shall not be abated until such improvement shall exceed 15 percent of the valuation prior to construction. This abatement shall be for a period of three years and shall be complete or 100 percent in nature for the improvement.

B. For construction of new commercial property tax abatement shall be granted on a sliding basis over five years as follows:

- | | | |
|-----|-------------|------------|
| (1) | First year | 75 percent |
| (2) | Second year | 60 percent |
| (3) | Third year | 45 percent |
| (4) | Fourth year | 30 percent |
| (5) | Fifth year | 15 percent |

3. Residential Tax Abatement. For residential tax abatement in the City including R-1 and R-2 classifications:

A. Rehabilitation shall not be abated until such improvement shall exceed 15 percent of the valuation prior to the construction or improvement. This abatement shall be granted over a three year period of time and shall be complete or 100 percent in nature for the increase in taxation.

B. For new residential construction tax abatement shall be granted on a sliding basis over five years as follows:

- | | | |
|-----|-------------|------------|
| (1) | First year | 75 percent |
| (2) | Second year | 60 percent |
| (3) | Third year | 45 percent |
| (4) | Fourth year | 30 percent |
| (5) | Fifth year | 15 percent |

4. The Council has the right to review and modify length and terms of contract per request.

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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 designating Urban Revitalization Areas in the City and remain in full force and effect.		
ORDINANCE NO.	ADOPTED	NAME OF AREA
9	10-14-98	Columbus Junction Urban Renewal Area
30	11-16-05	Columbus Junction Urban Renewal Area 2005
40	1-27-10	2010 Addition to the Columbus Junction Urban Renewal Area

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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 four years.
(Code of Iowa, Sec. 376.2)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15.03 APPOINTMENTS. The Mayor shall appoint the Mayor Pro Tem and the Mayor also appoints, with Council approval, the following officials:

(Code of Iowa, Sec. 372.4)

1. Treasurer
2. Police Chief
3. Library Board of Trustees
4. Housing Appeals Board
5. Parks and Recreation Board
6. Community Development Commission
7. Historic Preservation Commission

15.04 COMPENSATION. The salary of the Mayor is \$3,000.00 per year, paid semiannually.

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

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

(Code of Iowa, Sec. 372.4)

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CHAPTER 16

MAYOR PRO TEM

16.01 Vice President of Council
16.02 Powers and Duties

16.03 Voting Rights
16.04 Compensation

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

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

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

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

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

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

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

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

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CHAPTER 17

CITY COUNCIL

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

17.05 Appointments
17.06 Compensation
17.07 Council Review

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

(Code of Iowa, Sec. 372.4 and 376.2)

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Ch. 26)

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

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

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

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

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

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

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

(Code of Iowa, Sec. 380.4)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Regular Meetings. The time and place of the regular meetings of the Council shall be fixed by resolution of the Council.
2. Special Meetings. Special meetings shall be held upon call of the Mayor or upon the request of a majority of the members of the Council.
(Code of Iowa, Sec. 372.13[5])
3. Quorum. A majority of all Council members is a quorum.
(Code of Iowa, Sec. 372.13[1])
4. Rules of Procedure. The Council shall determine its own rules and maintain records of its proceedings.
(Code of Iowa, Sec. 372.13[5])
5. Compelling Attendance. Any three members of the Council can compel the attendance of the absent members at any regular, adjourned, or duly called meeting, by serving a written notice upon the absent members to attend at once.

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

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

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

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

17.07 COUNCIL REVIEW. Any board, tribunal, committee, and/or body of any form appointed by the Council or performing any functions for the City shall have its decisions and findings reviewed by the City to affirm, reverse, or remand for further findings.

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CHAPTER 18

CITY CLERK

18.01 Appointment and Compensation	18.08 Records
18.02 Powers and Duties: General	18.09 Attendance at Meetings
18.03 Publication of Minutes	18.10 Licenses and Permits
18.04 Recording Measures	18.11 Notification of Appointments
18.05 Other Publications	18.12 Elections
18.06 Authentication	18.13 City Seal
18.07 Certification	18.14 City Funds

18.01 APPOINTMENT AND COMPENSATION. The City Administrator is ex officio City Clerk and has the duties, powers, and functions prescribed in this chapter, by State law, and other ordinances of the City.

(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 and 2])

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

(Code of Iowa, Sec. 362.3)

1. Time. If notice of an election, hearing, or other official action is required by this Code of Ordinances or law, the notice must be published at least once, not less than four or more than 20 days before the date of the election, hearing, or other action, unless otherwise provided by law.
2. Manner of Publication. A publication required by this Code of Ordinances or law must be in a newspaper published at least once weekly and having general circulation in the City.

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

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

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

(Code of Iowa, Sec. 380.11)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18.13 CITY SEAL. The City seal is in the custody of the Clerk and shall be attached by the Clerk to all transcripts, orders, and certificates that it may be necessary or proper to authenticate. The City seal is circular in form, in the center of which are the words "COLUMBUS JUNCTION, IOWA" and around the margin of which are the words "TOWN SEAL."

18.14 CITY FUNDS. The Clerk shall perform the following duties relating to City funds.

(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 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 from special assessments.
6. Deposit Funds. Upon receipt of moneys to be held in the Clerk's custody and belonging to the City, deposit the same in depositories selected by the Council.
7. Debt Service. Keep a register of all bonds outstanding and record all payments of interest and principal.

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CHAPTER 19

CITY TREASURER

19.01 Appointment
19.02 Compensation

19.03 Duties of Treasurer
19.04 Boards and Commissions

19.01 APPOINTMENT. The Mayor shall appoint, subject to Council approval, a City Treasurer to serve at the pleasure of the Council.

19.02 COMPENSATION. The Treasurer is paid such compensation as specified by resolution of the Council.

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

1. 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.
2. Reconciliation with Clerk. Reconcile the Treasurer's books with the Clerk's every month.
3. Other Duties. Perform such other duties as specified by the Council by resolution or ordinance.

19.04 BOARDS AND COMMISSIONS. The City Treasurer is the Treasurer of the Library Board of Trustees, and pays out all money under control of such Board on orders signed by the Chair and Secretary of the Board, but receives no additional compensation for such services.

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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, Clerk, or Council.

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

20.07 ATTENDANCE AT COUNCIL MEETINGS. The City Attorney shall attend meetings of the Council at the request of the Mayor or Council.

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

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

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

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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 Columbus Junction 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 five members. At least two members of the Board will reside within the City limits. The following three Board members can be, but are not limited to, a representative from the rural community area or surrounding community of Columbus Junction (Columbus City or Fredonia). Board members shall be limited to two successive six-year terms, with reappointment permissible following a two-year period of non-service. If the Mayor and Council cannot find someone willing to serve as Board member, current members may continue with longer terms until a replacement is found.

21.03 QUALIFICATIONS OF TRUSTEES. All resident members of the Board shall be bona fide citizens and residents of the City. The nonresident members of the Board shall be bona fide citizens and residents 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. The City Treasurer shall serve as Board Treasurer, but shall not be a member of the Board.

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

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 and 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 and 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)

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CHAPTER 22

PLANNING AND ZONING COMMISSION

22.01 Planning and Zoning Commission
22.02 Term of Office
22.03 Vacancies

22.04 Compensation
22.05 Powers and Duties

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

(Code of Iowa, Sec. 414.6 and 392.1)

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

(Code of Iowa, Sec. 392.1)

22.03 VACANCIES. If any vacancy exists on the Commission, caused by resignation or otherwise, a successor for the 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 AND RECREATION BOARD

23.01 Parks and Recreation Board Created
23.02 Board Organization
23.03 Duties of the Board

23.04 Reports
23.05 Rules

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

23.02 BOARD ORGANIZATION. The Board shall consist of five members, all residents of the City, appointed by the Mayor with the approval of the Council, for overlapping terms of five years. The Board shall annually choose from its membership a Chairperson, Vice Chairperson, and Secretary. Members shall serve without compensation, but may receive reimbursement for expenses incurred in the performance of their duties. Vacancies shall be filled in the same manner as the original appointment for the balance of the term.

23.03 DUTIES OF THE BOARD. In addition to its duty to make a plan for recreation and for the facilities for recreation, and to update and revise these plans as required, the Board has authority over the properties and personnel devoted to parks and recreation, 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 and recreation operations. The Board shall cooperate with the Mayor in the allotment of time of City employees for parks and recreation purposes. The Chairperson shall order supplies by the procedures established by the Council for all departments of the City, and payment will be made by check written by the Clerk for invoices submitted and approved by the Board.

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

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

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CHAPTER 25

COMMUNITY DEVELOPMENT COMMISSION

25.01 Membership
25.02 Terms of Office
25.03 Qualification for Membership
25.04 Vacancies

25.05 Compensation
25.06 Officers
25.07 Objects and Purposes
25.08 Donations

25.01 MEMBERSHIP. The Community Development Commission consists of five members appointed by the Mayor with the approval of the Council.

25.02 TERMS OF OFFICE. A Commission member's term of office is three years. All terms expire on January 1 and all new terms begin on January 2.

25.03 QUALIFICATION FOR MEMBERSHIP. All members of the Commission shall be residents of the City, and one member shall be a member of the Council at the time of appointment. The Mayor shall serve as an ex-officio member of the Commission, without a vote.

25.04 VACANCIES. Vacancies in the Commission shall be filled by appointment by the Mayor with approval of the Council, such appointees to serve the unexpired term for which appointment is made.

25.05 COMPENSATION. Members of the Commission shall receive no compensation for their services, but actual out-of-pocket expenses shall be reimbursed upon presentation of proper statements to the Secretary-Treasurer of the Commission.

25.06 OFFICERS. The Commission shall elect from its membership a Chairperson, who shall preside at all meetings and a Secretary-Treasurer, who shall be responsible for the minutes and records of the Commission and for all funds of the Commission.

25.07 OBJECTS AND PURPOSES. The principal purpose of the Commission shall be the development of the community, its buildings, industry, employment, health, and welfare.

25.08 DONATIONS. The Commission has the power to accept gifts of real property, personal property, devises and bequests, including trust funds, and to expend the funds received by them from such sources for the primary purpose of the Commission.

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CHAPTER 27

HISTORIC PRESERVATION COMMISSION

27.01 Purpose
27.02 Definitions

27.03 Structure
27.04 Powers

27.01 PURPOSE. The purposes of this chapter are to:

1. Promote the educational, cultural, economic, and general welfare of the public through the recognition, enhancement, and perpetuation of sites and districts of historical and cultural significance;
2. Safeguard the City's historic, aesthetic, and cultural heritage by preserving sites and districts of historic and cultural significance;
3. Stabilize and improve property values;
4. Foster pride in the legacy of beauty and achievements of the past;
5. Protect and enhance the City's attractions to tourists and visitors and the support and stimulus to business thereby provided;
6. Strengthen the economy of the City;
7. Promote the use of sites and districts of historic and cultural significance as places for the education, pleasure, and welfare of the people of the City.

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

1. "Commission" means the Columbus Junction Historic Preservation Commission, as established by this chapter.
2. "Historic District" means an area which contains a significant portion of sites including archaeological sites, buildings, structures, objects, and/or other improvements which, considered as a whole, possesses integrity of location, design, setting, materials, workmanship, feeling, and association, and which area as a whole:
 - A. Embodies the distinctive characteristics of a type, period, or method of construction, or that represents the work of a master, or that possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or
 - B. Is associated with events that have made significant contributions to the broad patterns of our local, state or national history; or
 - C. Possesses a coherent and distinctive visual character or integrity based upon similarity of scale, design, color, setting, workmanship, materials, or combinations thereof, which is deemed to add significantly to the value and attractiveness of properties within such area.
 - D. Is associated with the lives of persons significant in our past; or
 - E. Has yielded, or may be likely to yield, information important in prehistory or history.

3. "Historic site" means site including archaeological sites, object, structure, or building which:
 - A. Is associated with events that have made a significant contribution to the broad patterns of our history; or
 - B. Is associated with the lives of persons significant in our past; or
 - C. Embodies the distinctive characteristics of a type, period, or method of construction, or that represents a work of a master, or that possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or
 - D. Has yielded, or may be likely to yield, information important in prehistory or history.

27.03 STRUCTURE.

1. The Commission shall consist of six members, a least four of which shall be residents of the City.
2. Members of the Commission shall be appointed by the Mayor with the advice and consent of the City Council. Members shall demonstrate a positive interest in historic preservation, possessing interest or expertise in architecture, architectural history, historic preservation, city planning, building rehabilitation, conservation in general, or real estate.
3. The original appointment of the members of the Commission shall be: two for three years, two for two years, and two for one year, from January 1 following the year of such appointment or until their successor is appointed to serve for the term of three years.
4. Vacancies occurring in the Commission, other than expiration of term of office, shall be only for the unexpired portion of the term of the member replaced.
5. Members may serve for up to four consecutive terms and each member shall serve until the appointment of a successor.
6. Vacancies shall be filled by the City according to the original selection as aforesaid.
7. Members shall serve without compensation.
8. A simple majority of the Commission shall constitute a quorum for the transaction of business.
9. The Commission shall elect a Chairman who shall preside over all Commission meetings and elect a Secretary who shall be responsible for maintaining written records of the Commission's proceedings.
10. Ex-officio members shall include a City Council Member, the Library Director, and the Community Development Director.
11. The Commission shall meet at least three times a year.

27.04 POWERS.

1. The Commission may conduct studies for the identification and designation of historic districts and landmarks meeting the definitions established by this chapter. The

Commission may proceed at its own initiative or upon a petition from any person, group, or association. The Commission shall maintain records of all studies and inventories for public use.

2. The Commission may make a recommendation to the State Historic Preservation Office for the listing of a historic district or landmark in the National Register of Historic Places and may conduct a public hearing thereon.
3. The Commission may investigate and recommend to the City Council the adoption of ordinances designating historic landmarks and historic districts if they qualify as defined herein; and
4. Provide information for the purpose of historic preservation to the governing body.
5. Promote and conduct an educational and interpretive program on historic properties within its jurisdiction.
6. In addition to those duties and powers specified above, the Commission may, with City Council approval:
 - A. Accept unconditional gifts and donations of real and personal property, including money, for the purpose of historic preservation.
 - B. Acquire by purchase, bequest, or donation, fee and lesser interests in historic properties, including properties adjacent to or associated with historic properties.
 - C. Preserve, restore, maintain, and operate historic properties, under the ownership or control of the Commission.
 - D. Lease, sell, and otherwise transfer or dispose of historic properties subject to rights of public access and other covenants and in a manner that will preserve the property.
 - E. Contract, with the approval of the governing body, with the state or the federal government or other organizations.
 - F. Cooperate with the federal, State, and local governments in the pursuance of the objectives of historic preservation.

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CHAPTER 28

CITY ADMINISTRATOR

28.01 Purpose
28.02 Appointment
28.03 Compensation

28.04 Powers and Duties
28.05 Mayor

28.01 PURPOSE. The office of City Administrator is hereby created. The objectives of the office are:

1. To promote efficient, fair, and equitable enforcement and execution of City Code.
2. To promote efficient and effective management of City services.
3. To promote optimum coordination, communication, and cooperation between and among City departments, boards and commissions, and City Staff.
4. To promote efficient, fair, and equitable personnel management and administration.
5. To support and promote retail, industrial, and other economic development.
(Chapter 372, Code of Iowa)

28.02 APPOINTMENT. The Council shall appoint by majority vote a City Administrator to serve at the discretion of the Council and Mayor. The appointment may be full-time or part-time as established by resolution of the Council. Such City Administrator shall be subject to removal and termination by a majority vote of the Council, subject to the provisions and protections of Section 372.15 of the *Code of Iowa*.

28.03 COMPENSATION. The City Administrator shall receive such compensation as established by resolution of the Council.

28.04 POWERS AND DUTIES. The City Administrator is the chief administrative officer of the City. The duties of the City Administrator shall be the following:

1. To supervise enforcement of all resolutions, ordinances, laws, Council directive, and approved operational policies of the City.
2. To direct development and improvements as described in the Comprehensive Plan, Capital Improvement Plan, department plans, and project plans.
3. To supervise, manage, and direct the activities of City employees.
4. To keep the Council and Mayor advised of the financial and other conditions of the City.
5. To represent the City as administrative officer.
6. To perform such other duties as the Council and Mayor may direct.

28.05 MAYOR. Without limitation, the Mayor shall retain the following powers:

1. To function as the chief elected official of the City.

2. To preside at the Council meetings.
3. To make appointments.
4. To cooperate with the City Administrator in the furtherance of the policies of the Council.
5. To fulfill all legal obligations and responsibilities provided by ordinance or State law.
6. The Mayor shall remain the chief executive officer of the City and may carry out the duties of the City Administrator if necessary.

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CHAPTER 29

AMBULANCE

29.01 Ambulance
29.02 Ambulance Advisory Board
29.03 Powers and Duties
29.04 Ambulance Service Director

29.05 Annual Report
29.06 Ambulance Service Fee
29.07 Billing and Collection of Ambulance Service Fees
29.08 Use of Ambulance Service Fees

29.01 AMBULANCE. The ambulance service for the City of Columbus Junction and surrounding area within the district established prior to the City of Columbus Junction acquiring the service (Jan. 1, 2022) is known as Louisa County Ambulance Service.

29.02 AMBULANCE ADVISORY BOARD. There is hereby established an Ambulance Advisory Board consisting of members, to be appointed by the Mayor with the approval of the City Council. Along with the members appointed the Mayor and City Clerk shall attend all advisory board meetings, the City Clerk will be a non-voting member. Nothing here in shall prevent an advisory member from being appointed to succeed himself or herself. Vacancies shall be filled by appointment of the Mayor with approval of the City Council. The Ambulance Advisory Board shall meet once monthly.

29.03 POWERS AND DUTIES. The Ambulance Board has the power and authority to adopt a constitution and bylaws, as they deem necessary, and such constitution and bylaws and any changes or amendment to such constitution and bylaws before being effective, must first be approved by the City Council. The Ambulance Advisory Board further has the following power and authority:

1. To assist the Ambulance Service Director and operations of the ambulance service;
2. To assist in recruiting personnel to serve as employees and / or volunteers. All new permanent full-time hires must go through the Ambulance Advisory Board for recommendation to the City Council before any new employee is offered employment with the Louisa County Ambulance Service. Once the City Council approves the hiring, employment may be offered to the applicant;
3. To prescribe standards and training for emergency unit personnel, to seek and investigate methods of improvement of service and, with City Council approval, to attend schools and courses and to designate unit members to attend;
4. To recommend to the City Council the purchase of such items and equipment as they deem necessary for the proper operation of the service, authorized to incur expenditures with its allowed ambulance budget, subject to claim approval by the City Council, as provided by law;
5. To perform such other duties as may be referred to it by the City Council.

29.04 AMBULANCE SERVICE DIRECTOR. The service director will be reporting directly to the Ambulance Advisory Board. The service director will be responsible for the day-to-day operations and other duties. The Ambulance Service Director is subject to the authority and control of the City Council. The Ambulance Service Director shall not serve on the Ambulance Advisory Board any time during his employment of director.

29.05 ANNUAL REPORT. The Ambulance Advisory Board along with the Ambulance Service Director shall make a report upon the request of the City Council the condition of the service itself along with the equipment together with such further information required by the City Council.

(Ch. 29 – Ord. 5 – Oct. 23 Supp.)

29.06 AMBULANCE SERVICE FEE. Fees for users of the City ambulance service (“ambulance service fees”) shall be fixed by the Ambulance Director, along with the Advisory Board and approved by the City Council.

(Ord. 6 – Mar. 24 Supp.)

29.07 BILLING AND COLLECTION OF AMBULANCE SERVICE FEES. Each patient who utilizes the City ambulance service shall be billed by the City ambulance service in accordance with the ambulance service fees after the provisions of the ambulance service(s). The Ambulance Director shall establish a policy to bill and collect City ambulance service fees for the ambulance service(s) rendered. Under the policy, the City ambulance service may elect to bill the patient directly or bill the patient’s insurance company, and if the patient’s insurance company does not cover all of the cost of the ambulance service(s), bill the remaining to the patient directly.

(Ord. 6 – Mar. 24 Supp.)

29.08 USE OF AMBULANCE SERVICE FEES. All proceeds from the ambulance service fees in the coverage area of the service, shall be solely used for the operation, maintenance and capital needs of the City ambulance service.

(Ord. 6 – Mar. 24 Supp.)

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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])

(501 IAC 3 and 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 Council shall select 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)

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CHAPTER 40

PUBLIC PEACE

40.01 Assault
40.02 Harassment

40.03 Disorderly Conduct
40.04 Failure to Disperse

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

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

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

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

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

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

(Code of Iowa, Sec. 708.1)

40.02 HARASSMENT. No person shall commit harassment.

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

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

(Code of Iowa, Sec. 708.7)

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

(Code of Iowa, Sec. 708.7)

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

(Code of Iowa, Sec. 708.7)

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

(Code of Iowa, Sec. 708.7)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A. “Deface” means to intentionally mar the external appearance.

B. “Defile” means to intentionally make physically unclean.

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

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

- E. “Show disrespect” means to deface, defile, mutilate, or trample.
 - F. “Trample” means to intentionally tread upon or intentionally cause a machine, vehicle, or animal to tread upon.
7. Funeral or Memorial Service. Within 1,000 feet of the building or other location where a funeral or memorial service is being conducted, or within 1,000 feet of a funeral procession or burial:
- A. Make loud and raucous noise that causes unreasonable distress to the persons attending the funeral or memorial service or participating in the funeral procession.
 - B. Direct abusive epithets or make any threatening gesture that the person knows or reasonably should know is likely to provoke a violent reaction by another.
 - C. Disturb or disrupt the funeral, memorial service, funeral procession, or burial by conduct intended to disturb or disrupt the funeral, memorial service, funeral procession, or burial.

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

(Code of Iowa, Sec. 723.5)

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

(Code of Iowa, Sec. 723.3)

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CHAPTER 41

PUBLIC HEALTH AND SAFETY

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

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

(Code of Iowa, Sec. 727.1)

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

(Code of Iowa, Sec. 718.6)

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

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

(Code of Iowa, Sec. 719.1A)

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

(Code of Iowa, Sec. 719.2)

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

(Code of Iowa, Sec. 718.4)

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

(Code of Iowa, Sec. 719.1)

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

(Code of Iowa, Sec. 708.12)

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

(Code of Iowa, Sec. 727.3)

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

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

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

41.11 DISCHARGING WEAPONS.

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

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

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

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

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

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

1. Definition. For purposes of this section, definitions are enumerated in Section 727.2 of the *Code of Iowa*, which definitions are incorporated herein by reference.

(Code of Iowa, Sec. 727.2)

2. Sales-General Requirements.

A. Prior to any person engaging in the sale of consumer fireworks, the following shall be provided to the City of Columbus Junction Staff or designee.

- (1) License. Proof of valid license issued from the State Fire Marshall.

- (2) Liability Insurance. Proof of liability insurance separate from the building property insurance specifically showing coverage of fireworks sales for an aggregate amount of \$2,000,000.00.

- (3) Fire Inspection. Any property, building, or premise whether it be permanent or temporary, intended for the sale of consumer fireworks shall have an initial fire inspection completed by the City staff or designee prior to engaging in the sales of consumer fireworks. The City staff or their designee shall cause an annual inspection to occur meeting the requirements of the National Fire Protection Code 1124 (2006 edition), inspection costs shall be assessed as follows:

- (i) Permanent Structure where fireworks are sold – Annual inspection fee of \$100.00.

- (ii) Temporary or Non-Brick or Mortar Building where fireworks are sold – Annual inspection fee of \$200.00.

B. Date of Sales: Consumer fireworks sales shall only be conducted in accordance with dates and times designated by Section 727.2 of the *Code of Iowa*. It shall be unlawful to sell consumer fireworks without meeting the requirements specified in this chapter, or to sell fireworks outside of the dates specified.

- (1) Approved consumer fireworks sales meeting the requirements of this chapter shall be allowed from an approved permanent structure or building between June 1 and July 8 and from December 10 until January 3.

- (2) Approved consumer fireworks sales meeting the requirements of this chapter shall be allowed from an approved temporary structure between June 13 and July 8.

3. Fireworks-Discharging General Requirements.
 - A. Permit required pending approval from City Council.
 - B. No person under the age of 18 shall discharge a DOT 1.4 class consumer firework without parental supervision.
 - C. A person shall only discharge a consumer fireworks device on real property they own or on property where consent has been given. Novelties, including snakes, sparklers, or caps, can be discharged on a public place so long as all trash, wrappers, and wires are properly disposed of.
 - D. Consumer fireworks shall not be discharged by persons showing visible signs of, or determined to be intoxicated or under the influence of a drug or narcotic.
 - E. Any person discharging a consumer fireworks device assumes all responsibility for its operation and the consequences thereof. No person shall discharge a consumer fireworks device in a reckless manner or manner likely to cause death, injury, fire, or property damage.
 - F. No person shall discharge a consumer fireworks device outside the following dates and hours without prior approval by the City Council.
 - (1) July 1 thru July 7 from the hours of 9:00 a.m. until 10:00 p.m. – Exception: discharge hours are extended to 11:00 p.m. on July 4th only.
 - (2) December 28 thru January 3 from the hours of 9:00 a.m. to 10:00 p.m. – Exception: discharge hours are extended to 12:30 a.m. on January 1.
 - G. It shall be unlawful to alter, remove, or discharge components of a consumer fireworks device from its intended method of discharging.
 - H. Sky lantern open flame devices are not permitted to be released within the City limits, except if tethered by a retrievable rope so long as the person discharging has control over the sky lantern.
 - I. The City may, upon application in writing, grant a permit for the display of display fireworks on public property by a City agency, fair associations, amusement parks, and other organizations or groups of individuals approved by City authorities when such display fireworks display will be handled by a competent operator. No permit shall be granted hereunder unless the operator or sponsoring organization has filed with the City evidence of insurance in the following amounts:
 - (1) Personal Injury: \$250,000.00 per person.
 - (2) Property Damage: \$50,000.00.
 - (3) Total Expenses: \$1,000,000.00.
4. Violations. Any person who violates the provisions of the fireworks discharging ordinance shall be guilty of a scheduled simple misdemeanor violation punishable by a fine of not less than \$250.00.

41.15 FAILURE TO ASSIST. A person who reasonably believes another person is suffering from a risk of serious bodily injury or imminent danger of death shall, if the person is able,

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

(Code of Iowa, Sec. 727.12)

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CHAPTER 42

PUBLIC AND PRIVATE PROPERTY

42.01 Trespassing

42.02 Criminal Mischief

42.03 Defacing Proclamations or Notices

42.04 Unauthorized Entry

42.05 Fraud

42.06 Theft

42.07 Other Public Property Offenses

42.01 TRESPASSING.

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

(Code of Iowa, Sec. 716.8)

2. Definitions. For purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 716.1)

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

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

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

(Code of Iowa, Sec. 714.8)

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

(Code of Iowa, Sec. 714.1)

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

1. Chapter 22 – 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 135.13 – Dumping of Snow
4. Chapter 136 – Sidewalk Regulations
 - A. Section 136.11 – Interference with Sidewalk Improvements
 - B. Section 136.15 – Fires or Fuel on Sidewalks
 - C. Section 136.16 – Defacing
 - D. Section 136.17 – Debris on Sidewalks
 - E. Section 136.18 – Merchandise Display
 - F. Section 136.19 – Sales Stands

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CHAPTER 45

ALCOHOL CONSUMPTION AND INTOXICATION

45.01 Persons Under Legal Age

45.02 Public Consumption or Intoxication

45.03 Open Containers in Motor Vehicles

45.04 Social Host

45.01 PERSONS UNDER LEGAL AGE. As used in this section, “legal age” means 21 years of age or more.

1. A person or persons under legal age shall not purchase or attempt to purchase, consume, or individually or jointly have alcoholic beverages in their possession or control; except in the case of any alcoholic beverage given or dispensed to a person under legal age within a private home and with the knowledge, presence, and consent of the parent or guardian, for beverage or medicinal purposes or as administered to the person by either a physician or dentist for medicinal purposes and except to the extent that a person under legal age may handle alcoholic beverages during the regular course of the person’s employment by a retail alcohol licensee, or wine or beer permittee under State laws.

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

2. A person under legal age shall not misrepresent the person’s age for the purpose of purchasing or attempting to purchase any alcoholic beverage from any retail alcohol licensee.

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

45.02 PUBLIC CONSUMPTION OR INTOXICATION.

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 123.46)

45.03 OPEN CONTAINERS IN MOTOR VEHICLES. *[See Section 62.01(50) and (51) of this Code of Ordinances.]*

45.04 SOCIAL HOST. A person who is the owner or lessee of, or who otherwise has control over, property that is not a licensed premises shall not knowingly permit any person, knowing or having reasonable cause to believe the person to be under the age of 18, to consume or possess on such property any alcoholic beverage. The provisions of this Section shall not apply to a landlord or manager of the property or to a person under legal age who consumes or possesses any alcoholic beverage in connection with a religious observance, ceremony, or rite.

(Code of Iowa, Sec. 123.47)

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CHAPTER 46

MINORS

46.01 Curfew

46.02 Cigarettes and Tobacco

46.03 Contributing to Delinquency

46.01 CURFEW. A curfew applicable to minors is established and shall be enforced as follows:

1. Definition. The term “minor” means in this section, any unmarried person below the age of 18 years.
2. Time Limits.
 - A. Ages 14 and Under. It is unlawful for any minor 14 years of age or younger to remain in or upon any public place in the City between the hours of 9:30 p.m. and 6:00 a.m. of the following day.
 - B. Ages 15 through 17. It is unlawful for any minor age 15 through 17 to remain in or upon any public place in the City between the hours of 11:00 p.m. and 6:00 a.m. of the following morning Sunday through Thursday, or between the hours of 12:00 midnight and 6:00 a.m. Saturday and Sunday.
3. Exceptions. The restriction provided by Subsection 46.01(2) shall not apply to any minor who is accompanied by a guardian, parent, or other person charged with the care and custody of such minor, or other responsible person over 18 years of age, nor shall the restriction apply to any minor who is traveling between his or her home or place of residence and the place where any approved employment, church, municipal, or school function is being held.
4. Responsibility of Adults. It is unlawful for any parent, guardian, or other person charged with the care and custody of any minor to allow or permit such minor to be in or upon any of the streets, alleys, places of business, or amusement or other public places within the curfew hours set by Subsection 46.01(2), except as otherwise provided in Subsection 46.01(3).

(Code of Iowa, Sec. 613.16)
5. Responsibility of Business Establishments. It is unlawful for any persons operating a place of business or amusement to allow or permit any minor to be in or upon any place of business or amusement operated by them within the curfew hours set by Subsection 46.01(2) except as otherwise provided in Subsection 46.01(3).
6. Enforcement. Any peace officer of the City while on duty is hereby empowered to arrest any minor who violates any of the provisions of Subsections 46.01(2) and (3). Upon arrest, the minor shall be returned to the custody of the parent, guardian or other person charged with the care and custody of the minor.

46.02 CIGARETTES AND TOBACCO. It is unlawful for any person under 21 years of age to smoke, use, possess, purchase, or attempt to purchase any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes. Possession of tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes by an individual under 21 years of age shall not constitute a violation of this section if the individual under 21 years of age

possesses the tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes as part of the person's employment and said person is employed by a person who holds a valid permit under Chapter 453A of the *Code of Iowa* or who lawfully offers for sale or sells cigarettes or tobacco products.

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

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

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

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CHAPTER 47

PARK REGULATIONS

47.01 Purpose
47.02 Use of Drives Required
47.03 Speed Limit
47.04 Parking

47.05 Fires
47.06 Littering
47.07 Parks Closed
47.08 Treasure Hunting Prohibited

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 SPEED LIMIT. The lawful speed limit in each park is 10 miles per hour.

47.04 PARKING. There shall be no parking behind or within 25 feet of the baseball and/or softball backdrop currently located in the Chatauqua Park.

47.05 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.

47.06 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.

47.07 PARKS CLOSED. All parks within the corporate limits of the City are open to the public during the hours of 6:00 a.m. and 10:00 p.m. The Parks Superintendent is authorized to issue special permits to various persons and/or groups, organizations, or entities so that people may stay in the park between 10:00 p.m. and 6:00 a.m.

47.08 TREASURE HUNTING PROHIBITED. There shall be no treasure hunting with any electronic, digging, or excavating device in any park within the City.

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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.

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

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

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

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

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.
 - 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.

† **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.

- E. Assessment of City Costs. A statement that if the nuisance or condition is not abated as directed and no request for hearing is made within the time prescribed, the City will abate it and assess the costs against the property owner.
2. Method of Service. The notice may be in the form of an ordinance or sent by certified mail to the property owner.
(Code of Iowa, Sec. 364.12[3h])
3. Request for Hearing. Any person ordered to abate a nuisance may have a hearing with the Council as to whether a nuisance exists. A request for a hearing must be made in writing and delivered to the Clerk within the time stated in the notice, or it will be conclusively presumed that a nuisance exists and it must be abated as ordered. The hearing will be before the Council at a time and place fixed by the Council. The findings of the Council shall be conclusive and, if a nuisance is found to exist, it shall be ordered abated within a reasonable time under the circumstances.
4. Abatement in Emergency. If it is determined that an emergency exists by reason of the continuing maintenance of the nuisance or condition, the City may perform any action that may be required under this chapter without prior notice. The City shall assess the costs as provided in Subsection 6 of this section after notice to the property owner under the applicable provisions of Subsections 1 and 2, and the hearing as provided in Subsection 3.
(Code of Iowa, Sec. 364.12[3h])
5. Abatement by City. If the person notified to abate a nuisance or condition neglects or fails to abate as directed, the City may perform the required action to abate, keeping an accurate account of the expense incurred. The itemized expense account shall be filed with the Clerk, who shall pay such expenses on behalf of the City.
(Code of Iowa, Sec. 364.12[3h])
6. Collection of Costs. The Clerk shall send a statement of the total expense incurred by certified mail to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one month, the Clerk shall certify the costs to the County Treasurer and such costs shall then be collected with, and in the same manner as, general property taxes.
(Code of Iowa, Sec. 364.12[3h])
7. Installment Payment of Cost of Abatement. If the amount expended to abate the nuisance or condition exceeds \$500.00, the City may permit the assessment to be paid in up to 10 annual installments, to be paid in the same manner and with the same interest rates provided for assessments against benefited property under State law.
(Code of Iowa, Sec. 364.13)
8. Failure to Abate. Any person causing or maintaining a nuisance who shall fail or refuse to abate or remove the same within the reasonable time required and specified in the notice to abate is in violation of this Code of Ordinances.

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

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CHAPTER 51

JUNK AND JUNK VEHICLES

51.01 Definitions

51.02 Restrictions on the Accumulation and Deposit of Junk and Refuse

51.03 Nuisance Abatement

51.04 Junk Vehicles

51.05 Storage of Unlicensed Vehicles

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

1. “Junk” means scrap metals or scrap materials, abandoned, dismantled or partially dismantled machinery, motor vehicles, other vehicles, or appliances.
2. “Refuse” means all garbage, rubbish, ashes, or other substances offensive to sight or smell, dangerous to the public health or detrimental to the best interests of the community.

51.02 RESTRICTIONS ON THE ACCUMULATION AND DEPOSIT OF JUNK AND REFUSE. No person shall permit refuse or junk to accumulate or be stored upon premises owned or occupied by said person or deposit refuse or junk on any other premises except premises designated by the City for that purpose; except refuse may be allowed to accumulate and be stored on premises if it is enclosed in a watertight container made of galvanized iron or other nonrusting material, and except that junk may be allowed to accumulate and be stored at a junkyard.

51.03 NUISANCE ABATEMENT. Each person shall dispose of all refuse and junk accumulating on any premises owned or occupied by such person before it becomes a nuisance. If it does become a nuisance and is so declared by the City, the Council may order the nuisance abated in the manner prescribed in Chapter 50 of this Code of Ordinances.

51.04 JUNK VEHICLES. Whenever the Police Chief of the City finds a junk vehicle placed or stored in the open upon private property within the corporate limits, they shall notify the owner or occupant of the property upon which such vehicle is placed or stored to remove the same prior to the next regularly scheduled Council meeting or within 10 days, whichever is the longer period of time. The property owner or occupant may appear at the next meeting of the Council to show cause why such vehicle should not be removed. Unless the Council at such meeting remands the order of the Police Chief, and if the order has not been complied with within the time prescribed, the City shall proceed to move the vehicle and assess the cost thereof against the premises in the same manner as provided for the making of special assessments. The provisions of this section to not apply to motor vehicle junkyards.

51.05 STORAGE OF UNLICENSED VEHICLES. Any motor vehicle not currently licensed for use on streets or highways, including motor vehicles under storage permits and motor vehicles suitable for and used for racing and speed trials, while not in actual use for such purposes as motor vehicles may lawfully be used, including transit from one place to another, together with spare parts and accessories for use in maintaining and repair of such unlicensed motor vehicles when not in actual use for the maintenance or repair of these motor vehicles, shall be kept in a closed building. Any such motor vehicle and the spare parts and accessories therefor not kept in a closed building as provided in this section is deemed junk under the provisions of this chapter and is subject to all of the provisions of this chapter.

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CHAPTER 52

LAWN CARE STANDARDS

52.01 Purpose

52.02 Definitions

52.03 Cutting Specifications and Standards of Practice

52.04 Abatement Process

52.05 Exemptions

52.01 PURPOSE. The purpose of this chapter is to beautify and preserve the appearance of the City by requiring property owners to maintain lawn heights in order to prevent unsightly, offensive, or nuisance conditions.

52.02 DEFINITIONS.

1. “Curb” means the outer boundary or edge of a street or alley that is usually traveled by vehicular traffic.
2. “Cut” or “mow” means to mechanically maintain the growth of grass weeds to height at a uniform height.
3. “Lawn” means the portion of a property with vegetation other than that which is landscaped with ornamental plants, shrubs and trees, or garden.
4. “Owner” means owner of record as set forth in the records of the Auditor of Louisa County, Iowa.

52.03 CUTTING SPECIFICATIONS AND STANDARDS OF PRACTICE. It is the property owner’s responsibility that all grass, weeds, and brush upon the owner’s property be cut, mowed, and maintained to the curb line to the height defined below:

1. Developed Residential Areas. Not to exceed six inches.
2. Undeveloped or Vacant Residential Areas. Not to exceed eight inches.
3. Developed Business, Commercial, or Industrial Areas. Not to exceed six inches.
4. Undeveloped or Vacant Business, Commercial, or Industrial Areas. Not to exceed six inches.

52.04 ABATEMENT PROCESS.

1. Upon discovery of any violation of this chapter, the City may notify the property owner and give them seven days to bring the property into compliance.
2. If the property remains wholly or partially in violation after the seven day period as defined by the date the letter was sent, the City may mow the property to return it to compliance.
3. The City will charge \$200.00 per hour with a minimum charge of one hour for mowing done as abatement of violations of this chapter.

52.05 EXEMPTIONS. Properties or portions of properties may be recognized by the City Clerk as exempt of the standards set forth in this chapter based on the following criteria:

1. Slope unsafe or impractical for mowing.
2. Limit or no vehicular access.
3. Conservation practice.
4. Natural wooded areas.
5. Any other special circumstances as determined by the City.

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CHAPTER 55

ANIMAL PROTECTION AND CONTROL

55.01 Definitions	55.11 Owner's Duty
55.02 Animal Neglect	55.12 Confinement
55.03 Livestock Neglect	55.13 At Large: Impoundment
55.04 Abandonment of Cats and Dogs	55.14 Seizure and Impoundment of Licensed and Unlicensed Dogs
55.05 Livestock	55.15 Impounding Costs and Disposition
55.06 At Large Prohibited	55.16 Pet Awards Prohibited
55.07 Damage or Interference	55.17 Tampering With A Rabies Vaccination Tag
55.08 Annoyance or Disturbance	55.18 Tampering With An Electronic Handling Device
55.09 Vicious Dogs	
55.10 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.

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

2. "Animal" means a nonhuman vertebrate.

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

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

(Code of Iowa, Sec. 162.2)

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

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

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

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

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

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

7. "Fair" means any of the following:

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

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

- B. An exhibition of agricultural or manufactured products.
- C. An event for operation of amusement rides or devices or concession booths.
8. “Game” means a “game of chance” or “game of skill” as defined in Section 99B.1 of the *Code of Iowa*.
(*Code of Iowa, Sec. 717E.1*)
9. “Injury” means an animal’s disfigurement; the impairment of an animal’s health; or an impairment to the functioning of an animal’s limb or organ, or the loss of an animal’s limb or organ.
(*Code of Iowa, Sec. 717.B1*)
10. “Livestock” means an animal belonging to the bovine, caprine, equine, ovine or porcine species, ostriches, rheas, and emus; farm deer (as defined in Section 170.1 of the *Code of Iowa*); or poultry.
(*Code of Iowa, Sec. 717.1*)
11. “Owner” means any person owning, keeping, sheltering, or harboring an animal.
12. “Pet” means a living dog, cat, or an animal normally maintained in a small tank or cage in or near a residence, including but not limited to a rabbit, gerbil, hamster, mouse, parrot, canary, mynah, finch, tropical fish, goldfish, snake, turtle, gecko, or iguana.
(*Code of Iowa, Sec. 717E.1*)
13. “Pound” means a facility for the prevention of cruelty to animals operated by the State, a municipal corporation, or other political subdivision of the State for the purpose of impounding or harboring seized stray, homeless, abandoned, or unwanted dogs, cats, or other animals; or a facility operated for such a purpose under a contract with any municipal corporation or incorporated society.
(*Code of Iowa, Sec. 162.2*)
14. “Research facility” means any school or college of medicine, veterinary medicine, pharmacy, dentistry, or osteopathic medicine, or hospital, diagnostic or research laboratories, or other educational or scientific establishment situated in the State concerned with the investigation of, or instruction concerning the structure or function of living organisms, the cause, prevention, control, or cure of diseases or abnormal conditions of human beings or animals.
(*Code of Iowa, Sec. 162.2*)
15. “Veterinarian” means a veterinarian licensed pursuant to Chapter 169 of the *Code of Iowa* who practices veterinary medicine in the State.
(*Code of Iowa, Sec. 717.B1*)

55.02 ANIMAL NEGLECT.

1. It is unlawful for a person who owns or has custody of an animal and confines that animal to fail to provide the animal with any of the following conditions for the animal’s welfare:
(*Code of Iowa, Sec. 717B.3*)

- A. Access to food in an amount and quality reasonably sufficient to satisfy the animal's basic nutrition level to the extent that the animal's health or life is endangered.
 - B. Access to a supply of potable water in an amount reasonably sufficient to satisfy the animal's basic hydration level to the extent that the animal's health or life is endangered. Access to snow or ice does not satisfy this requirement.
 - C. Sanitary conditions free from excessive animal waste or the overcrowding of animals to the extent that the animal's health or life is endangered.
 - D. Ventilated shelter reasonably sufficient to provide adequate protection from the elements and weather conditions suitable for the age, species, and physical condition of the animal so as to maintain the animal in a state of good health to the extent that the animal's health or life is endangered. The shelter must protect the animal from wind, rain, snow, or sun and have adequate bedding to provide reasonable protection against cold and dampness. A shelter may include a residence, garage, barn, shed, or doghouse.
 - E. Grooming, to the extent it is reasonably necessary to prevent adverse health effects or suffering.
 - F. Veterinary care deemed necessary by a reasonably prudent person to relieve an animal's distress from any of the following:
 - (1) A condition caused by failing to provide for the animal's welfare as described in this section.
 - (2) An injury or illness suffered by the animal causing the animal to suffer prolonged pain and suffering.
2. This section does not apply to any of the following:
- A. A person operating a commercial establishment under a valid authorization issued or renewed under Section 162.2A of the *Code of Iowa*, or a person acting under the direction or supervision of that person, if all of the following apply:
 - (1) The animal, as described in Subsection 1, was maintained as part of the commercial establishment's operation.
 - (2) In providing conditions for the welfare of the animal, as described in Subsection 1, the person complied with the standard of care requirements provided in Section 162.10A[1] of the *Code of Iowa*, including any applicable rules adopted by the Department of Agriculture and Land Stewardship applying to: (i) a State licensee or registrant operating pursuant to Section 162.10A[2a] or [2b] of the *Code of Iowa*; or (ii) a permittee operating pursuant to Section 162.10A[2c] of the *Code of Iowa*.
 - B. A research facility if the research facility has been issued or renewed a valid authorization by the Department of Agriculture and Land Stewardship pursuant to Chapter 162 of the *Code of Iowa*, and performs functions within the scope of accepted practices and disciplines associated with the research facility.

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

(Code of Iowa, Sec. 717.2)

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

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

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

55.05 LIVESTOCK. 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. Provided, however, that chickens may be kept in accordance with the following:

1. For a period of two years from the effective date of the ordinance codified in this section, chickens may be kept in the City according to the following condition:
 - A. Chickens may only be kept on a lot containing an owner occupied single family dwelling in an area zoned R1 or R2.
 - B. Chickens may only be kept on a lot which is at least 4,000 square feet in size.
 - C. Chickens must be kept in and confined in a properly designed and constructed coop or chicken house, or a fenced and covered enclosure, which may be located only in the "rear yard" of the property, as that term is defined in Chapter 165 of this Code, known as the Zoning Regulations.
 - D. Each fenced and covered closure shall be designed with adequate yard space for each chicken, and the coop or chicken house and the fenced and covered enclosure combined shall not cover more than 10 percent of the rear yard. Enclosures must be cleaned and resistant to predators and rodents.
 - E. Each fenced and covered enclosure shall be located at least 15 feet from any lot line.
 - F. Neither enclosure nor coop can be attached to the principle structure.
 - G. No person shall keep or allow to be kept more than six chickens on a lot which is less than 10,000 square feet in size.
 - H. No person shall keep or allow to be kept more than 12 chickens on a lot which is 10,000 square feet or greater in size.

- I. Chicken feed must be stored in rodent resistant and weather proof containers.
 - J. Roosters are expressly prohibited, regardless of the age or maturity of the bird.
2. For a period of two years from the effective date of the ordinance codified in this section, permits for keeping backyard chickens in the City will be issued to applicants who:
 - A. Meet the conditions described in Section 1.
 - B. Submit a permit application to the City Clerk.
 - C. Pay the permit application fee of \$1.00.
 - D. An initial permit shall be valid for a period of one year.
 - E. The permit may be renewed for an additional one year period when inspection of the area, enclosure, coop, and number of chickens by City staff show it to be in compliance with the conditions outlined in Section 1.
 - F. No permit issued pursuant to this section shall remain valid past the date on which this section either expires or is repealed, whichever is earlier.
 - G. Any permit may be suspended or revoked by the City Clerk by written notice to the permit holder, upon a finding that the permittee has violated applicable City ordinance provisions or permit conditions.
 - H. A permit as described above is personal to the applicant. Such a permit may not be transferred to another individual. If ownership of the underlying real property on which the chickens are kept is transferred, the permit does not run with the land, and a person desiring to keep chickens on the property must apply for a new permit.
 3. Violation to be a Municipal Civil Infraction.
 - A. No person shall keep a chicken or allow a chicken to be kept on real property under his or her control, unless a permit to keep chickens is first obtained from the City in the manner provided for herein.
 - B. A violation of this section shall be a municipal infraction, punishable by fine as established in Chapter 364.22 of the *Code of Iowa*.
 4. Upon the expiration date of this ordinance, all persons keeping chickens in the City shall have 90 days to come into compliance with the then current ordinance provisions.
 5. Twenty months after this ordinance is adopted the City Council will consider adopting permanent changes to the City Code to allow for backyard chickens.
 6. This section shall automatically expire two years from its effective date[†], unless earlier repealed.

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.

[†] **EDITOR'S NOTE:** Ordinance No. 61 adopting changes to Section 55.05 of the City Code was passed by the Council on May 24, 2017 and approved on June 28, 2017.

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

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

55.09 VICIOUS DOGS. It is unlawful for any person to harbor or keep a vicious dog within the City. A dog is deemed to be vicious when it has attacked or bitten any person without provocation, or when propensity to attack or bite persons exists and is known or ought reasonably to be known to the owner.

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

(Code of Iowa, Sec. 351.33)

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

(Code of Iowa, Sec. 351.38)

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

(Code of Iowa, Sec. 351.39)

55.13 AT LARGE: IMPOUNDMENT. Animals found at large in violation of this chapter shall be seized and impounded, or at the discretion of the peace officer, the owner may be served a summons to appear before a proper court to answer charges made thereunder.

55.14 SEIZURE AND IMPOUNDMENT OF LICENSED AND UNLICENSED DOGS. The Police Chief or other officer directed by the Police Chief is hereby authorized to seize all dogs found running at large within the City limits without proper license. Dogs seized shall be impounded for seven days, and if claimed within this time, the person claiming the dog shall be cited according to this Code of Ordinances; if the dog is not claimed, it shall be disposed of after the impoundment time. Owners of dogs running at large with a proper license, on first pickup, shall be issued a warning, and on second pickup a citation will be issued. The owner of any dog impounded may claim said dog, upon presenting documentary evidence that said dog has been properly licensed in the City. Owners of unlicensed dogs, upon claiming such dogs, will be

required to provide evidence of inoculation and purchase a license for the dog before the dog can be released.

55.15 IMPOUNDING COSTS AND DISPOSITION.

1. Any dog found at large in violation of this chapter shall be seized and impounded.
2. The owner of such dog shall be notified that the dog has been impounded. Such owner may repossess such dog upon payment to the City Clerk of the sum of \$25.00 as an impounding fee for the first offense; \$50.00 as an impounding fee for the second offense for the same owner or home residence within the same calendar year; and \$100.00 as an impounding fee for the third and each successive offense thereafter for the same owner or home residence with the provisions of this chapter.
3. Impounded dogs may be recovered by the owner upon proper identification and by compliance with the provisions of this chapter.
4. Impounded dogs may be recovered by the owner upon payment of impounding costs, and if an unvaccinated dog, by having it immediately vaccinated.

55.16 PET AWARDS PROHIBITED.

(Code of Iowa, Ch. 717E)

1. Prohibition. It is unlawful for any person to award a pet or advertise that a pet may be awarded as any of the following:
 - A. A prize for participating in a game.
 - B. A prize for participating in a fair.
 - C. An inducement or condition for visiting a place of business or attending an event sponsored by a business.
 - D. An inducement or condition for executing a contract that includes provisions unrelated to the ownership, care, or disposition of the pet.
2. Exceptions. This section does not apply to any of the following:
 - A. A pet shop licensed pursuant to Section 162.5 of the *Code of Iowa* if the award of a pet is provided in connection with the sale of a pet on the premises of the pet shop.
 - B. Youth programs associated with 4-H Clubs; Future Farmers of America; the Izaak Walton League of America; or organizations associated with outdoor recreation, hunting, or fishing, including but not limited to the Iowa Sportsmen's Federation.

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

(Code of Iowa, Sec. 351.45)

1. A person commits the offense of tampering with a rabies vaccination tag if all of the following apply:
 - A. The person knowingly removes, damages, or destroys a rabies vaccination tag as described in Section 351.35 of the *Code of Iowa*.

- B. The rabies vaccination tag is attached to a collar worn by a dog, including as provided in Sections 351.25 and 351.26 of the *Code of Iowa*.
2. This section shall not apply to an act taken by any of the following:
- A. The owner of the dog, an agent of the owner, or a person authorized to take action by the owner.
 - B. A peace officer.
 - C. A veterinarian.
 - D. An animal shelter or pound.

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

(Code of Iowa, Sec. 351.46)

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

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CHAPTER 56

DOG LICENSE REQUIRED

56.01 Annual License Required
56.02 Definition
56.03 Application by Owner
56.04 Form of Application
56.05 Prerequisite to Licensing
56.06 Fee

56.07 Evidence of Proper Licensing
56.08 Use of Tag
56.09 Duration of License
56.10 Transfer on Change of Ownership
56.11 Tags Not Transferable
56.12 Duplicate Tag

56.01 ANNUAL LICENSE REQUIRED. The owners of all dogs three months old or over shall annually obtain licenses as herein provided.

56.02 DEFINITION. The term “owner” means, in addition to its ordinary meaning, any person who keeps or harbors a dog.

56.03 APPLICATION BY OWNER. The owner of a dog for which a license is required shall, between October 1 and October 15, apply to the Clerk for a license. Such application for license may be made after October 15 and at any time for a dog which has come into the possession or ownership of the applicant or which has reached the age of three months after said date.

56.04 FORM OF APPLICATION. The application shall be in writing on blanks provided by the Clerk of the City and shall state the breed, sex, coloring, and name, if any, of the dog, the address of the owner, and the proof of the last inoculation against rabies administered to said dog. The application shall be signed by the owner.

56.05 PREREQUISITE TO LICENSING. Before any license shall be issued on any dog, the owner thereof shall present to the Clerk documentary evidence that said dog has been inoculated against rabies within the six months’ period immediately preceding the date of application for said license.

56.06 FEE. The annual license fee is \$10.00 for each dog, regardless of age or sex.

56.07 EVIDENCE OF PROPER LICENSING. The Clerk shall, upon receipt of proper application, license fee, and documentary evidence of inoculation against rabies, issue the applicant a metal license tag stating the year of issue and bearing a serial number as shown by the record book in the office of the Clerk. In addition, the Clerk will issue the applicant a receipt for said fee, said receipt also showing the serial number of the license.

56.08 USE OF TAG. The license tag shall be attached to a substantial collar and during the term of the license shall be at all times kept on the dog for which the license is issued. Upon the expiration of the license, the owner shall remove said tag from the dog and replace it with a new tag.

56.09 DURATION OF LICENSE. All licenses shall expire on October 1 of the year following the date of issuance.

56.10 TRANSFER ON CHANGE OF OWNERSHIP. When the permanent ownership of a dog is transferred, the license may be transferred by the Clerk by a notation of the license record, giving name and address of the new owner. No fee shall be charged for such transfer.

56.11 TAGS NOT TRANSFERABLE. A license tag issued for one dog is not transferable to any other dog.

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

CHAPTER 57

DANGEROUS BUILDINGS

57.01 Enforcement Committee
57.02 General Definition of Unsafe
57.03 Unsafe Building
57.04 Notice to Owner

57.05 Conduct of Hearing
57.06 Posting of Signs
57.07 Right to Demolish; Municipal Infraction
57.08 Costs

57.01 ENFORCEMENT COMMITTEE. An Enforcement Committee, consisting of three (3) members, to include the Fire Chief and two Council members appointed by the Mayor with Council approval, is responsible for the enforcement of this chapter.

57.02 GENERAL DEFINITION OF UNSAFE. All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, are, for the purpose of this chapter, unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in this chapter.

57.03 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 (a) dilapidation, deterioration, or decay; (b) faulty construction; (c) the removal, movement or instability of any portion of ground necessary for the purpose of supporting such building; (d) the deterioration, decay or inadequacy of its foundation; or (e) any other cause, is likely to partially or completely collapse.
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 conditions, deterioration, damage, or other cause, is declared 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 (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

57.04 NOTICE TO OWNER. The Enforcement Committee 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 Police Department shall give to the owner of such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises, within forty-eight (48) hours or such

reasonable time as the circumstances require, to either the required repairs or improvements or demolition and removal of the building structure or portions thereof, and all such work shall be completed within ninety (90) from date of notice, unless otherwise stipulated by the Enforcement Committee. If necessary, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected and approved by the Enforcement Committee.

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 Committee 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.

57.05 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.

57.06 POSTING OF SIGNS. The Police Department shall cause to be posted at each entrance to such building a notice to read: "DO NOT ENTER. UNSAFE TO OCCUPY CITY OF COLUMBUS JUNCTION, IOWA." Such notice shall remain posted until the required repairs, demolition, or removal are completed. Such notice shall not be removed without written permission of the Enforcement Committee and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.

57.07 RIGHT TO DEMOLISH; MUNICIPAL INFRACTION. In the case the owner fails, neglects, or refuses to comply with the notice to repair, rehabilitate, or to demolish and remove the building or structure or portion thereof, the Council may order the owner of the building prosecuted as a violator of the provisions of this chapter and may order the Enforcement Committee to proceed with the work specified in such notice. A statement of the cost of such work shall be transmitted to the Council. As an alternative to this action, the City may utilize the municipal infraction process to abate the nuisance.

57.08 COSTS. Costs incurred under Section 57.07 shall be paid out of the City treasury. Such costs shall be charged to the owner of the premises involved 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(3)(h)(1))

(Chapter 57 – Ord. 9 – Nov. 25 Supp.)

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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 "Columbus Junction 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.
1. "MPH" means miles per hour.
2. "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.
3. "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.
4. "Peace officer" means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.
5. "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.
6. "School district" means the territory contiguous to and including a highway for a distance of 200 feet in either direction from a schoolhouse.
7. "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.
8. "Stop" means when required, the complete cessation of movement.
9. "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.

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

11. “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.

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

60.03 ADMINISTRATION AND ENFORCEMENT. Provisions of this Traffic Code and State law relating to motor vehicles and law of the road are enforced by the Police Department.
(*Code of Iowa, Sec. 372.13[4]*)

60.04 POWER TO DIRECT TRAFFIC. A peace officer or, in the absence of a peace officer, any officer of the Fire Department when at the scene of a fire, is authorized to direct all traffic by voice, hand, or signal in conformance with traffic laws. In the event of an emergency, traffic may be directed as conditions require, notwithstanding the provisions of the traffic laws.
(*Code of Iowa, Sec. 102.4 and 321.236[2]*)

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

(*Code of Iowa, Sec. 321.273*)

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

(*Code of Iowa, Sec. 321.492*)

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

(*Code of Iowa, Sec. 321.229*)

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

1. Permit Required. No parade shall be conducted without first obtaining a written permit from the City. Such permit shall state the time and date for the parade to be held and the streets or general route therefor. Such written permit granted to the person organizing or sponsoring the parade shall be permission for all participants therein to parade when such participants have been invited by the permittee to participate therein. No fee shall be required for such permit.

2. Parade Not A Street Obstruction. Any parade for which a permit has been issued 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.

3. 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 Department 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] and 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] and 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 Sections 321.231 and 321.231A of the *Code of Iowa*.

(Code of Iowa, Sec. 321.256)

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CHAPTER 62

GENERAL TRAFFIC REGULATIONS

62.01 Violation of Regulations

62.02 Play Streets Designated

62.03 Vehicles on Sidewalks

62.04 Clinging to Vehicle

62.05 Quiet Zones

62.06 Obstructing View at Intersections

62.07 Engine Braking and Jake-Braking Prohibited

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 in accordance with Chapter 321 of the *Code of Iowa*. These sections of the *Code of Iowa* are adopted by reference and are as follows:

1. Section 321.17 – Misdemeanor to violate registration provisions.
2. Section 321.32 – Registration card, carried and exhibited; exception.
3. Section 321.37 – Display of plates.
4. Section 321.38 – Plates, method of attaching, imitations prohibited.
5. Section 321.57 – Operation under special plates.
6. Section 321.67 – Certificate of title must be executed.
7. Section 321.78 – Injuring or tampering with vehicle.
8. Section 321.79 – Intent to injure.
9. Section 321.91 – Limitation on liability; penalty for abandonment.
10. Section 321.98 – Operation without registration.
11. Section 321.99 – Fraudulent use of registration.
12. Section 321.104 – Penal offenses against title law.
13. Section 321.115 – Antique vehicles; model year plates permitted.
14. Section 321.174 – Operators licensed; operation of commercial vehicles.
15. Section 321.174A – Operation of motor vehicle with expired license.
16. Section 321.180 – Instruction permits, commercial learner’s permits, and chauffeur’s instruction permits.
17. Section 321.180B – Graduated driver’s licenses for persons aged fourteen through seventeen.
18. Section 321.193 – Restrictions on licenses; penalty.
19. Section 321.194 – Special minors’ licenses.
20. Section 321.208A – Operation in violation of out-of-service order; penalties.
21. Section 321.216 – Unlawful use of license and nonoperator’s identification card; penalty.

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

51. Section 321.284A – Open container in motor vehicles, passengers.
52. Section 321.288 – Control of vehicle; reduced speed.
53. Section 321.295 – Limitation on bridge or elevated structures.
54. Section 321.297 – Driving on right-hand side of roadways; exceptions.
55. Section 321.298 – Meeting and turning to right.
56. Section 321.299 – Overtaking a vehicle.
57. Section 321.302 – Overtaking and passing.
58. Section 321.303 – Limitations on overtaking on the left.
59. Section 321.304 – Prohibited passing.
60. Section 321.306 – Roadways laned for traffic.
61. Section 321.307 – Following too closely.
62. Section 321.309 – Towing.
63. Section 321.310 – Towing four-wheel trailers.
64. Section 321.312 – Turning on curve or crest of grade.
65. Section 321.313 – Starting parked vehicle.
66. Section 321.314 – When signal required.
67. Section 321.315 – Signal continuous.
68. Section 321.316 – Stopping.
69. Section 321.317 – Signals by hand and arm or signal device.
70. Section 321.318 – Method of giving hand and arm signals.
71. Section 321.319 – Entering intersections from different highways.
72. Section 321.320 – Left turns; yielding.
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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.
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 – Preventing contamination of food by hazardous material.
94. Section 321.365 – Coasting prohibited.
95. Section 321.366 – Acts prohibited on fully-controlled access facilities.
96. Section 321.367 – Following fire apparatus.
97. Section 321.368 – Crossing fire hose.
98. Section 321.369 – Putting debris on highway.
99. Section 321.370 – Removing injurious material.
100. Section 321.371 – Clearing up wrecks.
101. Section 321.372 – Discharging pupils, stopping requirements; penalties.
102. Section 321.381 – Movement of unsafe or improperly equipped vehicles.
103. Section 321.381A – Operation of low-speed vehicles.
104. Section 321.382 – Upgrade pulls; minimum speed.
105. Section 321.383 – Exceptions; slow vehicles identified.
106. Section 321.384 – When lighted lamps required.
107. Section 321.385 – Head lamps on motor vehicles.
108. Section 321.386 – Head lamps on motorcycles, motorized bicycles, and all-terrain vehicles.
109. Section 321.387 – Rear lamps.
110. Section 321.388 – Illuminating plates.
111. Section 321.389 – Reflector requirement.
112. Section 321.390 – Reflector requirements.
113. Section 321.392 – Clearance and identification lights.
114. Section 321.393 – Color and mounting.
115. Section 321.394 – Lamp or flag on projecting load.
116. Section 321.395 – Lamps on parked vehicles.
117. Section 321.398 – Lamps on other vehicles and equipment.
118. Section 321.402 – Spot lamps.

119. Section 321.403 – Auxiliary driving lamps.
120. Section 321.404 – Signal lamps and signal devices.
121. Section 321.404A – Light-restricting devices prohibited.
122. Section 321.405 – Self-illumination.
123. Section 321.408 – Back-up lamps.
124. Section 321.409 – Mandatory lighting equipment.
125. Section 321.415 – Required usage of lighting devices.
126. Section 321.417 – Single-beam road-lighting equipment.
127. Section 321.418 – Alternate road-lighting equipment.
128. Section 321.419 – Number of driving lamps required or permitted.
129. Section 321.420 – Number of lamps lighted.
130. Section 321.421 – Special restrictions on lamps.
131. Section 321.422 – Red light in front, rear lights.
132. Section 321.423 – Flashing lights.
133. Section 321.430 – Brake, hitch, and control requirements.
134. Section 321.431 – Performance ability.
135. Section 321.432 – Horns and warning devices.
136. Section 321.433 – Sirens, whistles, and bells prohibited.
137. Section 321.434 – Sirens, whistles, air horns and bells prohibited.
138. Section 321.436 – Mufflers, prevention of noise.
139. Section 321.437 – Mirrors.
140. Section 321.438 – Windshields and windows.
141. Section 321.439 – Windshield wipers.
142. Section 321.440 – Restrictions as to tire equipment.
143. Section 321.441 – Metal tires prohibited.
144. Section 321.442 – Projections on wheels.
145. Section 321.444 – Safety glass.
146. Section 321.445 – Safety belts and safety harnesses; use required.
147. Section 321.446 – Child restraint devices.
148. Section 321.449 – Motor carrier safety rules.
149. Section 321.449A – Rail crew transport drivers.
150. Section 321.449B – Texting or using a mobile telephone while operating a commercial motor vehicle.
151. Section 321.450 – Hazardous materials transportation regulations.
152. Section 321.454 – Width of vehicles.

- 153. Section 321.455 – Projecting loads on passenger vehicles.
- 154. Section 321.456 – Height of vehicles.
- 155. Section 321.457 – Maximum length.
- 156. Section 321.458 – Loading beyond front.
- 157. Section 321.460 – Spilling loads on highways.
- 158. Section 321.461 – Trailers and towed vehicles.
- 159. Section 321.462 – Drawbars and safety chains.
- 160. Section 321.463 – Maximum gross weight; exceptions, penalties.
- 161. Section 321.465 – Weighing vehicles and removal of excess.
- 162. Section 321.466 – Increased loading capacity; reregistration.

62.02 PLAY STREETS DESIGNATED. The Police Department 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.

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.

62.07 ENGINE BRAKING AND JAKE-BRAKING PROHIBITED. It shall be unlawful for the driver of any vehicle to use or operate or cause to be used or operated within the City limits of Columbus Junction, any engine brake, compression brake, or mechanical exhaust device designed to aid in the braking or deceleration of any vehicle that results in excessive, loud, unusual or explosive noise from such vehicle. *(Ord. 7 – Jun. 24 Supp.)*

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CHAPTER 63

SPEED REGULATIONS

63.01 General

63.02 State Code Speed Limits

63.03 Cemeteries and Parking Lots

63.04 Special Speed Zones

63.05 Minimum Speed

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

(Code of Iowa, Sec. 321.285)

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

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

63.03 CEMETERIES AND PARKING LOTS. A speed in excess of 15 MPH in any public 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 30 MPH Speed Zones. A speed in excess of 30 MPH is unlawful on any of the following designated streets or parts thereof.
 - A. Iowa Highway No. 92 from a point 1,120 feet east of Second Street to the west City limits.
2. Special 35 MPH Speed Zones. A speed in excess of 35 MPH is unlawful on any of the following designated streets or parts thereof.
 - A. Colton Street from a point 200 feet south of Flatiron Drive to the south City limits.

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

64.03 Left Turn for Parking

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])

64.03 LEFT TURN FOR PARKING. No person shall make a left hand turn, crossing the centerline of the street, for the purpose of parking on said street.

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CHAPTER 65

STOP OR YIELD REQUIRED

65.01 Stop Required
65.02 Four-Way Stop Intersections
65.03 Yield Required
65.04 School Stops

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

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

(Code of Iowa, Sec. 321.345)

1. Spruce Street. Vehicles traveling east on Spruce Street shall stop at Highway 70;
2. Spruce Street. Vehicles traveling west on Spruce Street shall stop at Highview Drive;
3. Center Street. Vehicles traveling on Center Street shall stop at Highway 70;
4. Highview Drive. Vehicles traveling south on Highview Drive shall stop at G-36;
5. G-36. Vehicles traveling south on G-36 shall stop at 165th Street;
6. Second Street. Vehicles traveling north on Second Street shall stop at Highway 70;
7. G-36. Vehicles traveling east on G-36 shall stop at Second Street;
8. Legion Street. Vehicles traveling north on Legion Street shall stop at Highway 70;
9. Legion Street. Vehicles traveling south on Legion Street shall stop at Walnut Street;
10. East Access. Vehicles traveling on East Access shall stop at Highway 92;
11. Highway 70. Vehicles traveling south on Highway 70 shall stop at Highway 92;
12. Locust Street. Vehicles traveling west on Locust Street shall stop at Second Street;
13. Third Street. Vehicles traveling north on Third Street shall stop at Walnut Street;
14. Walnut Street. Vehicles traveling east on Walnut Street shall stop at Second Street;
15. Second Street. Vehicles traveling on Second Street shall stop at Walnut Street;
16. Alley. Vehicles traveling on the alley between Second Street and Main Street shall stop at Walnut Street;
17. Main Street. Vehicles traveling north on Main Street shall stop at Walnut Street;

18. Third Street. Vehicles traveling on Third Street shall stop at Highway 92;
19. Second Street. Vehicles traveling north on Second Street shall stop at Highway 92;
20. Elm Street. Vehicles traveling east on Elm Street shall stop at Second Street;
21. Second Street. Vehicles traveling on Second Street shall stop at Maple Street;
22. Maple Street. Vehicles traveling east on Maple Street shall stop at Second Street;
23. Cherry Street. Vehicles traveling on Cherry Street shall stop at Second Street;
24. Ash Street. Vehicles traveling on Ash Street shall stop at Second Street;
25. Chautauqua Park Exit. Vehicles traveling west on Chautauqua Park exit shall stop at Hickory Street;
26. Third Street. Vehicles traveling north on Third Street shall stop at Ash Street;
27. Main Street. Vehicles traveling north on Main Street shall stop at Hickory Street;
28. Hickory Street. Vehicles traveling on Hickory Street shall stop at Second Street;
29. Hickory Street. Vehicles traveling west on Hickory Street shall stop at Third Street;
30. Gamble Street. Vehicles traveling west on Gamble Street shall stop at Second Street;
31. Third Street. Vehicles traveling on Third Street shall stop at Gamble Street;
32. Second Street. Vehicles traveling north on Second Street shall stop at Gamble Street;
33. Third Street. Vehicles traveling south on Third Street shall stop at Springer Avenue;
34. Springer Avenue. Vehicles traveling west on Springer Avenue shall stop at Colton Street;
35. Gamble Street. Vehicles traveling east on Gamble Street shall stop at Colton Street;
36. Union Street. Vehicles traveling south on Union Street shall stop at Springer Avenue;
37. Flatiron Drive. Vehicles traveling north on Flatiron Drive shall stop at Colton Street;
38. Midway Terrace. Vehicles traveling west on Midway Terrace shall stop at Colton Street;
39. Midway Terrace. Vehicles traveling east on Midway Terrace shall stop at Flatiron Drive;
40. Orchard Lane. Vehicles traveling west on Orchard Lane shall stop at Colton Street;

41. Orchard Lane. Vehicles traveling east on Orchard Lane shall stop at Flatiron Drive;
42. Hilltop. Vehicles traveling west on Hilltop shall stop at Highway 92;
43. Western Avenue. Vehicles traveling south on Western Avenue shall stop at Highway 92;
44. Western Avenue. Vehicles traveling north on Western Avenue shall stop at Hilltop;
45. Western Access. Vehicles traveling west on Western Access shall stop at Highway 92;
46. Ninth Street. Vehicles traveling south on Ninth Street shall stop at Hilltop;
47. Ninth Street. Vehicles traveling north on Ninth Street shall stop at Locust Street;
48. Seventh Street. Vehicles traveling north on Seventh Street shall stop at High Street;
49. Seventh Street. Vehicles traveling on Seventh Street shall stop at Locust Street;
50. High Street. Vehicles traveling east on High Street shall stop at Sixth Street;
51. Sixth Street. Vehicles traveling south on Sixth Street shall stop at Locust Street;
52. Fifth Street. Vehicles traveling north on Fifth Street shall stop at Locust Street;
53. Fifth Street. Vehicles traveling south on Fifth Street shall stop at Walnut Street;
54. Walnut Street. Vehicles traveling east on Walnut Street shall stop at Western Access;
55. Fourth Street. Vehicles traveling south on Fourth Street shall stop at Walnut Street;
56. Third Street. Vehicles traveling north on Third Street shall stop at Locust Street;
57. Locust Street. Vehicles traveling east on Locust Street shall stop at Second Street;
58. Oakview Drive. Vehicles traveling west on Oakview Drive shall stop at Flatiron Drive;
59. Alley. Vehicles traveling south on the alley west of Third Street shall stop at Gamble Street;
60. Fulton Drive. Vehicles traveling west on Fulton Drive shall stop at Flatiron Drive;
61. Ridge Road. Vehicles traveling north on Ridge Road shall stop at Oakview Drive;
62. Crestwood Drive. Vehicles traveling south on Crestwood Drive shall stop at South Hill Avenue;
63. East Meadow Lane. Vehicles traveling north on East Meadow Lane shall stop at Orchard Lane;

- 64. Collins Road. Vehicles traveling north on Collins Road shall stop at Walnut Street;
- 65. Viaduct. Vehicles traveling on Under Viaduct shall stop at Main Street;
- 66. Gamble Street. Vehicles traveling west on Gamble Street shall stop at Union Street;
- 67. Springer Avenue. Vehicles traveling east on Springer Avenue shall stop at the intersection of Third Street and Springer Avenue;
- 68. Springer Avenue. Vehicles traveling west on Springer Avenue shall stop at the intersection of Third Street and Springer Avenue.
- 69. Flatiron Drive. Vehicles traveling north on Flatiron Drive shall stop at the intersection of Flatiron Drive and South Hill Avenue.
- 70. Colonel Drive. Vehicles traveling west on Colonel Drive shall stop at the intersection of Colonel Drive and East Access.
- 71. Flatiron Drive. Vehicles traveling north on Flatiron Drive shall stop at the intersection of Flatiron Drive and Orchard Lane.
- 72. Flatiron Drive. Vehicles traveling south on Flatiron Drive shall stop at the intersection of Flatiron Drive and Orchard Lane.
- 73. Colonial Lane. Vehicles traveling east on Colonial Lane shall stop at the intersection of Colonial Lane and Colonial Avenue.
- 74. Village Square. Vehicles traveling south on Village Square shall stop at the intersection of Village Square and New Heritage Trail.

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

(Code of Iowa, Sec. 321.345)

– NONE –

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

(Code of Iowa, Sec. 321.345)

- 1. Highview Drive. Vehicles traveling south on Highview Drive shall yield at Center Street.

65.04 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 Colton Street and Springer Avenue;
- 2. Intersection of Colton Street and Flatiron Drive.

65.05 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)

65.06 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.

65.07 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 and 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 and 321E.2)

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

(Code of Iowa, Sec. 321.473 and 475)

1. Five-ton limit on Second Street from State Highway 70 to Maple Street.

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 five 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)

- A. State Highway 92 (also known as Oak Street) located within the corporate City limits.
- B. Eastern Access Road, from the U.S. Highway 92 to Walnut Street.
- C. Walnut Street to Western Access Road.

- D. Western Access Road to U.S. Highway 92 (also known as Oak Street).
- 2. Deliveries Off Truck Route. Any motor vehicle weighing five 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
67.04 Use of Sidewalks

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)

67.04 USE OF SIDEWALKS. Where sidewalks are provided it is unlawful for any pedestrian to walk along and upon an adjacent street.

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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. Third Street is northbound only from Walnut Street to Locust Street;
2. Main Street is northbound only from Walnut Street to Roundy Way Street;
3. Second Street is northbound from Highway 92 to entrance of Civic Center.

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CHAPTER 69

PARKING REGULATIONS

69.01 Park Adjacent to Curb	69.10 All Night Parking Prohibited
69.02 Parking on One-Way Streets	69.11 Truck Parking Limited
69.03 Angle Parking	69.12 Parking Limited to Two Hours
69.04 Manner of Angle Parking	69.13 Snow Removal
69.05 Parking for Certain Purposes Illegal	69.14 Snow Routes
69.06 Parking Prohibited	69.15 Controlled Access Facilities
69.07 Persons with Disabilities Parking	69.16 Repairing Vehicles
69.08 No Parking Zones	69.17 Yard Parking Regulations
69.09 Municipal Parking Lot	

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. Main Street on the west side from Locust Street to Elm Street;
2. Main Street on the east side from Locust Street to Elm Street.

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. Advertising. Displaying advertising.

3. 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. No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than 10 feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand, or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property. The provisions of this subsection do not apply to a vehicle parked in any alley that is 18 feet wide or less, provided that said vehicle is parked to deliver goods or services.

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

16. Ramps. In front of a curb cut or ramp which is located on public or private property in a manner which blocks access to the curb cut or ramp.

(Code of Iowa, Sec. 321.358[15])

17. 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. Walnut Street, on the north side, from Second Street to Main Street;
2. North/south alley between Main Street and Second Street, from Oak Street to Locust Street, except vehicles making deliveries and then for a period of time not exceeding 30 minutes;
3. East/west alley between Oak Street and Walnut Street, except vehicles making deliveries and then for a period of time not exceeding 30 minutes;
4. Alley between Second Street and Third Street, from Oak Street to Elm Street, except vehicles making deliveries and then for a period of time not exceeding 30 minutes;
5. Second Street, on both sides, from Locust Street to Walnut Street;
6. Main Street, on the east side, from Elm Street to Maple Street;
7. Maple Street, on both sides from Main Street to Second Street.
(Subsection 7 – Ord. 10 – Nov. 25 Supp.)
8. Second Street, on both sides from Maple Street to Gamble Street.
(Subsection 8 – Ord. 10 – Nov. 25 Supp.)
9. Gamble Street, on both sides, from Second Street to Colton Street;
10. Colton Street, on the east side, from Gamble Avenue to south City limits;
11. Union Street, on the west side, from Springer Avenue to north end of Union Street;
12. Springer Avenue, on both sides, from Colton Street to west City limits;
13. Second Street, on both sides, from Oak Street to Elm Street;
14. Third Street, on the west side, from Oak Street to Walnut Street;
15. Second Street, on the east side, from Elm Street to Maple Street;
16. Elm Street, on both sides, from Second Street to Third Street;
17. Locust Street, on both sides, from Fifth Street to Ninth Street;
18. Maple Street, on the north side, from 50 feet east of Main Street to the end of Maple Street except for the purpose of utilizing the library during library hours.

69.09 MUNICIPAL PARKING LOT. Parking motor vehicles in the municipal parking lot and off-street parking facility will be limited to passenger vehicles and pickup trucks. No vehicle shall be parked for a period longer than three consecutive days; however, in the addition to the municipal parking lot and off-street parking facility described as:

Lots 79, 80, and 81 of the Original Town, now City, of Columbus Junction, Louisa County, Iowa,

no vehicle shall be parked longer than eight hours between the hours of 6:00 a.m. and 6:00 p.m.

69.10 ALL NIGHT PARKING PROHIBITED. No person, except physicians or other persons on emergency calls, shall park a vehicle on any of the following named streets for a period of time longer than 30 minutes between the hours of 2:00 a.m. and 5:00 p.m. of any day.

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

1. Main Street on both sides from Oak Street to Walnut Street;
2. Main Street on both sides from Walnut Street to Locust Street, Monday through Friday;
3. Walnut Street on both sides from Main Street to Third Street;
4. Second Street on both sides from State Highway No. 92 to Locust Street.

69.11 TRUCK PARKING LIMITED. No person shall park or leave unattended a motor truck, semi-trailer, or other motor vehicle with trailer attached which is larger than $\frac{3}{4}$ ton capacity or longer than sixteen (16) feet or wider than six (6) feet on any of the following streets, excepting only when such vehicles are actually engaged in the delivery or receiving of merchandise or cargo within the prohibited area. When actually receiving or delivering which will not interfere with other traffic, and the period of time shall not exceed ten (10) minutes. The provisions of this section shall not apply to pick-up, light delivery or panel delivery trucks.

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

1. Main Street on both sides from Maple Street to Locust Street;
2. Walnut Street on both sides from Main Street to Third Street;
3. Colonel Drive on both sides from East Access to HWY 70 by-pass.

(Section 69.11 – Ord. 2 – Nov. 22 Supp.)

69.12 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 8:00 a.m. and 5:00 p.m. on any day except Sundays and holidays upon the following designated streets:

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

1. Main Street on the east side from Locust Street to a point 80 feet south of the south right-of-way line of Oak Street;
2. Main Street on the west side from Locust Street to a point 100 feet south of the south right-of-way line of Oak Street;
3. Walnut Street on the south side from Main Street to the north/south alley between Second Street and Third Street.

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. This section is pursuant to the adopted City of Columbus Junction Snow Emergency Policy.

(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 REPAIRING VEHICLES. No person shall park a vehicle upon a public street, alley, or parking lot and then allow or permit or engage in the greasing of said vehicle, or the changing of the oil of said vehicle, or otherwise repair said vehicle, except when necessitated by an emergency, and no person shall allow a vehicle owned by him or her to be upon a public street, alley, or parking lot while said vehicle is being greased, or having the oil changed, or otherwise being repaired, except when necessitated by an emergency, and no person shall physically do a greasing, a changing of oil, or a repair upon a vehicle upon a public street, alley, or parking lot, or assist or aid any other person doing so, except when necessitated by an emergency.

69.17 YARD PARKING REGULATIONS.

1. Front Yard Parking Off Driveway Prohibited. It shall be unlawful for any person, corporation, or legal entity to park a motor vehicle or vehicle in the front or side yard of any residential lot, unless the motor vehicle or vehicle is parked completely upon a driveway. However, this provision shall not apply to motor vehicles or vehicles being used to move, deliver, and/or take articles to and from a yard or building, or structure located thereon, or used in connection with providing a temporary service thereon, for a reasonable period of time while the active process of said use.

2. Parking Unlicensed or Inoperable Motor Vehicles or Vehicles Anywhere in Front Yard not in a Permanent Roofed Enclosure Prohibited. It shall be unlawful for any person, corporation, or legal entity to park or store an unlicensed or inoperable motor vehicle or vehicle anywhere in the front yard, including upon any driveway or driveway extension, unless the motor vehicle or vehicle is parked or stored in a permanent roofed enclosure. Mere licensing of an inoperable motor vehicle or vehicle shall not constitute a defense to the finding that such motor vehicle or vehicle is in violation of this section.

3. Unlicensed or Inoperable Motor Vehicles or Vehicles in Side or Rear Yards Prohibited. It shall be unlawful for any person, corporation or legal entity to park or allow the parking of or store an unlicensed or inoperable motor vehicle or vehicle anywhere in the side or rear yard, including upon any driveway or driveway extension, unless the motor vehicle or vehicle is parked or stored in a permanent roofed enclosure. Mere licensing of an inoperable motor vehicle or vehicle shall not constitute a defense to the finding that such motor vehicle or vehicle is in violation of this section.

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CHAPTER 70

TRAFFIC CODE ENFORCEMENT PROCEDURES

70.01 Arrest or Citation

70.02 Scheduled Violations

70.03 Parking Violations: Alternate

70.04 Parking Violations: Vehicle Unattended

70.05 Presumption in Reference to Illegal Parking

70.06 Impounding Vehicles

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

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

(Code of Iowa, Sec. 805.6 and 321.485)

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

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

70.03 PARKING VIOLATIONS: ALTERNATE. Uncontested violations of parking restrictions imposed by this Code of Ordinances shall be charged upon a simple notice of a fine payable at the office of the City Clerk. The fine for each violation charged under a simple notice of a fine shall be in the amount of \$10.00 for all violations except improper use of a persons with disabilities parking permit. The fine for improper use of a persons with disabilities parking permit is \$100.00.

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

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

ATVS, UTVS, AND SNOWMOBILES

75.01 Purpose

75.02 Definitions

75.03 General Regulations

75.04 Operation of Snowmobiles

75.05 Operation of ATVs and UTVs

75.06 Negligence

75.07 Accident Reports

75.08 Hours of Operation

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

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

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

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

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

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

3. “Off-road utility vehicle” or “UTV” means a motorized vehicle, with not less than four and not more than eight non-highway tires or rubberized tracks, that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control. “Off-road utility vehicle” includes the following vehicles:

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

A. “Off-road utility vehicle – Type 1” includes vehicles with a total dry weight of 1,200 pounds or less and a width of 50 inches or less.

B. “Off-road utility vehicle – Type 2” includes vehicles, other than Type 1 vehicles, with a total dry weight of 2,000 pounds or less and a width of 65 inches or less.

C. “Off-road utility vehicle – Type 3” includes vehicles with a total dry weight of more than 2,000 pounds or a width of more than 65 inches, or both.

An operator of an off-road utility vehicle is also subject to the provisions of this chapter governing the operation of all-terrain vehicles.

4. “Snowmobile” means a motorized vehicle that weighs less than 1,000 pounds, that uses sled-type runners or skis, endless belt-type tread with a width of 48 inches or less, or any combination of runners, skis, or tread, and is designed for travel on snow or

ice. “Snowmobile” does not include an all-terrain vehicle that has been altered or equipped with runners, skis, belt-type tracks, or treads.

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

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

(Code of Iowa, Ch. 321G and Ch. 321I)

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

1. Prohibited Streets. Snowmobiles shall not be operated on the following street:

- A. On Second Street from Cherry Street to Gamble Street;
- B. On Gamble Street from Second Street to Colton Street;
- C. On Colton Street from Gamble Street to Springer Street.

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

3. 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])

4. 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])

5. Trails. Snowmobiles shall not be operated on all-terrain vehicle trails except where so designated.

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

6. 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.

7. Sidewalk or Parking. Snowmobiles shall not be operated upon the public sidewalk or that portion of the street located between the curb line and the sidewalk or property line commonly referred to as the “parking” except for purposes of crossing the same to a public street upon which operation is authorized by this chapter.

75.05 OPERATION OF ATVS AND UTVS. The operators of ATVs and UTVs shall comply with the following restrictions as to where ATVs and UTVs may be operated within the City:

1. Streets. ATVs and UTVs may be operated on roadways or highways in accordance with Section 321.234A of the *Code of Iowa*. A City may regulate the operation of registered ATVs and UTVs and may designate streets under the jurisdiction of the City within its corporate limits, and two-lane primary and secondary road extensions in the City, which may be used for the operation of such vehicles. In designating such streets, the City may authorize ATVs and UTVs to stop at service stations or convenience stores along a designated street. A person shall not drive and ATV and/or UTV:

- A. At a rate of speed greater than 35 miles per hour.
- B. In a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto.
- C. While under the influence of intoxicating liquor or narcotics or habit-forming drugs.
- D. Without a lighted headlight and taillight at such times when conditions provide insufficient lighting to render clearly discernible persons and vehicle at a distance of 300 feet ahead and behind.
- E. Without adequate brakes and brake lights.
- F. A person shall not operate an ATV and/or UTV with more persons on the vehicle than it is designed to carry.
- G. A person shall not operate an ATV and/or UTV unless the operator has a valid Iowa driver’s license, is at least 16 years of age, the vehicle is duly registered with the Iowa Department of Natural Resources (IA DNR), and the operator has proof of insurance.
- H. A person born after 1995 shall be required to take and pass an Iowa DNR approved ATV Education Course.
- I. This chapter does not apply to a person who operates an ATV and/or UTV as part of a farm operation as defined in the *Code of Iowa*.
- J. Hours of operation shall be from 4:00 a.m. to 10:00 p.m.

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

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

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

(Code of Iowa, Sec. 321I.14[1h])

4. Parks and Other City Land. ATVs and UTVs shall not be operated in any park, playground, or upon any other City-owned property without the express permission of the City.

5. Sidewalk or Parking. ATVs and UTVs shall not be operated upon the public sidewalk or that portion of the street located between the curb line and the sidewalk or property line commonly referred to as the "parking."

6. Direct Crossing. An ATV or UTV may make a direct crossing of a highway that is not part of the interstate road system provided all of the following occur:

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

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

B. The ATV or UTV is brought to a complete stop before crossing the shoulder or main traveled way of the highway.

C. The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard.

D. In crossing a divided highway, the crossing is made only at an intersection of such highway with another public street or highway.

E. The crossing is made from a street, roadway, or highway on which the ATV or UTV is authorized to operate to a street, roadway, or highway on which such vehicle is authorized to operate.

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

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

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

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

75.08 HOURS OF OPERATION. No snowmobile shall be operated in the City between the hours of 2:00 a.m. and 6:00 a.m. except for emergency situations or for loading and unloading from a transport trailer.

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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 Reclamation of Abandoned Vehicles

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] and Sec. 321.90)

1. "Abandoned vehicle" means any of the following:
 - A. A vehicle that has been left unattended on public property for more than 24 hours and lacks current registration plates or two or more wheels or other parts which renders the vehicle totally inoperable.
 - B. A vehicle that has remained illegally on public property for more than 24 hours.
 - C. A vehicle that has been unlawfully parked or placed on private property without the consent of the owner or person in control of the property for more than 24 hours.
 - D. A vehicle that has been legally impounded by order of a police authority and has not been reclaimed for a period of 10 days. However, a police authority may declare the vehicle abandoned within the 10-day period by commencing the notification process.
 - E. Any vehicle parked on the highway determined by a police authority to create a hazard to other vehicle traffic.
 - F. A vehicle that has been impounded pursuant to Section 321J.4B of the *Code of Iowa* by order of the court and whose owner has not paid the impoundment fees after notification by the person or agency responsible for carrying out the impoundment order.
2. "Demolisher" means a person licensed under Chapter 321H of the *Code of Iowa* whose business it is to convert a vehicle to junk, processed scrap, or scrap metal, or otherwise to wreck, or dismantle vehicles.
3. "Garage keeper" means any operator of a parking place or establishment, motor vehicle storage facility, or establishment for the servicing, repair, or maintenance of motor vehicles.
4. "Police authority" means the Iowa State Patrol or any law enforcement agency of a county or city.

80.02 AUTHORITY TO TAKE POSSESSION OF ABANDONED VEHICLES. A police authority, upon the authority's own initiative or upon the request of any other authority having the duties of control of highways or traffic, shall take into custody an abandoned vehicle on public property and may take into custody any abandoned vehicle on private property. The police authority may employ its own personnel, equipment, and facilities or hire a private entity,

equipment, and facilities for the purpose of removing, preserving, storing, or disposing of abandoned vehicles. A property owner or other person in control of private property may employ a private entity that is a garage keeper to dispose of an abandoned vehicle, and the private entity may take into custody the abandoned vehicle without a police authority's initiative. If a police authority employs a private entity to dispose of abandoned vehicles, the police authority shall provide the private entity with the names and addresses of the registered owners, all lienholders of record, and any other known claimant to the vehicle or the personal property found in the vehicle.

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

80.03 NOTICE BY MAIL.

1. A police authority or private entity that takes into custody an abandoned vehicle shall send notice by certified mail that the vehicle has been taken into custody, no more than 20 days after taking custody of the vehicle. Notice shall be sent to the last known address of record of the last known registered owner of the vehicle, all lienholders of record, and any other known claimant to the vehicle.
2. Notice shall be deemed given when mailed. The notice shall include all of the following:
 - A. A description of the year, make, model and vehicle identification number of the vehicle.
 - B. The location of the facility where the vehicle is being held.
 - C. Information for the persons receiving the notice of their right to reclaim the vehicle and personal property contained therein within 10 days after the effective date of the notice. Persons may reclaim the vehicle or personal property upon payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody and upon payment of the costs of the notice required pursuant to this section.
 - D. A statement that failure of the owner, lienholders, or claimants to exercise their right to reclaim the vehicle or personal property within the time provided shall be deemed a waiver by the owner, lienholders, and claimants of all right, title, claim, and interest in the vehicle or personal property.
 - E. A statement that failure to reclaim the vehicle or personal property is deemed consent for the police authority or private entity to sell the vehicle at a public auction or dispose of the vehicle to a demolisher and to dispose of the personal property by sale or destruction.
3. If the abandoned vehicle was taken into custody by a private entity without a police authority's initiative, the notice shall state that the private entity may claim a garage keeper's lien as described in Section 321.90, Subsection 1, of the *Code of Iowa*, and may proceed to sell or dispose of the vehicle.
4. If the abandoned vehicle was taken into custody by a police authority or by a private entity hired by a police authority, the notice shall state that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or property by the police authority or private entity, or of the assessment of fees and charges provided by this section, may ask for an evidentiary hearing before the police authority to contest those matters.

5. If the persons receiving notice do not ask for a hearing or exercise their right to reclaim the vehicle or personal property within the 10-day reclaiming period, the owner, lienholders, or claimants shall no longer have any right, title, claim, or interest in or to the vehicle or the personal property.

6. A court in any case in law or equity shall not recognize any right, title, claim, or interest of the owner, lienholders, or claimants after the expiration of the 10-day reclaiming period.

7. If it is impossible to determine with reasonable certainty the identities and addresses of the last registered owner and all lienholders, notice by one publication in one newspaper of general circulation in the area where the vehicle was abandoned shall be sufficient to meet all requirements of notice under Subsection 2 of this section. The published notice may contain multiple listings of abandoned vehicles, but shall be published within the same time requirements and contain the same information as prescribed for mailed notice in Subsection 2 of this section.

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

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

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

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

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

80.06 DISPOSAL OF ABANDONED VEHICLES. If an abandoned vehicle has not been reclaimed as provided herein, the police authority or private entity shall make a determination as to whether or not the motor vehicle should be sold for use upon the highways, and shall dispose of the motor vehicle in accordance with State law.

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

80.07 DISPOSAL OF TOTALLY INOPERABLE VEHICLES. The City or any person upon whose property or in whose possession is found any abandoned motor vehicle, or any person being the owner of a motor vehicle whose title certificate is faulty, lost, or destroyed, may dispose of such motor vehicle to a demolisher for junk, without a title and without notification procedures, if such motor vehicle lacks an engine or two or more wheels or other structural part which renders the vehicle totally inoperable. The police authority shall give the applicant a certificate of authority. The applicant shall then apply to the County Treasurer for a junking certificate and shall surrender the certificate of authority in lieu of the certificate of title.

(Code of Iowa, Sec. 321.90[2e])

80.08 PROCEEDS FROM SALES. Proceeds from the sale of any abandoned vehicle shall be applied to the expense of auction, cost of towing, preserving, storing, and notification required, in accordance with State law. Any balance shall be held for the owner of the motor

vehicle or entitled lienholder for 90 days, and then shall be deposited in the State Road Use Tax Fund. Where the sale of any vehicle fails to realize the amount necessary to meet costs the police authority shall apply for reimbursement from the Department of Transportation.

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

80.09 DUTIES OF DEMOLISHER. Any demolisher who purchases or otherwise acquires an abandoned motor vehicle for junk shall junk, scrap, wreck, dismantle, or otherwise demolish such motor vehicle. A demolisher shall not junk, scrap, wreck, dismantle, or demolish a vehicle until the demolisher has obtained the junking certificate issued for the vehicle.

(Code of Iowa, Sec. 321.90[3a])

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CHAPTER 81

RAILROAD REGULATIONS

81.01 Definitions

81.02 Obstructing Streets

81.03 Crossing Maintenance

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

1. “Operator” means any individual, partnership, corporation, or other association that owns, operates, drives, or controls a railroad train.
2. “Railroad train” means an engine or locomotive, with or without cars coupled thereto, operated upon rails.

(Code of Iowa, Sec. 321.1)

81.02 OBSTRUCTING STREETS. Operators shall not operate any train in such a manner as to prevent vehicular use of any highway, street, or alley for a period of time in excess of 10 minutes except:

(Code of Iowa, Sec. 327G.32)

1. Comply with Signals. When necessary to comply with signals affecting the safety of the movement of trains.
2. Avoid Striking. When necessary to avoid striking any object or person on the track.
3. Disabled. When the train is disabled.
4. Safety Regulations. When necessary to comply with governmental safety regulations including, but not limited to, speed ordinances and speed regulations.
5. In Motion. When the train is in motion except while engaged in switching operations.
6. No Traffic. When there is no vehicular traffic waiting to use the crossing.

An employee is not guilty of a violation of this section if the employee’s action was necessary to comply with the direct order or instructions of a railroad corporation or its supervisors. Guilt is then with the railroad corporation.

81.03 CROSSING MAINTENANCE. Operators shall construct and maintain good, sufficient, and safe crossings over any street traversed by their rails.

(Bourett vs. Chicago and N.W. Ry. 152 Iowa 579, 132 N.W. 973 [1943])

(Code of Iowa, Sec. 364.11)

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CHAPTER 90

WATER SERVICE SYSTEM

90.01 Definitions	90.14 Curb Valve
90.02 Superintendent's Duties	90.15 Interior Valve
90.03 Mandatory Connections	90.16 Inspection and Approval
90.04 Abandoned Connections	90.17 Completion by the City
90.05 Permit	90.18 Shutting Off Water Supply
90.06 Connection Charge	90.19 Operation of Curb Valve and Hydrants
90.07 Compliance with Plumbing Code	90.20 Water Emergency or Shortage
90.08 Plumber Required	90.21 Extensions
90.09 Excavations	90.22 Boilers and Pressure Vessels
90.10 Tapping Mains	90.23 Loss or Damage to City Property
90.11 Installation of Water Service Pipe	90.24 Water Used for Construction Purposes
90.12 Responsibility for Water Service Pipe	90.25 Cross Connections Prohibited
90.13 Failure to Maintain	

90.01 DEFINITIONS. The following terms are defined for use in the chapters in this Code of Ordinances pertaining to the Water Service System:

1. "Combined service account" means a customer service account for the provision of two or more utility services.
2. "Customer" means, in addition to any person receiving water service from the City, the owner of the property served, and as between such parties the duties, responsibilities, liabilities, and obligations hereinafter imposed shall be joint and several.
3. "Superintendent" means the Superintendent of the City water system or any duly authorized assistant, agent, or representative.
4. "Water main" means a water supply pipe provided for public or community use.
5. "Water service pipe" means the pipe from the water main to the building served.
6. "Water system" or "water works" means all public facilities for securing, collecting, storing, pumping, treating, and distributing water.

90.02 SUPERINTENDENT'S DUTIES. The Superintendent shall supervise the installation of water service pipes and their connection to the water main and enforce all regulations pertaining to water services in the City in accordance with this chapter. This chapter shall apply to all replacements of existing water service pipes as well as to new ones. The Superintendent shall make such rules, not in conflict with the provisions of this chapter, as may be needed for the detailed operation of the water system, subject to the approval of the Council. In the event of an emergency the Superintendent may make temporary rules for the protection of the system until due consideration by the Council may be had.

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

90.03 MANDATORY CONNECTIONS. All residences and business establishments within the City limits intended or used for human habitation, occupancy, or use shall be connected to the public water system, if it is reasonably available and if the building is not furnished with pure and wholesome water from some other source.

90.04 ABANDONED CONNECTIONS. When an existing water service is abandoned or a service is renewed with a new tap in the main, all abandoned connections with the mains shall be turned off at the corporation stop and made absolutely watertight.

90.05 PERMIT. Before any person makes a connection with the public water system, a written permit must be obtained from the City. The application for the permit shall include a legal description of the property, the name of the property owner, the name and address of the person who will do the work, and the general uses of the water. If the proposed work meets all the requirements of this chapter and if all fees required under this chapter have been paid, the permit shall be issued. Work under any permit must be completed within 60 days after the permit is issued, except that when such time period is inequitable or unfair due to conditions beyond the control of the person making the application, an extension of time within which to complete the work may be granted. The permit may be revoked at any time for any violation of these chapters.

90.06 CONNECTION CHARGE. There shall be a connection charge in the amount of \$175.00 paid before issuance of a permit to reimburse the City for costs borne by the City in making water service available to the property served.

(Code of Iowa, Sec. 384.84)

90.07 COMPLIANCE WITH PLUMBING CODE. The installation of any water service pipe and any connection with the water system shall comply with all pertinent and applicable provisions, whether regulatory, procedural, or enforcement provisions, of the *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. The City shall install and maintain at its expense that portion of the service line from the main to the lot or easement line, including the necessary tap, fittings, and shut-off valve; and the customer shall install and maintain that portion of the service from said lot or easement line to the customer's premises, including a stop and waste cock at the end of the house side of the service. The minimum earth cover of the customer's service shall be five feet. The City shall determine the size and kind of service to be installed.

90.13 FAILURE TO MAINTAIN. When any portion of the water service pipe which is the responsibility of the property owner becomes defective or creates a nuisance and the owner fails to correct such nuisance, the City may do so and assess the costs thereof to the property.

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

90.14 CURB VALVE. There shall be installed within the public right-of-way a main shut-off valve on the water service pipe of a pattern approved by the Superintendent. The shut-off valve shall be constructed to be visible and even with the pavement or ground.

90.15 INTERIOR VALVE. There shall be installed a shut-off valve on every service pipe inside the building as close to the entrance of the pipe within the building as possible and so located that the water can be shut off conveniently. Where one service pipe supplies more than one customer within the building, there shall be separate valves for each such customer so that service may be shut off for one without interfering with service to the others.

90.16 INSPECTION AND APPROVAL. All water service pipes and their connections to the water system must be inspected and approved in writing by the Superintendent before they are covered, and the Superintendent shall keep a record of such approvals. If the Superintendent refuses to approve the work, the plumber or property owner must proceed immediately to correct the work. Every person who uses or intends to use the municipal water system shall permit the Superintendent to enter the premises to inspect or make necessary alterations or repairs at all reasonable hours and on proof of authority.

90.17 COMPLETION BY THE CITY. Should any excavation be left open or only partly refilled for 24 hours after the water service pipe is installed and connected with the water system, or should the work be improperly done, the City shall have the right to finish or correct the work, and the Council shall assess the costs to the property owner or the plumber. If the plumber is assessed, the plumber must pay the costs before receiving another permit. If the property owner is assessed, such assessment may be collected with and in the same manner as general property taxes.

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

90.18 SHUTTING OFF WATER SUPPLY. The Superintendent may shut off the supply of water to any customer because of any violation of the regulations contained in these Water

Service System chapters that is not being contested in good faith. The supply shall not be turned on again until all violations have been corrected and the Superintendent has ordered the water to be turned on.

90.19 OPERATION OF CURB VALVE AND HYDRANTS. It is unlawful for any person except the Superintendent to turn water on at the curb valve, and no person, unless specifically authorized by the City, shall open or attempt to draw water from any fire hydrant for any purpose whatsoever.

90.20 WATER EMERGENCY OR SHORTAGE. In the event of an emergency and/or water shortage, the following shall be the priority given to shut-offs or denial of water:

1. To municipalities other than the City;
2. Nonresidents of the City, in the following order:
 - A. Agricultural
 - B. Commercial
 - C. Residential
3. Residents of the City, in the following order:
 - A. Agricultural
 - B. Commercial
 - C. Residential

90.21 EXTENSIONS. The City will construct extensions to its water lines to points within its service area, but the City is not required to make such installations unless the customer pays to the City the entire cost of the installation. All line extensions shall be evidenced by a contract signed by the City and the person advancing funds for said extension. If refund of the advance is to be made, the following method shall apply: 20 percent of the total gross revenue of water sales per year for each service connected to the new extension described in the agreement, for a period not to exceed five years, provided that the aggregate payments do not exceed the total amount deposited. No refund shall be made from any revenue received from any lines leading up to or beyond the particular line extension covered by contract. All decisions in connection with the manner of installation of any extension and maintenance thereof shall remain in the exclusive control of the City and such extension shall be the property of the City and no other person shall have any right, title or interest therein. In the event the City allows a hook-up either by a resident or nonresident who provides said applicant's own water line, then future users who can physically be served by that line shall be allowed to hook into the line by first having the approval of the City and by paying to the initial applicant the subsequent applicant's pro rata share of the initial water line cost. All such payments shall be distributed proportionately among the previous payers.

90.22 BOILERS AND PRESSURE VESSELS. Customers having boilers and/or pressure vessels receiving a supply of water from the City must have a check valve on the water supply line and a vacuum valve on the steam line to prevent collapse in case the water supply from the City is discontinued or interrupted for any reason, with or without notice.

90.23 LOSS OR DAMAGE TO CITY PROPERTY. If any loss or damage to the property of the City or any accident or injury to persons or property is caused by or results from the negligence or wrongful act of the customer, member of the customer's household or any agent

or employee of the customer, the cost of the necessary repairs or replacements shall be paid for by the customer to the City and any liability otherwise resulting shall be that of the customer. Unless otherwise specifically itemized, the cost of the necessary repairs and replacement shall be deemed to be \$100.00.

90.24 WATER USED FOR CONSTRUCTION PURPOSES. Water for building or construction purposes will be furnished by meter measurement only after suitable deposit has been made, the minimum deposit being \$35.00; and the amount determined by the City depending upon the size of the construction work contemplated. All water for building or construction purposes, as set forth in the permit, must pass through one and the same meter. Water so supplied shall be discharged through a hose or pipe directly upon material to be wet, or into a barrel or other container, and in no case upon the ground or into or through a ditch or trench, and all use of water by other than the applicant or use of water for any purpose or upon any premises not so stated or described in the application must be prevented by the applicant, or water service may be discontinued without notice.

90.25 CROSS CONNECTIONS PROHIBITED. Connection, cross connection, or permitting the same of any separate water supply to premises which receive water from the City is prohibited.

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CHAPTER 91

WATER METERS

91.01 Purpose

91.02 Water Use Metered

91.03 Fire Sprinkler Systems; Exception

91.04 Location of Meters

91.05 Meter Setting

91.06 Meter Costs

91.07 Meter Repairs

91.08 Right of Entry

91.09 Separate Meters

91.10 Testing

91.11 Failure to Register

91.12 Alter, Tamper, Relocate, Install, Willfully Damage, or Bypass a Water Meter

91.01 PURPOSE. The purpose of this chapter is to encourage the conservation of water and facilitate the equitable distribution of charges for water service among customers.

91.02 WATER USE METERED. All water furnished customers shall be measured through meters furnished by the City and installed by the City.

91.03 FIRE SPRINKLER SYSTEMS; EXCEPTION. Fire sprinkler systems may be connected to water mains by direct connection without meters under the direct supervision of the Superintendent. No other open, unmetered connection shall be incorporated in the system, and there shall be no valves except a main control valve at the entrance to the building which must be sealed open.

91.04 LOCATION OF METERS. All meters shall be so located that they are easily accessible to meter readers and repairmen and protected from freezing.

91.05 METER SETTING. The property owner shall provide all necessary piping and fittings for proper setting of the meter including a valve on the discharge side of the meter. Meter pits may be used only upon approval of the Superintendent and shall be of a design and construction approved by the Superintendent.

91.06 METER COSTS. The full cost of any meter larger than that required for a single-family residence shall be paid to the City by the property owner or customer prior to the installation of any such meter by the City, or, at the sole option of the City, the property owner or customer may be required to purchase and install such meter in accordance with requirements established by the City.

91.07 METER REPAIRS. Whenever a water meter owned by the City is found to be out of order the 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 SEPARATE METERS. The water supply to each family unit served by the City shall be metered by one meter. Apartment houses and multiple dwellings shall have one meter for each family unit and for each business which may occupy said apartment or multiple dwelling, with the exception that if a structure pre-dated the original enactment of the ordinance codified

in this section, and said structure does not have a separate meter for each unit, and it would be impracticable to install separate meters for each unit, then the owner of said apartment house or multiple dwelling structure may pay pursuant to one meter. However, in no event shall the minimum monthly bill be less than the amount charged for each unit times the standard minimum billing. In the event of a structural change to the building, this exception shall not apply and the owner will be required to provide separate meters for each unit.

91.10 TESTING. Upon the written request of any customer, the meter serving said customer shall be tested by the City. Such test will be made without charge to the customer if the meter has not been tested within 12 months preceding the requested test; otherwise, a charge of \$5.00 will be made and then only if the test indicates meter accuracy within the limits of two percent.

91.11 FAILURE TO REGISTER. Where the meter has ceased to register or meter reading could not be obtained, the quantity of water consumed for billing purposes will be based upon an average of the prior six months' consumption, and the conditions of water service prevailing during the period in which the meter failed to register.

91.12 ALTER, TAMPER, RELOCATE, INSTALL, WILLFULLY DAMAGE, OR BYPASS A WATER METER. It is unlawful for any unauthorized person (including a licensed plumber) to alter, tamper with, relocate, willfully damage, install, or bypass a water meter. It is unlawful for any person (including a licensed plumber) other than a City employee to reconnect a water meter or turn water back on after City personnel have disconnected or turned off.

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CHAPTER 92

WATER RATES

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

- 92.07 Lien Exemption
- 92.08 Lien Notice
- 92.09 Customer Deposits
- 92.10 Temporary Vacancy
- 92.11 Temporary Suspension of Services

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 and outside City limits:

(Code of Iowa, Sec. 384.84)

Gallons Used Per Month	Rate
First 2,000 City limits	\$23.00 (minimum bill)
All over 2,000	\$11.26 per 1,000 gallons
First 2,000 Outside City	\$34.50 (minimum bill)
All over 2,000	\$16.89 per 1,000 gallons

The foregoing rates shall be reviewed by the Council prior to July 1st of each year.

(Section 92.02 – Ord. 8 – Nov. 25 Supp.)

92.03 RATES OUTSIDE THE CITY. Water service shall be provided to any customer located outside the corporate limits of the City which the City has agreed to serve at rates one and one-half the rates provided in Section 92.02. No such customer, however, will be served unless the customer shall have signed a service contract agreeing to be bound by the ordinances, rules, and regulations applying to water service established by the Council. In addition, said applicant must sign a contract that in the event the City requests an annexation of that applicant's real estate served by the water, said applicant shall execute a document wherein the applicant agrees to petition voluntarily for an annexation and that agreement shall run with the applicant's land. In the event said applicant fails to file the voluntary petition when requested, the water service to that location shall be immediately shut off. When an applicant has constructed a water line to his or her property line, this line, at the request of the City, shall become the property of the City. However, this transfer to the City shall not occur until resolution by a quorum of the Council in regard to that particular line. When a water line has been acquired by the City under this section, the compensation or reimbursement provisions of Section 90.21 of this Code of Ordinances shall no longer apply.

(Code of Iowa, Sec. 364.4 and 384.84)

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

(Code of Iowa, Sec. 384.84)

1. Bills Issued. The Clerk shall prepare and issue bills for combined service accounts on or before the first day of each month.
2. Bills Payable. Bills for combined service accounts shall be due and payable at the office of the Clerk by the 15th day of each month.
3. Late Payment Penalty. Bills not paid when due shall be considered delinquent. A one-time late payment penalty of 10 percent of the amount due shall be added to each 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. The City will also tag doors of delinquent customers 24 hours prior to discontinuance of service as final notice of shutoff. An administrative fee of \$25.00 shall be charged for issuance of the tag.
2. Notice to Landlords. If the customer is a tenant, and if the owner or landlord of the property or premises has made a written request for notice, the notice of delinquency shall also be given to the owner or landlord. If the customer is a tenant and requests a change of name for service under the account, such request shall be sent to the owner or landlord of the property if the owner or landlord has made a written request for notice of any change of name for service under the account to the rental property.
3. Hearing. If a hearing is requested by noon of the day preceding the shut off, the Clerk shall conduct an informal hearing and shall make a determination as to whether the discontinuance or disconnection is justified. The customer has the right to appeal the Clerk's decision to the Council, and if the Council finds that discontinuance or disconnection is justified, then such discontinuance or disconnection shall be made, unless payment has been received.
4. Fees. A fee of \$50.00 shall be charged before service is restored to a delinquent customer. No fee shall be charged for the usual or customary trips in the regular changes in occupancies of property.

92.06 LIEN FOR NONPAYMENT. The owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for water service charges to the premises. Water service charges remaining unpaid and delinquent shall constitute a lien upon the property or premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

(Code of Iowa, Sec. 384.84)

92.07 LIEN EXEMPTION.

(Code of Iowa, Sec. 384.84)

1. **Water Service Exemption.** The lien for nonpayment shall not apply to charges for water service to a residential or commercial rental property where water service is separately metered and the rates or charges for the water service are paid directly to the City by the tenant, if the landlord gives written notice to the City that the property is residential or commercial rental property and that the tenant is liable for the rates or charges. The City may require a deposit not exceeding the usual cost of 90 days of such services to be paid to the City. When the tenant moves from the rental property, the City shall refund the deposit if all service charges are paid in full. The lien exemption does not apply to delinquent charges for repairs related to any of the services.
2. **Other Service Exemption.** The lien for nonpayment shall also not apply to the charges for any of the services of sewer systems, stormwater drainage systems, sewage treatment, solid waste collection, and solid waste disposal for a residential rental property where the charge is paid directly to the City by the tenant, if the landlord gives written notice to the City that the property is residential rental property and that the tenant is liable for the rates or charges for such service. The City may require a deposit not exceeding the usual cost of 90 days of such services to be paid to the City. When the tenant moves from the rental property, the City shall refund the deposit if all service charges are paid in full. The lien exemption does not apply to delinquent charges for repairs related to any of the services.
3. **Written Notice.** The landlord's written notice shall contain the name of the tenant responsible for charges, the address of the residential or commercial rental property that the tenant is to occupy, and the date that the occupancy begins. Upon receipt, the City shall acknowledge the notice and deposit. A change in tenant for a residential rental property shall require a new written notice to be given to the City within 30 business days of the change in tenant. A change in tenant for a commercial rental property shall require a new written notice to be given to the City within 10 business days of the change in tenant. A change in the ownership of the residential rental property shall require written notice of such change to be given to the City within 30 business days of the completion of the change of ownership. A change in the ownership of the commercial rental property shall require written notice of such change to be given to the City within 10 business days of the completion of the change of ownership.
4. **Mobile Homes, Modular Homes, and Manufactured Homes.** A lien for nonpayment of utility services described in Subsections 1 and 2 of this section shall not be placed upon a premises that is a mobile home, modular home, or manufactured home if the mobile home, modular home, or manufactured home is owned by a tenant of and located in a mobile home park or manufactured home community and the mobile home park or manufactured home community owner or manager is the account holder, unless the lease agreement specifies that the tenant is responsible for payment of a portion of the rates or charges billed to the account holder.

92.08 LIEN NOTICE. A lien for delinquent water service charges shall not be certified to the County Treasurer unless prior written notice of intent to certify a lien is given to the customer in whose name the delinquent charges were incurred. If the customer is a tenant and if the owner or landlord of the property or premises has made a written request for notice, the notice shall

also be given to the owner or landlord. The notice shall be sent to the appropriate persons by ordinary mail not less than 30 days prior to certification of the lien to the County Treasurer.

(Code of Iowa, Sec. 384.84)

92.09 CUSTOMER DEPOSITS. There shall be required from every customer not the owner of the premises served a \$100.00 deposit intended to guarantee the payment of bills for service.

(Code of Iowa, Sec. 384.84)

92.10 TEMPORARY VACANCY. A property owner may request water service be temporarily discontinued and shut off at the curb valve when the property is expected to be vacant for an extended period of time. There shall be a \$50.00 fee for restoring service. During a period when service is temporarily discontinued as provided herein there shall be no minimum service charge. The City will not drain pipes or pull meters for temporary vacancies.

92.11 TEMPORARY SUSPENSION OF SERVICES. A property owner may request water service be temporarily suspended by notifying the City when the property is expected to be vacant for more than two months but less than six months; otherwise the customer shall remain liable for all water used and service rendered by the City until said notice is received by the City. During a period when service is temporarily suspended as provided herein, there shall be no minimum service charge, but all surcharges and assessments shall remain in effect. If there is any usage during the temporary suspension, the property owner will be billed for the usage when account service is restored.

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CHAPTER 95

SANITARY SEWER SYSTEM

95.01 Purpose

95.02 Definitions

95.03 Superintendent

95.04 Prohibited Acts

95.05 Sewer Connection Required

95.06 Service Outside the City

95.07 Right of Entry

95.08 Use of Easements

95.09 Special Penalties

95.10 Abandoned Sewer Lines

95.01 PURPOSE. The purpose of the chapters of this Code of Ordinances pertaining to Sanitary Sewers is to establish rules and regulations governing the treatment and disposal of sanitary sewage within the City in order to protect the public health, safety, and welfare.

95.02 DEFINITIONS. For use in these chapters, unless the context specifically indicates otherwise, the following terms are defined:

1. "B.O.D." (denoting Biochemical Oxygen Demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in milligrams per liter or parts per million.
2. "Building drain" means that part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (one and one-half meters) outside the inner face of the building wall.
3. "Building sewer" means that part of the horizontal piping from the building wall to its connection with the main sewer or the primary treatment portion of an on-site wastewater treatment and disposal system conveying the drainage of one building site.
4. "Combined sewer" means a sewer receiving both surface run-off and sewage.
5. "Customer" means any person responsible for the production of domestic, commercial, or industrial waste that is directly or indirectly discharged into the public sewer system.
6. "Garbage" means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce.
7. "Industrial wastes" means the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
8. "Inspector" means the person duly authorized by the Council to inspect and approve the installation of building sewers and their connections to the public sewer system; and to inspect such sewage as may be discharged therefrom.
9. "Natural outlet" means any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
10. "On-site wastewater treatment and disposal system" means all equipment and devices necessary for proper conduction, collection, storage, treatment, and disposal of wastewater from four or fewer dwelling units or other facilities serving the equivalent of 15 persons (1,500 gpd) or less.

11. “pH” means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
12. “Public sewer” means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
13. “Sanitary sewage” means sewage discharging from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories, or institutions, and free from storm, surface water, and industrial waste.
14. “Sanitary sewer” means a sewer that carries sewage and to which storm, surface, and ground waters are not intentionally admitted.
15. “Sewage” means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and stormwaters as may be present.
16. “Sewage treatment plant” means any arrangement of devices and structures used for treating sewage.
17. “Sewage works” or “sewage system” means all facilities for collecting, pumping, treating, and disposing of sewage.
18. “Sewer” means a pipe or conduit for carrying sewage.
19. “Sewer service charges” means any and all charges, rates or fees levied against and payable by customers, as consideration for the servicing of said customers by said sewer system.
20. “Slug” means any discharge of water, sewage, or industrial waste that in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation.
21. “Storm drain” or “storm sewer” means a sewer that carries storm and surface waters and drainage but excludes sewage and industrial wastes, other than unpolluted cooling water.
22. “Superintendent” means the Superintendent of sewage works and/or of water pollution control of the City or any authorized deputy, agent, or representative.
23. “Suspended solids” means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and that are removable by laboratory filtering.
24. “Watercourse” means a channel in which a flow of water occurs, either continuously or intermittently.

95.03 SUPERINTENDENT. The Superintendent shall exercise the following powers and duties:

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

1. Operation and Maintenance. Operate and maintain the City sewage system.
2. Inspection and Tests. Conduct necessary inspections and tests to assure compliance with the provisions of these Sanitary Sewer chapters.
3. Records. Maintain a complete and accurate record of all sewers, sewage connections, and manholes constructed showing the location and grades thereof.

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

1. **Damage Sewer System.** Maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment that is a part of the sewer system.

(Code of Iowa, Sec. 716.1)

2. **Surface Run-Off or Groundwater.** Connect a roof downspout, sump pump, exterior foundation drain, areaway drain, or other source of surface run-off or groundwater to a building sewer or building drain that is connected directly or indirectly to a public sanitary sewer.

3. **Manholes.** Open or enter any manhole of the sewer system, except by authority of the Superintendent.

4. **Objectionable Wastes.** Place or deposit in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage, or other objectionable waste.

5. **Septic Tanks.** Construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage except as provided in these chapters.

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

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[3ff])

95.05 SEWER CONNECTION REQUIRED. The owners of any houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley or right-of-way in which there is now located, or may in the future be located, a public sanitary or combined sewer, are hereby required to install, at such owner's expense, suitable toilet facilities therein and a building sewer connecting such facilities directly with the proper public sewer, and to maintain the same all in accordance with the provisions of these Sanitary Sewer chapters, such compliance to be completed within 60 days after date of official notice from the City to do so provided that said public sewer is located within 100 feet of the property line of such owner and is of such design as to receive and convey by gravity such sewage as may be conveyed to it. Billing for sanitary sewer service will begin the date of official notice to connect to the public sewer.

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

(567 IAC 69.1[3])

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

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

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

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

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

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

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

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

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CHAPTER 96

BUILDING SEWERS AND CONNECTIONS

96.01 Permit

96.02 Connection Charge

96.03 Plumber Required

96.04 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 following information:

1. The location and description of the property to be connected with the sewer system.
2. The purpose for which the sewer is to be used.
3. Plans, specifications, or other information considered pertinent.

The permit shall require the owner to complete construction and connection of the building sewer to the public sewer within 60 days after the issuance of the permit, except that when a property owner makes sufficient showing that due to conditions beyond the owner's control or peculiar hardship, such time period is inequitable or unfair, an extension of time within which to comply with the provisions herein may be granted. Any sewer connection permit may be revoked at any time for a violation of these chapters.

96.02 CONNECTION CHARGE. There shall be a connection charge in the amount of \$175.00 paid to reimburse the City for costs borne by the City in making sewer service available to the property served.

96.03 PLUMBER REQUIRED. All installations of building sewers and connections to the public sewer shall be made by a State-licensed plumber.

96.04 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, from the main to the building served, shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation 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])

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CHAPTER 97

USE OF PUBLIC SEWERS

97.01 Stormwater

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 STORMWATER. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof run-off, sub-surface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged to such sewers that are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process waters may be discharged on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet.

97.02 SURFACE WATERS EXCEPTION. Special permits for discharging surface waters to a public sanitary sewer may be issued by the Council upon recommendation of the Superintendent where such discharge is deemed necessary or advisable for purposes of flushing, but any permit so issued shall be subject to revocation at any time when deemed to be in the best interests of the sewer system.

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

1. Flammable or Explosive Material. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
2. Toxic or Poisonous Materials. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides (CN) in excess of two milligrams per liter as CN in the wastes as discharged to the public sewer.
3. Corrosive Wastes. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
4. Solid or Viscous Substances. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
5. Excessive B.O.D., Solids or Flow.
 - A. Any waters or wastes: (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°F (65°C).
2. Fat, Oil, Grease. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 milligrams per liter or 600 milligrams per liter of dispersed or other soluble matter.
3. Viscous Substances. Water or wastes containing substances that may solidify or become viscous at temperatures between 32°F and 150°F (0°C to 65°C).
4. Garbage. Any garbage that has not been properly shredded, that is, to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.
5. Acids. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solution, whether neutralized or not.
6. Toxic or Objectionable Wastes. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
7. Odor or Taste. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits that may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of State, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

8. Radioactive Wastes. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or federal regulations.
9. Excess Alkalinity. Any waters or wastes having a pH in excess of 9.5.
10. Unusual Wastes. Materials that exert or cause:
 - A. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - B. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - C. Unusual B.O.D., chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - D. Unusual volume of flow or concentration of wastes constituting “slugs” as defined herein.
11. Noxious or Malodorous Gases. Any noxious or malodorous gas or other substance that, either singly or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.
12. Damaging Substances. Any waters, wastes, materials, or substances that react with water or wastes in the sewer system to release noxious gases, develop color of undesirable intensity, form suspended solids in objectionable concentration, or create any other condition deleterious to structures and treatment processes.
13. Untreatable Wastes. Waters or wastes containing substances that are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

97.05 RESTRICTED DISCHARGES; POWERS OF SUPERINTENDENT. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 97.04 and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

1. Rejection. Reject the wastes by requiring disconnection from the public sewage system;
2. Pretreatment. Require pretreatment to an acceptable condition for discharge to the public sewers;
3. Controls Imposed. Require control over the quantities and rates of discharge; and/or
4. Special Charges. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Chapter 99.

97.06 SPECIAL FACILITIES. If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances, and laws. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at the owner's expense.

97.07 CONTROL MANHOLES. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at the owner's expense, and shall be maintained by the owner so as to be safe and accessible at all times.

97.08 TESTING OF WASTES. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, B.O.D. and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples.)

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CHAPTER 98

PRIVATE ON-SITE WASTEWATER SYSTEMS

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

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

98.01 WHEN PROHIBITED. Except as otherwise provided in this chapter, it is unlawful to construct or maintain any on-site wastewater treatment and disposal system or other facility intended or used for the disposal of sewage.

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

98.02 WHEN REQUIRED. When a public sanitary sewer is not available under the provisions of Section 95.05, every building wherein persons reside, congregate or are employed shall be provided with an approved on-site wastewater treatment and disposal system complying with the provisions of this chapter.

(567 IAC 69.1[3])

98.03 COMPLIANCE WITH REGULATIONS. The type, capacity, location, and layout of a private on-site wastewater treatment and disposal system shall comply with the specifications and requirements set forth by the Iowa Administrative Code 567, Chapter 69, and with such additional requirements as are prescribed by the regulations of the County Board of Health.

(567 IAC 69.1[3 and 4])

98.04 PERMIT REQUIRED. No person shall install or alter an on-site wastewater treatment and disposal system without first obtaining a permit from the County Board of Health.

98.05 DISCHARGE RESTRICTIONS. It is unlawful to discharge any wastewater from an on-site wastewater treatment and disposal system (except under an NPDES permit) to any ditch, stream, pond, lake, natural or artificial waterway, drain tile or to the surface of the ground.

(567 IAC 69.1[3])

98.06 MAINTENANCE OF SYSTEM. The owner of an on-site wastewater treatment and disposal system shall operate and maintain the system in a sanitary manner at all times and at no expense to the City.

98.07 SYSTEMS ABANDONED. At such time as a public sewer becomes available to a property served by an on-site wastewater treatment and disposal system, as provided in Section 95.05, a direct connection shall be made to the public sewer in compliance with these Sanitary Sewer chapters and the on-site wastewater treatment and disposal system shall be abandoned and filled with suitable material.

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

98.08 DISPOSAL OF SEPTAGE. No person shall dispose of septage from an on-site treatment system at any location except an approved disposal site.

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CHAPTER 99

SEWER 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:

1. First 2,000 gallons or lesser amount per month at \$20.00 (minimum).
2. Next 48,000 gallons or lesser amount per month at \$6.80 per 1,000 gallons.
3. Over 50,000 gallons per month at \$1.25 per 1,000 gallons.

In no case shall the minimum service charge be less than \$20.00 per month, which is necessary to retire the indebtedness, operating and maintenance, and reserve necessary for maintaining the sanitary sewer facility.

(Section 99.01 – Ord. 3 – May 23 Supp.)

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 105

SOLID WASTE CONTROL

105.01 Purpose
105.02 Definitions
105.03 Sanitary Disposal Required
105.04 Health and Fire Hazard
105.05 Open Burning Restricted
105.06 Separation of Yard Waste Required

105.07 Littering Prohibited
105.08 Toxic and Hazardous Waste
105.09 Waste Storage Containers
105.10 Prohibited Practices
105.11 Sanitary Disposal Project Designated

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

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

1. “Collector” means any person authorized to gather solid waste from public and private places.
2. “Discard” means to place, cause to be placed, throw, deposit, or drop.
(Code of Iowa, Sec. 455B.361[1])
3. “Dwelling unit” means any room or group of rooms located within a structure and forming a single habitable unit with facilities that are used or are intended to be used for living, sleeping, cooking, and eating.
4. “Garbage” means all solid and semisolid, putrescible animal and vegetable waste resulting from the handling, preparing, cooking, storing, serving, and consuming of food or of material intended for use as food, and all offal, excluding useful industrial by-products, and includes all such substances from all public and private establishments and from all residences.
(567 IAC 100.2)
5. “Landscape waste” means any vegetable or plant waste except garbage. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, and yard trimmings.
(567 IAC 20.2)
6. “Litter” means any garbage, rubbish, trash, refuse, waste materials, or debris not exceeding 10 pounds in weight or 15 cubic feet in volume. Litter includes but is not limited to empty beverage containers, cigarette butts, food waste packaging, other food or candy wrappers, handbills, empty cartons, or boxes.
(Code of Iowa, Sec. 455B.361[2])
7. “Owner” means, in addition to the record titleholder, any person residing in, renting, leasing, occupying, operating, or transacting business in any premises, and as between such parties the duties, responsibilities, liabilities, and obligations hereinafter imposed shall be joint and several.

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

(567 IAC 100.2)

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

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

(567 IAC 20.2)

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

(567 IAC 100.2)

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

(567 IAC 100.2)

13. “Sanitary disposal project” means all facilities and appurtenances (including all real and personal property connected with such facilities) that are acquired, purchased, constructed, reconstructed, equipped, improved, extended, maintained, or operated to facilitate the final disposition of solid waste without creating a significant hazard to the public health or safety, and which are approved by the Director of the State Department of Natural Resources. “Sanitary disposal project” does not include a pyrolysis or gasification facility as defined in Section 455B.301 of the *Code of Iowa*.

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

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

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

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

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

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

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

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

F. Material that is legitimately recycled pursuant to Section 455D.4A of the *Code of Iowa*.

G. Post-use polymers or recoverable feedstocks that are any of the following:

- (1) Processed at a pyrolysis or gasification facility.
- (2) Held at a pyrolysis or gasification facility prior to processing to ensure production is not interrupted.

15. “Toxic and hazardous waste” means waste materials, including (but not limited to) poisons, pesticides, herbicides, acids, caustics, pathological waste, flammable or explosive materials, and similar harmful waste that requires special handling and that must be disposed of in such a manner as to conserve the environment and protect the public health and safety.

(567 IAC 100.2)

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

105.03 SANITARY DISPOSAL REQUIRED. It is the duty of each owner to provide for the sanitary disposal of all refuse accumulating on the owner’s premises before it becomes a nuisance. Any such accumulation remaining on any premises for a period of more than 30 days shall be deemed a nuisance and the City may proceed to abate such nuisances in accordance with the provisions of Chapter 50 or by initiating proper action in district court.

(Code of Iowa, Ch. 657)

105.04 HEALTH AND FIRE HAZARD. It is unlawful for any person to permit to accumulate on any premises, improved or vacant, or on any public place, such quantities of solid waste that constitute a health, sanitation or fire hazard.

105.05 OPEN BURNING RESTRICTED. No person shall allow, cause, or permit open burning of combustible materials where the products of combustion are emitted into the open air without passing through a chimney or stack, except that open burning is permitted in the following circumstances:

(567 IAC 23.2 and 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.

(567 IAC 23.2[3]“a”)

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.

(567 IAC 23.2[3]“b”)

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.

(567 IAC 23.2[3]“c”)

4. Landscape Waste. The disposal by open burning of landscape waste originating on the premises. However, the burning of landscape waste produced in clearing,

grubbing, and construction 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.
(567 IAC 23.2[3]“d”)

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.
(567 IAC 23.2[3]“e”)

6. Residential Waste. Backyard burning of residential waste at dwellings of four-family units or less.
(567 IAC 23.2[3]“f”)

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.
(567 IAC 23.2[3]“g”)

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.
(567 IAC 23.2[3]“h”)

9. Agricultural Structures. The open burning of agricultural structures if in accordance with rules and limitations established by the State Department of Natural Resources.
(567 IAC 23.2[3]“i”)

10. 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.
(567 IAC 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.

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

(Code of Iowa, Sec. 455B.363)

105.08 TOXIC AND HAZARDOUS WASTE. No person shall deposit in a solid waste container or otherwise offer for collection any toxic or hazardous waste. Such materials shall

be transported and disposed of as prescribed by the Director of the State Department of Natural Resources.

(567 IAC 100.2)
(567 IAC 102.13[2] and 400 IAC 27.14[2])

105.09 WASTE STORAGE CONTAINERS. Every person owning, managing, operating, leasing, or renting any premises, dwelling unit or any place where refuse accumulates shall provide and at all times maintain in good order and repair portable containers for refuse in accordance with the following:

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

A. Residential. Residential waste containers, whether they are reusable, portable containers or heavy-duty disposable garbage bags, shall be of not less than 20 gallons or more than 35 gallons in nominal capacity, and shall be leak-proof and waterproof. The total weight of any container and contents shall not exceed 75 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 following:

- (1) Be fitted with a fly-tight lid that shall be kept in place except when depositing or removing the contents of the container.
- (2) Have handles, bails, or other suitable lifting devices or features.
- (3) Be of a type originally manufactured for the storage of residential waste with tapered sides for easy emptying.
- (4) Be of lightweight and sturdy construction.

B. Galvanized metal containers, rubber or fiberglass containers, and plastic containers that do not become brittle in cold weather may be used.

C. 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 SANITARY DISPOSAL PROJECT DESIGNATED. The sanitary landfill facilities operated by Louisa Regional Solid Waste Agency are hereby designated as the official "Public Sanitary Disposal Project" for the disposal of solid waste produced or originating within the City.

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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 Temporary Suspension of Services

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.

(567 IAC 104.9)

106.03 LOADING. Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak, or spill therefrom, and shall be covered to prevent blowing or loss of material. Where spillage does occur, the material shall be picked up immediately by the collector or transporter and returned to the vehicle or container and the area properly cleaned.

106.04 FREQUENCY OF COLLECTION. All solid waste shall be collected from residential premises at least once each week and from commercial, industrial, and institutional premises as frequently as may be necessary, but not less than once each week.

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

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

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 therefore in accordance with the following:

1. Fee. The fee for solid waste and recyclable collection and disposal service, used or available, is \$23.75 per month for each residential premises. This fee shall be charged to each and every dwelling unit which has a residential water meter, in or outside the City limits.
2. Limits. There shall be a weekly limit of two bags of solid waste from each residential premise. These two bags are included in the monthly charges of \$23.75. Any bag of solid waste over this two-bag limit may be collected by collector after the proper tag has been attached.
3. Payment of Bills. All fees are due and payable under the same terms and conditions provided for payment of a combined service account as contained in Section 92.04 of this Code of Ordinances. Solid waste and recyclable collection service may be discontinued in accordance with the provisions contained in Section 92.04 if the combined service account becomes delinquent, and the provisions contained in Section 92.08 relating to lien notices shall also apply in the event of a delinquent account.

(Section 106.08 – Ord. 4 – Jul. 23 Supp.)

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 TEMPORARY SUSPENSION OF SERVICES. A property owner may request Solid Waste service be temporarily suspended by notifying the City when the property is expected to be vacant for more than one month which has to be 30 consecutive days; otherwise the customer shall remain liable for Solid Waste Collection fee for disposal of solid waste. During a period when service is temporarily suspended as provided herein, there shall be no service charge for Solid Waste.

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CHAPTER 110

NATURAL GAS FRANCHISE

110.01 Grant of Franchise
110.02 Noninterference
110.03 Excavations

110.04 Standard of Service
110.05 Franchise Nonexclusive
110.06 Term

110.01 GRANT OF FRANCHISE. There is hereby granted to Interstate Power & Light Company, hereinafter referred to as the “Company,” its successors, and assigns, the right, franchise, and privilege for the term of 25 years from and after the passage, adoption, approval, and acceptance of this Ordinance,[†] to lay down, maintain, and operate the necessary pipes, mains, and other conductors and appliances in, along, and under the streets, avenues, alleys, and public places in the City of Columbus Junction, Louisa County, Iowa, as now or hereafter constituted, for the purpose of distributing, supplying, and selling gas to said City and the residents thereof and to persons and corporations beyond the limits thereof; also the right of eminent domain as provided in Section 364.2 of the *Code of Iowa*. The term “gas” as used in this franchise shall be construed to mean natural gas only.

110.02 NONINTERFERENCE. The mains and pipes of the Company must be so placed as not to interfere unnecessarily with water pipes, drains, sewers, and fire plugs which have been or may hereafter be placed in any street, alley, and public places in said City nor unnecessarily interfere with the proper use of the same, including ordinary drainage, or with the sewers, underground pipe and other property of the City, and the 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 laying down, operation, and maintenance of said natural gas distribution system.

110.03 EXCAVATIONS. In making any excavations in any street, alley, avenue, or public place, Company, its successors, and assigns, shall protect the site while work is in progress by guards, barriers or signals, shall not unnecessarily obstruct the use of the streets, shall back fill all openings in such manner as to prevent settling or depressions in surface, and shall replace the surface, pavement, or sidewalk of such excavations with same materials, restoring the condition as nearly as practical and if defects are caused shall repair the same.

110.04 STANDARD OF SERVICE. Said Company, its successors, and assigns, shall throughout the term of the franchise distribute to all consumers gas of good quality and shall furnish uninterrupted service, except as interruptible service may be specifically contracted for with consumers; provided, however, that any prevention of service caused by fire, act of God, or unavoidable event or accident shall not be a breach of this condition if the Company resumes service as quickly as is reasonably practical after the happening of the act causing the interruption.

110.05 FRANCHISE NONEXCLUSIVE. The franchise granted by this Ordinance shall not be exclusive.

[†] **EDITOR’S NOTE:** Ordinance No. 25, adopting a natural gas franchise for the City, was passed and adopted on July 9, 2003.

110.06 TERM. The term of the franchise granted by this Ordinance and the rights granted thereunder 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 111

ELECTRIC FRANCHISE

111.01 Grant of Franchise
111.02 Noninterference
111.03 Meters
111.04 System Requirements

111.05 Franchise Nonexclusive
111.06 Standard of Service
111.07 Term

111.01 GRANT OF FRANCHISE. There is hereby granted to Interstate Power & Light Company, hereinafter referred to as the “Company,” its successors, and assigns, the right and franchise to acquire, construct, erect, maintain, and operate in the City of Columbus Junction, Louisa County, Iowa, 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 said City of Columbus Junction, Louisa County, Iowa; also the right to erect and maintain upon the streets, avenues, alleys, and public places, transmission lines through the said City of Columbus Junction, Louisa County, Iowa, to supply individuals, corporations, communities, and municipalities both inside and outside of said City with electric light, heat, and power for the period of 25 years;[†] also the right of eminent domain as provided in Section 364.2 of the *Code of Iowa*.

111.02 NONINTERFERENCE. 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 said City nor unnecessarily interfere with the proper use of the same, including ordinary drainage, or with the sewers, underground pipe, and other property of the City, 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 METERS. The Company, its successors, and assigns, shall furnish and install all meters at its 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 SYSTEM REQUIREMENTS. The system authorized by this Ordinance shall be modern and up-to-date and shall be of sufficient capacity to supply all reasonable demands of said City and its inhabitants thereof and shall be kept in a modern and up-to-date condition.

111.05 FRANCHISE NONEXCLUSIVE. The franchise granted by this Ordinance shall not be exclusive.

111.06 STANDARD OF SERVICE. Service to be rendered by the Company under this franchise shall be continuous unless prevented from doing so by fire, acts of God, unavoidable accidents or casualties, or reasonable interruptions necessary to properly service the Company’s equipment, and in such event service shall be resumed as quickly as is reasonably possible.

[†] **EDITOR’S NOTE:** Ordinance No. 26, adopting an electric franchise for the City, was passed and adopted on July 9, 2003.

111.07 TERM. The term of the franchise granted by this Ordinance and the rights granted thereunder 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 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, and 123.171)

120.02 GENERAL PROHIBITION. It is unlawful to manufacture for sale, sell, offer, or keep for sale, possess, or transport alcoholic liquor, wine, or beer except upon the terms, conditions, limitations, and restrictions enumerated in Chapter 123 of the *Code of Iowa*, and a license or permit may be suspended or revoked or a civil penalty may be imposed for a violation thereof.

(Code of Iowa, Sec. 123.2, 123.39, and 123.50)

120.03 INVESTIGATION. Upon receipt of an application for a retail alcohol license, the Clerk may forward it to the Police Chief, who shall then conduct an investigation and submit a written report as to the truth of the facts averred in the application. The Fire Chief may also inspect the premises to determine if they conform to the requirements of the City. The Council shall not approve an application for a license for any premises that does not conform to the applicable law and ordinances, resolutions, and regulations of the City.

(Code of Iowa, Sec. 123.30)

120.04 ACTION BY COUNCIL. The Council shall either approve or disapprove the issuance of a retail alcohol license, shall endorse its approval or disapproval on the application, and shall forward the application with the necessary fee and bond, if required, to the Alcoholic Beverages Division.

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

120.05 PROHIBITED SALES AND ACTS. A person holding a retail alcohol license and the person's agents or employees shall not do any of the following:

1. Sell, dispense, or give to any intoxicated person, or one simulating intoxication, any alcoholic beverage.

(Code of Iowa, Sec. 123.49[1])

2. Sell or dispense any alcoholic beverage on the premises covered by the license, or permit its consumption thereon between the hours of 2:00 a.m. and 6:00 a.m. on any day of the week.

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

3. Sell alcoholic beverages to any person on credit, except with a bona fide credit card. This provision does not apply to sales by a club to its members, to sales by a hotel

or motel to bona fide registered guests, or to retail sales by the managing entity of a convention center, civic center, or events center.

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

4. Employ a person under 18 years of age in the sale or serving of alcoholic beverages for consumption on the premises where sold.

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

5. In the case of a retail wine or beer permittee, knowingly allow the mixing or adding of alcohol or any alcoholic beverage to wine, beer, or any other beverage in or about the permittee's place of business.

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

6. Knowingly permit any gambling, except in accordance with Iowa law, or knowingly permit any solicitation for immoral purposes, or immoral or disorderly conduct on the premises covered by the license or permit.

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

7. Knowingly permit or engage in any criminal activity on the premises covered by the license.

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

8. Keep on premises covered by a retail alcohol license any alcoholic liquor in any container except the original package purchased from the Alcoholic Beverages Division of the State Department of Commerce and except mixed drinks or cocktails mixed on the premises for immediate consumption. However, mixed drinks or cocktails that are mixed on the premises and are not for immediate consumption may be consumed on the licensed premises, subject to rules adopted by the Alcoholic Beverages Division.

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

9. Reuse for packaging alcoholic liquor or wine any container or receptacle used originally for packaging alcoholic liquor or wine; or adulterate, by the addition of any substance, the contents or remaining contents of an original package of an alcoholic liquor or wine; or knowingly possess any original package that has been reused or adulterated.

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

10. Allow any person other than the licensee or employees of the licensee to use or keep on the licensed premises any alcoholic liquor in any bottle or other container that is designed for the transporting of such beverages, except as allowed by State law.

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

11. Sell, give, possess, or otherwise supply a machine that is used to vaporize an alcoholic beverage for the purpose of being consumed in a vaporized form.

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

12. Permit or allow any person under 21 years of age to remain upon licensed premises unless over 50 percent of the dollar volume of the business establishment comes from the sale and serving of prepared foods. This provision does not apply to holders of a Class "C" beer permit only.

120.06 AMUSEMENT DEVICES. The following provisions pertain to electrical or mechanical amusement devices possessed and used in accordance with Chapter 99B of the *Code*

of Iowa. (Said devices are allowed only in premises with a retail alcohol license, as specifically authorized in said Chapter 99B.)

(Code of Iowa, Sec. 99B.57)

1. As used in this section, “registered electrical or mechanical amusement device” means an electrical or mechanical device required to be registered with the Iowa Department of Inspection and Appeals, as provided in Section 99B.53 of the *Code of Iowa*.
2. It is unlawful for any person under the age of 21 to participate in the operation of a registered electrical or mechanical amusement device.
3. It is unlawful for any person owning or leasing a registered electrical or mechanical amusement device, or an employee of a person owning or leasing a registered electrical or mechanical amusement device, to knowingly allow a person under the age of 21 to participate in the operation of a registered electrical or mechanical amusement device.
4. It is unlawful for any person to knowingly participate in the operation of a registered electrical or mechanical amusement device with a person under the age of 21.

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CHAPTER 121

CIGARETTE AND TOBACCO PERMITS

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

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

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

1. “Alternative nicotine product” means a product, not consisting of or containing tobacco, that provides for the ingestion into the body of nicotine, whether by chewing, absorbing, dissolving, inhaling, snorting, or sniffing, or by any other means. “Alternative nicotine product” does not include cigarettes, tobacco products, or vapor products, or a product that is regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.
2. “Cigarette” means any roll for smoking made wholly or in part of tobacco, or any substitute for tobacco, irrespective of size or shape and irrespective of tobacco or any substitute for tobacco being flavored, adulterated, or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material. However, cigarettes shall not be construed to include cigars.
3. “Department” means the State Department of Revenue.
4. “Place of business” means any place where cigarettes, tobacco products, alternative nicotine products, or vapor products are sold, stored, or kept for the purpose of sale or consumption by a retailer.
5. “Retailer” means every person who sells, distributes, or offers for sale for consumption, or possesses for the purpose of sale for consumption, cigarettes, alternative nicotine products, or vapor products, irrespective of the quantity or amount or the number of sales, or who engages in the business of selling tobacco, tobacco products, alternative nicotine products, or vapor products to ultimate consumers.
6. “Self-service display” means any manner of product display, placement, or storage from which a person purchasing the product may take possession of the product, prior to purchase, without assistance from the retailer or employee of the retailer, in removing the product from a restricted access location.
7. “Tobacco products” means the following: cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; cavendish; plug and twist tobacco; fine-cut and other chewing tobaccos; shorts or refuse scraps, clippings, cuttings, and sweepings of tobacco; and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or for both chewing and smoking, but does not mean cigarettes.

8. “Vapor product” means any noncombustible product, which may or may not contain nicotine, that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from a solution or other substance. “Vapor product” includes an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device, and any cartridge or other container of a solution or other substance, which may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. “Vapor product” does not include a product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.

121.02 PERMIT REQUIRED.

1. Retail Cigarette Permits. It is unlawful for any person, other than a holder of a retail permit, to sell cigarettes, alternative nicotine products, or vapor products at retail and no retailer shall distribute, sell, or solicit the sale of any cigarettes, alternative nicotine products, or vapor products within the City without a valid permit for each place of business. The permit shall, at all times, be publicly displayed at the place of business so as to be easily seen by the public and the persons authorized to inspect the place of business.

(Code of Iowa, Sec. 453A.13(1))

2. Retail Tobacco Permits. It is unlawful for any person to engage in the business of a retailer of tobacco, tobacco products, alternative nicotine products, or vapor products at any place of business without first having received a permit as a retailer for each place of business owned or operated by the retailer.

(Code of Iowa, Sec. 453A.47A(1))

A retailer who holds a retail cigarette permit is not required to also obtain a retail tobacco permit. However, if a retailer only holds a retail cigarette permit and that permit is suspended, revoked, or expired, the retailer shall not sell any tobacco, tobacco products, alternative nicotine products, or vapor products, during such time.

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

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

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

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

(Code of Iowa, Sec. 453A.13(2))

121.05 FEES. The fee for a retail cigarette or tobacco permit shall be as follows:
(Code of Iowa, Sec. 453A.13(3)(b) and 453A.47A(7))

FOR PERMITS GRANTED DURING:	FEE:
July, August, or September	\$ 75.00
October, November, or December	\$ 56.25
January, February, or March	\$ 37.50
April, May, or June	\$ 18.75

121.06 ISSUANCE. Each permit issued shall describe clearly the place of business for which it is issued and shall be nonassignable.
(Code of Iowa, Sec. 453A.13(9))

121.07 EXPIRATION. All permits shall expire on June 30 of each year. A permit shall not be granted or issued until the applicant has paid the fees to the department for the next period ending on June 30.
(Code of Iowa, Sec. 453A.13(3)(a))

121.08 REFUNDS. A retailer may surrender an unrevoked permit and receive a refund from the City, except during April, May, or June, in accordance with the schedule of refunds as provided in Section 453A.13 or 453A.47A of the *Code of Iowa*.
(Code of Iowa, 453A.13(4) and 453A.47A(8))

121.09 PERSONS UNDER LEGAL AGE. A person shall not sell, give, or otherwise supply any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes to any person under 21 years of age. The provision of this section includes prohibiting a person under 21 years of age from purchasing tobacco, tobacco products, alternative nicotine products, vapor products, and cigarettes from a vending machine. If a retailer or employee of a retailer violates the provisions of this section, the Council shall, after written notice and hearing, and in addition to the other penalties fixed for such violation, assess the following:

1. For a first violation, the retailer shall be assessed a civil penalty in the amount of \$300.00. Failure to pay the civil penalty as ordered under this subsection shall result in automatic suspension of the permit for a period of 14 days.
2. For a second violation within a period of two years, the retailer shall be assessed a civil penalty in the amount of \$1,500.00 or the retailer’s permit shall be suspended for a period of 30 days. The retailer may select its preference in the penalty to be applied under this subsection.
3. For a third violation within a period of three years, the retailer shall be assessed a civil penalty in the amount of \$1,500.00 and the retailer’s permit shall be suspended for a period of 30 days.
4. For a fourth violation within a period of three years, the retailer shall be assessed a civil penalty in the amount of \$1,500.00 and the retailer’s permit shall be suspended for a period of 60 days.
5. For a fifth violation within a period of four years, the retailer’s permit shall be revoked.

The Clerk shall give 10 days’ written notice to the retailer by mailing a copy of the notice to the place of business as it appears on the application for a permit. The notice shall state the reason for the contemplated action and the time and place at which the retailer may appear and be heard.
(Code of Iowa, Sec. 453A.2, 453A.22, and 453A.36(6))

121.10 SELF-SERVICE SALES PROHIBITED. Except for the sale of cigarettes through a cigarette vending machine as provided in Section 453A.36(6) of the *Code of Iowa*, a retailer shall not sell or offer for sale tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes through the use of a self-service display.

(Code of Iowa, Sec. 453A.36A)

121.11 PERMIT REVOCATION. Following a written notice and an opportunity for a hearing, as provided by the *Code of Iowa*, the Council may also revoke a permit issued pursuant to this chapter for a violation of Division I of Chapter 453A of the *Code of Iowa* or any rule adopted thereunder. If a permit is revoked, a new permit shall not be issued to the permit holder for any place of business, or to any other person for the place of business at which the violation occurred, until one year has expired from the date of revocation, unless good cause to the contrary is shown to the Council. The Clerk shall report the revocation or suspension of a retail permit to the department within 30 days of the revocation or suspension.

(Code of Iowa, Sec. 453A.22)

(Chapter 121 – Ord. 4 – Sep. 25 Supp.)

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CHAPTER 122

TRANSIENT MERCHANTS

122.01 Definition
122.02 License Required
122.03 License Fee
122.04 Bond Required

122.05 Exceptions
122.06 Agents or Employees
122.07 Sidewalk Sale and Stacking

122.01 DEFINITION. A transient merchant is one who does not have a building or other permanent structure within the City from which to instigate or engage business operations, or one who opens and exposes for sale any merchandise in any booth, stall, room, or fixed place on either public or private ground within the City, with the intention of engaging in business for a period of less than one year.

122.02 LICENSE REQUIRED. Any person desiring to engage in the business as a transient merchant in the City must first procure from the Mayor a license permitting business activity. Such licenses are issued for a period of not less than one day or more than one year.

122.03 LICENSE FEE. Transient merchants shall pay a license fee fixed by the Mayor, the amount thereof to be not less than \$5.00 or more than \$50.00 per day.

122.04 BOND REQUIRED. Before a license under this chapter is issued to a transient merchant, an applicant shall provide to the Mayor evidence that the applicant has filed a bond with the Secretary of State in accordance with Chapter 9C of the *Code of Iowa*.

122.05 EXCEPTIONS. This chapter does not apply to the following:

1. Judicial sales or other sales required by law;
2. Permanent merchants residing within the City who may establish a booth, place, or room for vending of merchandise temporarily;
3. Refreshment stands and booths upon any celebration or fairgrounds duly authorized by the Council.

122.06 AGENTS OR EMPLOYEES. Any agent or employee in charge of any portion of a transient merchant's stock or business shall be treated as the proprietor for the purposes of this chapter.

122.07 SIDEWALK SALE AND STACKING. Whoever places, stacks, or leaves goods and merchandise on the sidewalks in the City is committing a violation of this chapter and acting unlawfully, except that it is not unlawful to place or stack goods and merchandise on the sidewalk when the same are being unloaded from trucks or other vehicles and removed from the sidewalks within 30 minutes after the time they are unloaded. This section does not apply to days or special events upon which the Council allows sidewalk sales.

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CHAPTER 135

STREET USE AND MAINTENANCE

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| 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 Driveway Entrances and Drainage |
| 135.06 Use for Business Purposes | 135.13 Dumping of Snow |
| 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. Permit Required. No excavation shall be commenced without first obtaining a permit. A written application for such permit shall be filed with the City and shall contain the following:
 - A. An exact description of the property, by lot and street number, in front of or along which it is desired to excavate;
 - B. A statement of the purpose, for whom and by whom the excavation is to be made;
 - C. The person responsible for the refilling of said excavation and restoration of the street or alley surface; and
 - D. Date of commencement of the work and estimated completion date.
2. Public Convenience. Streets and alleys shall be opened in the manner that will cause the least inconvenience to the public and admit the uninterrupted passage of water along the gutter on the street.
3. Barricades, Fencing, and Lighting. Adequate barricades, fencing, and warning lights meeting standards specified by the City shall be so placed as to protect the public from hazard. Any costs incurred by the City in providing or maintaining adequate barricades, fencing, or warning lights shall be paid to the City by the permit holder/property owner.
4. Bond Required. The applicant shall post with the City a penal bond in the minimum sum of \$1,000.00 issued by a surety company authorized to issue such bonds in the State. The bond shall guarantee the permittee's payment for any damage done to the City or to public property, and payment of all costs incurred by the City in the course of administration of this section. In lieu of a surety bond, a cash deposit of \$1,000.00 may be filed with the City.
5. Insurance Required. Each applicant shall also file a certificate of insurance indicating that the applicant is carrying public liability insurance in effect for the duration of the permit covering the applicant and all agents and employees for the following minimum amounts:
 - A. Bodily Injury - \$50,000.00 per person; \$100,000.00 per accident.
 - B. Property Damage - \$50,000.00 per accident.
6. Restoration of Public Property. Streets, sidewalks, alleys, and other public property disturbed in the course of the work shall be restored to the condition of the property prior to the commencement of the work, or in a manner satisfactory to the City, at the expense of the permit holder/property owner.
7. Inspection. All work shall be subject to inspection by the City. Backfill shall not be deemed completed, and no resurfacing of any improved street or alley surface shall begin, until such backfill is inspected and approved by the City. The permit holder/property owner shall provide the City with notice at least 24 hours prior to the time when inspection of backfill is desired.

8. Completion by the City. Should any excavation in any street or alley be discontinued or left open and unfinished for a period of 24 hours after the approved completion date, or in the event the work is improperly done, the City has the right to finish or correct the excavation work and charge any expenses for such work to the permit holder/property owner.

9. Responsibility for Costs. All costs and expenses incident to the excavation shall be borne by the permit holder and/or property owner. The permit holder and owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by such excavation.

10. Notification. At least 48 hours prior to the commencement of the excavation, excluding Saturdays, Sundays, and legal holidays, the person performing the excavation shall contact the Statewide Notification Center and provide the center with the information required under Section 480.4 of the *Code of Iowa*.

11. Permit Issued. Upon approval of the application and filing of bond and insurance certificate, a permit shall be issued. A separate permit shall be required for each excavation.

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 DRIVEWAY ENTRANCES AND DRAINAGE. No entrance to any private property from any street, alley, or highway within the City limits shall be established, installed, repaired, replaced, or relocated except with the express approval of the Council. No person shall change, interfere with, or modify the surface water drainage provided by the City unless said modification has a drain tube of at least 12 inches in diameter, with a six inch drop occurring at least once every lot. The City has the right to remove any entrance and/or drainage obstruction installed and/or maintained in violation of the terms of this section.

135.13 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 or to create a hazardous condition.

[†] **EDITOR'S NOTE:** See also Section 136.04 relating to property owner's responsibility for maintenance of sidewalks.

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CHAPTER 136

SIDEWALK REGULATIONS

136.01 Purpose	136.11 Interference with Sidewalk Improvements
136.02 Definitions	136.12 Awnings
136.03 Removal of Snow, Ice, and Accumulations	136.13 Encroaching Steps
136.04 Property Owner's Responsibility for Maintenance	136.14 Openings and Enclosures
136.05 City May Order Repairs	136.15 Fires or Fuel on Sidewalks
136.06 Sidewalk Construction Ordered	136.16 Defacing
136.07 Permit Required	136.17 Debris on Sidewalks
136.08 Sidewalk Standards	136.18 Merchandise Display
136.09 Barricades and Warning Lights	136.19 Sales Stands
136.10 Failure to Repair or Barricade	

136.01 PURPOSE. The purpose of this chapter is to enhance safe passage by citizens on sidewalks, to place the responsibility for the maintenance, repair, replacement, or reconstruction of sidewalks upon the abutting property owner and to minimize the liability of the City.

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

1. "Broom finish" means a sidewalk finish that is made by sweeping the sidewalk when it is hardening.
2. "Established grade" means that grade established by the City for the particular area in which a sidewalk is to be constructed.
3. "One-course construction" means that the full thickness of the concrete is placed at one time, using the same mixture throughout.
4. "Owner" means the person owning the fee title to property abutting any sidewalk and includes any contract purchaser for purposes of notification required herein. For all other purposes, "owner" includes the lessee, if any.
5. "Portland cement" means any type of cement except bituminous cement.
6. "Sidewalk" means all permanent public walks in business, residential or suburban areas.
7. "Sidewalk improvements" means the construction, reconstruction, repair, replacement, or removal of a public sidewalk and/or the excavating, filling, or depositing of material in the public right-of-way in connection therewith.
8. "Wood float finish" means a sidewalk finish that is made by smoothing the surface of the sidewalk with a wooden trowel.

136.03 REMOVAL OF SNOW, ICE, AND ACCUMULATIONS.

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

1. It is the responsibility of the abutting property owners to remove snow, ice, and accumulations promptly from sidewalks. If a property owner does not remove snow, ice, or accumulations within 12 hours after the accumulation of snow or ice, the City may do so and assess the costs against the property owner for collection in the same manner as a property tax.

2. The owner of any lot or parcel who fails to maintain said sidewalk shall be liable to any person injured as a result of such failure to maintain the sidewalk and shall further save, defend, indemnify, and hold harmless the City from and against any claim arising out of the failure to maintain said sidewalk. In the event the City takes any action or fails to take any action, the City does not assume or accept responsibility for the property and regardless of the acts of the City, the responsibility remains that of the property owner.

136.04 PROPERTY OWNER'S RESPONSIBILITY FOR MAINTENANCE.

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

1. It is the responsibility of the abutting property owners to maintain in a safe and hazard-free condition any sidewalk outside the lot and property lines and inside the curb lines or traveled portion of the public street.

2. The owner of any lot or parcel who fails to maintain said sidewalk shall be liable to any person injured as a result of such failure to maintain the sidewalk and shall further save, defend, indemnify, and hold harmless the City from and against any claim arising out of the failure to maintain said sidewalk. In the event the City takes any action or fails to take any action, the City does not assume or accept any responsibility for the property and regardless of the acts of the City, the responsibility remains that of the property owner.

136.05 CITY MAY ORDER REPAIRS. If the abutting property owner does not maintain sidewalks as required and/or if any of the following sidewalk criteria for repair or replacing exists:

1. A vertical separation of one inch or more;
2. Sidewalk is cracked into four or more pieces per four foot linear sections and/or have a vertical difference of one inch or more;
3. A part of the sidewalk is missing for the whole depth;
4. A side to side slope of greater than one inch per foot;
5. Holes or depressions one inch or more in depth;
6. A horizontal separation of one inch or more;

The Council may serve notice on such owner, by certified mail, requiring the owner to repair, replace, or reconstruct sidewalks within 60 calendar days from the notification letter date. All work shall be subject to inspection by the City during construction and upon completion. A copy of the sidewalk standards must be obtained from the City before construction starts. The City will reinspect the sidewalk after the 60 days have passed. Property owners will be notified if the sidewalk passed or failed inspection. If nothing is done in the 60 days, the Council may require the work to be done and assess the costs against the abutting property for collection in the same manner as a property tax.

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

136.06 SIDEWALK CONSTRUCTION ORDERED. The Council may order the construction of permanent sidewalks upon any street or court in the City and may specially assess the cost of such improvement to abutting property owners in accordance with the provisions of Chapter 384 of the *Code of Iowa*.

(Code of Iowa, Sec. 384.38)

136.07 PERMIT REQUIRED. No person shall remove, reconstruct, or install a sidewalk unless such person has obtained a permit from the City and has agreed in writing that said removal, reconstruction, or installation will comply with all ordinances and requirements of the City for such work.

136.08 SIDEWALK STANDARDS. Sidewalks repaired, replaced, or constructed under the provisions of this chapter shall be of the following construction and meet the following standards:

1. Cement. Portland cement shall be the only cement used in the construction and repair of sidewalks.
2. Construction. Sidewalks shall be of one-course construction.
3. Sidewalk Base. Concrete may be placed directly on compact and well-drained soil. Where soil is not well drained, a three-inch sub-base of compact, clean, coarse gravel or sand shall be laid. The adequacy of the soil drainage is to be determined by the City.
4. Sidewalk Bed. The sidewalk bed shall be so graded that the constructed sidewalk will be at established grade.
5. Length, Width, and Depth. Length, width and depth requirements are as follows:
 - A. Residential sidewalks shall be at least four feet wide or match the abutting sidewalk, whichever is wider, and three and one-half inches thick, and each section shall be no more than four feet in length.
 - B. Business District sidewalks shall extend from the property line to the curb. Each section shall be four inches thick and no more than six feet in length.
 - C. Driveway areas shall be not less than six inches in thickness.
6. Location. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) on the property line, unless the Council establishes a different distance due to special circumstances.
7. Grade. Curb tops shall be on level with the centerline of the street, which is the established grade.
8. Elevations. The street edge of a sidewalk shall be at an elevation even with the curb at the curb or not less than one-half inch above the curb for each foot between the curb and the sidewalk.
9. Slope. All sidewalks shall slope one-fourth inch per foot toward the curb.
10. Finish. All sidewalks shall be finished with a broom finish or wood float finish.
11. Curb Ramps and Sloped Areas for Persons with Disabilities. If a street, road, or highway is newly built or reconstructed, a curb ramp or sloped area shall be constructed or installed at each intersection of the street, road, or highway with a sidewalk or path. If a sidewalk or path is newly built or reconstructed, a curb ramp or sloped area shall be constructed or installed at each intersection of the sidewalk or path with a street, highway, or road. Curb ramps and sloped areas that are required pursuant to this subsection shall be constructed or installed in compliance with applicable federal requirements adopted in accordance with the Federal Americans with Disabilities Act,

including (but not limited to) the guidelines issued by the Federal Architectural and Transportation Barriers Compliance Board.

(Code of Iowa, Sec. 216C.9)

136.09 BARRICADES AND WARNING LIGHTS. Whenever any material of any kind is deposited on any street, avenue, highway, passageway or alley when sidewalk improvements are being made or when any sidewalk is in a dangerous condition, it shall be the duty of all persons having an interest therein, either as the contractor or the owner, agent, or lessee of the property in front of or along which such material may be deposited, or such dangerous condition exists, to put in conspicuous places at each end of such sidewalk and at each end of any pile of material deposited in the street, a sufficient number of approved warning lights or flares, and to keep them lighted during the entire night and to erect sufficient barricades both at night and in the daytime to secure the same. The party or parties using the street for any of the purposes specified in this chapter shall be liable for all injuries or damage to persons or property arising from any wrongful act or negligence of the party or parties, or their agents or employees or for any misuse of the privileges conferred by this chapter or of any failure to comply with provisions hereof.

136.10 FAILURE TO REPAIR OR BARRICADE. It is the duty of the owner of the property abutting the sidewalk, or the owner's contractor or agent, to notify the City immediately in the event of failure or inability to make necessary sidewalk improvements or to install or erect necessary barricades as required by this chapter.

136.11 INTERFERENCE WITH SIDEWALK IMPROVEMENTS. No person shall knowingly or willfully drive any vehicle upon any portion of any sidewalk or approach thereto while in the process of being improved or upon any portion of any completed sidewalk or approach thereto, or shall remove or destroy any part or all of any sidewalk or approach thereto, or shall remove, destroy, mar, or deface any sidewalk at any time or destroy, mar, remove, or deface any notice provided by this chapter.

136.12 AWNINGS. It is unlawful for a person to erect or maintain any awning over any sidewalk unless all parts of the awning are elevated at least eight feet above the surface of the sidewalk and the roof or covering is made of duck, canvas or other suitable material supported by iron frames or brackets securely fastened to the building, without any posts or other device that will obstruct the sidewalk or hinder or interfere with the free passage of pedestrians.

136.13 ENCROACHING STEPS. It is unlawful for a person to erect or maintain any stairs or steps to any building upon any part of any sidewalk without permission by resolution of the Council.

136.14 OPENINGS AND ENCLOSURES. It is unlawful for a person to:

1. Stairs and Railings. Construct or build a stairway or passageway to any cellar or basement by occupying any part of the sidewalk, or to enclose any portion of a sidewalk with a railing without permission by resolution of the Council.
2. Openings. Keep open any cellar door, grating, or cover to any vault on any sidewalk except while in actual use with adequate guards to protect the public.
3. Protect Openings. Neglect to properly protect or barricade all openings on or within six feet of any sidewalk.

136.15 FIRES OR FUEL ON SIDEWALKS. It is unlawful for a person to make a fire of any kind on any sidewalk or to place or allow any fuel to remain upon any sidewalk.

136.16 DEFACING. It is unlawful for a person to scatter or place any paste, paint, or writing on any sidewalk.

(Code of Iowa, Sec. 716.1)

136.17 DEBRIS ON SIDEWALKS. It is unlawful for a person to throw or deposit on any sidewalk any glass, nails, glass bottle, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or any substance likely to injure any person, animal, or vehicle.

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

136.18 MERCHANDISE DISPLAY. It is unlawful for a person to place upon or above any sidewalk, any goods or merchandise for sale or for display in such a manner as to interfere with the free and uninterrupted passage of pedestrians on the sidewalk; in no case shall more than three feet of the sidewalk next to the building be occupied for such purposes.

136.19 SALES STANDS. It is unlawful for a person to erect or keep any vending machine or stand for the sale of fruit, vegetables or other substances or commodities on any sidewalk without first obtaining a written permit from the Council.

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CHAPTER 137

VACATION AND DISPOSAL OF STREETS

137.01 Power to Vacate
137.02 Planning and Zoning Commission
137.03 Notice of Vacation Hearing

137.04 Findings Required
137.05 Disposal of Vacated Streets or Alleys
137.06 Disposal by Gift Limited

137.01 POWER TO VACATE. When, in the judgment of the Council, it would be in the best interest of the City to vacate a street, alley, portion thereof, or any public grounds, the Council may do so by ordinance in accordance with the provisions of this chapter.
(Code of Iowa, Sec. 364.12[2a])

137.02 PLANNING AND ZONING COMMISSION. Any proposal to vacate a street, alley, portion thereof, or any public grounds shall be referred by the Council to the Planning and Zoning Commission for its study and recommendation prior to further consideration by the Council. The Commission shall submit a written report including recommendations to the Council within 30 days after the date the proposed vacation is referred to the Commission.
(Code of Iowa, Sec. 392.1)

137.03 NOTICE OF VACATION HEARING. The Council shall cause to be published a notice of public hearing of the time at which the proposal to vacate shall be considered.

137.04 FINDINGS REQUIRED. No street, alley, portion thereof, or any public grounds shall be vacated unless the Council finds that:

1. Public Use. The street, alley, portion thereof, or any public ground proposed to be vacated is not needed for the use of the public, and therefore, its maintenance at public expense is no longer justified.
2. Abutting Property. The proposed vacation will not deny owners of property abutting on the street or alley reasonable access to their property.

137.05 DISPOSAL OF VACATED STREETS OR ALLEYS. When in the judgment of the Council it would be in the best interest of the City to dispose of a vacated street or alley, portion thereof or public ground, the Council may do so in accordance with the provisions of Section 364.7, *Code of Iowa*.
(Code of Iowa, Sec. 364.7)

137.06 DISPOSAL BY GIFT LIMITED. The City may not dispose of real property by gift except to a governmental body for a public purpose or to a fair.
(Code of Iowa, Sec. 174.15[2] and 364.7[3])

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	ORDINANCE NO.	ADOPTED
20	August 4, 1882	201	June 11, 1979
28	August 1, 1884	206	May 12, 1980
36	June 3, 1887	214	December 16, 1981
39	February 3, 1888	222	September 10, 1984
43	May 4, 1894	223	November 12, 1984
58	July 7, 1899	920, Sec. 30	June 23, 1986
76	March 19, 1909	920, Sec. 31	August 10, 1987
77	March 19, 1909	920, Sec. 32	September 11, 1990
84	June 24, 1912	920, Sec. 40	May 23, 1994
88	May 21, 1915	920, Sec. 41	August 21, 1995
91	May 21, 1915	920, Sec. 42	August 21, 1995
99	January 5, 1934	920, Sec. 43	September 11, 1995
110	March 24, 1944	920, Sec. 42	September 11, 1995
112	October 24, 1945	920, Sec. 41	September 11, 1995
116	February 27, 1948	920, Sec. 44	November 13, 1995
117	February 27, 1948		
119	July 9, 1948		
138	May 11, 1959		
143	July 24, 1961		
147	February 24, 1964		
149	October 11, 1965		
174	October 8, 1970		
179	November 16, 1971		
189	June 24, 1974		
198	February 4, 1975		
199	April 10, 1978		

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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 Columbus Junction, 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 Permitted Access Points
140.06 Parking Restricted

140.01 EXERCISE OF POLICE POWER. This chapter shall be deemed an exercise of the police power of the City under Chapter 306A, *Code of Iowa*, for the preservation of the public peace, health, and 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. FN-76-1. On the Primary Road System extension improvement, Project No. FN-76-1, known as Highway 70, formerly known as Primary Road No. Iowa 76, within the City, described as follows:

From Sta. 0 + 00 (north edge of Walnut Street) northerly to Sta. 38 + 20
(south end Iowa River Bridge)

regulating access to and from abutting properties along said highway all in accordance with the plans for such improvement identified as Project No. FN-76-1, on file in the office of the Clerk.

140.05 PERMITTED ACCESS POINTS. Points of access are hereby permitted as follows:
(Code of Iowa, Sec. 306A.4)

1. Project No. FN-76-1. The compiled list furnished by the Iowa Highway Commission of drives and entrances provided for access under the improvement specified as Project No. FN-76-1 is hereby recorded as follows:

STATION	SIDE OF STREET	WIDTH	USE OF DRIVE OR ENTRANCE
0+17	Left	33 feet	Commercial
0+17	Right	33 feet	Commercial
0+54	Left	10 feet	Commercial
1+02	Right	14 feet	Commercial
1+15	Left	13 feet	Residential
1+30	Left	12 feet	Residential
1+30	Right	10 feet	Commercial
1+47	Right	10 feet	Residential
1+56	Right	17 feet	Residential
1+56	Left	14 feet	Residential
4+60	Right	40 feet	Locust Street
4+60	Left	35 feet	Locust Street
17+75	Left	33 feet	Street
18+93	Left	26 feet	Commercial
19+11	Right	121 feet	Commercial
21+26	Right	23 feet	Street
21+26	Left	23 feet	Street
22+70	Left	74 feet	Commercial
24+97	Left	17 feet	Commercial
26 + 44	Left	20 feet	Commercial
29 + 47	Left	23 feet	Street
36 + 48	Left	26 feet	Residential

140.06 PARKING RESTRICTED. Parking of any nature is prohibited from Sta. 0 + 00 (north edge Walnut Street) to Sta. 38 + 40 (south end Iowa River Bridge). Parking is prohibited on the minor street approaches for a distance of 35 feet in advance of the stop signs. Parking is prohibited on the exit sides of the minor streets for a distance of 35 feet beyond the far crosswalks.

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CHAPTER 145

MANUFACTURED AND MOBILE HOMES

145.01 Definitions

145.02 Conversion to Real Property

145.03 Foundation Requirements

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

(Code of Iowa, Sec. 435.1)

1. “Manufactured home” means a factory-built structure built under the authority of 42 U.S.C. Sec. 5403 which was constructed on or after June 15, 1976, and is required by federal law to display a seal from the United States Department of Housing and Urban Development.
2. “Manufactured home community” means any site, lot, field, or tract of land under common ownership upon which 10 or more occupied manufactured homes are harbored, either free of charge or for revenue purposes, and includes any building, structure, or enclosure used or intended for use as part of the equipment of the manufactured home community.
3. “Mobile home” means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but also includes any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home means any such vehicle built before June 15, 1976, which was not built to a mandatory building code and which contains no State or federal seals.
4. “Mobile home park” means any site, lot, field, or tract of land upon which three or more mobile homes or manufactured homes, or a combination of any of these homes, are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available.

The term “manufactured home community” or “mobile home park” is not to be construed to include manufactured or mobile homes, buildings, tents, or other structures temporarily maintained by any individual, educational institution, or company on its own premises and used exclusively to house said entity’s own labor or students. The manufactured home community or mobile home park shall meet the requirements of any zoning regulations that are in effect.

145.02 CONVERSION TO REAL PROPERTY. A mobile home or manufactured home that is located outside a manufactured home community or mobile home park shall be converted to real estate by being placed on a permanent foundation and shall be assessed for real estate taxes except in the following cases:

(Code of Iowa, Sec. 435.26)

1. Retailer’s Stock. Mobile homes or manufactured homes on private property as part of a retailer’s or a manufacturer’s stock not used as a place for human habitation.
2. Existing Homes. A taxable mobile home or manufactured home that is located outside of a manufactured home community or mobile home park as of January 1, 1995,

shall be assessed and taxed as real estate, but is exempt from the permanent foundation requirement of this chapter until the home is relocated.

145.03 FOUNDATION REQUIREMENTS. A mobile home or manufactured home located outside of a manufactured home community or mobile home park shall be placed on a permanent frost-free foundation system that meets the support and anchorage requirements as recommended by the manufacturer or required by the *State Building Code*. The foundation system must be visually compatible with permanent foundation systems of surrounding residential structures. Any such home shall be installed in accordance with the requirements of the *State Building Code*.

(Code of Iowa, Sec. 103A.10 and 414.28)

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CHAPTER 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 to the City.

146.02 DEFINITIONS.

1. "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.
2. "Alluvium" means sand, clay, etc., gradually deposited by moving 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. "Labeled quantities" means the maximum quantity of chemical as recommended on the label, for specific applications.
7. "Permitted pumping capacity" means the amount of water authorized to be pumped from a well during a one-year period.
8. "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.
9. "Petroleum product" means fuels (gasoline, diesel fuel, kerosene, and mixtures of those products), lubricating oils, motor oils, hydraulic fluids, and other similar products.
10. "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.
11. "Potable water" means water that is satisfactory for drinking, culinary, and domestic purposes, meeting current drinking water standards.

12. “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.
13. “Public utility” means any utility (gas, water, sewer, electrical, telephone, cable television, etc.) whether publicly owned or privately owned.
14. “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.
15. “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.
16. “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.
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 C and D, the Federal Hazardous Waste List;
3. Substances listed by the Iowa Labor Commissioner pursuant to Section 898.12 of the *Code of Iowa* (Hazardous Chemicals Risks - Right to Know).

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 in the Water Department. The location of all wells in the City supplying potable water to the City Water System are shown on the official Zoning District Map with Primary and

Secondary Protection Zones indicated. No land within the Primary Protection Zone that is currently not zoned commercial or industrial will be allowed to be rezoned to a commercial or industrial classification. Said maps shall be provided to the Clerk 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 2,640 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.
 - 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.
2. Prohibited Uses. All other uses are prohibited within the Primary Protection Zone. Additional restrictions are as follows:
 - A. 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 Council or Wellhead Protection Officer.
 - B. New sanitary landfills are prohibited within the Primary Protection Zone.
 - C. The use, handling, production, and storage of hazardous substances is prohibited in the Primary Protection Zone except as provided under Section 146.07. All persons who presently engage in nonexempt activity within the protection zone who store, handle, use or produce any hazardous substances shall cease to do so within two years after the effective date of the ordinance codified in this chapter except as provided herein.
 - D. Feedlots or other concentrated animal facilities are prohibited within the Primary Protection Zone.

- E. Wastewater Treatment plants, percolation ponds, dredge soil deposits and similar facilities are prohibited within the Primary Protection Zone.
- F. Septic tanks are prohibited within the Primary Protection Zone.
- G. Other prohibited uses are: septage and/or sludge and/or animal waste landspreading, salt storage, and radioactive waste facilities.

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 this section.
 - C. Above-ground storage tanks of 660 gallons or less.
 - D. Basement storage tanks.
2. Prohibited Uses. All other uses are prohibited within the Secondary Protection Zone. Additional restrictions are as follows:
 - A. No person shall discharge or cause or permit the discharge of a hazardous substance in excess of labeled quantities (including herbicide and pesticide application) to the soils, groundwater, or surface water within the Secondary Protection Zone. Any person knowing or having evidence of a discharge shall report such information to the City.
 - B. New sanitary landfills are prohibited within the Secondary Protection Zone.
 - C. The use, handling, production, and storage of hazardous substances is prohibited in the Secondary Protection Zone except where secondary containment is provided or underground storage tanks in compliance with Chapter 135 of the Iowa Administrative Code, above ground storage tanks in compliance with requirements of the State Fire Marshal, or as provided under Section 146.07.
 - D. Feedlots or other concentrated animal facilities are prohibited within the Secondary Protection Zone.
 - E. Wastewater Treatment plants, percolation ponds, dredge soil deposits and similar facilities are prohibited within the Secondary Protection Zone.

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 that store and handle hazardous substances 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 to permit variances or special exceptions in the City's Well Field Protection Zones will be made to the Council and must include an environmental assessment report. Any exemptions 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 Water Superintendent 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.

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 shall 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 spilled materials.
4. It is the duty of all law enforcement officers to assist in making inspections 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 three 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 160

FLOODPLAIN REGULATIONS

160.01 Definitions	160.07 Floodway Fringe (Overlay) District FF
160.02 Statutory Authority, Findings of Fact and Purpose	160.08 General Floodplain (Overlay) District GF
160.03 General Provisions	160.09 Appointment and Duties of Board of Adjustment
160.04 Administration	160.10 Nonconforming Uses
160.05 Establishment of Zoning (Overlay) Districts	160.11 Penalties for Violation
160.06 Floodway (Overlay) District (FW)	160.12 Amendments

160.01 DEFINITIONS. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

1. “Appurtenant structure” means a structure which is on the same parcel of the property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.
2. “Base flood” means the flood having one percent chance of being equaled or exceeded in any given year and is also commonly referred to as the “100-year flood.”
3. “Base flood elevation” (BFE) means the elevation floodwaters would reach at a particular site during the occurrence of a base flood event.
4. “Basement” means any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see “lowest floor.”
5. “Development” means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials. “Development” does not include minor projects or routine maintenance of existing buildings and facilities, as defined in this section. It also does not include gardening, plowing, and similar practices that do not involve filling or grading.
6. “Enclosed area below lowest floor” means the floor of the lowest enclosed area in a building when all the following criteria are met:
 - A. The enclosed area is designed to flood to equalize hydrostatic pressure during flood events with walls or openings that satisfy the provisions of Subsection 160.07(2)(D)(1) of this chapter.
 - B. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking, or storage.
 - C. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one foot above the base flood elevation.
 - D. The enclosed area is not a “basement” as defined in this section.
7. “Existing construction” means any structure for which the start of construction commenced before the effective date of the first floodplain management regulations adopted by the community.

8. “Existing factory-built home park or subdivisions” means a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the community.
9. “Expansion of existing factory-built home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
10. “Factory-built home” means any structure, designed for residential use which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this chapter, factory-built homes include mobile homes, manufactured homes, and modular homes; and also include “recreational vehicles” which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.
11. “Factory-built home park” means a parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.
12. “500 year flood” means a flood, the magnitude of which has a two-tenths percent chance of being equaled or exceeded in any given year or which, on average, will be equaled or exceeded at least once every 500 years.
13. “Flood” means a general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.
14. “Flood Insurance Rate Map” (FIRM) means the official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.
15. “Flood Insurance Study” (FIS) means a report published by FEMA for a community issued along with the community’s Flood Insurance Rate Maps. The study contains such background data as the base flood discharge and water surface elevations that were used to prepare the FIRM.
16. “Floodplain” means any land area susceptible to being inundated by water as a result of a flood.
17. “Floodplain management” means an overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of floodplains, including (but not limited to) emergency preparedness plans, flood control works, floodproofing and floodplain management regulations.
18. “Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.
19. “Floodway” means the channel of a river or stream and those portions of the floodplains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one foot.

20. “Floodway fringe” means those portions of the Special Flood Hazard Area outside the floodway.
21. “Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
22. “Historic structure” means any structure that is:
- A. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register.
 - B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
 - C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior.
 - D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (i) by an approved State program as determined by the Secretary of the Interior; or (ii) directly by the Secretary of the Interior in states without approved programs.
23. “Lowest floor” means the floor of the lowest enclosed area in a building including a basement except when the criteria listed in the definition of enclosed area below lowest floor in Subsection 160.01(6) are met.
24. “Maximum damage potential development” means hospitals and like institutions; buildings or building complexes containing documents, data, or instruments of great public value; buildings or building complexes containing materials dangerous to the public or fuel storage facilities; power installations needed in emergency or other buildings or building complexes similar in nature or use.
25. “Minor projects” means small development activities (except for filling, grading, and excavating) valued at less than \$500.00.
26. “New construction” (new buildings, factory-built home parks, accessory structures) means those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.
27. “New factory-built home park or subdivision” means a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the effective date of the first floodplain management regulations adopted by the community.
28. “Recreational vehicle” means a vehicle which is:
- A. Built on a single chassis.

- B. 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.
 - D. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.
29. “Routine maintenance of existing buildings and facilities” means repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:
- A. Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding.
 - B. Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
 - C. Basement sealing.
 - D. Repairing or replacing damaged or broken window panes.
 - E. Repairing plumbing systems, electrical systems, heating or air conditioning systems, and repairing wells or septic systems.
30. “Special flood hazard area” (SFHA) means the land within a community subject to the “base flood”. This land is identified on the community’s Flood Insurance Rate Map as Zone A, A1-30, AE, AH, AO, AR, and/or A99.
31. “Start of construction” includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.
32. “Structure” means anything constructed or erected on the ground or attached to the ground, including but not limited to buildings, factories, sheds, cabins, factory-built homes, storage tanks, grain storage facilities, and/or other similar uses.
33. “Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair.

34. “Substantial improvement” means any improvement to a structure which satisfies either of the following criteria:

A. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either: (i) before the “start of construction” of the improvement; or (ii) if the structure has been “substantially damaged” and is being restored, before the damage occurred.

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 which increases the original floor area of a building by 25 percent or more. All additions constructed after the effective date of the first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

35. “Variance” means a grant of relief by a community from the terms of the floodplain management regulations.

36. “Violation” means the failure of a structure or other development to be fully compliant with the community’s floodplain management regulations

160.02 STATUTORY AUTHORITY, FINDINGS OF FACT AND PURPOSE.

1. The Legislature of the State of Iowa has in Chapter 414, *Code of Iowa*, as amended, delegated the power to cities to enact zoning regulations to secure safety from flood and to promote health and the general welfare.

2. Findings of Fact.

A. The flood hazard areas of the City are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety, and general welfare of the community.

B. These flood losses, hazards, and related adverse effects are caused by: (i) the occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding; and (ii) the cumulative effect of obstructions on the floodplain causing increases in flood heights and velocities.

C. This chapter relies upon engineering methodology for analyzing flood hazards which is consistent with the standards established by the Department of Natural Resources.

3. Statement of Purpose. It is the purpose of this chapter to protect and preserve the rights, privileges, and property of the City and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents

by minimizing those flood losses described in Section 160.02(2)(A) of this chapter with provisions designed to:

- A. Reserve sufficient floodplain area for the conveyance of flood flows so that flood heights and velocities will not be increased substantially.
- B. Restrict or prohibit uses which are dangerous to health, safety, or property in times of flood or which cause excessive increases in flood heights or velocities.
- C. Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.
- D. Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.
- E. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

160.03 GENERAL PROVISIONS.

1. **Lands to Which Chapter Applies.** The provisions of this chapter shall apply to all lands within the jurisdiction of the City shown on the Official Floodplain Zoning Map as being within the boundaries of the Floodway, Floodway Fringe, General Floodplain, and Shallow Flooding (Overlay) Districts, as established in this section.
2. **Establishment of Official Floodplain Zoning Map.** The Flood Insurance Rate Maps (FIRM) for Louisa County and Incorporated Areas, City of Columbus Junction, Panels 19115C0070D, 0090D dated July 18, 2011, which were prepared as part of the Flood Insurance Study for Louisa County are hereby adopted by reference and declared to be the Official Floodplain Zoning Map. The Louisa County Flood Insurance Study is hereby adopted by reference and is made a part of this chapter for the purpose of administering floodplain management regulations. The flood profiles and all explanatory material contained with the Flood Insurance Study are also declared to be a part of this chapter.
3. **Rules for Interpretation of District Boundaries.** The boundaries of the zoning district areas shall be determined by scaling distances on the Official Floodplain Zoning Map. When an interpretation is needed as to the exact location of a boundary, the Floodplain 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 Floodplain Administrator in the enforcement or administration of this chapter.
4. **Compliance.** No structure or land shall hereafter be used, and no structure shall be located, extended, converted, or structurally altered, without full compliance with the terms of this chapter and other applicable regulations which apply to uses within the jurisdiction of this chapter.
5. **Abrogation and Greater Restrictions.** It is not intended by this chapter to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provision of this chapter shall prevail. All other ordinances inconsistent with this chapter are hereby repealed to the extent of the inconsistency only.

6. Interpretation. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

7. Warning and Disclaimer of Liability. The standards required by this chapter are considered reasonable for regulatory purposes. This chapter does not imply that areas outside the designated Floodplain (Overlay) District areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City, or any officer or employee thereof, for any flood damages that result from reliance on this chapter or on any administrative decision lawfully made thereunder.

8. Severability. If any section, clause, provision, or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

160.04 ADMINISTRATION.

1. Appointment, Duties and Responsibilities of Local Official. The City Clerk is hereby appointed to implement and administer the provisions of this chapter and will herein be referred to as the Floodplain Administrator. Duties and responsibilities of the Floodplain Administrator shall include (but not necessarily be limited to) the following:

A. Review all floodplain development permit applications to assure that the provisions of this chapter will be satisfied.

B. Review floodplain development applications to assure that all necessary permits have been obtained from federal, State, and local governmental agencies including approval when required from the Department of Natural Resources for floodplain construction.

C. Record and maintain a record of: (i) the elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of all new or substantially improved structures; or (ii) the elevation to which new or substantially improved structures have been floodproofed.

D. 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.

E. Keep a record of all permits, appeals, and such other transactions and correspondence pertaining to the administration of this chapter.

F. Submit to the Federal Insurance Administration an annual report concerning the community's participation, utilizing the annual report form supplied by the Federal Insurance Administration.

G. Notify the Federal Insurance Administration of any annexations or modifications to the community's boundaries.

H. Review subdivision proposals to ensure such proposals are consistent with the purpose of this chapter and advise the Board of Adjustment of potential conflict.

I. Maintain the accuracy of the community's Flood Insurance Rate Maps when:

- (1) Development placed within the Floodway (Overlay) District results in any of the following:
 - a. An increase in the base flood elevations; or
 - b. Alteration to the floodway boundary.
- (2) Development placed in Zones A, AE, AH, and A1-30 that does not include a designated floodway that will cause a rise of more than one foot in the base elevation; or
- (3) Development relocates or alters the channel.

Within six months of the completion of the development, the applicant shall submit to FEMA all scientific and technical data necessary for a Letter of Map Revision.

J. Perform site inspections to ensure compliance with the standards of this chapter.

K. Forward all requests for variances to the Board of Adjustment for consideration. Ensure all requests include the information ordinarily submitted with applications as well as any additional information deemed necessary to the Board of Adjustment.

2. Floodplain Development Permit.

A. Permit Required. A Floodplain Development Permit issued by the Floodplain Administrator shall be secured prior to any floodplain development (any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, storage of materials and equipment, excavation, or drilling operations), including the placement of factory-built homes.

B. Application for Permit. Application shall be made on forms furnished by the Floodplain Administrator and shall include the following:

- (1) Description of the work to be covered by the permit for which application is to be made.
- (2) Description of the land on which the proposed work is to be done (e.g., lot, block, track, street address or similar description) that will readily identify and locate the work to be done.
- (3) Location and dimensions of all structures and additions.
- (4) Indication of the use or occupancy for which the proposed work is intended.
- (5) Elevation of the base flood.
- (6) Elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of structures or of the level to which a structure is to be floodproofed.

(7) For structures being improved or rebuilt, the estimated cost of improvements and market value of the structure prior to the improvements.

(8) Such other information as the Floodplain Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this chapter.

C. Action on Permit Application. The Floodplain Administrator shall, within a reasonable time, determine whether the proposed floodplain development meets the applicable standards of this chapter and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefor. The Floodplain 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. Floodplain development permits based on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement, or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this chapter. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, structure floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this chapter, prior to the use or occupancy of any structure.

160.05 ESTABLISHMENT OF ZONING (OVERLAY) DISTRICTS. The floodplain areas within the jurisdiction of this chapter are hereby divided into the following districts:

1. Floodway (Overlay) District (FW) – those areas identified as Floodway on the Official Floodplain Zoning Map.
2. Floodway Fringe (Overlay) District (FF) – those areas identified as Zone AE on the Official Floodplain Zoning Map but excluding those areas identified as Floodway.
3. General Floodplain (Overlay) District (GF) – those areas identified as Zone A on the Official Floodplain Zoning Map.

The boundaries shall be as shown on the Official Floodplain Zoning Map. Within these districts, all uses not allowed as permitted uses are prohibited unless a variance to the terms of this chapter is granted after due consideration by the Board of Adjustment.

160.06 FLOODWAY (OVERLAY) DISTRICT (FW).

1. Permitted Uses. All development within the Floodway District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet applicable performance standards of the Floodway District.
2. Performance Standards. All Floodway District uses allowed as a permitted use shall meet the following standards.

- A. shall be permitted in the Floodway District that would result in any increase in the base flood elevation. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
- B. All development within the Floodway District shall:
- (1) Be consistent with the need to minimize flood damage.
 - (2) Use construction methods and practices that will minimize flood damage.
 - (3) Use construction materials and utility equipment that are resistant to flood damage.
- C. No development shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch, or any other drainage facility or system.
- D. Structures, buildings, recreational vehicles, and sanitary and utility systems, if permitted, shall meet the applicable performance standards of the Floodway Fringe District, and shall be constructed or aligned to present the minimum possible resistance to flood flows.
- E. Structures, if permitted, shall have a low flood damage potential and shall not be for human habitation.
- F. Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited. Storage of other material may be allowed if readily removable from the Floodway District within the time available after flood warning.
- G. Watercourse alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.
- H. Any fill allowed in the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.
- I. Pipeline river or stream crossings shall be buried in the streambed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.

160.07 FLOODWAY FRINGE (OVERLAY) DISTRICT FF.

1. Permitted Uses. All development within the Floodway Fringe District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet applicable performance standards of the Floodway Fringe District.
2. Performance Standards. All development must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Where base flood elevation data has not been provided on the Flood Insurance Rate Map, the Iowa Department of Natural Resources shall be contacted to compute such data. Until a regulatory floodway is designated, no development may increase the base flood elevation more than one foot. The applicant will be responsible for providing the

Department of Natural Resources with sufficient technical information to make such determination.

- A. All development shall:
- (1) Be designed and adequately anchored to prevent flotation, collapse, or lateral movement.
 - (2) Use construction methods and practices that will minimize flood damage.
 - (3) Use construction materials and utility equipment that are resistant to flood damage.
- B. Residential Structures. All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one foot above the base flood elevation. Construction shall be upon compacted fill which shall, at all points, be no lower than one foot above the base flood elevation and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers or extended foundations) may be allowed (subject to favorable consideration by the Board of Adjustment,) where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding. All new residential structures located in areas that would become isolated due to flooding of surrounding ground shall be provided with a means of access that will be passable by wheeled vehicles during the base flood. However, this criterion shall not apply where the Floodplain Administrator determines there is sufficient flood warning time for the protection of life and property. When estimating flood warning time, consideration shall be given to the criteria listed in 567-75.2(3), *Iowa Administrative Code*.
- C. Nonresidential Structures. All new or substantially improved nonresidential structures shall have the lowest floor (including basement) elevated a minimum of one foot above the base flood elevation, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood; and that the structure, below the base flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the Floodplain Administrator.
- D. All New and Substantially Improved Structures.
- (1) 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:

- a. 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.
- b. The bottom of all openings shall be no higher than one foot above grade.
- c. 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.

(2) 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.

(3) New and substantially improved structures shall be constructed with electric meter, electrical service panel box, hot water heater, heating, air conditioning, ventilation equipment (including ductwork), and other similar machinery and equipment elevated (or, in the case of non-residential structures, optionally floodproofed to) a minimum of one foot above the base flood elevation.

(4) New and substantially improved structures shall be constructed with plumbing, gas lines, water meters, gas meters, and other similar service utilities either elevated (or in the case of non-residential structures, optionally floodproofed to) a minimum of one foot above the base flood elevation or designed to be watertight and withstand inundation to such a level.

E. Factory-Built Homes.

(1) All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one foot above the base flood elevation.

(2) All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. Anchorage systems may include, but are not limited to, use of over-the-top or frame ties to ground anchors as required by the *State Building Code*.

F. Utility and Sanitary Systems.

(1) 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.

(2) 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. flood

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 base flood elevation.

(3) 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 base flood elevation.

(4) 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.

G. Storage of Equipment and Materials. Storage of equipment and materials that are flammable, explosive, or injurious to human, animal, or plant life is prohibited unless elevated a minimum of one foot above the base flood elevation. Other material and equipment must either be similarly elevated or: (i) not subject to major flood damage and anchored to prevent movement due to flood waters; or (ii) readily removable from the area within the time available after flood warning.

H. Flood Control Structures. Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from the base flood with a minimum of three feet of design freeboard and shall provide for adequate interior drainage. In addition, the Department of Natural Resources shall approve structural flood control works.

I. Watercourse Alterations. Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, the Department of Natural Resources must approve such alterations or relocations.

J. Subdivision. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this chapter. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the base flood. Proposals for subdivisions greater than five acres or 50 lots (whichever is less) shall include base flood elevation data for those areas located within the Floodplain (Overlay) District.

K. Accessory Structures to Residential Uses.

(1) 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:

a. The structure shall be designed to have low 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.

b. 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.

c. The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.

d. The structure shall be firmly anchored to resist flotation, collapse, and lateral movement.

e. The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the base flood elevation.

f. The structure's walls shall include openings that satisfy the provisions of Section 160.07(2)(D)(1) of this subsection.

(2) Exemption from the base flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

L. **Recreational Vehicles.** Recreational vehicles are exempt from the requirements of 160.07(2)(E) of this subsection 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.

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 160.07(2)(E) of this subsection regarding anchoring and elevation of factory-built homes.

M. **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.

N. **Maximum Damage Potential Development.** All new or substantially improved maximum damage potential development shall have the lowest floor (including basement) elevated a minimum of one foot above the elevation of the 500-year flood, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 0.2% annual chance flood; and that the structure, below the 0.2% chance flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the Floodplain Administrator. Where a 0.2% percent chance

flood elevation data has not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determinations.

160.08 GENERAL FLOODPLAIN (OVERLAY) DISTRICT GF.

1. Permitted Uses.
 - A. All development within the General Floodplain District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet the applicable performance standards of the General Floodplain District.
 - B. Any development which involves placement of structures, factory-built homes, fill or other obstructions, storage of materials or equipment, excavation or alteration of a watercourse shall be reviewed by the Department of Natural Resources to determine: (i) whether the land involved is either wholly or partly within the floodway or floodway fringe; and (ii) the base flood elevation. The applicant shall be responsible for providing the Department of Natural Resources with sufficient technical information to make the determination.
 - C. Review by the Iowa Department of Natural Resources is not required for the proposed construction of new or replacement bridges or culverts where:
 - (1) The bridge or culvert is located on a stream that drains less than two square miles, and
 - (2) The bridge or culvert is not associated with a channel modification that constitutes a channel change as specified in 567-71.2(2), *Iowa Administrative Code*.
2. Performance Standards.
 - A. All development, or portions thereof, to be located in the floodway as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway (Overlay) District (Section 160.06).
 - B. All development, or portions thereof, to be located in the floodway fringe as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway Fringe (Overlay) District (Section 160.07).

160.09 APPOINTMENT AND DUTIES OF BOARD OF ADJUSTMENT. The Board of Adjustment, hereinafter referred to as the Board, shall hear and decide: (i) appeals; and (ii) requests for variances to the provisions of this chapter, and shall take any other action which is required of the Board.

1. Appeals. Where it is alleged that there is any error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this chapter, the aggrieved party may appeal such action. The notice of appeal shall be filed with the Board and with the official from whom the appeal is taken and shall set forth the specific reason for the appeal. The official from whom the appeal is taken shall transmit to the Board all the documents constituting the record upon which the action appealed from was taken.

2. Variance. The Board may authorize upon request in specific cases such variances from the terms of this chapter that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship. Variances granted must meet the following applicable standards.

A. Variances shall only be granted upon: (i) a showing of good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.

B. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood would result. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

C. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

D. In cases where the variance involves a lower level of flood protection for structures than what is ordinarily required by this chapter, the applicant shall be notified in writing over the signature of the Floodplain Administrator that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage; and (ii) such construction increases risks to life and property.

E. All variances granted shall have the concurrence or approval of the Department of Natural Resources.

3. Hearings and Decisions of the Board.

A. Hearings. Upon the filing with the Board of an appeal or a request for a variance, the Board shall hold a public hearing. The Board shall fix a reasonable time for the hearing and give public notice thereof, as well as due notice to parties in interest. At the hearing, any party may appear in person or by agent or attorney and present written or oral evidence. The Board may require the appellant or applicant to provide such information as is reasonably deemed necessary and may request the technical assistance and/or evaluation of a professional engineer or other expert person or agency, including the Department of Natural Resources.

B. Decisions. The Board shall arrive at a decision on an appeal or variance within a reasonable time. In passing upon an appeal, the Board may, so long as such action is in conformity with the provisions of this chapter, reverse or affirm, wholly or in part, or modify the order, requirement, decision, or determination appealed from, and it shall make its decision, in writing, setting forth the findings of fact and the reasons for its decision. In granting a variance, the Board shall consider such factors as contained in this section and all other relevant sections of this chapter and may prescribe such conditions as contained in Section 160.09(3)(B)(2).

(1) Factors Upon Which the Decision of the Board Shall Be Based. In passing upon applications for variances, the Board shall consider all relevant factors specified in other sections of this chapter and:

- a. The danger to life and property due to increased flood heights or velocities caused by encroachments.
- b. The danger that materials may be swept on to other land or downstream to the injury of others.
- c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
- d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- e. The importance of the services provided by the proposed facility to the City.
- f. The requirements of the facility for a floodplain location.
- g. The availability of alternative locations not subject to flooding for the proposed use.
- h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- i. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- j. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- k. The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
- l. 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.
- m. Such other factors which are relevant to the purpose of this chapter.

(2) Conditions Attached to Variances. Upon consideration of the factors listed above, the Board 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:

- a. Modification of waste disposal and water supply facilities.
- b. Limitation of periods of use and operation.

c. Imposition of operational controls, sureties, and deed restrictions.

d. 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.

e. Floodproofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Board shall require that the applicant submit a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

4. Appeals to the Court. Any person or persons, jointly or severally, aggrieved by any decision of the Board may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the Board.

160.10 NONCONFORMING USES.

1. A structure or the use of a structure or premises which was lawful before the passage or amendment of the ordinance codified in this chapter, but which is not in conformity with the provisions of this chapter, may be continued subject to the following conditions:

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.

3. Except as provided in Section 160.10(1)(B) of this section, any use which has been permitted as a variance shall be considered a conforming use.

160.11 PENALTIES FOR VIOLATION. Violations of the provisions of this chapter or failure to comply with any of the requirements (including violations of conditions and safeguards established in connection with grants of variances) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 or imprisoned for not more than 30 days.

Each day such violation continues shall be considered a separate offense. Nothing herein contained prevent the City from taking such other lawful action as is necessary to prevent or remedy violation.

160.12 AMENDMENTS. The regulations and standards set forth in this chapter may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval of the Department of Natural Resources.

[The next page is 1017]

CHAPTER 161

RENTAL HOUSING CODE

161.01 Scope of Provisions
161.02 Conflicting Provisions
161.03 Definitions
161.04 Certificate of Rental Permit
161.05 Inspection and Enforcement
161.06 Housing and Appeals Board

161.07 Minimum Structure Standards for All Rental Dwellings
161.08 Responsibilities of Owners Relating to the Maintenance and Occupancy of Premises
161.09 Responsibilities of Occupants Relating to the Maintenance and Occupancy of Premises
161.10 Penalty

161.01 SCOPE OF PROVISIONS. The provisions of this chapter (which may be known and cited as the Rental Housing Code for the City of Columbus Junction) apply to all rental dwellings within the City limits used or intended to be used for human occupancy, except that these provisions are not applicable to temporary housing as defined in this chapter.

161.02 CONFLICTING PROVISIONS. In any case where a provision of this chapter is found to be in conflict with a provision of any zoning, building, fire, safety, or health ordinance or code of the City, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

161.03 DEFINITIONS. Whenever the words “dwelling,” “dwelling unit,” “rooming house,” “rooming unit,” or “premises” are used in this chapter, they shall be construed as though they were followed by the words “or any part thereof.” The word “building” includes the word “structure” and the word “lot” includes the word “plot.” The following terms are also defined for use in this chapter:

1. “Acceptable” or “approved” means in substantial compliance with the provisions of this chapter.
2. “Accessory structure” means a detached structure which is not used, or intended to be used, for living or sleeping by human occupants.
3. “Adjoining grade” means the elevation of the ground which extends three feet from the perimeter of the dwelling.
4. “Appurtenance” means that which is directly or indirectly connected or accessory to a thing.
5. “Attic” means any story situated wholly or partly within the roof or so designed, arranged, or built to be used for business, storage, or habitation.
6. “Basement” means a story having a part but not more than one-half of its height above grade, which may or not be considered habitable space. A basement is counted as a story for the purpose of height regulations.
7. “Bath” means a bathtub or shower stall connected with both hot and cold water lines.
8. “Central heating system” means a single system supplying heat to one or more dwelling units or more than one rooming unit.
9. “Rental Housing Code Official” means the official of the City appointed to administer this chapter and any duly authorized representatives.

10. “Communal” means used or shared by, or intended to be used or shared by, the occupant of two or more rooming units or two or more dwelling units.
11. “Condominium” means a dwelling unit which is in compliance or conformance with the requirements of Chapter 499B of the *Code of Iowa*, as amended.
12. “Cooperative” means a dwelling unit which is in compliance or conformance with the requirements of Chapter 499B of the *Code of Iowa*, as amended.
13. “Court” means an open unoccupied space, other than a yard, on the same lot with a dwelling. A court not extending to the street or front or rear yard is an inner court. A court extending to the street or front yard or rear yard is an outer court.
14. “Dining room” means a habitable room used or intended to be used for the purpose of eating, but not for cooking or the preparation of meals.
15. “Duplex” means any habitable structure containing two single dwelling units. The classification shall be determined by the existence of two separate dwelling units, as defined in this section, and shall not be based upon the identity of the occupants.
16. “Dwelling” means any building, structure, or mobile home, except temporary housing, which is wholly or partly used or intended to be used for living or sleeping by human occupants and includes any appurtenances attached thereto.
17. “Dwelling, efficiency” – see efficiency dwelling
18. “Dwelling, multiple” – see “multiple dwelling.”
19. “Dwelling, single-family” – see “single-family dwelling.”
20. “Dwelling unit” means any habitable room or group of adjoining habitable rooms, located within a dwelling and forming a single unit with facilities which are used or intended to be used for living, sleeping, cooking, and eating of meals.
21. “Efficiency dwelling” means a dwelling unit with a sleeping area open to the living area, with no intervening door.
22. “Egress” means an arrangement of exit routes to provide a means of exit from buildings and/or premises.
23. “Exit” means a continuous and unobstructed means of egress to a public way and includes intervening doors, doorways, corridors, windows, exterior-exit balconies, ramps, stairways, smoke-proof enclosures, horizontal exits, exit passageways, exit courts, walkways, sidewalks, and yards.
24. “Existing nonconforming” means structures and usages in effect prior to the passage of this Rental Housing Code, which do not meet all of the provisions of the Rental Housing Code.
25. “Extermination” means the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest elimination method approved by the Rental Housing Code Official.
26. “Family” means one or more persons occupying a dwelling and living as a single housekeeping unit. Each individual or group of individuals to whom rent is charged as a single unit shall be considered to be a separate family.

27. “Garbage” means animal or vegetable waste resulting from the handling, preparation, cooking, or consumption of food and also means combustible waste material. “Garbage” also includes paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, and other combustible materials.
28. “Habitable room” means a room or enclosed floor space, having a minimum of 50 square feet of total floor area within a dwelling unit or rooming unit used or intended to be used for living, sleeping, cooking, or eating purposes, excluding bathrooms, toilet rooms, pantries, laundries, foyers, communicating corridors, closets, storage spaces, and stairways.
29. “Historical” means any property designated by the Louisa County Historic Preservation Commission as a Historical Site or any property on the National Register of Historical Places.
30. “Infestation” means the presence, within or around a dwelling, of any insects, rodents, or other pests, in such quantities as would be considered unsanitary.
31. “Kitchen” means a habitable room used or intended to be used for cooking or the preparation of meals.
32. “Kitchenette” means a food preparation area not less than 40 square feet in area.
33. “Kitchen sink” means a basin for washing utensils used for cooking, eating, and drinking, located in a kitchen and connected to both hot and cold water lines and properly connected to a drainage system.
34. “Lavatory” means a hand-washing basin which is connected to both hot and cold water lines, and properly connected to a drainage system, which is separate and distinct from a kitchen sink.
35. “Living room” means a habitable room within a dwelling unit which is used, or intended to be used, primarily for general living purposes.
36. “Mobile home” means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons.
37. “Multiple dwelling” means any dwelling containing three or more dwelling units.
38. “Occupant” means any person, including owner or operator, living in, sleeping in, and/or cooking in, or having actual possession of a dwelling unit or a rooming unit.
39. “Operator” means any person who rents to another or who has custody or control of a building, or parts thereof, in which dwelling units or rooming units are let or who has custody or control of the premises.
40. “Owner” means any person who has custody and/or control of any dwelling, dwelling unit, or rooming unit by virtue of a contractual interest in or legal or equitable title to the dwelling, dwelling unit or rooming unit. “Owner” also means any person who has custody and/or control of any dwelling, dwelling unit or rooming unit as guardian.
41. “Permit” - see “rental permit.”
42. “Placard” means any display document showing that the unit for which it is issued has been determined to be unfit for human habitation.

43. "Plumbing" means and includes any or all of the following supplied facilities and equipment: water pipes, garbage disposal units, waste pipes, toilets, sinks, lavatories, bathtubs, shower baths, water heating devices, catch basins, drains, vents, and any other similar supplied fixtures together with all connections to water and sewer.
44. "Premises" means a lot, plot, or parcel of land including a building and/or accessory structure thereon.
45. "Privacy" means the existence of conditions which will permit a person or persons to carry out an activity commenced without interruption or interference by unwanted persons.
46. "Properly installed, connected, constructed, or repaired" means as required by this or any other building, plumbing, mechanical, or electrical code of the City, including work to be done in a workmanlike manner.
47. "Public way" means any parcel of land, unobstructed from the ground to the sky, more than ten feet in width, appropriated to the free passage of the general public.
48. "Refuse" means waste materials (except human waste) including garbage, rubbish, ashes, and dead animals.
49. "Refuse container" means a watertight container that is constructed of metal, or other durable material impervious to rodents, that is capable of being serviced without creating unsanitary conditions.
50. "Rental permit" means a document, issued periodically, which grants the owner or operator the option of letting a unit for rental purposes and showing that the unit for which it is issued was in compliance with the applicable provisions of this chapter at the time of issuance.
51. "Roomer" means an occupant of a rooming house or rooming unit and shall also mean an occupant of a dwelling who is not a member of the family occupying the dwelling except for guests and/or domestic employees.
52. "Rooming house" means any dwelling, or that part of any dwelling, containing one or more rooming units, including, but not limited to hotels and motels, in which space is let by the owner or operator to one or more persons. Occupants of units specifically designated as dwelling units within a rooming house shall not be included in the roomer count. An owner-occupied, single-family dwelling, condominium, or cooperative containing a family plus one or two roomers shall be excluded from this definition and be treated as a owner-occupied, single-family dwelling.
53. "Rooming unit" means any habitable room or group of adjoining habitable rooms located within a dwelling and forming a single unit with facilities which are used, or intended to be used, primarily for living and sleeping. A rooming unit shall have bath and toilet facilities available for exclusive use by the occupant or for communal use in accordance with Subsections 161.07(15) through (22) and, in addition, may have kitchen and dining facilities available for use by the occupant therein.
54. "Rubbish" means inorganic waste material consisting of combustible and/or noncombustible materials.
55. "Secured" or "securing" means boarding up openings or locking openings to prevent unwanted entry as approved by the Rental Housing Code Official.
56. "Single-family dwelling" means a structure containing one dwelling unit.

57. "Supplied Facility" means equipment, appliance, or system paid for, furnished by, provided by, or under the control of the owner or operator.

58. "Temporary housing" means any tent, trailer, motor home, or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than 30 days.

59. "Toilet" means a water closet, with a bowl and trap made in one piece, which is of such shape and form and which holds a sufficient quantity of water so that no fecal matter will collect on the surface of the bowl and which is equipped with a flushing rim or flushing rims.

161.04 CERTIFICATE OF RENTAL PERMIT.

1. **Rental Permit Required.** It is a violation of this chapter for any person to let to another for rent any dwelling unit or rooming unit (except a dwelling or rooming unit located within an owner-occupied single-family dwelling, condominium, or cooperative containing no more than two dwelling or rooming units), unless the owner or operator holds a valid rental permit. A rental permit is valid for a specified period of time. The document shall be transferable from one owner or operator to another at any time prior to its expiration, termination or revocation. The owner or operator shall notify the Rental Housing Code Official of any changes of interest or ownership in the property within 30 days of any conveyance or transfer of interest affecting the property and provide the name and address of all persons who have acquired an interest therein. In the event that the Rental Housing Code Official has not been notified of such conveyance or transfer within the designated period of time, the rental permit shall be transferred from one owner or operator to another only upon payment of a fee which shall be assessed the new owner or operator, the amount of which shall be set by resolution of the Council. The rental permit shall state the date of issuance, the address of the structure to which it is applicable, and its expiration date. The rental permit shall also include the maximum number of occupancy. All dwellings and dwelling units and rooming units being let for rent and occupancy without a valid permit or application for the same on file with the City and fees paid may be ordered vacated.

2. **Application.** The owner or operator shall file an application for a rental permit, accompanied by the appropriate fees as established by resolution of the Council, with the Rental Housing Code Official on an application form provided by the Rental Housing Code Official. All applications shall be filed and a rental permit obtained before being let for rent or occupancy. Failure to file an application for a rental permit shall constitute a municipal infraction. The owner or operator shall, within 30 days of application, schedule and allow an inspection of the unit by the Rental Housing Code Official and failure to do so may be judicially enforced and constitutes a municipal infraction. All fees for inspections and/or permits shall be paid prior to the scheduled inspection. Failure to pay the required fee within the specified time frame may result in postponement of inspection, double permit fee, and/or revocation of permit.

3. **Issuance.** When all pertinent provisions of this chapter have been complied with by the owner or operator, the Rental Housing Code Official shall issue a rental permit.

4. **Extension.** A rental permit shall be valid through the expiration date contained thereon. However, extensions shall be granted to cover any time period between the stated expiration date and the period of time permitted by the Code Official to remedy

any violations cited subsequent to an inspection authorized or requested pursuant to the provisions of this chapter, provided a rental permit application is on file with fees paid.

161.05 INSPECTION AND ENFORCEMENT.

1. Authority. The Rental Housing Code Official is authorized to administer and enforce the provisions of the Rental Housing Code and to make inspections to determine the conditions of all dwellings, dwelling units, rooming units, structures, and premises located within the City, in order that the Rental Housing Code Official may perform the duty of safeguarding the health, safety, and welfare of the occupants of dwellings and of the general public under the provisions of this chapter.

2. Inspection of Rental Units. Inspection of rental units shall be conducted upon request, on a complaint basis, and/or through a program of regular rental inspections which program shall not be conducted more frequently than yearly or less frequently than the set schedule indicated below:

- Single-family dwellingEvery 3 years
- DuplexEvery 3 years
- Owner-occupied plus more than 2 dwelling unitsEvery 3 years
- Multiple dwelling unitsEvery 3 years
- Rooming housesEvery 3 years

The provisions of Sections 161.07 through 161.09 of this chapter shall apply to the inspections of all rental units.

3. Access by Owner or Operator. Every occupant of a dwelling, dwelling unit, or rooming unit shall give, upon proper notice, the owner or operator thereof, or any authorized agent or employee, access to any part of such dwelling, dwelling unit, rooming unit, or premises at all reasonable times for the purpose of effecting such maintenance, making such repairs, or making such alterations as are necessary to effect compliance with, or any lawful notice or order issued pursuant to the provisions of Sections 161.07 through 161.09.

4. Access by Rental Housing Code Official. Whenever authorized to make an inspection or whenever the Rental Housing Code Official has reasonable cause to believe that there exists any condition in violation of any provisions of this chapter or in response to a complaint that an alleged violation may exist, the Rental Housing Code Official may enter such unit or premises during reasonable times to inspect and perform any action authorized by this chapter. If such unit or premises is tenant-occupied, the Rental Housing Code Official shall also notify the owner or other persons having charge or control of the building or premises of the requested entry. The Rental Housing Code Inspector shall at such times present official identification and explain why entry is sought; and if entry is refused, the Rental Housing Code Official shall request that the inspection be conducted at a reasonable time, suitable to the owner or occupant. If the request for future entry is refused, the Rental Housing Code Official shall at that time, or at a later time, explain to the owner and/or occupant that said owner and/or occupant may refuse, without penalty, entry without a search warrant, and the Rental Housing Code Official may apply to the Iowa District Court for a search warrant.

5. Search Warrant. If consent to inspect a building is withheld by any person having the lawful right to exclude, the Rental Housing Code Official may apply to the

Iowa District Court in and for Louisa County for a search warrant of the building. No owner or occupant or any other person having charge, care, or control of any dwelling, dwelling unit, rooming unit, structure, or premises shall fail or neglect, after presentation of a search warrant, to properly permit entry therein by the Rental Housing Code Official for the purpose of inspection and examination pursuant to this chapter.

6. Violation Notice. Whenever the Rental Housing Code Official determines, upon the basis of an inspection or other reliable information, that a premises has one or more violations of this chapter, the Rental Housing Code Official shall give to the owner (and the tenant if a violation relates to Section 161.09) of the premises a written notice in substantially the following form:

ORDER TO REPAIR, CORRECT AND COMPLY

To: _____, Owner (and Tenant if applicable)

Re: _____, Premises in Violation

You are hereby notified that the Rental Housing Code Official has determined that the above premises has the following violations of the Columbus Junction Rental Housing Code:

Code Section	Description of Violation	Location of Premises
_____	_____	_____
_____	_____	_____
_____	_____	_____

You are hereby ordered to repair, correct and comply with the requirements of the Rental Housing Code within 60 days of your receipt of this order. Failure to comply with this order (or as it may be modified on appeal) will result in a denial or revocation of your rental permit and an order to vacate the premises.

You are advised that this order may be appealed by filing a written notice of appeal, containing the reasons for the appeal, with the Housing Appeals Board, City Hall, Columbus Junction, Iowa, within 15 days of your receipt hereof. The appeal may dispute the above code violations or request additional time allowed for compliance or both. In addition, you may request that the Board grant a variance in the application of the Housing Code to your particular circumstances. Failure to file a timely appeal results in waiver of your right to have this order modified.

You are further advised that your failure to comply with this order (or as it may be modified on appeal) constitutes a municipal infraction per Chapter 3 of the City Code.

The order set out in this subsection shall be served upon the owner personally, upon a member of the owner’s family (if that person is of suitable age and discretion and informed of the contents thereof) personally, upon the owner by registered or certified mail, with return receipt requested, to the owner’s last known address (per County Assessor’s records); or upon the failure of all above methods, by posting a copy thereof in a conspicuous place in or about the dwelling affected by the order. The owner (and the tenant if a violation relates to Section 161.09 of this chapter) may appeal the order by filing a written notice of appeal with the Housing Appeals Board within 15 days of the service of the order. The issues on appeal are restricted to disputes regarding the

cited violations, requests for additional time for compliance, and requests for variances. The Housing Official shall, after expiration of the time given in the order to repair, correct, and comply (or as it may be modified on appeal), reinspect the premises as appropriate. The owner’s or tenant’s failure to comply with the order shall constitute a municipal infraction as defined in Chapter 3 of this Code of Ordinances.

7. Denial or Revocation of Rental Permit; Order to Vacate. Whenever the Housing Official determines that the order to correct, repair and comply (or as it may be modified on appeal) has not been complied with, the Rental Housing Code Official shall deny or revoke the rental permit for the premises and order the premises vacated. The denial or revocation and order shall be effective 30 days after receipt by the owner and tenant of the premises of a written notice of the denial or revocation of the rental permit and order to vacate in substantially the following form:

NOTICE OF DENIAL OR REVOCATION OF RENTAL PERMIT AND ORDER TO VACATE		
To:	_____ , Owner	
	_____ , Tenant	
Re:	_____ , Premises in Violation	
You are hereby notified that the Rental Housing Code Official has determined that the Order to Repair, Correct and Comply dated _____ affecting the above premises has not been complied with and the following violations of the Rental Housing Code still exist:		
Code Section	Description of Violation	Location of Premises
_____	_____	_____
_____	_____	_____
_____	_____	_____
You are hereby notified that, effective 30 days after receipt of this notice and order, the rental permit covering the above premises is revoked (or the application for a rental permit is denied) and you are ordered to have the above premises vacated within such period of time.		
You are advised that the revocation or denial of the rental permit and order to vacate the premises may be appealed by filing a written notice of appeal, containing the reasons for the appeal, with the Housing Appeals Board, City Hall, Columbus Junction, Iowa, within seven days of your receipt of this notice and order. Your appeal is solely limited to the issue of whether the previous Order to Repair, Correct and Comply (or as it may have been modified on a previous appeal) has been complied with and may not address matters concerning such order which were subject to previous appeal rights. However, tenants may, by filing a timely appeal, also request additional time to move.		
You are further advised that this order to vacate may be judicially enforced and that the occupancy or sufferance of occupancy of the affected premises after the expiration of the 30 day period provided herein without a valid rental permit constitutes a municipal infraction per Chapter 3 of the City Code.		

The above notice and order shall be served upon the owner and tenant personally, upon a member of the owner’s and tenant’s family (if that person is of suitable age and

discretion and informed of the contents thereof) personally, upon the owner and tenant by registered or certified mail, with return receipt requested, to the owner's last known address per County Assessor's records; or upon the failure of all above methods, by posting the copy thereof in a conspicuous place in or about the dwelling affected by the notice and order. In the instance where all of the cited violations are tenant violations under Section 161.09, the notice and order set out in this subsection shall be modified to delete reference to the revocation or denial of the rental permit for the premises and the owner may cause the premises to be reoccupied by the different tenants. The owner and/or tenant may appeal the notice and order by filing a written notice of appeal with the Housing Appeals Board within 15 days of this service of the notice. The issue on appeal is solely limited to the issue of whether the previous order to repair, correct, and comply (or as it may have been modified on a previous appeal) has been complied with and may not address matters concerning such order which were subject to previous appeal rights. However, tenants may, by filing a timely appeal, also request additional time to move. The order to vacate may be judicially enforced and violation of the order to vacate and the occupancy or sufferance of occupancy of the affected premises after the expiration of the 30-day period provided herein (or after such additional time as the Housing Appeals Board may have granted a tenant to move) without a valid rental permit constitutes a municipal infraction as defined in Chapter 3 of this Code of Ordinances.

8. Emergency Orders and Placarding. Whenever the Rental Housing Code Official, in the enforcement of this chapter, finds in or about a dwelling conditions which pose an immediate and serious threat to the health or safety of the occupants and/or the general public, the Rental Housing Code Official shall give to the owner and occupants of the premises a written order in substantially the following form:

EMERGENCY ORDER TO VACATE

To: _____, Owner
 _____, Tenant

Re: _____, Premises in Violation

You are hereby notified that the Rental Housing Code Official has determined that the above premises contains the following violations of the Columbus Junction Rental Housing Code, which violations pose an immediate and serious threat to the health or safety of the occupants thereof and/or the general public:

Code Section	Description of Violation	Location of Premises
_____	_____	_____
_____	_____	_____
_____	_____	_____

You are hereby ordered to vacate the above premises within _____ days of your receipt of this order.

You are advised that if the condition cited above is corrected and repaired before the expiration of your time limit herein, you may contact the Rental Housing Code Official, who may confirm the repair of the condition and rescind this order.

You are advised that this order may be appealed by filing a written notice of appeal containing the reasons for appeal with the Housing Appeals Board, City Hall, Columbus Junction, Iowa, within seven days of your receipt hereof. The appeal may dispute the above code violations but it may not request additional time for compliance, nor will the filing of an appeal act to delay the deadline for vacating the premises.

You are further advised that this order to vacate may be judicially enforced and your failure to comply with this order (or as it may be modified on appeal) constitutes a municipal infraction per Chapter 3 of the City Code.

The above notice and order shall be served upon the owner and tenant personally, upon a member of the owner's and tenant's family (if that person is of suitable age and discretion and informed of the contents thereof) personally, upon the owner and tenant by registered or certified mail with return receipt requested to the owner's last known address, or upon the failure of all above methods, by posting the copy thereof in a conspicuous place in or about the dwelling affected by the notice and order. The owner may appeal the order by filing a written notice of appeal with the Housing Appeals Board within seven days of the service of the order. The sole issue on appeal is the cited violation. Time to comply or vacate may not be an issue on an appeal of the order, nor will the filing of an appeal extend the number of days before the premises must be vacated. The Code Official, upon issuing an emergency order to vacate, shall post upon the dwelling a placard designating the dwelling as unfit for human habitation. No dwelling which has been placarded shall again be used for human habitation until a written approval is secured from and such placard is removed by the Rental Housing Code Official. The Rental Housing Code Official shall remove such placard whenever the violation upon which the placarding action was based has been eliminated. No person shall deface or remove the placard from any dwelling which was the subject of

an emergency order to vacate and placarded as such. An emergency order to vacate may be judicially enforced and a violation of the emergency order to vacate and the occupancy or sufferance of occupancy of the affected premises after the expiration period provided in the order constitutes a municipal infraction as defined in Chapter 3 of this Code of Ordinances.

161.06 HOUSING APPEALS BOARD.

1. Established. In order to provide for interpretation of the provisions of this chapter and to hear appeals provided for under this chapter, there is established a Housing Appeals Board (hereinafter in this section referred to as the Board) consisting of three members who do not hold any elective office in the municipal government, and who are appointed by the Mayor subject to the approval of the Council. Members are appointed for staggered terms of five years. If any vacancy exists on the Board caused by resignation or otherwise, a successor shall be appointed for the remainder of the term.
2. Compensation. All members of the Board shall serve without compensation except for their actual expenses accrued, which shall be subject to the approval of the Council.
3. Officers. Such Board shall choose, annually, at its first regular meeting, one of its members to act as Chairperson of the Board, and another of its members as Vice Chairperson, who shall perform all the duties of the Chairperson during his or her absence or disability. The Board shall also choose one of its members to act as Secretary, who shall record all minutes and proceedings of the Board and who shall be responsible for filing same in the office of the Housing Official.
4. Jurisdiction. Any person affected by a written notice and/or order issued under this chapter which is specifically subject to appeal, may appeal to the Board by filing a written appeal specifying the grounds therefor within the time limits provided. Appeals shall include requests for additional time and variances allowed under this chapter. The filing of an appeal does not delay the time for compliance with a notice or order unless the Board fails to determine the matter within the time limit provided for compliance with the notice or order in which case such time for compliance shall automatically be extended to the time such determination is made except in the instance of an emergency order.
5. Procedures.
 - A. The Board, upon receipt of a written appeal, shall set a time and place for the hearing. The applicant shall be advised, in writing, of such time and place at least seven days prior to the date of the hearing. At such a hearing the appellant shall have an opportunity to be heard and to show cause as to why such notice or order should be modified, extended, revoked, or why a variance should be granted. The Board, by a majority vote, may sustain, modify, extend, or revoke a notice or grant or deny a variance.
 - B. The Board may grant additional time for compliance with a notice or order where specifically recognized by this chapter. However, the Board may, by an express determination, retain jurisdiction of a matter concerning additional time and make tentative extensions to be finally determined at a later date and time by the Board. In the event that additional time or tentative

extensions are granted, the Board shall make specific findings of fact based on evidence relating to the following:

- (1) That there are historical or practical difficulties or unnecessary hardships in carrying out the strict letter of any notice or order; and
- (2) That such additional time or a tentative extension is in harmony with the general purpose and intent of this chapter in securing the public health, safety, and general welfare. Except under extraordinary circumstances, the grant of additional time, including the sum of tentative extensions shall not exceed 18 months.

C. The Housing Appeals Board may grant a variance in a specific case and from a specific provision of this chapter subject to appropriate conditions; and provided the Board makes specific findings of fact based on the evidence presented on the record as a whole, and related to the following:

- (1) That there are historical or practical difficulties or unnecessary hardships in carrying out a strict letter of any notice or order; and
- (2) That due to the particular circumstances presented, the effect of the application of the provisions would be arbitrary in the specific case; and
- (3) That an extension would not constitute an appropriate remedy for these practical difficulties or unnecessary hardships in this arbitrary effect; and
- (4) That such variance is in harmony with the general purpose and intent of this chapter in securing the public health, safety, and general welfare.

D. Upon appeal or the request of the Rental Housing Code Official, the Board may consider the adoption of a general variance. The Board by a majority vote may establish a general variance for existing structures which cannot practicably meet the standards of the Rental Housing Code. Prior to considering any general variance, public notice shall be given. A general variance, if granted, shall:

- (1) State in what manner the variance from the specific provision is to be allowed; and
- (2) State the conditions under which the variance is to be made; and
- (3) Be based upon specific findings of fact based on evidence related to the following:
 - a. That there are practical difficulties or unnecessary hardships in carrying out the strict letter of the specific provision, common to dwellings, dwelling units, or rooming units to which the variance will apply, and
 - b. That such variance is in harmony with the general purpose and intent of this chapter in securing the public health, safety, and general welfare.

6. Amendments. Additionally, the Housing Appeals Board may on its own motion recommend improvements, amendments, or modifications to this chapter.

161.07 MINIMUM STRUCTURE STANDARDS FOR ALL RENTAL DWELLINGS.

1. Supplied Facility. Every supplied facility piece of equipment or required utility shall be constructed and/or installed so that it will function safely.
2. Kitchens. Every dwelling unit shall have a kitchen room or kitchenette equipped with the following:
 - A. An approved kitchen sink.
 - B. Space capable of properly accommodating a refrigerator and a stove or range.
 - C. Proper access terminals to utilities necessary to properly operate a refrigerator and stove or range.
 - D. Adequate space for the storage and preparation of food.
3. Water Closet Required. Every dwelling unit shall contain an approved water closet.
4. Bath Required. Every dwelling unit shall contain an approved bathtub or shower.
5. Lavatory Basin Required. Every dwelling shall contain an approved lavatory basin within or adjacent to the room containing the toilet.
6. Privacy In a Room Containing Toilet and Bath. Every toilet and every bath shall be contained within a room or within separate rooms which afford privacy for a person within said rooms.
7. Water Heating Facilities Required. Every kitchen sink, bath, and lavatory basin required in accordance with the provisions of this chapter shall be properly connected with supplied water heating facilities. Every supplied water heating facility shall be properly connected and shall be capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every kitchen sink and lavatory basin required under the provisions of this chapter at a temperature of not less than 120° Fahrenheit (48° centigrade). Such supplied water heating facilities shall be capable of meeting the requirements of this section when the required space heating facilities are not in operation.
8. Connection of Sanitary Facilities To Water and Sewer Systems. Every kitchen sink, laundry sink, mop sink, toilet, lavatory basin, and bath shall be properly connected to an approved water and sewer system.
9. Exits.
 - A. Every dwelling unit and every rooming unit shall have access directly to the outside or to a public corridor.
 - B. Every rental dwelling shall have at least two exits as a means of egress from each floor, one of which may be a window. This requirement applies to the ground floor and above and basements that include sleeping rooms.
 - C. All windows used as exits for means of egress shall have a minimum net clear opening of four square feet and the minimum net clear opening

dimensions shall be at least 24 inches by 20 inches. Exception: Windows of slightly lesser dimensions which were installed in conformance with a previous building code may be approved by the Rental Housing Code Official providing they have minimum net clear opening dimensions of at least 22 inches by 18 inches. Where windows are provided as means of egress or rescue they shall have finished sill height not more than 44 inches above the floor, except that a step or step stool may be used to maintain the 44-inch sill height requirement. If the sill of a window provided for egress is more than six feet above grade, a portable escape ladder must be provided and must be stored in the same room as the egress window.

D. New dwelling units shall have exits as required by the Building Code and Fire Code of the City of Columbus Junction.

E. Every means of egress shall comply with the following requirements:

(1) Handrails. All stairways comprised of four or more risers shall be provided with a substantial and safe handrail. Unenclosed floor and roof openings, open and glazed sides of landings and ramps, balconies or porches which are more than 30 inches above grade or above the floor below, and any emergency egress pathway across a roof with a slope of more than 10 degrees shall be provided with a substantial and safe guardrail.

(2) Every stairway shall have a width, riser height, and tread width which shall be adequate for safe use.

(3) Doors and windows readily accessible from outside the unit shall be lockable from inside the unit.

(4) Every doorway providing ingress or egress from any dwelling unit, rooming unit or habitable room shall be at least six feet high and 22 inches wide.

(5) Designated egress doorways and windows in all rental dwellings on any floor with more than four dwelling units or more than six sleeping rooms in the case of a rooming house, shall be marked with illuminated exit signs.

10. Ventilation.

A. Every dwelling unit and rooming unit shall be free from dangerous levels of air pollution from carbon monoxide, sewer gas, fuel gas, dust, black mold, and other harmful air pollutants.

B. Every window or other device with openings to the outdoor space, used for ventilation, shall be supplied with screens of not less than 16 mesh per inch.

C. Every system of mechanical ventilation, such as air conditioners and vent fans shall be maintained in operable condition.

11. Heating. Every dwelling shall have heating facilities which are properly installed and are capable of safely and adequately heating all habitable rooms, bathrooms, and toilet rooms located therein to a temperature of at least 68° Fahrenheit (20° centigrade) and shall be capable of maintaining in all said locations a minimum temperature of 65° Fahrenheit, (18° centigrade) at a distance of three feet above the

floor level at all times. Such heating facilities shall be so designed and equipped that heat, as herein specified, is available for all dwelling units and rooming units.

12. Electrical Requirements. Every habitable room shall contain at least two separate floor or wall-type electrical double convenience outlets which shall be situated a distance apart equivalent to at least 25 percent of the perimeter of the room. Every such outlet and fixture shall be properly installed. Every habitable room, toilet room, laundry room, furnace room, basement, and cellar shall contain at least one supplied ceiling or wall-type electric light fixture or switched outlet. Every such outlet and fixture shall be properly installed. Temporary wiring or extension cords shall not be used as permanent wiring.

13. Minimum Space, Use, And Location Requirements.

A. Floor Area per Occupant. Every multiple dwelling shall contain at least 150 square feet of floor space for the first occupant thereof and at least 100 additional square feet of floor space for every additional occupant thereof. Every single family dwelling and duplex shall contain at least 175 square feet of floor space for each occupant. For the purpose of determining the maximum permissible occupancy, the floor area of that part of a room where the ceiling height is less than five feet shall not be considered when computing the total floor area of the room.

B. Sleeping Rooms. In every dwelling unit of two or more rooms and every rooming unit, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor space and every room occupied for sleeping purposes by two occupants shall contain at least 100 square feet of floor space per sleeping room. An additional 30 square feet per room is needed for each additional occupant, with a maximum bedroom occupancy of four. Example: one sleeping room with four occupants = 160 sq. ft. Exception: The maximum occupancy of a sleeping room may be exceeded by one child under the age of five years, provided that the maximum occupancy of the dwelling unit is not exceeded.

C. Ceiling Height. The ceiling height of every habitable room shall be at least six feet four inches. In any habitable room where the ceiling is a part of a sloping roof, at least one-half of the floor area shall have a ceiling height of at least six feet four inches. "Floor area," as used in this subsection, means the area of the floor where the vertical measurement from floor to ceiling is five feet or more. Obstruction of space by such items as water and gas pipes, cabinetry, etc., shall be permitted when such obstructions are located within two feet of a partition or wall, do not interfere with an emergency ingress and egress, and are approved by the Rental Housing Code Official. Obstruction of a ceiling space shall be permitted when such obstruction is located at a height of not less than six feet four inches from the floor.

14. Direct Access. Access to each dwelling unit or rooming unit shall not require first entering any other dwelling unit or rooming unit (except that access to a dwelling unit or a rooming unit may be through a living area of a unit occupied by the owner-operator of the structure). No dwelling unit containing two or more sleeping rooms shall have such room arrangements that access to a bathroom water closet compartment intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room. A bathroom or water closet compartment shall not be

used as the only passageway to any habitable room, hallway, basement, or to the exterior of the dwelling unit or rooming unit.

15. Lighting of Public Halls and Stairways. Public passageways and stairways in dwellings accommodating two to four dwelling units or rooming units shall be provided with convenient wall-mounted light switches which activate an adequate lighting system. Public passageways and stairways in buildings accommodating more than five dwelling units or rooming units shall be lighted at all times with an adequate artificial lighting system, except that such artificial lighting may be omitted from sunrise to sunset where an adequate natural lighting system is provided. Whenever the occupancy of a building exceeds 100 persons, the artificial lighting system as required herein shall be on an emergency circuit.

16. Fire Extinguishers; Minimum Approved Type. All rental dwelling units and rooming houses shall have a two and one-half pound type "ABC" fire extinguisher, or have access to a fire extinguisher within 75 feet of any unit, which is approved by the Rental Housing Code Official or Fire Chief. Fire extinguishers shall be properly hung in an area of easy access.

17. Early Warning Fire Protection. All rental units shall have a centrally located smoke detector on each level and one in each bedroom.

18. A carbon monoxide detector, located a maximum of four feet off the floor or where recommended by the manufacturer, shall be provided on the main level and on each level with bedrooms. Exception: Units without gas piping may omit carbon monoxide detectors provided they do not have an attached garage.

19. Water Closets and Lavatory Basins. At least one approved water closet and one approved lavatory basin shall be supplied for each eight persons or fraction thereof residing within a dwelling containing a rooming unit or units, including members of the operator's family whenever they share the said facilities, provided that in a rooming house where rooms are let only to males, flush urinals may be substituted for not more than one-half of the required number of water closets.

20. Baths. At least one approved bath shall be supplied for each eight persons or fraction thereof residing within a dwelling containing a rooming unit or units, including members of the operator's family whenever they share the use of the facilities.

21. Location of Communal Toilets and Baths. Communal toilets and baths shall be located on the same floor or the floor immediately above or below the rooming unit.

22. Communal Kitchens. If a communal kitchen is supplied, it shall comply with the following requirements:

A. The minimum floor area of a communal kitchen shall be 50 square feet. Floor area shall include that part of the floor occupied by cabinets and appliances. If the dining area is separate from the kitchen area, it shall have a minimum floor area of 50 square feet.

B. The minimum floor area of a communal kitchen in which roomers are permitted to prepare and eat meals shall be 100 square feet.

C. The communal kitchen shall be equipped with the following:

(1) A refrigerator with an adequate food storage capacity.

(2) An approved kitchen sink.

- (3) A stove or range.
 - (4) At least one cabinet of adequate size suitable for the storage of food and eating and cooking utensils.
 - (5) At least six square feet of surface area which is easily cleanable and suitable for the preparation of food.
 - (6) An eating surface and adequate chairs for the normal use of the facilities if a communal dining room is not supplied.
- D. Every communal kitchen shall be located within a room accessible to the occupants of each rooming unit sharing the use of such kitchen, without going outside of the dwelling and without going through a dwelling unit or rooming unit of another occupant.
23. Kitchens: Stoves and Refrigerators. Kitchens or kitchenettes in all rental dwellings shall be supplied with a stove or range and a refrigerator by the owner, operator, or tenants.
24. Shades, Draperies, and Window Coverings. Every window in rooms used for sleeping rooms in rooming units and furnished dwelling units shall be supplied with shades, draperies, or other devices or materials which, when properly used, will afford privacy to the occupants. Every window in rooms used for sleeping purposes in unfurnished dwelling units shall be supplied with hardware necessary to support shades, draperies, or other devices or materials which, when properly used, will afford privacy to the occupants.

161.08 RESPONSIBILITIES OF OWNERS RELATING TO THE MAINTENANCE AND OCCUPANCY OF PREMISES.

- 1. Maintenance of Structure.
 - A. Every foundation, roof, floor, wall, ceiling, stair, step, elevator, handrail, guardrail, porch, sidewalk, and appurtenance thereto shall be maintained in safe and sound condition and shall be capable of supporting the loads that normal use may cause to be placed thereon.
 - B. Every foundation, floor, exterior wall, exterior door, window, and roof shall be maintained in reasonably weather-tight, watertight, rodent proof, and insect proof condition.
 - C. Every door, door hinge, door latch, and door lock shall be maintained in good and functional condition and every door, when closed, shall fit reasonably well within its frame.
 - D. Every window, existing storm window, window latch, window lock, and other aperture covering, including its hardware, shall be maintained in good and functional condition and shall fit reasonably well within its frame.
 - E. Every interior partition, wall, floor, ceiling and other interior surface shall be maintained so as to permit it to be kept in a clean and sanitary condition, and where appropriate, shall be capable of affording privacy.
- 2. Maintenance of Accessory Structures. Every foundation, exterior wall, roof, window, exterior door, basement hatchway, and appurtenance of every accessory structure shall be so maintained as to prevent the structure from becoming a harborage for rats or other vermin and shall be kept in a reasonably good state of repair.

3. Rainwater Drainage. All eaves, downspouts, and other roof drainage equipment on the premises shall be maintained in a good state of repair and so installed as to direct rainwater away from the structure.
4. Grading, Drainage, and Landscaping of Premises. Every premises shall be graded and drained so no stagnant water will accumulate or stand thereon. Every premise shall be continuously maintained by suitable landscaping with grass, trees, shrubs, or other planted groundcover designed to reduce and control dust. Exception: This chapter shall not affect the existence or maintenance of storm water detention systems.
5. Chimneys and Smoke Pipes. Every chimney and every supplied smoke pipe shall be adequately supported, reasonably clean, and maintained in a reasonably good state of repair.
6. Protection of Exterior Wood Surfaces. All exterior wood surfaces of a dwelling and its accessory structures, fences, porches, and similar appurtenances shall be reasonably protected from the elements and against decay.
7. Means of Egress. Every means of egress shall be maintained in good condition and shall be free of obstruction at all times.
8. Hanging Screens and Storm Windows. The owner or operator of the premises shall be responsible for hanging all screens and storm windows required by this code, except when there is a written agreement between the owner and the occupant to the contrary. Screens shall be provided no later than the first day of June of each year and storm windows shall be provided no later than the first day of December of each year.
9. Electrical System. The electrical system of every dwelling or accessory structure shall not by reason of overloading, dilapidation, lack of insulation, improper fusing, or for any other cause expose the occupants to hazards of electrical shock or fire, and every electrical outlet, switch, and fixture shall be maintained in good and safe working condition. The owner or operator shall supply properly sized fuses or equivalent, at the beginning of each tenant's occupancy.
10. Maintenance of Supplied Plumbing Fixtures. Every supplied plumbing fixture and water and waste pipe shall be maintained in good and sanitary working condition. All plumbing shall be so designed, installed, or replaced so as to prevent contamination of the water supply through backflow, back siphonage, or cross-connection. Water pressure shall be adequate to permit a proper flow of water from all open outlets at all times.
11. Maintenance of Gas Appliances and Facilities. Every gas appliance shall be connected to a gas line with rigid black iron piping except that listed metal appliance connectors or semi-rigid tubing may be used if approved by the Rental Housing Code Official. Every indoor gas appliance shall have an approved shutoff valve, which shall be installed in the gas line outside of each appliance and ahead of the union connection thereto, in addition to any valve provided on the appliance. Said valve shall be within three feet of the appliance it serves, except for gas ranges which shall have an approved flexible connector not over six feet in length serving as a final connector. Every gas pipe shall be sound and tightly put together and shall be free of leaks, corrosion, or obstruction so as to reduce gas pressure or volume. Gas pressure shall be adequate to permit a proper flow of gas from all open gas valves at all times.

12. Maintenance of Heating and Supplied Cooling Equipment. The heating equipment of each dwelling shall be maintained in good and safe working condition and shall be capable of heating all habitable rooms, bathrooms, and toilet rooms located therein to the minimum temperature required in this chapter. However, heating and supplied cooling equipment shall not be required to be maintained in operational condition during that time of the year when the equipment is not normally used.
13. Floors - Kitchen and Bathrooms. Every toilet room floor surface, bathroom floor surface, and kitchen floor surface shall be constructed and maintained so as to permit such floor to be easily kept in a clean, dry, and sanitary condition.
14. Supplied Facilities. Every facility, utility, and piece of equipment required by this chapter and/or present in the unit and/or designated for the exclusive use by the occupants of the unit at the time that either the rental agreement is signed or possession is given shall function safely and shall be maintained in proper working condition. Maintenance of facilities, utilities, and equipment not required by this chapter shall be the owner's responsibility unless stated to the contrary in the rental agreement. No required supplied facility shall be removed, shut off, or disconnected from any occupied dwelling unit or rooming unit except for such temporary interruption as may be necessary while actual repairs, replacements, or alterations are being made.
15. Refrigerators and Stoves. All supplied refrigerators, stoves, and ranges shall be maintained in good and safe working condition.
16. Toilets, Baths, and Lavatory Basins. All toilets, baths, and lavatory basins shall be maintained in good and sanitary working condition.
17. Fire Protection. All fire extinguishers and early warning fire protection systems shall be maintained in good working condition at all times and shall be provided at the beginning of each tenancy.
18. Covered Cisterns. All cisterns or similar water storage facilities shall be fenced, safely covered, or filled in such a way as not to create a hazard to life or limb.
19. Sealed Passages. All pipe passages, abandoned gas lines, chutes, and similar openings through walls or floors shall be adequately enclosed or sealed to prevent the spread of fire or passage of vermin.
20. Pest Extermination. Whenever infestation exists in two or more of the dwelling units or rooming units of any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units or more than one rooming unit, extermination thereof shall be the responsibility of the owner. For dwellings containing two or more dwelling or rooming units where a pest infestation is found the property owner shall be allowed 30 days to treat the pest infestation. If, after 30 days, the infestation remains, the property owner shall carry the responsibility of having the infested units treated by a licensed pest management professional of a licensed pest management company. The owner shall be required to perform quarterly treatments for a period of one year from date of first treatment after the initial 30 days. The owner shall retain records from the licensed pest management professional and shall be made available to the Housing Inspector upon request at the one-year re-inspection. Failure to do so shall result in revocation of rental permit and all occupants will be vacated.
21. Owner to Let Clean Units. No owner shall permit occupancy of the vacant dwelling unit or rooming unit unless it is clean, sanitary, and fit for human occupancy.

22. Maintenance of Public Areas. Every owner or operator of a dwelling containing two or more dwelling units or more than one rooming unit shall be responsible for maintaining, in a safe and sanitary condition, the shared public areas of the dwelling and premises thereof, unless there is a written agreement between the owner and occupant to the contrary.

23. Maintenance of Fencing. Every fence shall be kept in a reasonably good state of repair or shall be removed.

24. Garbage Disposal. Every owner of a dwelling shall supply adequate facilities for the disposal of garbage which are approved by the Housing Official and are in compliance with this Code of Ordinances.

25. Occupancy Control. No owner or operator shall knowingly allow the occupancy of a dwelling, dwelling unit, or rooming unit to exceed the number of persons listed on the rental permit.

161.09 RESPONSIBILITIES OF OCCUPANTS RELATING TO THE MAINTENANCE AND OCCUPANCY OF PREMISES.

1. Occupant Responsible For Controlled Area. Every occupant of a dwelling unit or rooming unit shall keep in a clean, safe, and sanitary condition that part of the dwelling, dwelling unit, rooming unit, or premises thereof he or she occupies and controls.

A. Every floor and floor covering shall be kept reasonably clean and sanitary.

B. Every wall and ceiling shall be kept reasonably clean and free of dirt or greasy film.

C. No dwelling or the premises thereof shall be used for the storage or handling of refuse.

D. No dwelling or the premises thereof shall be used for the storage or handling of dangerous or hazardous materials.

2. Plumbing Fixtures. The occupants of a dwelling unit shall keep all supplied plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care, proper use, and proper operation thereof.

3. Extermination of Pests. Every occupant of a single-family dwelling shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises; every occupant of a dwelling containing more than one dwelling unit or rooming unit shall be responsible for such extermination within the unit occupied by him whenever said unit is the only one infested. Notwithstanding the foregoing provisions of this section, whenever infestation is caused by the failure of the owner to maintain a dwelling in a reasonably rodent-proof or reasonably insect-proof condition, extermination shall be the responsibility of the owner.

4. Storage and Disposal of Garbage. Every occupant of a dwelling shall dispose of rubbish, garbage, and any other organic waste in a clean and sanitary manner by placing it in the supplied disposal facilities or storage containers required by this chapter.

5. Use and Operation of Supplied Heating Facilities. Every occupant of a dwelling unit or rooming unit shall be responsible for the exercise of reasonable care, proper use, and proper operation of supplied heating facilities.
6. Electrical Wiring. No temporary wiring or extension cords shall be used except extension cords which run directly from portable electric fixtures to convenience outlets and which do not lie beneath floor coverings or extend through doorways, transoms, or similar apertures and structural elements or attached thereto. The occupant shall not knowingly overload the circuitry of the dwelling unit or rooming unit.
7. Supplied Facilities. Every occupant of a dwelling unit shall keep all supplied fixtures and facilities therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care, proper use, and proper operation thereof. Occupants shall be responsible for maintaining batteries in all existing and required smoke detectors and/or carbon monoxide detectors.
8. Occupancy Control. No occupant shall allow the occupancy of any dwelling unit or rooming unit within which he or she resides to exceed the number of persons listed on the rental permit.

161.10 PENALTY. Any person violating any of the provisions of this chapter shall, upon conviction, be subject to the penalties set forth in Section 1.14 of this Code of Ordinances or a violation of any of the provisions of this chapter shall constitute a municipal infraction and may be enforced under Chapter 3 of this Code of Ordinances. Each and every day that a violation occurs or continues shall be deemed a separate offense.

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CHAPTER 162

VACANT BUILDING REGISTRATION

162.01 Definitions	162.05 Placement on Vacant Building Registry
162.02 Applicability	162.06 Vacant Building Registry Conditions
162.03 Vacant Building Registration Required	162.07 Enforcement
162.04 Vacant Building Registration Requirements	162.08 Fees and Penalties

162.01 DEFINITIONS. The following definitions shall apply in this chapter.

1. “Accessory building/structure” means a detached building or structure on the same lot, with and of a nature customarily incidental and subordinate to the principle building or structure or use of the land; i.e., a garden house, greenhouse, garage, carport, shed, fence, or retaining wall.
2. “Building” means any structure used or intended for supporting or sheltering any use or occupancy.
3. “Exterior premises” means the open space on the premises or the portion of the premises upon which there is not a structure.
4. “Good repair” means free from blighting and hazardous conditions, capable of serving its intended purpose, clean and sanitary, and in safe condition.
5. “Imminent hazard” means a condition which could cause serious or life-threatening injury or death at any time.
6. “Junk” means scrap metals or scrap materials, abandoned, dismantled or partially dismantled machinery, motor vehicles, other vehicles or appliances.
7. “Mixed occupancy” means in part for residential use and in part for some other use not accessory thereto.
8. “Occupant” means any person who leases or lawfully resides in a building or premises, or a portion of a building or premises.
9. “Owner” means any person or business entity having a title to the premises, as recorded in the Office of the Recorder for Louisa County, or as recorded on the Louisa County assessment rolls.
10. “Partially vacant” means a multi-story building or structure that has one or more stories vacant or a single or multi-story building with a vacant ground level store front regardless of the occupancy of the remainder of the ground floor.
11. “Problem tree” means a tree or shrub that is established such that its current condition or anticipated growth does or is likely to damage a structure, accessory building, sidewalk, driveway, street, or utilities.
12. “Responsible person” means a natural person who is the owner, operator, or manager of any building, structure, or premises and is responsible for the property’s maintenance and management.
13. “Refuse” means all garbage, rubbish, ashes, or other substances offensive to sight or smell, dangerous to the public health or detrimental to the best interests of the community.

14. “Structure” means anything constructed or erected, which requires location on the ground or attached to something having location on the ground.
15. “Vacant” means a structure, floor, or store front that is unoccupied and/or no person or persons currently operate a lawful business open regularly or seasonally to the public.
16. “Weeds” means plants identified as weeds by Chapter 317 of the *Code of Iowa*, 1997.

162.02 APPLICABILITY.

1. General. The provisions of this chapter shall apply to all manufacturing, commercial, industrial, mixed occupancy, and residential buildings vacant for 183 consecutive days, and all manufacturing, commercial, industrial, mixed occupancy, and residential buildings, which have been partially vacant for 183 days.
2. Conflict. In any case where a provision of this chapter is found to be in conflict with a provision of the Zoning Code or any other provisions of the Code of General Ordinances, the provision which established the higher standard for the protection of the public health, safety, and welfare shall prevail.
3. Application of Other Ordinances. Nothing contained herein shall be deemed to authorize the use of a structure or premises contrary to any other provision of the Code of Ordinances or the Zoning Code. Repairs, additions, or alterations to a structure shall be done in accordance with City Zoning Code and applicable procedures and provisions of State law.
4. Existing Remedies. The provisions in this section shall not be construed to abolish or impair existing remedies of the City, or its officers or agencies, under State laws or this Code of Ordinances, including the Zoning Code, relating to the removal or demolition of any structure which is dangerous, unsafe and unsanitary, or the abatement of public nuisances.
5. Historic Buildings. The provisions of this chapter shall apply to structures designated by the federal government, State, or County as historic buildings.

162.03 VACANT BUILDING REGISTRATION REQUIRED.

1. The owner of any vacant building or structure or partially vacant building or structure to which this section applies shall submit a Vacant Building Registry Application within 30 days of becoming vacant. Upon enactment of this chapter of the City Code, any vacant or partially vacant building must have a Vacant Building Registry Application submitted no later than January 31, 2016.
2. Application to the Vacant Building Registry shall be made by completing a Vacant Building Registry Application Form, which shall be submitted to the City Clerk.
3. The Registry Application Form shall include, but not be limited to, the following:
 - A. Contact information for the owner(s).
 - B. If the owner does not reside within 120 miles of the City or if the owner opts to designate a responsible person, contact information for the responsible person who resides within 120 miles of the City.

- C. An acknowledgement by the owner that grass and weeds shall not exceed a height of eight inches.
 - D. An acknowledgement by the owner that snow and ice shall be removed from the public right-of way within 24hours of snow fall.
 - E. An acknowledgment by the owner that junk and junk vehicles will not be allowed.
 - F. Date and time for an inspection.
4. Vacant Building Registration Renewal. The owner must maintain a valid Vacant Building Registration for any building or structure to which this section applies and must continue to renew the registration annually as long as the building or structure remains vacant. All vacant building permits will be renewable April 1 and considered overdue on May 1. Failure to obtain or renew a vacant building registration will be considered a municipal infraction.
5. All buildings new to the Vacant Building Registry will be inspected by Public Works and/or the Community Development Center. Inspection at renewal may be scheduled at the City's discretion.

162.04 VACANT BUILDING REGISTRATION REQUIREMENTS. A vacant building may only be added to the Registry or renewed if the building or structure which is subject to the Registry Application or Renewal satisfies the following requirements:

- 1. Code Compliant. All buildings or structures subject to the application shall comply with all property maintenance, parking, junk car, and other applicable sections of the Code of Ordinances.
- 2. Vacant Building Maintenance Standards. All buildings or structures subject to the application shall adequately protect the building from intrusion by trespassers and pests and from deterioration by the weather. The buildings must also comply with the following Vacant Building Maintenance Standards:
 - A. Building Openings. Doors, windows, areaways, and other openings shall be weather tight and secured against entry by birds, vermin, and trespassers. Missing or broken glass in doors, windows and other such openings shall be repaired and/or replaced with glass. No building opening shall be boarded. All first floor or ground level windows, doors, and openings shall be free of any posters, paper or fabric coverings.
 - B. Waste Removal. All waste, yard waste, refuse, garbage, and junk shall be removed from the interior of the building or structure and surrounding premises.
 - C. Roofs. The roof and flashings shall be sound and tight, not admit moisture, or have defects which might admit moisture, rain, or roof draining and shall allow for sufficient drainage to prevent dampness or deterioration in the interior of the building.
 - D. Drainage. The building storm drainage system shall be functional and installed in an approved manner, and allow discharge in an approved manner.
 - E. Building Structure. The building shall be maintained in good repair and structurally sound. The building shall be maintained in a sanitary manner

and in a manner that does not pose a threat to the public health, safety and welfare.

F. Structural Members. The structural members shall be free of deterioration and capable of safely bearing imposed dead and live loads.

G. Foundation Walls. The foundation walls shall be maintained structurally sound and in a sanitary condition so as not to pose a threat to the public health, safety, and welfare, shall be capable of supporting the load which normal use may cause to be placed thereon, and shall be free from open cracks and breaks, free from leaks, and be animal-proof.

H. Exterior Walls. The exterior walls shall be free of holes, breaks, and loose or rotting materials. Exposed metal, wood, or other surfaces shall be protected from the elements and against decay or rust by periodic applications of weather-coating materials, such as paint or similar surface treatment.

I. Decorative Features. The signs, trim, and similar decorative features shall be safe, anchored and in good repair. Exposed metal, wood, or other surfaces shall be protected from the elements and against decay or rust by periodic applications of weather-coating materials, such as paint or similar surface treatment.

J. Overhanging Extensions. All balconies, canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts, and similar features shall be in good repair, anchored, safe and sound. Exposed metal, wood, or other surfaces shall be protected from the elements and against decay or rust by periodic applications of weather-coating materials, such as paint or similar surface treatment.

K. Chimneys and Towers. Chimneys, cooling towers, smokestacks and similar appurtenances shall be structurally safe and in good repair. Exposed metal, wood, or other surfaces shall be protected from the elements and against decay or rust by periodic applications of weather-coating materials, such as paint or similar surface treatment.

L. Walkways. Public sidewalks and walkways shall be in good repair.

M. Accessory Building/Structures. Accessory buildings and structures shall be in good repair.

N. Exterior Premises. The surrounding premises upon which the structure or building is located shall be clean, safe, sanitary, and free from waste, rubbish, garbage, and weeds; shall not be used for exterior storage, and shall not pose a threat to public health, welfare, or safety. Problem trees and shrubs shall be trimmed or removed.

162.05 PLACEMENT ON VACANT BUILDING REGISTRY. The City Clerk shall place a building on the Vacant Building Registry upon being satisfied that the building has been inspected and is in compliance with all applicable provisions of this chapter.

162.06 VACANT BUILDING REGISTRY CONDITIONS. All permits issued are subject to all other applicable conditions of this Code of Ordinances and the following additional conditions:

1. Consent to Entry. All applicants and owners of registered vacant buildings consent to the entry of duly authorized officials of the City at all reasonable hours and upon reasonable notice for the purpose of inspection. Refusal to consent to entry shall be a violation of this section.
2. Consent to Emergency Inspections and Emergency Repairs. All applicants and owners holding a permit consent to the entry of duly authorized officials of the City if such official has reason to believe that an emergency situation exists with respect to the building or structure that tends to create an imminent hazard to health, welfare, or safety of the general public, in the discretion of such official, then such official may enter the building to inspect the premises, without notifying the responsible party or obtaining a warrant. If such official finds an emergency situation exists in fact, which presents an imminent hazard to the health, welfare, or safety of the general public, then such official may cause any reasonable action, including the employment of necessary labor and materials, to perform emergency repairs to alleviate the hazard. City employees will confer with legal counsel prior to entering or causing entry to be made to premises and/or performing any emergency repairs without prior owner notification and consent. Costs incurred in the performance of emergency repairs may be paid by the City and if so paid, the City may levy a special assessment against the property to recover the costs.

162.07 ENFORCEMENT.

1. Authorized Officials. Public Works and the Community Development Center shall have the authority to enforce the provisions of this section and to exercise the powers and duties specified in this section and may delegate their authority to appropriate City personnel as his/her designee.
2. Authorized officials shall issue orders to repair for work needed:
 - A. To adequately protect the building from intrusion by trespassers and from deterioration by the weather;
 - B. To comply with the vacant building maintenance standards set forth in this section;
 - C. To ensure that allowing the building to remain will not be detrimental to public health, safety and welfare, will not unreasonably interfere with the reasonable and lawful use and enjoyment of other premises within the neighborhood; or
 - D. To eliminate any hazards to police officers or firefighters that may enter the premises in times of emergency.

When issuing Orders to Repair, the authorized official shall specify the deadline for completion of the repair required and shall deliver the notice to the owner or responsible person identified in the permit. All work done pursuant to this chapter shall be done in compliance with any applicable Building, Fire, Property Maintenance, and Zoning Codes and Ordinances.

3. An inspection may be conducted after the deadline for repair as stated in the Order.
4. Revocation, Reinstatement Measures. If a vacant building is removed from the Registry by the authorized official for noncompliance with any provisions of this code, the owner of the building shall be given 30 days to comply with the provisions of this code. Extensions of such 30 day period may be granted at the discretion of the Building

Inspector. Upon expiration of the 30 day period, or any extension thereof, if the building continues to be noncompliant, a municipal infraction will be issued.

162.08 FEES AND PENALTIES.

1. There shall be no fee to apply to the Vacant Building Registry.
 - A. To compensate the City for its inspection and administrative costs reasonably related to the enforcement, an escalating fee established by the Council, through resolution, may be charged for any inspection following the initial inspection which resulted in an order for corrective action, and the first inspection to determine compliance with an order for corrective action issued hereunder. There shall be no inspection fee if the inspection indicates full compliance, or for a inspection occurring during the period of an approved time extension granted for good cause and involving a good faith effort on the part of the property owner to comply with the order.
 - B. Failure to pay applicable inspection fees within 30 days of mailing an invoice to the property owner of record shall constitute a violation of this ordinance for which a municipal infraction citation may be issued.
2. Violations.
 - A. Penalty. Any person violating any of the provisions of this chapter shall, upon conviction, be guilty of a simple misdemeanor and be subject to the penalties set forth in Section 1.14 of this Code of Ordinances or a violation of any of the provisions of this chapter shall constitute a municipal infraction and may be enforced under Chapter 3 of this Code of Ordinances. Each and every day that a violation occurs or continues shall be deemed a separate offense.
 - B. Abatement of Violations. The issuance of a municipal infraction citation shall not preclude the City Attorney from instituting appropriate action to restrain, correct, or abate a violation, or to prevent illegal occupancy of a structure or premises, or to stop an illegal act, conduct business, or utilization of the structure or premises.

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CHAPTER 165

ZONING REGULATIONS

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165.01 DEFINITIONS. For the purpose of this chapter, certain terms and words are hereby defined:

1. “Accessory Use or Building” means a use or structure subordinate to the principal use of a building or land on the same lot or parcel of ground and serving a purpose customarily incidental to the use of the principal building or use of land.
2. “Apartment” means a room or suite of rooms used as the dwelling of a family, including bath and culinary accommodations, located in a building in which there are three or more such rooms or suites.
3. “Apartment house” means a building arranged, intended, or designed to be occupied by three or more families living independently of each other.
4. “Alterations, structural” means any change in the supporting members of a building such as bearing walls, columns, beams or girders.
5. “Basement” means a story having part but not more than one-half its height below grade. A basement is counted as a story for the purpose of height regulation.
6. “Boarding house” means a building other than a hotel where, for compensation and by arrangement, meals or lodging and meals are provided for three or more persons.
7. “Building (Structure)” means anything constructed, erected, or built, the use of which requires more or less permanent location on the ground and designed for the support, enclosure, shelter or protection of persons, animals, chattels, or property of any kind, including but without limiting the generality on the foregoing, installations such as signs, billboards, radio towers, and other facilities not designed for storage of property or occupancy by persons.
8. “Building, height of” means the vertical distance from the grade 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.

9. “Commission” means the City Planning and Zoning Commission.
10. “Cellar” means a story having more than one-half of its height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement.
11. “Dwelling” means any building or portion thereof which is designed for and used exclusively for residential purposes.
12. “Dwelling, single-family” means a building designed for or occupied by one family.
13. “Dwelling, two-family” means a building designed for or occupied exclusively by two families.
14. “Dwelling, multiple” means a building designed for or occupied exclusively by more than two families.
15. “Family” means one or more persons occupying a premises and living as a single housekeeping unit, whether or not related to each other by birth, adoption, or marriage, as distinguished from a group occupying a boarding house, lodging house, or hotel.
16. “Farm” means an area which is used for the growing of the usual farm products such as vegetables, fruits, and grains, and their storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals. The term farming includes the operating of such area for one or more of the above uses with the necessary accessory uses for treating or storing the produce, provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities and such accessory uses do not include the feeding of garbage or offal to swine or other animals, or commercial feeding of animals or poultry in confined lots or buildings.
17. “Frontage” means all the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.
18. “Garage, private” means an accessory building designed or used for the storage of not more than four motor-driven vehicles owned and used by the occupants of the building to which it is accessory. Not more than one of the vehicles may be a commercial vehicle of not more than two ton capacity.
19. “Garage, public” means a building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling or storing motor-driven vehicles.
20. “Grade” means the average level of the finished surface of the ground adjacent to the exterior walls of the building except when any wall approximately parallels and is not more than five feet from a street line, then the elevation of the street at the center of the wall adjoining the street shall be grade.
21. “Home occupation” means an occupation or a profession which:
 - A. Is customarily carried on in a dwelling unit and,
 - B. Is carried on by a member of the family residing in the dwelling unit, and,

- C. Is clearly incidental and secondary to the use of the dwelling unit for residential purposes, and,
 - D. Does not employ more than one person outside the immediate family, and
 - E. Has no exterior display, no exterior storage of materials, and no other exterior indication of the home occupation or variation from the residential character of the principal building, and
 - F. Does not occupy more than 30 percent of the area of one floor of the dwelling unit, and
 - G. Has no more than one exterior sign mounted flush with the face of the building, which sign shall not exceed three square feet in area, and
 - H. Produces no offensive noise, vibration, smoke, dust, odors, heat, or glare rendering such building or premises objectionable or detrimental to the residential character of the neighborhood.
22. "Institution" means a building occupied by a non-profit corporation or a non-profit establishment for public use.
23. "Junk yard" means any area where waste, discarded, or salvaged materials are bought, sold, exchanged, baled or sacked, disassembled, stored, abandoned, or handled, including the dismantling or "wrecking" of automobiles or other vehicles or machinery, house wrecking yards, used lumber yards and places or yards for storage of salvage house wrecking and structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building.
24. "Kennel" means an establishment where dogs are boarded for compensation or where dogs are bred or raised for commercial purposes or sale.
25. "Loading space" means a space within the main building or on the same lot providing for the standing, loading, or unloading of trucks, having minimum dimensions of 12 by 35 feet and vertical clearance of at least 14 feet.
26. "Lot" means a parcel of land occupied or intended for occupancy by one main building together with its accessory buildings officially approved and having its principal frontage upon a dedicated street. The boundaries of the lot shall be determined by its lot lines.
27. "Lot, corner" means a lot abutting upon two or more streets at their intersection.
28. "Lot, depth of" means the mean horizontal distance between the front and rear lot lines.
29. "Lot, double frontage" means a lot having a frontage on two nonintersecting streets, as distinguished from a corner lot.
30. "Lot, interior" means a lot other than a corner lot.
31. "Lot of record" means a lot which is a part of a subdivision, the plat of which has been recorded in the office of the County Recorder.
32. "Lot width" means the width of a lot measured at the building line and at right angles to its depth.
33. "Lot, reversed corner" means a corner lot, the side street line of which is substantially a continuation of the front line of the first lot to its rear.

34. “Nursing home” means a home for the aged, chronically ill or incurable persons in which three or more persons not of the immediate family are received, kept and provided with food, or shelter and care, for compensation; but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis, treatment or care of the sick or injured.
35. “Parking space” means a surfaced area enclosed in the main building or in an accessory building, or unenclosed, having an area of not less than 180 square feet exclusive of driveways, permanently reserved for the temporary storage of one automobile and connected with a street or alley by a surfaced driveway which affords satisfactory ingress for automobiles.
36. “Place” means an open unoccupied space or a public or private thoroughfare other than a street or alley permanently reserved as the principal means of access to abutting property.
37. “Sign” means any structure or part thereof or device attached thereto or painted, or represented thereon, which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction, or advertisement. The word “sign” includes the word “billboard” but does not include the flag, pennant, or insignia of any nation, state, city, or other political unit, or of any political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive, movement, or event.
38. “Story” means that portion of a building, other than a cellar, 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 next above it.
39. “Story, half” means a partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than three feet above the floor of such story, except that any partial story used for residence purposes, other than for a janitor or caretaker or his family, or by a family occupying the floor immediately below it shall be deemed a full story.
40. “Street” means a public or private thoroughfare which affords the principal means of access to abutting property.
41. “Structure (Building)” means anything constructed, erected, or built, the use of which requires more or less permanent location on the ground and designed for the support, enclosure, shelter or protection of persons, animals, chattels, or property of any kind, including but without limiting the generality of the foregoing, installations such as signs, billboards, radio towers, and other facilities not designed for storage of property or occupancy by persons.
42. “Travel trailer” or “camping trailer” means a vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed to permit the vehicles to be used as a place of human habitation by one or more persons. Said vehicle may be up to eight feet in width and any length provided its gross weight does not exceed 4,500 pounds, which shall be the manufacturer's shipping or the actual weight provided its overall length does not exceed 28 feet. Such vehicle shall be customarily or ordinarily used for vacation or recreation purposes; if used as a place of human habitation for more than 90 days in any 12 month period, it shall be classed as a mobile home, regardless of the size and weight limitation provided herein. This definition shall also include house cars and camp cars having motive power and designed for temporary occupancy as defined herein.

43. “Trailer camp” or “tourist camp” means an area providing spaces for two or more travel trailers, camping trailers, or tent sites for temporary occupancy, with necessary incidental services, sanitation, and recreation facilities to serve the traveling public.

44. “Yard” means an open space between a building and the adjoining lot lines unoccupied and unobstructed by any portion of a structure from 30 inches above the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of the rear yard, the minimum horizontal distance between the lot lines and the main building shall be used.

45. “Yard, front” means a yard extending across the front of a lot and being the minimum horizontal distance between the street or place line and the main building or any projections thereof other than the projections of the usual uncovered steps, uncovered balconies, or uncovered porch. On corner lots the front yard is considered as parallel to the street upon which the lot has its least dimension, except where the owner shall elect to front his building on the street parallel to the lot line having the greater dimension.

46. “Yard, rear” means a yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof other than the projections of uncovered steps, unenclosed balconies or unenclosed porches. On all lots the rear yard shall be in the rear of the front yard.

47. “Yard, side” means a yard between the main building and the side line of the lot and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the main building or any projection thereto.

165.02 ESTABLISHMENT OF DISTRICTS. The City is hereby divided into districts which shall be designated as follows:

- A-1 Agricultural
- R-1..... Single Family Residential
- R-2..... Low Density Mixed Residential
- R-3..... Mixed Residential
- M-H..... Manufactured Housing Park
- C-1..... Highway Commercial
- C-2..... General Retail
- M-1 Industrial

The locations and boundaries of these districts are shown on the Official Zoning Map.

165.03 ADOPTION OF OFFICIAL ZONING MAP. The Official Zoning Map, together with the explanatory material thereon, is hereby adopted by reference and declared to be a part of this chapter.

165.04 IDENTIFICATION OF OFFICIAL ZONING MAP. The Official Zoning Map shall be identified by the signature of the Mayor and attested to by the Clerk under one of the following statements:

“This is to certify that this is the Official Zoning Map referred to in Chapter 1, Section 1.2, of the Zoning Ordinance of Columbus Junction, Iowa, as adopted the 26th day of November, 1973 A.D.”

“This is to certify that this is the Official Zoning Map referred to in Section 165.03 of the Zoning Ordinance of Columbus Junction, Iowa.”

The Official Zoning Map shall be on file in the office of the Clerk and shall be the final authority as to the current zoning status of land, buildings and other structures in the City.

165.05 CHANGES IN OFFICIAL ZONING MAP. No changes in the Official Zoning Map shall be made except as may be required by amendments to the zoning ordinance as allowed for in this chapter. If required, such changes shall be promptly made and the ordinance number, nature of change, and date of change, shall be noted on the map, approving such change in the Official Zoning Map. Any unauthorized change of any kind whatsoever in the Official Zoning Map by any person or persons shall constitute a violation of this chapter and be punishable as provided herein. *(See EDITOR'S NOTE at the end of this chapter for ordinances amending the zoning map.)*

165.06 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 centerline 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 township lines or section lines shall be construed as following township lines or section lines;
4. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
5. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line, shall be construed as moving with the actual shore line; boundaries indicated as approximately following the centerlines of streams 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 5 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 above, the Board of Adjustment shall interpret the district boundaries.

165.07 AGRICULTURAL DISTRICT REGULATIONS. The following regulations are adopted pertaining to the A-1 Agricultural District.

1. Table of Permitted Principal Uses and Required Parking.

Permitted Principal Uses and Structures	Minimum Required Off-street Parking
Farms and agricultural uses	None
Single-family dwellings	2 spaces
Public and semi-public park, playgrounds or recreation areas	5 spaces per acre developed for active usage
Stable or kennel	5 spaces per acre developed for active usage
Cemetery	10 spaces plus 1 per acre
Public utilities	1 space per employee plus 1 vehicle
Railroads	None

2. Permitted Accessory Uses and Structures.

- A. Farm buildings incidental to agricultural uses.
- B. Private garages.
- C. Private swimming pools.
- D. Private greenhouses not operated for commercial purposes.
- E. Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district, not involving the conduct of business on the premises, except home occupations, and located on the same lot or a contiguous lot under the same ownership.
- F. Temporary buildings used in conjunction with construction work, provided that such buildings are removed promptly upon completion of the construction work.

3. Special Exception Uses and Structures. Subject to the other requirements contained herein, the Board of Adjustment may permit the following:

- A. Sanitary landfill or waste disposal area, provided it is not used for disposal of dead animals, that refuse shall be covered with dirt daily if it contains raw garbage, that a nuisance due to smoke, odor, or blowing of trash and debris shall not be created, and that the site shall be restored to a condition compatible with the adjacent areas upon conclusion of the dump operation. An access road having at least a graveled surface and five parking spaces shall be provided. No landfill or waste disposal area shall be located closer than one-fourth mile to any dwelling, park, school, or place of public assembly.
- B. Quarry, sand, or gravel pit.

4. Minimum Lot Area and Width.

- A. Area: 20,000 square feet
- B. Width: 125 feet
- C. Depth: 150 feet

- 5. Minimum Yard Requirements.
 - A. Dwellings and Non-institutional Uses:
 - Front 40 feet
 - Rear 30 feet
 - Side..... 10 feet
 - Side street, corner lot..... 30 feet
 - B. Churches or Other Public or Institutional Buildings
 - Front 50 feet
 - Rear 40 feet
 - Side..... 40 feet
 - Side street, corner lot..... 40 feet
- 6. Maximum Height. 2½ stories or 35 feet
- 7. Permitted Signs.
 - A. Name plates attached flat against the wall of the main building not to exceed one square foot in area.
 - B. Temporary signs advertising the lease or sale of the premises not to exceed six square feet in area.
 - C. Billboards or advertising signs provided:
 - (1) They are not within 300 feet of an intersection, highway structure, residence or another billboard.
 - (2) They are not within 100 feet of a park, school, or cemetery, public or semi-public building.
 - (3) They are not within 75 feet of the centerline of a City or County road, or 150 feet of a State or federal highway.
 - D. All signs and billboards shall be maintained in a neat and presentable condition and in the event their use shall cease, the area shall be restored to a condition free from refuse and rubbish.

Existing signs are excepted from the provisions of this chapter, but all new signs shall comply.

165.08 SINGLE FAMILY RESIDENTIAL DISTRICT REGULATIONS. The following regulations are adopted pertaining to the R-1 Single Family District.

1. Table of Permitted Principal Uses and Required Parking.

Permitted Principal Uses and Structures	Minimum Required Off-street Parking
Single-family dwellings	2 spaces
Mobile home converted to real estate	2 spaces
Community or recreation building	1 space for each 150 square feet of floor area
Public or semi-public park, playground, swimming pool, or recreation area	5 spaces per acre developed for active usage
Elementary or secondary school	1 space per classroom and office plus 1 for each 6 seats in an auditorium or stadium
Church and other place of worship	1 space for each 4 seats in the main auditorium

2. Permitted Accessory Uses and Structures.

- A. Private garages.
- B. Private swimming pools.
- C. Private greenhouses not operated for commercial purposes.
- D. Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district, not involving the conduct of business on the premises, except home occupations, and located on the same lot or a contiguous lot under the same ownership.
- E. Temporary buildings used in conjunction with construction work, provided that such buildings are removed promptly upon completion of the construction work.

3. Special Exception Uses and Structures. Subject to other requirements contained herein, the Board of Adjustment may permit the following:

- A. Public housing developments, rest, nursing and convalescent homes; homes for orphans and aged on sites of one acre or more; off-street parking and yards comparable for other institutional uses of this chapter be provided.
- B. Railroads and public utilities but not including equipment storage or maintenance yards and buildings or general administrative and sales offices, provided that any substation or building shall meet the front and rear yard requirements for dwellings and shall provide side yards of not less than 25 feet, and that two parking spaces per substation or one per employee on the site be provided.
- C. Mobile home park provided that the installation complies with Chapter 435 of the *Code of Iowa*, as amended; and complies with the following:
 - (1) Has a water supply and sanitary sewage collection and treatment system approved by the State Board of Health;

- (2) Has a minimum area of 3,500 square feet for each mobile home space;
 - (3) Has a maximum density of 10 units per acre;
 - (4) Provides at least 10 parking spaces plus one parking space on each mobile home site; and
 - (5) No mobile home is closer than 25 feet to any property line of the mobile home park.
4. Minimum Lot Area and Width, Single-family Dwelling.
- A. Area: 9,000 square feet
 - B. Width: 75 feet

Where a lot is not served by a public water and/or sanitary sewer system, the minimum lot area shall be not less than 20,000 square feet and the width not less than 125 feet.

5. Minimum Yard Requirements.
- A. Dwellings and Non-institutional Uses:
 - Front 30 feet
 - Rear 30 feet
 - Side
 - One story 7 feet
 - Two stories or more..... 8 feet
 - Street side, corner lot..... 20 feet
 - B. Schools, Churches or Other Public or Institutional Buildings
 - Front 35 feet
 - Rear 35 feet
 - Side..... 15 feet
 - Side street, corner lot..... 20 feet
6. Maximum Height. 2½ stories or 35 feet
7. Permitted Signs.
- A. Name plates attached flat against the wall of the main building not to exceed three square feet in area.
 - B. Church or public bulletin board not to exceed 12 square feet in area.
 - C. Temporary signs advertising the lease or sale of the premises not to exceed six square feet in area.
 - D. Illumination of signs, bulletin boards, and nameplates shall not exceed 60 watts and shall be lighted only with indirect, non-intermittent lighting.
 - E. Signs and bulletin boards shall be at least 20 feet from the front lot line or not more than five feet in front of the main buildings.

F. All signs shall be maintained in a neat and presentable condition and in the event their use shall cease, they shall be promptly removed and the surrounding area restored to a condition free from refuse and rubbish.

G. Any sign not conforming to the provisions of this chapter shall be made to conform or be removed within three years after adoption of the ordinance codified herein.

165.09 LOW DENSITY MIXED RESIDENTIAL DISTRICT REGULATIONS. The following regulations are adopted pertaining to the R-2 Mixed Residential District.

1. Table of Permitted Principal Uses and Required Parking.

Permitted Principal Uses and Structures	Minimum Required Off-street Parking
Single-family dwellings	2 spaces
Mobile home converted to real estate	2 spaces
Two, three, and four-family dwelling	2 spaces per family
Community or recreation building	1 space for each 150 square feet of floor area
Public or semi-public park, playground, swimming pool, or recreation area	5 spaces per acre developed for active usage
Elementary or secondary school	1 space per classroom and office plus 1 for each 6 seats in an auditorium or stadium
Church and other place of worship	1 space for each 4 seats in the main auditorium
Funeral parlor	1 space for each 4 seats in the main chapel

2. Permitted Accessory Uses and Structures.

- A. Private garages.
- B. Private swimming pools.
- C. Private greenhouses not operated for commercial purposes.
- D. Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district, not involving the conduct of business on the premises, except home occupations, and located on the same lot or a contiguous lot under the same ownership.
- E. Temporary buildings used in conjunction with construction work, provided that such buildings are removed promptly upon completion of the construction work.

3. Special Exception Uses and Structures. Subject to other requirements contained herein, the Board of Adjustment may permit the following:

- A. Public housing developments, rest, nursing and convalescent homes; homes for orphans and aged on sites of one acre or more; off-street parking and yards comparable for other institutional uses of this chapter be provided.
- B. Railroads and public utilities but not including equipment storage or maintenance yards and buildings or general administrative and sales offices, provided that any substation or building shall meet the front and rear yard requirements for dwellings and shall provide side yards of not less than 25 feet; and that two parking spaces per substation or one per employee on the site be provided.

- 4. Minimum Lot Area and Width.
 - A. Single-family Dwelling:
 - Area:7,200 square feet
 - Width:60 feet
 - B. Two-family Dwelling:
 - Area:8,000 square feet
 - Width:70 feet
 - C. Multiple-family Dwelling:
 - Area:6,500 square feet for the first unit plus 1,500 square feet for each additional unit up to 12, and 750 square feet for each additional unit over 12.
 - Width:80 feet

Where a lot is not served by a public water and/or sanitary sewer system, the minimum lot area shall be not less than 20,000 square feet and the width not less than 125 feet.

- 5. Minimum Yard Requirements.
 - A. Dwellings and Non-institutional Uses:
 - Front 30 feet
 - Rear 30 feet
 - Side
 - One story 7 feet
 - Two stories or more 8 feet
 - Street side, corner lot 20 feet
 - B. Schools, Churches or Other Public or Institutional Buildings:
 - Front35 feet
 - Rear35 feet
 - Side15 feet
 - Side street, corner lot20 feet
- 6. Maximum Height.2½ stories or 35 feet.

165.10 MIXED RESIDENTIAL DISTRICT REGULATIONS. The following regulations are adopted pertaining to the R-3 Mixed Residential District.

1. Table of Permitted Principal Uses and Required Parking.

Permitted Principal Uses and Structures	Minimum Required Off-street Parking
Single-family dwellings	2 spaces
Mobile home converted to real estate	2 spaces
Two, three, and four-family dwelling	2 spaces per family
Multiple-family dwellings	2 spaces per family
Community or recreation building	1 space for each 150 square feet of floor area
Public or semi-public park, playground, swimming pool, or recreation area	5 spaces per acre developed for active usage
Elementary or secondary school	1 space per classroom and office plus 1 for each 6 seats in an auditorium or stadium
Church and other place of worship	1 space for each 4 seats in the main auditorium
Funeral parlor	1 space for each 4 seats in the main chapel

2. Permitted Accessory Uses and Structures.

- A. Private garages.
- B. Private swimming pools.
- C. Private greenhouses not operated for commercial purposes.
- D. Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district, not involving the conduct of business on the premises, except home occupations, and located on the same lot or a contiguous lot under the same ownership.
- E. Temporary buildings used in conjunction with construction work, provided that such buildings are removed promptly upon completion of the construction work.

3. Special Exception Uses and Structures. Subject to other requirements contained herein, the Board of Adjustment may permit the following:

- A. Public housing developments, rest, nursing and convalescent homes; homes for orphans and aged on sites of one acre or more; off-street parking and yards comparable for other institutional uses of this chapter be provided.
- B. Railroads and public utilities but not including equipment storage or maintenance yards and buildings or general administrative and sales offices, provided that any substation or building shall meet the front and rear yard requirements for dwellings and shall provide side yards of not less than 25 feet; and that two parking spaces per substation or one per employee on the site be provided.

- 4. Minimum Lot Area and Width.
 - A. Single-family Dwelling:
 - Area:7,200 square feet
 - Width:60 feet
 - B. Two-family Dwelling:
 - Area:8,000 square feet
 - Width:70 feet
 - C. Multiple-family Dwelling:
 - Area:6,500 square feet for the first unit plus 1,500 square feet for each additional unit up to 12, and 750 square feet for each additional unit over 12
 - Width:80 feet

Where a lot is not served by a public water and/or sanitary sewer system, the minimum lot area shall be not less than 20,000 square feet and the width not less than 125 feet.

- 5. Minimum Yard Requirements.
 - A. Dwellings and Non-institutional Uses:
 - Front30 feet
 - Rear30 feet
 - Side
 - One story7 feet
 - Two stories or more .8 feet
 - Street side, corner lot20 feet
 - B. Schools, Churches, or Other Public or Institutional Buildings.
 - Front35 feet
 - Rear35 feet
 - Side15 feet
 - Side street, corner lot20 feet
- 6. Maximum Height.2½ stories or 35 feet.

165.11 MANUFACTURED HOUSING PARK DISTRICT REGULATIONS. The purpose of this section is to provide minimum standards for the design, development, and improvement of all new or improved manufactured housing parks. It is further the intent of this section to provide semi-permanent single-family residences, with adequate public facilities and services, to promote development consistent with the Comprehensive Plan, and to promote, provide for the health, safety and general welfare of the citizens of the City.

1. Applicability. This section provides minimum standards for the design and development of all new manufactured housing parks and the alteration of all existing manufactured housing parks. Those existing manufactured housing parks not meeting the requirements set down herein shall, upon any alteration, meet all the provisions of this section for the altered use.
2. Definitions. For use in this section, the following additional definitions are given:
 - A. "Alteration" means any increase in the gross park area or change in the layout of an existing manufactured housing park.
 - B. "Manufactured housing" includes mobile and modular homes.
 - C. "Manufactured housing park" means a tract of land which has been planned and improved for the placement of manufactured housing on leased spaces.
 - D. "Manufactured housing space" means a plot of ground within a manufactured housing park designed for the accommodation of one manufactured housing unit and which is leased to the owner of the manufactured housing unit.
 - E. "Mobile home" means a single-family dwelling unit, built on a chassis, suitable for year-round occupancy and containing water supply, waste disposal, heating, and electrical conveniences.
 - F. "Mobile home park" means any site, lot, field, or tract of land upon which two or more occupied mobile homes are harbored either free of charge or for revenue purposes and includes any building, structure, vehicle, or enclosure intended for use as part of the equipment of such mobile home park.
 - G. "Modular home" means any single-family dwelling unit which is manufactured in whole or in components at a place other than at the location where it is to be placed; which is assembled in whole or in components at the location where it is to be permanently located; which rests on a permanent foundation or slab; which does not have wheels or axles affixed as a part of its normal construction; and which does not require a license by any agency as a motor vehicle, special equipment, trailer, motor home, or mobile home.
 - H. "Park" means a manufactured housing park.
 - I. "Parking area" means four or more parking spaces and an aisle or aisles.
 - J. "Patio" means a surfaced outdoor living space consisting of materials such as wood, brick, concrete, or other similar solid and dust free materials, located at grade and directly adjacent and accessible from a manufactured housing unit.

- K. “Recreation space” or “open space” means that portion of the park that is not covered by drives, parking spaces or aisles, and intended to provide for recreation buildings and other recreational facilities such as swimming pools, tennis courts, playgrounds, and playing fields.
3. Applications. Any person who wishes to establish or alter a manufactured housing park shall submit to the City a preliminary plan meeting the requirements of this section. The preliminary plan shall be composed of two parts: an existing site plan and the development site plan.
4. Existing Site Plan. A plan of the existing conditions of the area proposed for development shall include:
- A. Location map;
 - B. Development name;
 - C. Outline of the tract upon which the park is to be located;
 - D. Existing streets and City utilities on adjoining property.
5. Development Site Plan. The plan for development shall include:
- A. Legal description, acreage, and the name of the manufactured housing park;
 - B. Name and address of the owner;
 - C. Names of the persons who prepared the plan, the applicant’s attorney, representative, or agent, if any, and date of the preparation of the site plan;
 - D. North point and graphic scale;
 - E. Contours at five-foot intervals or less;
 - F. Layout of existing and proposed street systems, lot lines, sidewalks, manufactured housing spaces, and parking areas;
 - G. Location of existing and proposed water mains, sewers, drain pipes, culverts, watercourses, storm-water detention facilities, and fire hydrants;
 - H. Grades of existing and proposed streets and alleys;
 - I. Location of areas proposed to be dedicated or reserved for recreation space/open space;
 - J. Location of land within the park which is not to be developed at the time of initial approval of the plan, and estimated time of development, and uses proposed for such land;
 - K. Distances between the park, and buildings and structures adjacent to the park;
 - L. A signature block for endorsement by the Clerk certifying the Council’s approval of the plan.
6. Existing Park Plan. If an approved plan of existing portions is not on file with the City, the preliminary plan shall include the existing or present level of development. In order to establish the existing level of development, the plan shall include and identify:
- A. Legal description and outline of the entire manufactured housing park;

- B. Existing street system, sidewalks, and utilities;
- C. Manufactured housing spaces;
- D. Parking area;
- E. Areas of land, if any, dedicated or reserved for recreational or open space areas, and storm water detention facilities;
- F. Area within the park not presently developed.

The plan should clearly distinguish between the added or altered area, for which compliance with all the provisions of this section is required, and the balance of the existing park.

7. Preliminary Approval. Procedures for preliminary approval of any manufactured housing park shall be in accordance with the procedures for preliminary approval of subdivisions and large-scale residential developments. Such approval shall be done by resolution and shall be binding with regard to preparation of the final plan.

8. Final Plan Submission Requirements. The following information and materials shall be filed with the Clerk:

- A. A copy of the final site plan containing the information required in Subsection 9 of this section.
- B. A completed application form.
- C. An application fee payable to the City.

9. Final Site Plan Requirements.

A. The final site plan may include all or part of the preliminary site plan. If the final site plan does not include the entire development illustrated on the preliminary plan, the portion shown must be able to function as a separate development, including access and utilities.

B. The scale of the final site plan shall not be smaller than one inch equals 50 feet, unless the resultant drawing would be larger than 24 inches by 36 inches. In no case shall the scale of the plan be smaller than one inch equals 100 feet.

C. The final site plan shall include or have attached an accurate legal description of the boundaries of the park illustrating:

- (1) Accurate references to known or permanent monuments, giving the bearings and distances from some corner of the park to some corner of the congressional division of which the park is a part or to some corner of a lot or block within the City;
- (2) Accurate boundary line dimensions in feet and hundredths of feet, with angles and/or bearings, providing a survey with an unadjusted closure error not greater than one foot in 10,000 feet;
- (3) Accurate location of all existing and recorded streets adjacent to the boundaries of the park;
- (4) Acreage or square footage of the park;
- (5) Certification of the survey by a registered land surveyor of the State.

- D. The final site plan shall include and illustrate the following:
- (1) The boundaries of the park shall be accurately drawn and annotated.
 - (2) Accurate dimensions and curve data for all street lines and private drive centerlines shown on the plan.
 - (3) Names of all street and private drives shown on the plan.
 - (4) Approximate dimensions of all existing manufactured housing space lines with angles to adjacent street lines.
 - (5) Dimensions of all proposed manufactured housing space lines with angles to adjacent street lines.
 - (6) Dimensions illustrating location and size of all existing and proposed walks, drives, parking areas, structures, and areas reserved for other uses or future development.
 - (7) Location, width, and purpose of all existing and proposed easements.
 - (8) Land for future park development and estimated time of development.
 - (9) Name of the development.
 - (10) Name and address of the owner and/or developer.
 - (11) Applicant's attorney, representative or agent, if any.
 - (12) North point, graphic scale, and date.
 - (13) Certificate by utility companies that the utility easements as shown on the plan are adequate.
 - (14) A signature block for endorsement by the Mayor or designee.
 - (15) Certification of the park boundary description by a registered architect, engineer, landscape architect or land surveyor of the State.
- E. The final plans shall also be accompanied by the following instruments:
- (1) Dedication of streets, sewers, and water lines and the granting of easements where required.
 - (2) Resolution for approval of such dedications and grantings by the Council in a form approved by the City Attorney.

10. Final Plan Approval. Final plan approval is an administrative action. No public notice or hearing is required in connection with the approval of final plans or minor changes from approved preliminary plans. Approval of final plans and reports for new manufactured housing parks shall be based on substantial compliance with the approved preliminary park plan. If the final plan complies with all plans and specifications of the City, the final plan shall be approved by the Mayor or designee.

11. Changes in Approved Final Plans. Changes in approved final manufactured housing park plans including minor changes in building or manufactured housing space arrangements may be approved by the Mayor or designee only upon findings that such

changes are conceptually consistent with the preliminary plan. All other changes shall require amendment of the preliminary and final plan.

12. All building permits shall be issued on the basis of conformance with the final plan or minor amendments as provided in Subsection 11.

13. Fees. A fee in an amount to be established by resolution shall be paid at the time the preliminary or final plan or combination of preliminary and final plans is submitted to the City.

14. Park Requirements. A manufactured park shall conform to the following requirements:

- A. Area. The total area within the park shall not be less than two acres.
- B. Drainage. The park shall be graded to be free from stagnant pools of water.
- C. Space Requirements. Each park shall provide manufactured housing spaces, and each shall be clearly defined or delineated. Each individual space shall meet the following requirements:
 - (1) Minimum manufactured housing space: 3,500 square feet;
 - (2) Minimum manufactured housing space width: 35 feet;
 - (3) Minimum manufactured housing space frontage: 20 feet;
 - (4) Maximum building bulk:
 - Height: 25 feet;
 - Building coverage: 40 percent;
 - (5) Minimum Front Yards: 15 feet (measured from the manufactured housing unit or the closest projectile from the unit to the abutting private street);
 - (6) At least 20-foot clearance between manufactured housing units shall be provided, except with respect to manufactured units parked end-to-end; the end-to-end clearance shall not be less than 15 feet. A 30-foot clearance shall be provided between any manufactured housing unit and the edges of a C-1, C-2, or M-1 zone, except where abutting an arterial street, in which case a 40-foot clearance shall be required. Where public streets are platted within a manufactured housing park, a 20-foot clearance shall be required from the street right-of-way line.
 - (7) Tree planting for manufactured housing parks shall meet the requirements below. Also, all spacing and location provisions shall be as required in Section 165.08 of this chapter.
 - a. The species to be planted shall be free from nuisance-bearing materials.
 - b. Trees shall be planted over the gross site area at a minimum ratio of one tree for every one manufactured housing space provided in the park.
- D. Recreation Space/Open Space. Manufactured housing parks shall take into consideration the need to provide open space for recreational purposes and

to enhance the general character of the area. Recreation space shall be provided as follows:

(1) For manufactured housing parks with an average manufactured housing space size of 3,500 square feet, recreation space shall be provided at a rate of not less than nine percent of the total park area. As the average manufactured housing space size increases from 3,500 square feet, recreation space may decrease at a rate of one-half percent per each 100 square foot increase in the average manufactured housing space size. The minimum size of any one required area of recreation space shall be equivalent to the smallest manufactured housing space provided in the park.

(2) In the provisions of recreation space, the following planning criteria should be considered:

a. Recreation space should be readily accessible to residents of the manufactured housing park. If a single area of recreation space is provided, it should be located within 800 feet of each manufactured housing space.

b. Recreation space may be provided in conjunction with storm water detention.

E. Streets. Manufactured housing parks shall be provided with safe and convenient vehicular access from a collector or arterial public street abutting the park to each manufactured housing space, service building or other common facility, in a manner more particularly described in Subsection 15 of this section.

F. Driveways. Hard-surfaced driveways shall be provided for each manufactured housing space, service building, delivery and collection point, and elsewhere as needed. The driveways shall be a minimum of 10 feet in width.

G. Parking. 9 x 20 foot hard-surfaced off-street parking spaces shall be provided at the rate of two parking spaces per unit. At least one off-street parking space shall be located on each manufactured housing space. The other required parking space may be located in a common parking area within convenient access to the manufactured housing unit. Parking spaces may be provided in the front yard area; however, they shall not be allowed within 10 feet of an adjoining manufactured housing unit.

H. Sidewalks. Individual sidewalks shall be provided to each manufactured housing entrance from the street or from a driveway or parking space connected to the street. Also, common walks shall be provided in locations where pedestrian traffic is concentrated. Sidewalk widths shall be at least two and one-half feet for sidewalks on individual spaces and at least four feet for sidewalks in common areas or along public streets. Gradients for all sidewalks shall be not greater than 12 percent, cross-slopes shall be at a rate of one-fourth inch per foot and the street edge of the sidewalk surface shall be located above the curb one-third inch for every foot horizontally from the curb.

- I. Patios/Decks. Each manufactured housing space shall be provided with a patio/deck of at least 100 square feet, and with a minimum dimension of 10 feet.
 - J. Public Lighting. Outdoor lighting shall be provided for all streets, walkways, buildings and other facilities subject to nighttime use.
15. Streets. All public streets within the park shall meet the following standards:
- A. Continuation and Extension. Within manufactured housing parks, provisions shall be made for the continuation and extension of public streets, which shall be platted in accordance with the current subdivision regulations and constructed in accordance with current City standards.
 - B. Street Width. All private street widths shall be measured back-to-back of curb. Minimum street pavement widths shall be provided as follows:
 - (1) 24 feet without parking, and so posted;
 - (2) 28 feet with parking on one side, and so posted; or
 - (3) 36 feet with parking on both sides.
 - C. Pavement. All private streets shall be constructed with either nonreinforced Portland cement concrete with a six-inch pavement thickness, or full depth asphaltic concrete with a pavement thickness of eight and one-half inches, except that during the first five years following the park's approval by the City, the streets may be constructed of six inches of compacted gravel. Curb shall be provided in accordance with good engineering standards.
 - D. Grades. No street grade shall be less than one-half of one percent and shall not exceed 12 percent.
16. Utilities. Private utilities shall be designed and constructed as follows:
- A. Sanitary Sewers. The sewerage system shall be designed, constructed and maintained in accordance with applicable City codes or specifications approved by the City. Each manufactured housing space shall be provided with at least a four-inch diameter sewer riser pipe terminating at least four inches above the ground surface and located such that the sewer connection to the manufactured housing unit drain outlet will approximate a vertical position. Provision shall be made for plugging the drain when a manufactured housing unit does not occupy the space.
 - B. Storm Drainage. The manufactured housing park shall be provided with drains, ditches, culverts, bridges, storm sewers, intakes, and manholes adequate to provide for the collection and removal of all surface waters. Such drainage shall be provided in accordance with applicable City codes or specifications approved by the City.
 - C. Water Supply. An adequate supply of potable water for drinking and domestic purposes shall be supplied by pipes to all buildings used for human occupancy and manufactured housing spaces within the park. All water piping, fixtures and other equipment shall be constructed and maintained in accordance with applicable City codes or specifications approved by the City. Individual water riser pipes shall be located at a point where the water connection to the manufactured housing unit will approximate a vertical position. Water riser pipes shall either terminate at least four inches above the ground surface, or be

located in a recessed opening with extension pipes provided which terminate at least four inches above the ground surface, with at least a three-fourths inch valve outlet. In addition, a curb stop shall be installed for each manufactured housing space between the main and said riser pipe.

D. Electrical Outlet. An electrical outlet supply of at least 220 volts shall be provided for each manufactured housing space with a minimum of 100 ampere individual service.

17. Refuse and Garbage Handling. The storage, collection and disposal of refuse in the manufactured housing park shall not create health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution.

A. Collection Stations. Unless individual garbage and trash collection is provided, dumpsters or refuse collection stands consisting of a holder or rack on an impervious slab shall be provided within 300 feet from any manufactured housing space they serve. Container stands shall be designed to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them.

B. Collection Receptacles. Collection receptacles shall be provided in quantities adequate to permit disposal of all garbage and rubbish.

C. Collection. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to insure that the garbage cans shall not overflow.

18. Permanent Structures and Facilities. The requirements of this subsection apply to service buildings, recreation buildings and other park service facilities which follow, as provided in Section 165.08(2), Permitted Accessory Uses:

A. Manufactured Housing Sales. Manufactured housing sales shall be allowed as an accessory use in conjunction with the management office, provided that the number of manufactured housing units displayed for sale does not exceed 25 percent of the manufactured housing spaces.

B. Equipment and Materials Storage. Maintenance materials and equipment shall be stored either in a permanent structure or in yards fenced in with a minimum six-foot fence of solid construction.

C. Tenant Storage. Storage facilities for park tenants may be provided on the space or in compounds located within the park.

19. Fire Safety Standards.

A. Water Supply Facilities. Standard City hydrants shall be located within 300 feet of all manufactured housing spaces, measured along the driveways or streets. The water supply system shall meet the minimum standards for fire-fighting purposes as required or recommended by the Fire Department.

B. Storage and Handling of Fuel. In parks where liquefied petroleum gasses, gasoline, fuel oil, or other flammable liquids are stored and/or dispensed, their handling and storage shall comply with applicable City, State and federal regulations.

20. Special Exception Uses and Structures. Subject to other requirements contained herein, the Board of Adjustment may permit the following:

A. Public housing developments, rest, nursing and convalescent homes; homes for orphans and aged on sites of one acre or more; off-street parking and yards comparable for other institutional uses of this chapter be provided.

B. Railroads and public utilities but not including equipment storage or maintenance yards and buildings or general administrative and sales offices, provided that any substation or building shall meet the front and rear yard requirements for dwellings and shall provide side yards of not less than 25 feet, and that two parking spaces per substation or one per employee on the site be provided.

C. Mobile home park provided that the installation complies with Chapter 435 of the *Code of Iowa*, as amended; and complies with the following:

(1) Has a water supply and sanitary sewage collection and treatment system approved by the State Board of Health;

(2) Has a minimum area of 3,500 square feet for each mobile home space;

(3) Has a maximum density of 10 units per acre;

(4) Provides at least 10 parking spaces plus one parking space on each mobile home site; and

(5) No mobile home is closer than 25 feet to any property line of the mobile home park.

165.12 HIGHWAY COMMERCIAL DISTRICT REGULATIONS. The following regulations are adopted pertaining to the C-1 Highway Commercial District.

1. Table of Permitted Principal Uses and Required Parking.

Permitted Principal Uses and Structures	Minimum Required Off-street Parking
Automotive display, sales, service, and repair	1 space for each 300 square feet of sales, service, or office floor area
Farm implement display, sales, service, and repair	
Animal hospital or kennel	
Mobile home or travel trailer display and sales	
Restaurant or night club	1 space per 100 square feet of floor area
Drive-in eating and drinking establishment	5 spaces per 100 square feet of floor area
Motel or tourist camp	1 space per unit or campsite
Dwelling unit above a store or shop	1 space per unit
Railroads and public utilities but not including storage or maintenance yards and buildings`	1 space per employee plus 1 vehicle used by the facility

2. Permitted Accessory Uses and Structures.

A. Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district.

B. Storage warehouses in conjunction with the permitted principal uses or structure of this district.

C. Temporary buildings used in conjunction with construction work, provided that such buildings are removed promptly upon completion of the construction work.

3. Special Exception Uses and Structures. None.

4. Minimum Lot Area and Width. None.

5. Minimum Yard Requirements.

Front.....15 feet

No side or rear yard except where a dwelling is above a store or shop, a rear area of 20 feet shall be provided and where adjacent to an “A” or “R” District, a side area of 10 feet and a rear area of 15 feet shall be provided.

6. Maximum Height. 2½ stories or 35 feet.

7. Permitted Signs.

A. Advertising signs, billboard, and trade, business, or industry identification signs provided that:

- (1) Free-standing signs do not exceed 25 feet in height;
- (2) Signs attached to a building shall not project above the height of the building or more than four feet from the wall of the building;

- (3) No sign shall exceed 150 square feet in area nor shall any sign cover more than 10 percent of the building face which it covers;
- (4) No sign or billboard shall be located in, overhang or project into a required yard;
- (5) All signs and billboards shall be maintained in a neat and presentable condition and in the event their use shall cease, they shall be promptly removed and the surrounding area restored to a condition free from refuse and rubbish.

Existing signs are excepted from the provisions of this chapter, but all new signs shall comply.

165.13 GENERAL RETAIL DISTRICT REGULATIONS. The following regulations are adopted pertaining to the C-2 General Retail District.

1. Table of Permitted Principal Uses and Required Parking.

Permitted Principal Uses and Structures	Minimum Required Off-street Parking
Automotive display, sales, service, and repair	No off-street parking is required in this district.
Farm implement display, sales, service, and repair	
Financial institution	
Clubs and lodges	
Retail businesses	
Personal service and repair shops	
Business and professional offices and studios	
Medical, dental, chiropractic clinics	
Restaurant, night club, café, or tavern	
Public buildings and utilities	
Public and private parking lots	
Plumbing, heating, and air conditioning shops	
Printing, publishing, and engraving	
Dwelling unit above a store or shop	
Wholesale display and salesroom	
Lumber yard or building material sales or storage	

2. Permitted Accessory Uses and Structures.

- A. Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district.
- B. Storage warehouses in conjunction with the permitted principal uses or structures of this district.
- C. Temporary buildings used in conjunction with construction work, provided that such buildings are removed promptly upon completion of the construction work.
- D. Food sales, preparation, production, and processing for human consumption, both retail and wholesale, but only where the processing uses are wholly contained within a building, and have no exterior storage, create no offensive noise, dust, odor, vibration, or visual or electrical interference.

3. Special Exception Uses and Structures. None.

4. Minimum Lot Area and Width. None.

5. Minimum Yard Requirements. None except where apartments are above a store or shop, a rear area of 20 feet shall be provided and where adjacent to an “R” District, a front or side area of 10 feet and a rear area of 20 feet shall be provided.

6. Maximum Height. 2½ stories or 35 feet.

7. Permitted Signs.

A. Advertising signs, billboard, and trade, business, or industry identification signs provided that:

- (1) Free standing signs do not exceed 25 feet in height;
- (2) Signs attached to a building shall not project above the height of the building or more than four feet from the wall of the building;
- (3) No sign shall exceed 150 square feet in area nor shall any sign cover more than 10 percent of the building face which it covers.
- (4) No sign or billboard shall be located in, overhang, or project into a required yard.
- (5) All signs and billboards shall be maintained in a neat and presentable condition and in the event their use shall cease, they shall be promptly removed and the surrounding area restored to a condition free from refuse and rubbish.

Existing signs are excepted from the provisions of this chapter, but all new signs shall comply.

165.14 INDUSTRIAL DISTRICT REGULATIONS. The following regulations are adopted pertaining to the M-1 Industrial District.

1. Table of Permitted Principal Uses and Required Parking.

Permitted Principal Uses and Structures	Minimum Required Off-street Parking
Manufacturing and processing uses that are wholly contained within a building and have no exterior storage, create no offensive noise, dust, odor, vibration, or electrical interference	1 space for every 2 employees plus 1 space per vehicle used by the industry
Wholesaling and warehousing but not including the bulk storage of petroleum products or liquid fertilizer under pressure	1 space for every 200 square feet of floor area
Frozen food locker	1 space for every 300 square feet of sales, service, or office floor area
Farm implement display, sales, service, and repair	
Truck and freight terminal	
Animal hospital or kennel	
Welding and repair shop	
Lumber yard and building material sales and storage	1 space per employee plus 1 space per vehicle used by the industry
Machine shops	
Plumbing, heating, air conditioning, and sheet metal shops	
Grain elevator and feed mill	1 space for every 200 square feet of floor area
Public buildings and utilities	
All uses shall provide at least one loading space for each 10,000 square feet of floor area.	

2. Permitted Accessory Uses and Structures.

A. Uses and structures clearly incidental and necessary to the permitted principal uses or structures of this district.

B. Temporary buildings used in conjunction with construction work, provided that such buildings are removed promptly upon completion of the construction work.

C. Dwelling units for watchmen or caretakers employed on the premises provided that an open yard of at least 2,400 square feet is reserved and maintained for use by the occupants.

3. Special Exception Uses and Structures. Subject to other requirements contained herein, the Board of Adjustment may permit the following:

A. Stockyards, rendering works, loading pens, buying stations and/or sale barns and yards, provided that

(1) It is not closer than one-fourth mile to any dwelling unit other than that of the owner or operator, or any park, school, church or place of public assembly;

(2) The provisions for drainage, sanitation, waste disposal, and fly control are approved by the City Health Officer;

- (3) It is located so that prevailing winds will not cause dust or odors to create a nuisance for developed properties in the vicinity; and that one parking space for each employee and one space for each vehicle used by the industry be provided.
 - B. Auto wrecking and junkyards on sites of two acres or more provided that a front yard is maintained as an open space free of weeds and debris; and that no open burning of waste or discarded materials is conducted on the site.
 - C. Bulk storage of petroleum products and liquid fertilizer under pressure, provided that such use shall not be located within 300 feet of any existing dwelling, park, school, church or place of public assembly.
4. Minimum Lot Area and Width. None.
 5. Minimum Yard Requirements. None except where adjacent to an "R" District, a front or side area of 10 feet and a rear area of 20 feet shall be provided.
 6. Maximum Height. 4 stories or 50 feet.
 7. Permitted Signs.
 - A. Advertising signs, billboard and trade, business or industry identification signs provided that:
 - (1) Free standing signs do not exceed 25 feet in height;
 - (2) Signs attached to a building shall not project above the height of the building or more than four feet from the wall of the building;
 - (3) No sign shall exceed 150 square feet in area nor shall any sign cover more than 10 percent of the building face which it covers.
 - (4) No sign or billboard shall be located in, overhang, or project into a required yard.
 - (5) All signs and billboards shall be maintained in a neat and presentable condition and in the event their use shall cease, they shall be promptly removed and the surrounding area restored to a condition free from refuse and rubbish.

Existing signs are excepted from the provisions of this chapter, but all new signs shall comply.

165.15 SUPPLEMENTARY DISTRICT REGULATIONS. The following provisions, regulations, or exceptions apply equally to all districts except as hereinafter provided.

1. **Bed and Breakfast Operations.** A bed and breakfast home provides accommodation to two or less families at one time. All accommodations are provided in the family home with the host or hostess in residence. Regulations governing bed and breakfast operations are as follows:
 - A. No food service to the general public except for the families that are overnight guests;
 - B. May advertise as a bed and breakfast home, but not as hotel, motel, or restaurant.
 - C. Exempt from licensing and inspection as a food service establishment and as a hotel;
 - D. Must have a smoke detector in working order in each sleeping room;
 - E. A fire extinguisher must be maintained in working order on each floor;
 - F. If water is not received from a public water supply, the water must be tested annually by the State Hygienic Laboratory or local board of health;
 - G. No more than one person who is not a resident on the premises shall be employed;
 - H. No alteration of the principal residential building shall be made which changes its character and appearance as a dwelling;
 - I. No stock of goods shall be displayed or sold on the premises in excess of storage area available;
 - J. No sign, other than one unlighted sign not over three square feet in area, and attached flat against the dwelling;
 - K. One additional off-street parking space be provided for each guest room.
2. **Visibility at Intersection.** On a corner lot in any district except the C-2 General Retail District, no fence, wall, hedge, or other planting or structure that will obstruct vision between a height of two feet and 10 feet above the centerline grades of the intersecting streets shall be erected, placed or maintained within the triangular area formed, by connecting the right-of-way lines at points which are 25 feet distant from the intersection of the right-of-way lines, and measured along the right-of-way lines.
3. **Accessory Buildings.** No accessory building shall be erected in any required front or side yard and no separate accessory buildings shall be erected within five feet of any main buildings or within five feet of a rear or side lot line.
4. **More Than One Principal Structure on a Lot.** In any district, more than one principal structure housing a permitted principal use may be erected on a single lot provided that the area, yard, and other requirements of this chapter are met for each structure as though it were on an individual lot.
5. **Height Regulation Exception.** The height limitations contained in the Schedules of District Regulations do not apply to grain storage bins, grain elevators, or feed mills or to spires, belfries, cupolas, chimneys, antennas, water tanks, ventilators,

elevator housing, or other structures placed above the roof level and not intended for human occupancy.

6. Use of Public Right-of-way. No portion of the public road, street or alley right-of-way shall be used, or occupied by an abutting use of land or structures for storage or display purposes, or to provide any parking or loading space required by this chapter, or for any other purpose that would obstruct the use or maintenance of the public right-of-way.

7. Proposed Use Not Covered in This Chapter. Any proposed use not covered in this chapter as a permitted use or special exception shall be referred to the Commission for a recommendation as to the proper district in which such use should be permitted and the chapter amended as provided herein before a permit is issued for such proposed use.

8. Buildings to Have Access. Every building hereafter erected or structurally altered, shall be on a lot or parcel having a frontage on a public street or road.

9. Hedges and Fences. Fences or hedges shall not exceed four feet in height in any required front yard and shall not exceed six feet in height in any required side or rear yard, subject to further restrictions herein.

10. Residential Dwelling Standards. All single-family dwelling units shall meet the following minimum standards:

A. The minimum width of a dwelling structure or principal building shall be 22 feet at the exterior dimension of three or more exterior walls, exclusive of attached garages, porches, or other accessory structures.

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.

D. All dwelling units shall have a minimum roof pitch of 3:12.

165.16 APPLICATION OF DISTRICT REGULATIONS. Subject to other provisions shown in the district regulations given in this chapter, the regulations and restrictions of this chapter apply as follows:

1. Regulations to Be Uniformly Applied. The regulations set by this chapter shall apply uniformly to each class or kind of structure or land, and particularly within each district, except as hereinafter provided.

2. All Uses and Structures to Conform. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

3. Height, Density, or Yards Shall Not Be Violated. No building or other structure shall hereafter be erected or altered to exceed the height, to accommodate or house a greater number of families, or to have narrower or smaller rear yards, front yards, side yards, or other open spaces, than herein required or in any other manner contrary to the provisions of this chapter.

4. Separate Yards, Open Space, and Off-Street Parking Required. 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.

5. Minimum Yards and Lot Areas May Not Be Reduced. No yard or lot existing at the time of passage of the ordinance codified in 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.

6. New Areas. All territory which may hereafter become a part of the incorporated areas of the City through annexation shall be classified in the A-1 Agricultural District until otherwise classified, provided, however, that the Commission may recommend the appropriate district classification prior to such territory becoming a part of the City and upon the holding of a public hearing and approval by the Council, the territory upon becoming a part of the City may be immediately so classified.

165.17 NONCONFORMING USES. Within the districts established by this chapter or amendments that may later be adopted, there exist lots, structures, and uses of land and structures which were lawful before the zoning ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this chapter or future amendment. Subject to district regulations provided in this chapter, it is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared to be incompatible with permitted uses in the districts involved. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, or used as grounds for adding other structures or uses prohibited elsewhere in the same district. A nonconforming use of structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of the zoning ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved. 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 the zoning ordinance contained herein and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

165.18 NONCONFORMING LOTS OF RECORD. In any district in which single family dwellings are permitted, notwithstanding limitations imposed by other provisions of this chapter, 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 the zoning ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width or both that are generally applicable in the district, provided that yard dimensions and other requirements not involving area or width or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of area, width, and yard requirements shall be obtained only through action of the Board of Adjustment. If two or more

lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of the zoning ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by the zoning ordinance, the land involved shall be considered to be an undivided parcel for the purpose of the zoning ordinance, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this chapter, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this chapter.

165.19 NONCONFORMING USES OF LAND. Where, at the effective date of adoption or amendment of the zoning ordinance codified herein, lawful use of land exists that is made no longer permissible under the terms of the zoning ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of such adoption or amendment.
2. 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 said effective date.
3. If any such nonconforming use of land ceases for any reason for a period of more than one year, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.

165.20 NONCONFORMING STRUCTURES. Where a lawful structure exists at the effective date of adoption or amendment of the zoning ordinance that could not be built under the terms of the zoning ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such structure may be enlarged or altered in a way which increases its nonconformity.
2. Should such structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.

165.21 NONCONFORMING USES OF STRUCTURES. If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of the zoning ordinance, that would not be allowed in the district under the terms of such ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. 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, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
2. 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.

3. If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may 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 accord with the provisions of this chapter.
4. 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 in which such structure is located, and the nonconforming use may not thereafter be resumed.
5. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six consecutive months or for 18 months during any three year period, the structure thereafter shall not be used except in conformance with the regulations of the district in which it is located.
6. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

165.22 REPAIRS AND MAINTENANCE. On any building devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding 10 percent of the current replacement value of the building provided that the cubic content of the building as it existed at the time of passage or amendment of the zoning ordinance codified in this chapter shall not be increased. Nothing in this chapter shall be deemed to prevent the strengthening of or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

165.23 USES UNDER EXCEPTION PROVISIONS NOT NONCONFORMING USES. Any use for which a special exception is permitted as provided in this chapter shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use in such district.

165.24 CONSTRUCTION AND/OR PLACEMENT OF LIVING UNITS. No structure, whether constructed on site or off site, which is used as a place for human habitation by one or more persons shall be placed on any lot or lots within the City unless said structure is set upon a foundation, with footings at least four feet below the ground surface, which foundation shall be no less than eight inches above the surface of the ground and with a width of no less than six inches. Said structure shall be attached to the foundation with metal bolts no less than one-half inch in diameter, said fastener occurring no less than one every eight feet. The provisions of this section do not apply to mobile homes or other structures similar to mobile homes which are located in a mobile home park. The Council, upon application of a structure owner, may issue special permits for the location of the structure, without a foundation. However, such special permit shall only be issued when it appears that the location of the proposed construction or location is impractical for the construction of the foundation and the public health, safety, and welfare will not be seriously affected by granting the permit. Special permits may not be granted for periods in excess of one year. Application for the permit shall include:

1. A statement concerning the practicality of location within a local mobile home park;
2. A description of sanitation facilities contained within the proposed structure and the facilities available at the proposed location;
3. A statement of the desired duration of the special permit;
4. A statement specifying how the owner proposes to anchor said structure.

165.25 ADMINISTRATION AND ENFORCEMENT. An Administrative Officer designated by the Council shall administer and enforce this chapter. Said officer may be provided with the assistance of such other person as the Council may direct. If the Administrative Officer finds that any of the provisions of this chapter are being violated, said officer shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The Administrative Officer shall order discontinuance of illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this chapter to insure compliance with or to prevent violation of its provisions. Appeals from any decision of the enforcing officer may be taken to the Board of Adjustment as provided in Section 165.32 of this chapter.

165.26 INTERPRETATION OF PROVISIONS. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion and protection of the public health, safety, morals, and general welfare. Wherever 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.

165.27 VIOLATION AND PENALTIES. Any person who violates, or fails to comply with the provisions of this chapter is guilty of a misdemeanor and in addition to the standard penalty shall pay all costs and expenses involved in the prosecution of the violation. Each day such violation continues shall constitute a separate offense. The owners or tenants of any building, structure, land or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains a violation may each be charged with a separate offense and upon conviction suffer the penalties herein provided.

165.28 INJUNCTION; MANDAMUS. If any building or structure is erected, constructed, reconstructed, altered, repaired, or land is used in violation of this chapter, the City may, in addition to other remedies, institute injunction, mandamus, or other appropriate lawful action necessary to prevent, correct, or abate such violation.

165.29 BUILDING PERMIT REQUIRED. A building permit shall be obtained from the Administrative Officer before any building or structure shall be erected, reconstructed, or structurally altered to increase the exterior dimensions, height, or floor area, or remodeled to increase the number of dwelling units or accommodate a change in use of the building and/or premises or part thereof. The building permit shall state that the proposed construction complies with all provisions of the zoning ordinance, and no subsequent modifications shall be made to plans or to actual construction that would be in violation of this chapter.

165.30 OCCUPANCY PERMIT. No change in the use or occupancy of land or any change in use of occupancy in an existing building, other than for single family dwelling purposes, shall be made, nor shall any new building be occupied for any purpose other than a single family

dwelling until an occupancy permit has been issued by the Administrative Officer. Every occupancy permit shall state that the new occupancy complies with all provisions of the zoning ordinance, and no subsequent modifications shall be made to the occupancy, use or method of operation that would be in violation of this chapter.

165.31 FEES. The Administrative Officer is directed to issue a building permit and/or occupancy permit as required by this chapter for proposed construction, reconstruction, or alteration which complies with all provisions contained herein and to charge fees as follows for each construction permit or certificate of occupancy issued separately.

1. \$30.00 for work costing less than \$2,000.
2. \$50.00 for work costing \$2,000 but less than \$10,000.
3. \$100.00 for work costing \$10,000 but less than \$50,000.
4. \$150.00 for work costing \$50,000 but less than \$150,000.
5. \$200.00 for work costing \$150,000 but less than \$300,000.
6. \$250.00 for work costing \$300,000 but less than \$500,000.
7. \$300.00 for work costing \$500,000 and above.

Permits are specifically required for the following buildings or structures.

1. Garage or carport;
2. Porch, patio, or deck;
3. Any storage building larger than 10 feet by 10 feet;
4. Any storage building permanently fixed.

There shall be no fees charged to the United States Government, the State of Iowa, or any political subdivision thereof. All fees as are required shall be paid to the Administrative Officer, who shall keep a complete and accurate record of fees received and shall forthwith deposit them to the credit of the General Revenue Fund of the City.

165.32 BOARD OF ADJUSTMENT.

1. **Board Created.** A Board of Adjustment is hereby established. The Board shall consist of five members to be appointed by the Council for staggered terms of five years. Members of the Board of Adjustment may be removed from office by the Council for cause upon written charges and after public hearing. Vacancies shall be filled by the Council for the unexpired term of the member.
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 times as the Board may determine. The Chairperson, or in the absence of the Chairperson, the acting Chair, may administer oaths and compel attendance of witnesses. All meetings shall be open to the public. The Board of Adjustment shall 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 a public record and be immediately filed in the office of the Board.

3. Hearings, Appeals, Notice. Appeals to the Board of Adjustment concerning interpretation or administration of this chapter may be taken by any person aggrieved or by any officer or bureau of the governing body of the City affected by any decision of the Administrative Officer. Such appeals shall be taken within a reasonable time not to exceed 60 days of filing with the Administrative Officer and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Administrative Officer shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken. The Board of Adjustment shall fix a reasonable time for the hearing of appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or attorney. A fee of \$10.00 shall be paid to the Administrative Officer at the time the notice of appeal is filed, which the Administrative Officer shall forthwith pay over to the credit of the General Revenue Fund of the City.

4. Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the Administrative Officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed, that by reason of facts stated in the certificate, a stay would, in the opinion of the Administrative Officer, 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 Administrative Officer from whom the appeal is taken and on due cause shown.

5. Powers and Duties of the Board. The Board of Adjustment has 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 Administrative Officer in the enforcement of this chapter.

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; and 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) Notice shall be given at least seven days in advance of the public hearing by publication in a newspaper of general circulation in the City.

(3) The public hearing is 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 this chapter to grant the special exception, and that the granting of the special exception will not adversely affect the public interest.

(5) In granting any special exception, 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 special exception is granted, shall be deemed a violation of this chapter and punishable under Section 165.27 of this chapter. The Board of Adjustment shall prescribe a time limit within which the action for which the special exception is required shall be begun or completed, or both. Failure to begin or complete, or both, such action within the time limit set shall void the special exception.

C. Variances: Conditions Governing Application: Procedures. To authorize upon appeal in specific cases such variance from the terms of the zoning ordinance codified in this chapter as will not be contrary to the public interest where, owing to the special conditions, a literal enforcement of the provisions of such ordinance would result in unnecessary hardship. A variance from the terms of the zoning ordinance shall not be granted by the Board of Adjustment unless and until:

(1) A written application for a variance is submitted demonstrating that:

a. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.

b. 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. The special conditions and circumstances do not result from the actions of the applicant.

d. 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 use of land, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

(2) Notice of public hearing shall be given as provided above.

(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 the requirements of Section 165.32(5)(C) have been met by the applicant for a variance.

(5) The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

(6) The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this chapter, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this chapter. Violations 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 as provided herein. 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.

6. Decisions of the Board of Adjustment. In exercising the above mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made, and to that end shall have powers of the Administrative Official from whom the appeal is taken. The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Administrative Official, 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 application of this chapter.

7. Appeals from the Board of Adjustment. Any person or any board, taxpayer, department, or bureau of the City 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 of the *Code of Iowa*.

165.33 CHANGES AND AMENDMENTS. The regulations imposed and the districts created by this chapter may be amended from time to time by the Council but no such amendments shall be made without public hearing before the Council and after a report has been made upon the amendment by the Commission. At least seven days' notice of the time and place of such hearing shall be published in a newspaper having a general circulation in the City. In case the Commission does not approve the change or, in the case of a protest filed with the Council against a change in district boundaries signed by the owners of 20 percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent thereto and within 200 feet of the boundaries thereof, such amendment shall not be passed except by the favorable vote of three-fourths of all the members of the Council.

165.34 APPLICATION FOR CHANGE OF ZONING DISTRICT BOUNDARIES. Any person may submit to the Council an application requesting a change in the zoning district boundaries as shown on the Official Zoning District Map. Such application shall be filed with the Administrative Officer accompanied by a fee of \$15.00 and shall contain the following information:

1. The legal description and local address of the property.
2. The present zoning classification and the zoning classification requested for the property.
3. The existing use and proposed use of the property.
4. The names and addresses of the owners of all property within 200 feet of the property for which the change is requested.

5. A statement of the reasons why the applicant feels the present zoning classification is no longer valid.

6. A plat showing the locations, dimensions, and use of the applicant’s property and all property within 200 feet thereof, including streets, alleys, railroads, and other physical features.

All fees shall be deposited to the General Revenue Fund of the City. Failure to approve the requested change shall not be deemed cause to refund the fee to the applicant.

EDITOR’S NOTE			
The following ordinances have been adopted amending the Official Zoning Map described in Section 165.04 of this chapter and have not been included as a part of this Code of Ordinances but have been specifically saved from repeal and are in full force and effect.			
ORDINANCE	ADOPTED	ORDINANCE	ADOPTED
901 Sec. I, d, 1	March 13, 1989		

[The next page is 1123]

CHAPTER 166

SUBDIVISION REGULATIONS

166.01 Jurisdiction	166.10 Professional Assistance
166.02 Definitions	166.11 Preliminary Plat Requirements
166.03 Fees	166.12 Final Plat Requirements
166.04 Variances	166.13 Streets and Alleys
166.05 Reinforcement	166.14 Lots
166.06 Amendments	166.15 Improvements Required
166.07 Preliminary Platting Procedure	166.16 Specifications
166.08 Final Platting Procedure	166.17 Inspection
166.09 Plats Outside Corporate Limits	

166.01 JURISDICTION. All plats, replats or subdivision of land into three or more parts for the purpose of laying out a portion of the City, additions thereto, or suburban lots within one mile of the corporate limits of the City, for other than agricultural purposes, shall be submitted to the Council and Planning and Zoning Commission of the City, in accordance with the provisions of this chapter, and shall be subject to the requirements established herein.

166.02 DEFINITIONS. For the purpose of this chapter, the following terms and words are defined. The word “building” includes the word “structure.”

1. “Alley” means a permanent public service way or right-of-way designed to provide a secondary means of access to abutting property.
2. “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 ordinance, and where they do not, the most restrictive requirement will control.
3. “Collector street” means a street intended to carry vehicular traffic from residential streets to thoroughfares or traffic generators.
4. “Commission” means the Planning and Zoning Commission of the City.
5. “Cul-de-sac” means a short minor street having one end open to motor traffic, the other end being permanently terminated by a vehicular turnaround.
6. “Easement” means authorization by a property owner for the use by another, and for a specified purpose, of any designated part of said person’s property.
7. “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.
8. “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.
9. “Residential street” means a street used primarily for access to abutting property.
10. “Right-of-way” means the area measured between property lines dedicated to and accepted for public use and providing access to abutting properties.

11. "Separate tract" means a parcel of land or a group of contiguous parcels of land under one ownership on the effective date of the ordinance codified in this chapter.
12. "Street" means a right-of-way other than an alley dedicated or otherwise legally established to be accepted for public use, usually affording the principal means of access to abutting property. A street may be designated as a street, highway, thoroughfare, parkway, avenue, road, lane, drive, place, or other appropriate designation.
13. "Subdivider" means any person who shall lay out, for the purpose of sale or development, any subdivision or part hereof as defined herein, either for themselves or others.
14. "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 road is involved, any division of a parcel of land.
15. "Thoroughfare" means a street intended for cross-country or through traffic.

166.03 FEES. Each preliminary plat submitted for approval shall be accompanied by a fee of \$10.00, which shall be credited to the General Fund of the City.

166.04 VARIANCES. Where the strict application of standards or requirements established by this chapter would cause substantial hardship or impose unreasonable restrictions on the development of a tract of land because of natural or physical conditions or limitations not created by the owner or developer, the Commission may recommend and the Council may grant such variances from these standards or requirements as may be necessary to permit the reasonable development of the land while preserving the intent of this chapter.

166.05 ENFORCEMENT. In addition to other remedies and penalties prescribed by law, the provisions of this chapter shall be enforced as follows:

1. No plat or subdivision in the City or within one mile thereof shall be recorded or filed with the County Auditor or County Recorder, nor shall any plat or subdivision have any validity until it complies with the provisions of this chapter and has been approved by the Council as prescribed herein.
2. No more than two building permits shall be issued for each separate tract existing at the effective date of the ordinance codified herein unless the tract shall have been platted in accordance with the provisions contained herein.
3. No public improvements over which the Council has control shall be made with City funds, nor shall any City funds be expended for street maintenance, street improvements or other services in any area that has been subdivided after the date of adoption of the ordinance codified in this chapter unless the subdivision and streets have been approved in accordance with the provisions of this chapter and the street accepted by the Council as a public street.
4. Any person who shall hereafter dispose of or offer for sale or lease any lots in the City or addition thereto unless the plat thereof has been approved in accordance with this chapter and recorded, shall forfeit and pay \$50.00 for each lot or part of lot sold or disposed of, leased or offered for sale.

166.06 AMENDMENTS. This chapter may be amended from time to time by the Council. Such amendments as may be proposed shall first be submitted to the Commission for study and recommendation. The Commission shall report within 30 days, after which the Council shall

give notice of and hold a public hearing on the proposed amendment. The amendment shall become effective from and after its adoption and publication as required by law.

166.07 PRELIMINARY PLATTING PROCEDURE.

1. The owner or developer of any tract of land to be subdivided shall cause a preliminary plat to be prepared of the subdivision containing the information specified herein, and shall file three copies and a reproducible sepia or tracing of the plat with the Clerk.
2. The Clerk shall immediately transmit two copies of the preliminary plat to the Commission for study and recommendation.
3. The Commission shall examine the plat as to its compliance with this chapter and the comprehensive plan of the City. The Commission shall within 30 days after receipt of the plat submit a recommendation to the Council provided that the owner or developer may agree to an extension of time not to exceed 60 days. A copy of the recommendation shall be forwarded to the owner or developer.
4. The Council, upon receipt of the Commission's recommendation or after 30 days or an approved extension thereof, shall have passed, shall by resolution grant approval of or reject the preliminary plat. If the preliminary plat is rejected, the Council will advise the owner or developer of any changes which are desired or should have consideration before approval will be given. Approval of the preliminary plat by the Council shall constitute approval to proceed with the preparation of the final plat but shall not be deemed approval of the subdivision.

166.08 FINAL PLATTING PROCEDURE.

1. A final plat shall be submitted within 12 months of the approval of the preliminary plat, or such approval shall expire and the preliminary plat shall be resubmitted for approval prior to preparation of a final plat.
2. Procedures for final plats shall be the same as set out for preliminary plats in Section 166.07 above.
3. Upon approval of the final plat, a certification of approval signed by the Mayor and attested by the Clerk shall be affixed to the original tracing of the final plat and copies of the same filed with the Clerk, County Auditor, and County Recorder along with such other certifications and instruments as may be required by law.

166.09 PLATS OUTSIDE CORPORATE LIMITS. Procedure for approval of preliminary and final plats of land within one mile of the corporate limits shall be the same as set out in Section 166.07 and 166.08 above, except that five copies of the plat shall be filed with the Clerk and the Clerk shall refer one copy to the County Engineer and one copy to the County Planning and Zoning Commission and request their recommendations to be submitted to the City Planning and Zoning Commission. The Commission shall not act prior to receiving the recommendations of the County Planning and Zoning Commission.

166.10 PROFESSIONAL ASSISTANCE. The Council and Commission may request such professional assistance as they deem necessary to properly evaluate the plats as submitted.

166.11 PRELIMINARY PLAT REQUIREMENTS. The preliminary plat shall contain the following information:

1. A location map showing:
 - A. The subdivision name;
 - B. An outline of the area to be subdivided;
 - C. The existing streets and public or community utilities, if any, on adjoining property; and
 - D. North point and scale.
2. A preliminary plat of the subdivision drawn to the scale of 100 feet to one inch provided that if the resulting drawings would be over 24 inches in the shortest dimension, a scale of 200 feet to one inch may be used, said preliminary plat to show:
 - A. Legal description, acreage, and name of proposed subdivision;
 - B. Name and address of owner;
 - C. Name of person who prepared the plat, and the date thereof;
 - D. Location of existing lot lines, streets, public utilities, water mains, sewers, drain pipes, culverts, water courses, bridges, railroads, and buildings in the proposed subdivision;
 - E. Location and widths, other dimensions, and names of the proposed streets, utility easements, and other open spaces or reserved areas;
 - F. A statement concerning the location and approximate size and capacity of utilities proposed to be installed;
 - G. Layout of proposed blocks (if used) and lots, including the dimensions of each and the lot and block number in numerical order;
 - H. Tract boundary lines showing dimensions, bearings, angles, and references to known lines or bench marks;
 - I. Names of adjacent property owners;
 - J. Proposed building lines;
 - K. Grades of proposed streets;
 - L. The location of proposed wells and/or water mains and sewage disposal system if a public or community system is used;
 - M. North point and graphic scale;
 - N. Layout of lots showing approximate dimensions and number.

166.12 FINAL PLAT REQUIREMENTS. The final plat shall meet the following specifications:

1. It may include all or only part of the preliminary plat.
2. The plat shall be drawn to the scale of 100 feet to one inch, provided that if the resulting drawing would be over 24 inches in the shortest dimension, a scale of 200 feet to one inch may be used.

3. The final plat shall contain the following:
 - A. Accurate boundary lines with dimensions and angles which provide a survey of the tract closing with an error of not more than one foot in 3,000 feet;
 - B. Accurate references to known or permanent monuments giving the bearing and distance from some corner of a congressional division of the county of which the subdivision is a part;
 - C. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract;
 - D. Accurate metes and bounds description of the boundary;
 - E. Street names;
 - F. Complete curve notes for all curves included in the plat;
 - G. Street right-of-way lines with accurate dimensions in feet and hundredths of feet with angles to right-of-way lines and lot lines;
 - H. Lot numbers and dimensions;
 - I. Block numbers, if blocks are used;
 - J. Accurate locations of easements for utilities and any limitations on such easements;
 - K. Accurate dimensions for any property to be dedicated or reserved for public, semi-public, or community use;
 - L. Building lines and dimensions;
 - M. Location, type, material, and size of all monuments and markers;
 - N. Name of the subdivision;
 - O. Name and address of owner and subdivider;
 - P. North point, scale, and date;
 - Q. Certification by a registered land surveyor of the State of Iowa;
 - R. Certification of dedication of streets and other public property; and
 - S. Resolution and certificate for approval by the Council and signatures of the Mayor and Clerk.
4. The final plat shall be accompanied by the following instruments:
 - A. A certified statement from the owner and spouse, if any, that the subdivision as it appears on the plat is with their free consent and is in accordance with the desires of the proprietor and spouse;
 - B. One of the following:
 - (1) A certificate bearing the approval of the Council stating that all improvements and installations in the subdivision required by this chapter have been made or installed in accordance with the City specifications, or
 - (2) A surety bond with the City which will insure the City that the improvements will be completed by the subdivider or property owner

within two years after the official acceptance of the plat. The form and type of bond shall be approved by the City Attorney, and the amount of the bond shall not be less than the amount of the estimated cost of the improvements plus 10 percent and the amount of the estimate must be approved by the Council. 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, or

(3) A petition by the developer to the Council to provide the necessary improvements and to assess the costs thereof against the subdivided property in accordance with the requirements regarding special assessments, provided, however, that the subdivider or property owners shall furnish the necessary waivers to permit the assessment of the entire cost of the improvement plus the necessary and reasonable costs of the assessment proceedings against the platted property even though the total amount exceeds the statutory limitations.

If option (2) or option (3) above is chosen, the final plat shall state that the developer, the grantees, assignees, and successors in interest agree that public services including but not limited to street maintenance, snow and ice removal, rubbish, refuse and garbage collection will not be extended to this subdivision until the pavement is completed and accepted by the City.

C. Copy of all restrictive covenants to be attached to the lots of the subdivision.

5. The final plat shall also be accompanied by the following at the time it is presented for filing:

A. A complete abstract of title and an opinion from an attorney at law showing that the fee title is in the proprietor and that the land platted is free from encumbrance, or is free from encumbrance other than that secured by a bond as provided in Section 354.12 of the *Code of Iowa*.

B. If the land platted is encumbered in the manner set out in Section 354.11 of the *Code of Iowa*, there shall also be filed a certificate showing that an encumbrance bond in an amount double the amount of the encumbrance and approved by the Recorder and Clerk of the District Court and which runs to the county for the benefit of the purchasers of the land subdivided has been filed with the Recorder.

C. 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*.

166.13 STREETS AND ALLEYS. Design standards for streets and alleys are the following:

1. General Requirements.

A. The streets and alley layout shall provide access to all lots and parcels of land within the subdivision.

B. Street jogs of less than 150 feet shall be avoided.

- C. Cul-de-sacs shall not exceed 500 feet in length except where it is not feasible to serve the tract by a secondary access. The cul-de-sac shall have a surface diameter of not less than 80 feet and a right-of-way diameter of not less than 100 feet.
 - D. New subdivisions shall make provisions for continuation and extension of thoroughfares and collector streets and roads.
 - E. No dead-end streets or alleys will be permitted except at subdivision boundaries.
 - F. Thoroughfare and collector streets in a subdivision shall extend through the boundaries thereof.
 - G. Intersection of road centerlines shall be between 80 degrees and 100 degrees.
 - H. Intersection of more than two streets at a point shall not be permitted.
 - I. Where parkways or special types of streets are proposed, the Commission may apply special standards for the design of such parkways or streets.
 - J. Proposed streets that are extensions of or in alignment with existing streets shall bear the name of the existing street.
2. Minimum rights-of-way shall be provided as follows:
- A. Thoroughfares100 feet;
 - B. Collector streets.....60 feet;
 - C. Residential streets60 feet;
 - D. Cul-de-sacs.....110 feet in diameter;
 - E. Alleys20 feet.
3. Minimum width of surfacing to be provided shall be as follows:
- A. Thoroughfare streets49 feet;
 - B. Collector streets.....31 feet;
 - C. Residential streets27 feet;
 - D. Minor residential streets25 feet;
 - E. Cul-de-sacs.....80 feet in diameter;
 - F. Alleys12 feet.

166.14 LOTS. Corner lots shall not be less than 80 feet in width and interior lots shall not be less than 70 feet in width at the building line.

166.15 IMPROVEMENTS REQUIRED.

- 1. Sanitary Sewers. The subdivider shall provide the subdivision with a complete sanitary sewer system which shall connect with a sanitary sewer outlet approved by the Council. The subdivider shall obtain and furnish to the Council a copy of the Department of Natural Resources construction permit. The sewers shall extend to the subdivision boundaries as necessary to provide for the extension of the sewers by

adjacent property. Where sewers in excess of eight inches are required, the additional cost shall be paid by the City. Where sanitary sewers are not available, the subdivider shall provide a means of disposal of sanitary wastes that meets with the approval of the Council and the State Board of Health.

2. Storm Drains. The subdivider shall provide the subdivision with adequate drains, ditches, culverts, complete bridges, storm sewers, intakes, and manholes to provide for the collection and removal of all surface waters, and these improvements shall extend to the boundaries of the subdivision so as to provide for extension by adjoining properties.

3. Water. The subdivider shall provide the subdivision with a complete water main supply system which shall be extended into and through the subdivision to the boundary lines, and which shall provide for a water connection to each lot, and shall be connected to the City water system. The subdivider shall obtain and furnish to the Council a copy of the Iowa Department of Natural Resources construction permit. Hydrants and gate valves shall be provided by the City. Where water mains in excess of six inches are required, the additional cost shall be paid by the City.

4. Markers. An iron rod not less than one-half inch in diameter and 24 inches in length, with surveyor's cap, shall be set in concrete three feet deep at the intersection of all lines forming angles in the boundary of the subdivision and at lot corners and changes in direction of block and lot boundaries.

5. Grading. All streets and alleys within the platted area which are being dedicated for public use shall be brought to the grade approved by the Council.

6. Surfacing. All streets being dedicated for public use shall be surfaced. Surfacing shall be reinforced Portland cement concrete pavement with integral curb and gutter and shall be constructed in accordance with designs and specifications and at grades approved by the Council. Where a surface width in excess of 31 feet from back of curb to back of curb is required, the cost of the additional surface width which shall be assumed to be the center portion of the roadway surface, shall be paid by the City.

166.16 SPECIFICATIONS. The type of construction, the materials, the methods, and standards of subdivision improvements shall be equal to the current specifications of the City for like work. Plans and specifications shall be submitted to the Council for approval prior to construction and construction shall not be started until the plans and specifications have been approved.

166.17 INSPECTION. The Council shall cause the installation of all improvements to be inspected to insure a compliance with the requirements of this chapter. The cost of said inspection shall be borne by the subdivider, and shall be the actual cost of the inspection to the City.

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CHAPTER 170

BUSINESS DISTRICT BUILDING SAFETY AND REDEVELOPMENT STANDARDS

170.01 Purpose

170.02 Area of Application

170.03 Design and Construction Provisions

170.04 Design Specifications

170.05 Buildings Destroyed by Natural and/or
Unnatural Causes

170.06 Building Permit Exceptions

170.07 Denial of Permits

170.08 Building Permit Considerations

170.09 Time Frame for Compliance

170.10 Penalty

170.01 PURPOSE. The purpose of this chapter is to institute land use regulations and restrictions to protect the citizens of the City and the personal property and real estate and the City and to prevent the construction of buildings which may create personal safety problems due to fire and collapse and the potential for attractive nuisances and rodent and insect accumulation and to promote a continued preservation of property values and business enterprises within a portion of the City and finally to preserve the quality of life for the citizens of the City. The ordinance codified by this chapter was passed due to a recent fire within the downtown business area of the City which highlighted the potential threat to the buildings and citizens of the City due to fire, collapse, potential attractive nuisances, and rodents and insects as well as an economic damage to the community and area.

170.02 AREA OF APPLICATION. This chapter shall apply to the area of real estate within the City that is known as Lots 22 through 42, Lots 43 through 60, Lots 61 through 78, Lots 102, 103, 104, 105, 106, 107, 108, and 109 all of the original Town of Columbus Junction, and Lots 1 through 18 of Garners Addition II of Columbus Junction. Also included a triangular unnumbered strip of land, situated in the City and in the Southeast Quarter of the Southwest Quarter of Section 19. Township Seventy-five North, Range Four West of the Fifth P.M., bounded on the east and on the northeast by the former right-of-way of the Chicago, Rock Island and Pacific Railway and on the west and north by Main Street in said City, also a tract of land bounded and described as follows: Beginning at the point where the east line of Main Street intersects the north line of Walnut Street in the City. This area of real property within the City has been chosen because it is the site of numerous brick buildings which were constructed prior to 1910 and are made of brick and are constructed immediately next to or upon adjacent buildings and property. This prescribed area of real estate is part of the area zoned for general retail district known as C-2, and all of this district is not included, because some of this district is more modern and the buildings are constructed differently and in a different manner.

170.03 DESIGN AND CONSTRUCTION PROVISIONS.

1. No building shall be constructed within the area described in Section 170.02 without receiving a building permit for any development or redevelopment or reconstruction which entails more than a superficial construction.
2. Prior to any construction, reconstruction or rebuilding within the area prescribed within this chapter, the landowner shall complete a building permit application and submit it to the Council to handle said building permit applications.
3. The construction, reconstruction, or rebuilding as described above shall only be allowed if the Council approves the application.

4. No building application permit shall be granted by the Council to review said building permit applications if the following design specifications are not met.

170.04 DESIGN SPECIFICATIONS. The following design specifications shall be the standards for construction, building, reconstruction, rebuilding, or other uses of property in the prescribed area:

1. The superstructure of said building is made from brick.
2. The building walls that provide support for said building are made of brick.
3. No building shall be constructed in which the outside walls are constructed from wood, plaster, or sheets of metal.
4. All parking spaces shall be located behind the building and screened from view from the street by the walls of the building.
5. Dumpsters, recycling bins, or other trash containers shall be screened from the street view and shall not be visible from public streets and shall not be located on the street right-of-way.
6. Areas of blank walls on the street level frontage of a building shall be minimized and at least 30 percent of the length of the street level frontage shall be windows or doorways.
7. Stairways between buildings shall be enclosed within the building.
8. All buildings must be constructed as to be directly contacting adjacent buildings and no gap or space may be allowed between adjoining buildings.
9. Any construction, reconstruction, or rebuilding shall be constructed so that the front edge of said building is directly in line and even with the front edge of the adjacent buildings so that the sidewalk is one continuous expanse of walkway and is not obstructed or irregular.

170.05 BUILDINGS DESTROYED BY NATURAL AND/OR UNNATURAL CAUSES. Any building that is more than 50 percent destroyed by natural and/or unnatural causes shall be reconstructed to be a usable workable building or shall be demolished and torn down and removed in a manner that does not damage adjacent buildings.

170.06 BUILDING PERMITS EXCEPTIONS. Nothing in this chapter shall require a building permit for alteration, repairs, or improvements of any existing building or structure which do not change the dimensional outline of the building being so altered, repaired, or improved, as long as said changes do not increase the value of the building by more than 25 percent.

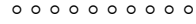
170.07 DENIAL OF PERMITS. If the Council denies a building permit for which an application has been submitted, the applicant may appeal to the Board of Adjustment as provided for in Section 165.32 of this Code of Ordinances. Any such appeal shall be administered as provided for in Section 165.32 of this Code of Ordinances.

170.08 BUILDING PERMIT CONSIDERATIONS. In reviewing any building permit application or the denial thereof, the Board of Adjustment shall enforce this chapter considering the materials that are proposed to be used in construction, the architectural design of the building, both interior and exterior, and the frontal design and side design and rear design, and the roof design, and shall consider whether all lines of the building are in visual line and physical

line with adjacent buildings and shall assure that the building is not likely to create a fire safety problem, an adjacent support safety problem, a potential for accumulation of trash, a potential for an accumulation of rodents and insects, a potential attractive nuisance, or any other factor which may be detrimental to the safety of the citizens of the City or may detrimentally affect the financial viability of the prescribed portion of the City.

170.09 TIME FRAME FOR COMPLIANCE. There shall be a six month limit for demolition or reconstruction from date of event. A six month extension for due causes may be granted by the Council.

170.10 PENALTY. Violators shall be subject to a penalty of \$100.00 per day for noncompliance of any section of this chapter.



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APPENDIX TO CODE OF ORDINANCES

USE AND MAINTENANCE OF THE CODE OF ORDINANCES

The following information is provided to assist in the use and proper maintenance of this Code of Ordinances.

DISTRIBUTION OF COPIES

1. **OFFICIAL COPY.** The “OFFICIAL COPY” of the Code of Ordinances must be kept by the City Clerk and should be identified as the “OFFICIAL COPY.”

2. **DISTRIBUTION.** Other copies of the Code of Ordinances should be made available to all persons having a relatively frequent and continuing need to have access to ordinances which are in effect in the City as well as reference centers such as the City Library, County Law Library, and perhaps the schools.

3. **SALE.** The sale or distribution of copies in a general fashion is not recommended as experience indicates that indiscriminate distribution tends to result in outdated codes being used or misused.

4. **RECORD OF DISTRIBUTION.** The City Clerk should be responsible for maintaining an accurate and current record of persons having a copy of the Code of Ordinances. Each official, elected or appointed, should return to the City, upon leaving office, all documents, records and other materials pertaining to the office, including this Code of Ordinances.

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

NUMBERING OF ORDINANCES AMENDING THE CODE OF ORDINANCES

It is recommended that a simple numerical sequence be used in assigning ordinance numbers to ordinances as they are passed. For example, if the ordinance adopting the Code of Ordinances is No. 163, we would suggest that the first ordinance passed changing, adding to, or deleting from the Code be assigned the number 164, the next ordinance be assigned the number 165, and so on. We advise against using the Code of Ordinances numbering system for the numbering of ordinances.

RETENTION OF AMENDING ORDINANCES

Please note that two books should be maintained: (1) the Code of Ordinances; and (2) an ordinance book. We will assist in the maintenance of the Code of Ordinances book, per the Supplement Agreement, by revising and returning appropriate pages for the Code of Ordinances book as required to accommodate ordinances amending the Code. The City Clerk is responsible for maintaining the ordinance book and must be sure that an original copy of each ordinance adopted, bearing the signatures of the Mayor and Clerk, is inserted in the ordinance book and preserved in a safe place.

SUPPLEMENT RECORD

A record of all supplements prepared for the Code of Ordinances is provided in the front of the Code. This record will indicate the number and date of the ordinances adopting the original Code and of each subsequently adopted ordinance which has been incorporated in the Code. For each supplemented ordinance, the Supplement Record will list the ordinance number, date, topic, and chapter or section number of the Code affected by the amending ordinance. A periodic review of the Supplement Record and ordinances passed will assure that all ordinances amending the Code have been incorporated therein.

DISTRIBUTION OF SUPPLEMENTS

Supplements containing revised pages for insertion in each Code will be sent to the Clerk. It is the responsibility of the Clerk to see that each person having a Code of Ordinances receives each supplement so that each Code may be properly updated to reflect action of the Council in amending the Code.

AMENDING THE CODE OF ORDINANCES

The Code of Ordinances contains most of the laws of the City as of the date of its adoption and is continually subject to amendment to reflect changing policies of the Council, mandates of the State, or decisions of the Courts. Amendments to the Code of Ordinances can only be accomplished by the adoption of an ordinance.

(Code of Iowa, Sec. 380.2)

The following forms of ordinances are recommended for making amendments to the Code of Ordinances:

ADDITION OF NEW PROVISIONS

New material may require the addition of a new SUBSECTION, SECTION or CHAPTER, as shown in the following sample ordinance:

ORDINANCE NO. ____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF COLUMBUS JUNCTION, IOWA, BY ADDING A NEW SECTION LIMITING PARKING TO 30 MINUTES ON A PORTION OF _____ STREET

BE IT ENACTED by the City Council of the City of Columbus Junction, Iowa:

SECTION 1. NEW SECTION. The Code of Ordinances of the City of Columbus Junction, Iowa, is amended by adding a new Section 69.16, entitled PARKING LIMITED TO 30 MINUTES, which is hereby adopted to read as follows:

69.16 PARKING LIMITED TO 30 MINUTES. It is unlawful to park any vehicle for a continuous period of more than 30 minutes between the hours of 8:00 a.m. and 8:00 p.m. on each day upon the following designated streets:

- 1. _____ Street, on the ____ side, from _____ Street to _____ Street.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the Council the ____ day of _____, 20 __, and approved this ____ day of _____, 20 __.

Mayor

ATTEST:

City Clerk

First Reading: _____

Second Reading: _____

Third Reading: _____

I certify that the foregoing was published as Ordinance No. ____ on the ____ day of _____, 20 __.

City Clerk

DELETION OF EXISTING PROVISIONS

Provisions may be removed from the Code of Ordinances by deleting SUBSECTIONS, SECTIONS or CHAPTERS, as shown in the following sample ordinance:

ORDINANCE NO. ____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF COLUMBUS JUNCTION, IOWA, BY REPEALING SECTION 65.02, SUBSECTION 5, PERTAINING TO THE SPECIAL STOP REQUIRED ON _____ STREET.

BE IT ENACTED by the City Council of the City of Columbus Junction, Iowa:

SECTION 1. SUBSECTION REPEALED. The Code of Ordinances of the City of Columbus Junction, Iowa, is hereby amended by repealing Section 65.02, Subsection 5, which required vehicles traveling south on _____ Street to stop at _____ Street.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the Council the ____ day of _____, 20 ____, and approved this ____ day of _____, 20 ____.

Mayor

ATTEST:

City Clerk

First Reading: _____

Second Reading: _____

Third Reading: _____

I certify that the foregoing was published as Ordinance No. ____ on the ____ day of _____, 20 ____.

City Clerk

MODIFICATION OR CHANGE OF EXISTING PROVISION

Existing provisions may be added to, partially deleted, or changed, as shown in the following sample:

ORDINANCE NO. ____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF COLUMBUS JUNCTION, IOWA, BY AMENDING PROVISIONS PERTAINING TO SEWER SERVICE CHARGES

BE IT ENACTED by the City Council of the City of Columbus Junction, Iowa:

SECTION 1. SECTION MODIFIED. Section 99.01 of the Code of Ordinances of the City of Columbus Junction, Iowa, is repealed and the following adopted in lieu thereof:

99.01 SEWER SERVICE CHARGES REQUIRED. Every customer shall pay to the City sewer service charges in the amount of _____ percent of the bill for water and water service attributable to the customer for the property served, but in no event less than \$_____ dollars per _____.

SECTION 2. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the Council the ____ day of _____, 20____, and approved this ____ day of _____, 20____.

Mayor

ATTEST:

City Clerk

First Reading: _____

Second Reading: _____

Third Reading: _____

I certify that the foregoing was published as Ordinance No. ____ on the ____ day of _____, 20____.

City Clerk

ORDINANCES NOT CONTAINED IN THE CODE OF ORDINANCES

There are certain types of ordinances which the City will be adopting which do not have to be incorporated in the Code of Ordinances. These include ordinances: (1) establishing grades of streets or sidewalks; (2) vacating streets or alleys; (3) authorizing the issuance of bonds; and (4) amending the zoning map.

(Code of Iowa, Sec. 380.8)

ORDINANCE NO. ____

AN ORDINANCE VACATING (INSERT LOCATION OR LEGAL DESCRIPTION OF STREET OR ALLEY BEING VACATED) TO COLUMBUS JUNCTION, IOWA

Be It Enacted by the City Council of the City of Columbus Junction, Iowa:

SECTION 1. The (location or legal description of street or alley) to Columbus Junction, 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 Columbus Junction, 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 Columbus Junction, 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 Columbus Junction, 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 Columbus Junction, Iowa

By: _____
(enforcement officer)

**RESOLUTION AND ORDER
REGARDING DANGEROUS BUILDING**

BE IT RESOLVED, by the City Council of the City of Columbus Junction, 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 Columbus Junction, 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 Columbus Junction, Iowa

By: _____, _____
(Name) (Title)

NOTICE OF HEARING

REQUIRED SEWER CONNECTION

TO: _____
(Name)

(Street Address)
_____, Iowa

You are hereby notified that the City Council of Columbus Junction, Iowa, will meet on the ___ day of _____, 20 __, at _____ m. in the Council Chambers of the City Hall for the purpose of considering whether or not connection to the public sanitary sewer system shall be required at the following described property:

Description of Property

You are further notified that at such time and place you may appear and show cause why said connection should not be required.

You are further notified to govern yourselves accordingly.

Date of Notice: _____

City of Columbus Junction, Iowa

By: _____, _____
(Name) (Title)

RESOLUTION AND ORDER

REQUIRED SEWER CONNECTION

BE IT RESOLVED, by the City Council of the City of Columbus Junction, 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