

**CODE OF ORDINANCES**  
**OF THE**  
**CITY OF**  
**LE GRAND, IOWA**

**Prepared By: Local Government Professional Services, Inc.**  
**DBA Iowa Codification**  
**P. O. Box 244**  
**114 E 5<sup>th</sup> Street**  
**Storm Lake, Iowa 50588**  
**(641) 355-4072**  
**[www.sc-ic.com](http://www.sc-ic.com)**







**CODE OF ORDINANCES  
CITY OF LE GRAND, IOWA**

**TABLE OF CONTENTS**

**GENERAL CODE PROVISIONS**

CHAPTER 1 - CODE OF ORDINANCES.....	1
CHAPTER 2 - CHARTER.....	9
CHAPTER 3 - BOUNDARIES.....	11
CHAPTER 4 - MUNICIPAL INFRACTIONS .....	13
CHAPTER 5 - OPERATING PROCEDURES .....	25
CHAPTER 6 - CITY ELECTIONS .....	35
CHAPTER 7 - FISCAL MANAGEMENT .....	41
CHAPTER 8 - URBAN REVITALIZATION .....	53

**ADMINISTRATION, BOARDS AND COMMISSIONS**

CHAPTER 15 - MAYOR.....	71
CHAPTER 16 - MAYOR PRO TEM.....	73
CHAPTER 17 - CITY COUNCIL.....	75
CHAPTER 18 - CITY CLERK .....	83
CHAPTER 19 - CITY TREASURER.....	87
CHAPTER 20 - CITY ATTORNEY .....	89

# TABLE OF CONTENTS

## **ADMINISTRATION, BOARDS AND COMMISSIONS (continued)**

CHAPTER 22 - LIBRARY BOARD OF TRUSTEES .....	101
CHAPTER 23 - PLANNING AND ZONING COMMISSION .....	105
CHAPTER 24 - PARK AND RECREATION COMMISSION.....	107

## **POLICE, FIRE AND EMERGENCIES**

CHAPTER 30 - CONTRACT LAW ENFORCEMENT.....	119
CHAPTER 35 - FIRE DEPARTMENT AND EMS .....	121
CHAPTER 36 - HAZARDOUS SUBSTANCE SPILLS .....	145

## **PUBLIC OFFENSES**

CHAPTER 40 - PUBLIC PEACE.....	179
CHAPTER 41 - PUBLIC HEALTH AND SAFETY .....	183
CHAPTER 42 - PUBLIC AND PRIVATE PROPERTY .....	189
CHAPTER 43 - DRUG PARAPHERNALIA.....	193
CHAPTER 45 - ALCOHOL CONSUMPTION AND INTOXICATION.....	225
CHAPTER 46 - MINORS.....	245
CHAPTER 47 - PARK REGULATIONS.....	247

## **NUISANCES AND ANIMAL CONTROL**

CHAPTER 50 - NUISANCE ABATEMENT PROCEDURE.....	267
CHAPTER 51 - JUNK AND JUNK VEHICLES .....	271
CHAPTER 55 - ANIMAL PROTECTION AND CONTROL .....	291

# TABLE OF CONTENTS

## TRAFFIC AND VEHICLES

CHAPTER 60 - ADMINISTRATION OF TRAFFIC CODE.....	325
CHAPTER 61 - TRAFFIC CONTROL DEVICES .....	329
CHAPTER 62 - GENERAL TRAFFIC REGULATIONS.....	331
CHAPTER 63 - SPEED REGULATIONS .....	339
CHAPTER 64 - TURNING REGULATIONS .....	341
CHAPTER 65 - STOP OR YIELD REQUIRED .....	343
CHAPTER 66 - LOAD AND WEIGHT RESTRICTIONS .....	355
CHAPTER 67 - PEDESTRIANS.....	357
CHAPTER 68 - ONE-WAY TRAFFIC .....	359
CHAPTER 69 - PARKING REGULATIONS .....	361
CHAPTER 70 - TRAFFIC CODE ENFORCEMENT PROCEDURES.....	375
CHAPTER 75 - ALL-TERRAIN VEHICLES AND SNOWMOBILES .....	391
CHAPTER 76 - BICYCLE REGULATIONS .....	395
CHAPTER 80 - ABANDONED VEHICLES .....	415
CHAPTER 81 - GOLF CARTS.....	419

## WATER

CHAPTER 90 - WATER SERVICE SYSTEM .....	431
CHAPTER 91 - WATER METERS.....	455
CHAPTER 92 - WATER RATES .....	461
CHAPTER 93 - EMERGENCY CONTROL OF WATER USAGE.....	471

## SANITARY SEWER

CHAPTER 95 - SANITARY SEWER SYSTEM .....	481
CHAPTER 96 - BUILDING SEWERS AND CONNECTIONS.....	485
CHAPTER 97 - USE OF PUBLIC SEWERS.....	489
CHAPTER 98 - ON-SITE WASTEWATER SYSTEMS .....	493

# TABLE OF CONTENTS

## **SANITARY SEWER (continued)**

**CHAPTER 99 - SEWER SERVICE CHARGES.....515**

**CHAPTER 100 - SUMP PUMP DISCONNECTION PROGRAM.....525**

## **GARBAGE AND SOLID WASTE**

**CHAPTER 105 - SOLID WASTE CONTROL .....545**

**CHAPTER 106 - COLLECTION OF SOLID WASTE .....551**

**CHAPTER 107 - RECYCLING.....555**

## **FRANCHISES AND OTHER SERVICES**

**CHAPTER 110 - NATURAL GAS FRANCHISE.....571**

**CHAPTER 111 - ELECTRIC FRANCHISE .....573**

## **REGULATION OF BUSINESS AND VOCATIONS**

**CHAPTER 120 - LIQUOR LICENSES AND WINE AND BEER PERMITS .....595**

**CHAPTER 121 - CIGARETTE AND TOBACCO PERMITS.....599**

**CHAPTER 122 - PEDDLERS, SOLICITORS, AND TRANSIENT MERCHANTS.....603**

**CHAPTER 123 - HOUSE MOVERS.....607**

**CHAPTER 124 - ADULT ENTERTAINMENT.....617**

## **STREETS AND SIDEWALKS**

**CHAPTER 135 - STREET USE AND MAINTENANCE.....641**

**CHAPTER 136 - SIDEWALK REGULATIONS .....665**

**CHAPTER 137 - VACATION AND DISPOSAL OF STREETS.....671**

**CHAPTER 138 - STREET GRADES .....673**

**CHAPTER 139 - NAMING OF STREETS.....675**



# TABLE OF CONTENTS

## BUILDING AND PROPERTY REGULATIONS

CHAPTER 145 - DANGEROUS BUILDINGS.....	695
CHAPTER 146 - MANUFACTURED AND MOBILE HOMES .....	699
CHAPTER 150 - BUILDING NUMBERING .....	731
CHAPTER 151 - TREES .....	733
CHAPTER 155 - BUILDING CODE.....	751
CHAPTER 156 - PLUMBING CODE .....	771
CHAPTER 157 - MECHANICAL CODE.....	781
CHAPTER 158 - ELECTRICAL CODE.....	789

## ZONING AND SUBDIVISION

CHAPTER 165 - ZONING REGULATIONS.....	801
CHAPTER 166 - SUBDIVISION REGULATIONS.....	937

## INDEX

### APPENDIX:

USE AND MAINTENANCE OF THE CODE OF ORDINANCES.....	1
--	---

### SUGGESTED FORMS:

DANGEROUS BUILDINGS - FIRST NOTICE.....	7
DANGEROUS BUILDINGS - NOTICE OF HEARING .....	8
DANGEROUS BUILDINGS - RESOLUTION AND ORDER.....	9
NOTICE TO ABATE NUISANCE .....	10
NOTICE OF REQUIRED SEWER CONNECTION.....	11
NOTICE OF HEARING ON REQUIRED SEWER CONNECTION .....	12
RESOLUTION AND ORDER FOR REQUIRED SEWER CONNECTION .....	13
APPLICATION FOR A BUILDING/LAND USE PERMIT .....	15
BUILDING/LAND USE PERMIT .....	16
APPLICATION FOR CERTIFICATE OF OCCUPANCY .....	17
CERTIFICATE OF OCCUPANCY .....	18



# CHAPTER 1

## CODE OF ORDINANCES

1.01 Title	1.08 Amendments
1.02 Definitions	1.09 Catchlines and Notes
1.03 City Powers	1.10 Altering Code
1.04 Indemnity	1.11 Severability
1.05 Personal Injuries	1.12 Warrants
1.06 Rules of Construction	1.13 General Standards for Action
1.07 Extension of Authority	1.14 Standard Penalty

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

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

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

15. “Shall” imposes a duty.

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

17. “State” means the State of Iowa.

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

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

20. “Terrace” means property outside of the lot and property lines and inside the curb lines upon the public streets.

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

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

*(Code of Iowa, Sec. 364.1)*

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

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

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

*(Code of Iowa, Sec. 364.14)*

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

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

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

*(Code of Iowa, Sec. 380.2)*

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

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

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

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

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

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

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

[The next page is 9]

---

† **EDITOR'S NOTE:** For civil penalty for violations of this Code of Ordinances, see Chapter 4.

**CHAPTER 2**

**CHARTER**

- 2.01 Title
- 2.02 Form of Government
- 2.03 Powers and Duties of City Officers

- 2.04 Number and Term of Council
- 2.05 Term of Mayor
- 2.06 Copies on File

**2.01 TITLE.** This chapter may be cited as the charter of the City of Le Grand, Iowa.<sup>†</sup>

**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)*

---

<sup>†</sup> **EDITOR’S NOTE:** Ordinance No. 57 adopting a charter for the City was passed and approved by the Council on September 3, 1973. Pursuant to an election held November 8, 1977, the terms of the Council members were extended to four years. Pursuant to an election held November 13, 1979, the term of the Mayor was extended to four years.

o o o o o o o o o o



## CHAPTER 3

# BOUNDARIES

**3.01 CORPORATE LIMITS.** The corporate limits of the City are described as follows:

*The South 198 feet of the east 330 feet of Section 11, AND the south half of Section 12, AND the north half of Section 13, AND a tract of land in Section 13 described as "Lot 1 of the Subdivision of the NW<sup>1</sup>/<sub>4</sub> of the SE<sup>1</sup>/<sub>4</sub> of said Section 13, EXCEPT beginning at the northwest corner of said Lot 1, thence southeasterly along the northeasterly line of the Chicago and Northwestern Railroad right-of-way 222.5 feet; thence north to the north line of said Lot 1; thence west to the point of beginning, and also Lot 2 of the Subdivision of the NE<sup>1</sup>/<sub>4</sub> of the SE<sup>1</sup>/<sub>4</sub> of said Section 13, EXCEPT the east 40 feet thereof" all lying in T83N, R17W of the 5th P.M., Marshall County, Iowa*

**ANNEXED AREA:**

*The South 38<sup>1</sup>/<sub>2</sub> Acres of the North 70<sup>1</sup>/<sub>2</sub> Acres of the Fractional West Half of the Southwest Quarter (Frl. W<sup>1</sup>/<sub>2</sub> SW<sup>1</sup>/<sub>4</sub>) of Section Seven (7), Township Eighty-three (83) North, Range Sixteen (16), West of the 5th P.M., Tama County, Iowa; and*

*The West Fractional Half of the Southwest Quarter (W Frl.<sup>1</sup>/<sub>2</sub> SW<sup>1</sup>/<sub>4</sub>) Except the North 70.5 Acres thereof, in Section Seven (7), Township Eighty-three (83) North, Range Sixteen (16), West of the 5th P.M., Tama County, Iowa; and*

*The South 241.7 Feet of the West 241.7 feet of the West Fractional One Quarter of the Southwest Quarter of Section Seven (7), Township Eighty-three (83), Range Sixteen (16), West of the 5th P.M., Tama County, Iowa.*

o o o o o o o o o o

## CHAPTER 4

# MUNICIPAL INFRACTIONS

4.01 Municipal Infraction  
4.02 Environmental Violation  
4.03 Penalties

4.04 Civil Citations  
4.05 Alternative Relief  
4.06 Alternative Penalties

**4.01 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.<sup>†</sup>

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

**4.02 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.

**4.03 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.

---

<sup>†</sup> **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.

**4.04 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.

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

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

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

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

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

[The next page is 25]

## 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 Le Grand as now or hereafter required by law.”

*(Code of Iowa, Sec. 63.10)*

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

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

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

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

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

*(Code of Iowa, Sec. 64.13)*

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

*(Code of Iowa, Sec. 64.19)*

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

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

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

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

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

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

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

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

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

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

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

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

*(Code of Iowa, Sec. 21.4)*

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

*(Code of Iowa, Sec. 21.3)*

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

*(Code of Iowa, Sec. 21.3)*

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

*(Code of Iowa, Sec. 21.5)*

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

*(Code of Iowa, Sec. 21.7)*

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

*(Code of Iowa, Sec. 21.8)*



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

*(Code of Iowa, Sec. 362.5)*

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

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

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

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

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

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

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

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

5. Newspaper. The designation of an official newspaper.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*(Code of Iowa, Sec. 372.15)*

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

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

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

[The next page is 35]

## CHAPTER 6

# CITY ELECTIONS

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

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

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

*(Code of Iowa, Sec. 376.3)*

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

*(Code of Iowa, Sec. 45.1)*

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

*(Code of Iowa, Sec. 45.2)*

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

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

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

*(Code of Iowa, Sec. 45.4)*

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

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

[The next page is 41]

## CHAPTER 7

# FISCAL MANAGEMENT

7.01 Purpose  
7.02 Finance Officer  
7.03 Cash Control  
7.04 Fund Control

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(*Code of Iowa, Sec. 384.15A*)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*(Code of Iowa, Sec. 384.18)*



1. Program Increase. Any increase in the amount appropriated to a program must be prepared, adopted, and subject to protest in the same manner as the original budget.  
(IAC, 545-2.2[384, 388])
2. Program Transfer. Any transfer of appropriation from one program to another must be prepared, adopted, and subject to protest in the same manner as the original budget.  
(IAC, 545-2.3[384, 388])
3. Activity Transfer. Any transfer of appropriation from one activity to another activity within a program must be approved by resolution of the Council.  
(IAC, 545-2.4[384, 388])
4. Administrative Transfers. The finance officer shall have the authority to adjust, by transfer or otherwise, the appropriations allocated within a specific activity without prior Council approval.  
(IAC, 545-2.4[384, 388])

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

1. Books of Original Entry. There shall be established and maintained books of original entry to provide a chronological record of cash received and disbursed.
2. General Ledger. There shall be established and maintained a general ledger controlling all cash transactions, budgetary accounts and for recording unappropriated surpluses.
3. Checks. Checks shall be prenumbered and signed by the Mayor or Mayor Pro Tem 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)*

[The next page is 53]

**CHAPTER 8**

**URBAN REVITALIZATION**

<b>EDITOR'S NOTE</b>		
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.		
<b>ORDINANCE NO.</b>	<b>ADOPTED</b>	<b>NAME OF AREA</b>
181	August 10, 1999	Le Grand Urban Revitalization Area
233	October 9, 2018	City of Le Grand Urban Revitalization Area

[The next page is 71]

## 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 & 380.6[2]*)

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

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

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

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

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

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

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

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

1. Mayor Pro Tem
2. Library Board
3. Park and Recreation Commission

**15.04 COMPENSATION.** The salary of the Mayor is \$50.00 for each regular meeting of the Council, whether attended or not.

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

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

*(Code of Iowa, Sec. 372.4)*

## CHAPTER 16

### MAYOR PRO TEM

16.01 Vice President of Council  
16.02 Powers and Duties

16.03 Voting Rights  
16.04 Compensation

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

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

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

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

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

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

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

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

o o o o o o o o o o



## CHAPTER 17

# CITY COUNCIL

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

17.04 Council Meetings  
17.05 Appointments  
17.06 Compensation

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

*(Code of Iowa, Sec. 372.4 & 376.2)*

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

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

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

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

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

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

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

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

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

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

*(Code of Iowa, Sec. 26.10)*

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

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

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

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

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

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

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

*(Code of Iowa, Sec. 380.4)*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**17.06 COMPENSATION.** The salary of each Council member is \$35.00 for each meeting of the Council attended.

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

[The next page is 83]

## 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 Deputy City Clerk

**18.01 APPOINTMENT AND COMPENSATION.** At its first meeting in January following the regular City election, the Council shall appoint by majority vote a City Clerk to serve for a term of two years. The Clerk shall receive such compensation as established by resolution of the Council.

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

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

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

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

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

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

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

*(Code of Iowa, Sec. 362.3)*

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

Citizens Savings Bank  
City Clerk's Office  
U.S. Post Office

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

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

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

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

*(Code of Iowa, Sec. 380.11)*

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

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

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

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

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

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

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

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

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

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

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

**18.09 ATTENDANCE AT MEETINGS.** The Clerk shall attend all regular and special Council meetings and, at the direction of the Council, the Clerk shall attend meetings of

committees, boards, and commissions. The Clerk shall record and preserve a correct record of the proceedings of such meetings.

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

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

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

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

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

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

**18.13 CITY SEAL.** The City seal is in the custody of the Clerk and shall be attached by the Clerk to all transcripts, orders, and certificates that it may be necessary or proper to authenticate. The City seal is circular in form, in the center of which are the words “INCORPORATED JUNE 16, 1891, SEAL” and around the margin of which are the words “CITY OF LE GRAND, MARSHALL COUNTY, IOWA.”

**18.14 DEPUTY CITY CLERK.** The office of Deputy City Clerk is established as follows:

1. Appointment. The Council may appoint a Deputy City Clerk and the Council shall have the power to dismiss the Deputy Clerk.
2. Authority. When the Clerk is absent or unable to act, the Deputy Clerk shall perform the Clerk’s duties, and the actions of the Deputy Clerk when the Clerk is absent or unable to act are legal and binding to the same extent as if done by the Clerk.
3. Compensation. The Deputy Clerk shall be compensated in an amount, or at a rate as may be from time to time fixed by the Council, or as may be fixed by the Clerk in accordance with provisions established by the Council.
4. Hours of Work. The Deputy Clerk shall work such hours as may from time to time be directed by the Clerk.

o o o o o o o o o o



## CHAPTER 19

# CITY TREASURER

**19.01 Appointment**  
**19.02 Compensation**

**19.03 Duties of Treasurer**

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

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

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

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

o o o o o o o o o o

1.

## 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 for an indefinite term. The City Attorney shall receive such compensation as established by resolution of the Council.

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

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

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

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

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

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

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

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

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

**20.06 PROVIDE LEGAL OPINION.** The City Attorney shall give advice or a written legal opinion on City contracts and all questions of law relating to City matters submitted by the Mayor or 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])*

[The next page is 101]

## CHAPTER 22

# LIBRARY BOARD OF TRUSTEES

22.01 Public Library	22.07 Nonresident Use
22.02 Library Trustees	22.08 Expenditures
22.03 Qualifications of Trustees	22.09 Annual Report
22.04 Organization of the Board	22.10 Injury to Books or Property
22.05 Powers and Duties	22.11 Theft
22.06 Contracting with Other Libraries	22.12 Notice Posted

**22.01 PUBLIC LIBRARY.** The public library for the City is known as the Pioneer Heritage Library. It is referred to in this chapter as the Library.

**22.02 LIBRARY TRUSTEES.** The Board of Trustees of the Library, hereinafter referred to as the Board, consists of five resident members. All resident members are to be appointed by the Mayor with the approval of the Council.

**22.03 QUALIFICATIONS OF TRUSTEES.** Not less than three members of the Board shall be bona fide citizens and residents of the City. The nonresident member of the Board shall be a bona fide citizen and resident of the unincorporated County. Members shall be over the age of 18 years.

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

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

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

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

*(Code of Iowa, Ch. 661)*

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

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

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

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

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

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

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

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

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

*(Code of Iowa, Sec. 384.20 & 392.5)*

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

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

*(Code of Iowa, Sec. 716.1)*

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

*(Code of Iowa, Sec. 714.1)*

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

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

*(Code of Iowa, Sec. 714.5)*

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

*(Code of Iowa, Sec. 808.12)*



## CHAPTER 23

# PLANNING AND ZONING COMMISSION

23.01 Planning and Zoning Commission  
23.02 Term of Office  
23.03 Vacancies

23.04 Compensation  
23.05 Powers and Duties

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

*(Code of Iowa, Sec. 414.6 & 392.1)*

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

*(Code of Iowa, Sec. 392.1)*

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

*(Code of Iowa, Sec. 392.1)*

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

*(Code of Iowa, Sec. 392.1)*

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

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

*(Code of Iowa, Sec. 392.1)*

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

*(Code of Iowa, Sec. 392.1)*

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

*(Code of Iowa, Sec. 414.6)*

4. 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)*

## CHAPTER 24

# PARK AND RECREATION COMMISSION

24.01 Appointment of Commission Members  
24.02 Qualification of Members  
24.03 Compensation  
24.04 Term of Office  
24.05 Officers  
24.06 Vacancies

24.07 Records  
24.08 Jurisdiction  
24.09 Powers and Duties  
24.10 Commission Account  
24.11 Annual Report

**24.01 APPOINTMENT OF COMMISSION MEMBERS.** The Park and Recreation Commission, hereinafter referred to as the Commission, shall consist of five members who are appointed by the Mayor with the approval of the Council.

**24.02 QUALIFICATION OF MEMBERS.** Not less than three of the members of the Commission shall be bona fide citizens and residents of the City and all shall be over the age of 18.

**24.03 COMPENSATION.** The members of the Commission shall receive no compensation for their services.

**24.04 TERM OF OFFICE.** All appointments to the Commission 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 of the total number or as near as possible, to stagger the terms.

**24.05 OFFICERS.** An organizational meeting of the Commission shall be held annually during the month of July and the Commission shall elect from its members a President, a Secretary and such other officers as it deems necessary.

**24.06 VACANCIES.** The position of any resident member shall be vacated if such member moves permanently from the City and of any member if such member is absent from six consecutive regular meetings of the Commission, except in the case of sickness or temporary absence from the area. Vacancies in the Commission shall be filled in the same manner as an original appointment except that the new member shall fill out the unexpired term for which the appointment is made.

**24.07 RECORDS.** The Commission shall keep a record of all its meetings.

**24.08 JURISDICTION.** The Commission shall have, subject to the direction of the Council when and as the Council may deem advisable, control of public parks, playgrounds and recreation centers under the jurisdiction of the Commission.

**24.09 POWERS AND DUTIES.** The Commission shall possess and exercise the following powers and duties:

1. Rules and Regulations. To make and adopt, amend, modify or repeal rules and regulations not inconsistent with the ordinances and the law for the care, use, government and management of the parks, playgrounds and recreation centers over which the Commission has jurisdiction, fixing and enforcing penalties for violations.

2. Personnel. To employ an executive officer and to authorize the executive officer to employ such assistants and employees as may be necessary for the proper management of the parks, playgrounds and recreation centers and to fix their terms of employment, duties and compensation.
3. Funds. To have exclusive control of the expenditure of all funds allocated for park, playground and recreation center purposes by the Council, and for all moneys available by gift or otherwise under the rules established by the Commission.
4. Contracts. To make contracts, to sue and to be sued.
5. Gifts. To accept gifts, devises and bequests of real property, subject to the approval of the Council, and of personal property, either outright or in trust, and to enforce the performance of conditions which may be attached to them.
6. Property Acquisition. To acquire real property, subject to the approval of the Council, either within or without the corporate limits of the City, and personal property, all for park, playground or recreation purposes, by lease, purchase or condemnation and to take title to real property in the name of the Commission in trust for the public and to hold it exempt from taxation.
7. Property Disposal. To sell, exchange or lease, subject to the approval of the Council, any real property acquired by the Commission which, in the discretion of the Commission, is unfit, not desirable, unnecessary or not required for park purposes.

**24.10 COMMISSION ACCOUNT.** All money appropriated by the Council for the operation and maintenance of the Commission shall be set aside in an account for the Commission. Expenditures shall be made only on orders of the Commission, signed by its President and Secretary. The warrant writing officer is the Clerk.

**24.11 ANNUAL REPORT.** The Commission shall make an annual detailed report to the Council immediately after the close of the municipal fiscal year. This report shall set forth the conditions of the various parks, playgrounds and recreation centers under the jurisdiction of the Commission and the amounts of money expended and the purposes therefor, together with such further information as may be required by the Council.

[The next page is 119]

## CHAPTER 30

# CONTRACT LAW ENFORCEMENT

**30.01 CONTRACT LAW ENFORCEMENT.** The Council has contracted with the Marshall County Sheriff through a 28E Agreement to provide law enforcement services within the City. The Sheriff shall exercise the powers and duties of Police Chief and Deputy Sheriffs shall exercise the powers and duties of peace officers as provided by law, this Code of Ordinances, and the 28E Agreement. Unless terminated by either party, the 28E Agreement shall be renewed automatically for successive terms of two years from the effective date.

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

o o o o o o o o o o

## CHAPTER 35

### FIRE DEPARTMENT AND EMS

35.01 Establishment and Purpose	35.08 Volunteer Firefighters
35.02 Fire Chief	35.09 Volunteer First Responders
35.03 EMS Director	35.10 Firefighters' Duties
35.04 Fire Chief's Duties	35.11 EMS Personnel Duties
35.05 EMS Director's Duties	35.12 Insurance
35.06 Fire Department and EMS Departmental Rules	35.13 Fires and Emergencies Outside City Limits
35.07 Personnel Qualifications	35.14 Mutual Aid

**35.01 ESTABLISHMENT AND PURPOSE.** A volunteer Fire Department and EMS are hereby established to prevent and extinguish fires, to protect lives and property against fires and accidents that may arise, to promote fire prevention and fire safety, and to answer all emergency calls for which there is no other established agency.

**35.02 FIRE CHIEF.** Subject to ratification by the Mayor, a Fire Chief shall be elected by the members of the department for a term of two years or to fill a vacancy. The City Council may remove, suspend or demote the Fire Chief for neglect of duty, disobedience, misconduct or failure to properly perform the duties of Chief by written order setting out the reasons for removal, which shall be filed with the Clerk. Upon request in writing by the Chief, filed with the Clerk, a public hearing on the removal shall be held within 30 days.

**35.03 EMS DIRECTOR.** The EMS Director shall be elected by the EMS personnel for the term of one year or to fill a vacancy. The Council may remove, suspend or demote the EMS Director for neglect of duty, disobedience, misconduct or failure to properly perform the duties of EMS Director. The removal shall be by written order, setting out the reasons for removal which shall be filed with the Clerk. Upon request in writing filed with the Clerk by the EMS Director, a public hearing on the removal shall be held within 30 days.

**35.04 FIRE CHIEF'S DUTIES.** The Fire Chief shall command all operations of the department, and be responsible for the care, maintenance and use of all vehicles and equipment of the department. Subject to Council approval, the Chief shall maintain departmental rules to carry out the requirements of this chapter. The Chief shall provide every firefighter with a copy of the rules. New members will be appointed, discharged, and disciplined according to the Department Bylaws. The Chief shall maintain a record of the names, ages and residences of the firefighters, be responsible for their training and supervision, and shall maintain attendance records for drill meetings and fires. The Chief shall investigate the cause, origin and circumstances of each fire by which property has been destroyed or damaged or which results in bodily injury to any person. Whenever death, serious bodily injury or property damage has occurred as a result of fire, or if arson is suspected, the Fire Chief shall notify the State Fire Marshal's division immediately. The Chief shall report other fire incidents to the State Fire Marshal in accordance with law. The Chief has the authority to enter and inspect any building or premises in the performance of duties and shall make written orders to correct any conditions that are likely to cause fire or endanger other buildings and property.

**35.05 EMS DIRECTOR'S DUTIES.** The EMS Director shall command all operations of the personnel, and be responsible for the care, maintenance and use of all equipment that the EMS Director and personnel use. Subject to Council approval, the EMS Director shall maintain

personnel rules to carry out the requirements of this chapter. The EMS Director shall provide every First Responder with a copy of these rules. New members will be appointed, discharged, and disciplined, according to the Department Bylaws. The EMS Director shall maintain a record of the names, ages and residences of the First Responders at all times. The EMS Director shall be responsible for their training and supervision and shall maintain attendance records for drill meetings and emergencies. The EMS Director shall investigate the cause, origin and circumstances of each emergency.

**35.06 FIRE DEPARTMENT AND EMS DEPARTMENTAL RULES.** Rules for each department shall be formulated for the following:

1. Rules of Conduct. The conduct and activity of members of the Department during on-duty hours.
2. Equipment. The procedure, use and care of the fire trucks, fire apparatus, tools, equipment and other property used by or belonging to the Department or the City.
3. Training. The nature, time and attendance requirements for in-service training of members of the Department.
4. Emergencies. The protection and functioning of the Department as may be necessary in the event of an emergency.
5. Penalties. The penalties which may be imposed for the violation of established departmental rules by members.
6. Notice. The notice to be given any member charged with a violation of departmental rules.
7. Appeal. The appeal procedure for a member charged with a violation of the rules for a hearing thereon before the Council of the City.

**35.07 PERSONNEL QUALIFICATIONS.** Members of the Fire Department and EMS personnel shall be:

1. Of good moral character.
2. Examined prior to appointment and each four years thereafter, by a physician to determine freedom from a physical, emotional, or mental condition which might adversely affect the performance of the applicant's or member's duties as a volunteer firefighter or first responder. Applicants must be at least 18 years of age.

**35.08 VOLUNTEER FIREFIGHTERS.** Pursuant to this chapter, the Department will furnish as many volunteer firefighters as are reasonably calculated to effectively perform the obligations undertaken by the Department under the terms of this chapter. The City shall furnish the housing for the fire trucks and equipment and the City is responsible for the insurance costs. The City shall also retain an agreement with the Township for the fire apparatus, tools, equipment and other property which may be required by the Department to carry out its fire fighting function as set forth in this chapter and the Township Agreement.

**35.09 VOLUNTEER FIRST RESPONDERS.** Pursuant to this chapter, the Department will furnish as many volunteer First Responders as are reasonably calculated to effectively perform the obligations undertaken by the personnel. Under the terms of this chapter, the City shall furnish the housing for the equipment and is responsible for 50% of the insurance cost. The City shall also retain an agreement with the Township for 50% of insurance cost, equipment,



apparatus and other property which may be required by the personnel to carry out their responding functions as set forth in this chapter and the Township Agreement.

**35.10 FIREFIGHTERS DUTIES.** When called, all firefighters shall report for duty immediately in the manner directed by the Chief. They shall be subject to call at any time. They shall obey strictly the commands of any other firefighter who has been appointed by the Chief to be in command temporarily. Firefighters shall report to the Chief in advance if they expect to be absent from the City for extended period of time. All members of the Department shall attend and actively participate in regular and/or special training drills or programs as directed by the Chief.

**35.11 EMS PERSONNEL DUTIES.** When called, all EMS personnel shall report for duty immediately in the manner directed by the EMS Director. They shall be subject to call at anytime. They shall obey strictly the commands of any other First Responder who has been appointed by the EMS Director to be in command temporarily. First Responders shall report to the EMS Director in advance if they expect to be absent from the City for 12 hours or more. All members of the EMS personnel shall attend and actively participate in regular and/or special training drills and/or programs as directed by the EMS Director.

**35.12 INSURANCE.**

1. Worker's Compensation and Hospitalization Insurance. The Council shall contract to insure the City against liability for worker's compensation and against statutory liability for the costs of hospitalization, nursing, and medical attention for volunteer firefighters and First Responders injured in the performance of their duties as firefighters and First Responders. All volunteer firefighters and First Responders shall be covered by the contract.
2. Liability Insurance. The Council shall contract to insure against liability of the members of the Fire Department and First Responders for injuries, death, or property damage arising out of and resulting from the performance of departmental duties.

**35.13 FIRES AND EMERGENCIES OUTSIDE CITY LIMITS.** Within the discretion of the Fire Chief, EMS Director or Officer In Charge (OIC) of the departments, the departments shall answer calls to fires and other emergencies outside the City limits if the Fire Chief or EMS Director determines that an emergency exists. Such response will be undertaken only when the response will not endanger persons and property within the City limits.

**35.14 MUTUAL AID.** The Fire Department and EMS personnel may enter into mutual aid agreements with other legally constituted fire departments. Copies of any such agreements shall be filed with the City Clerk.

[The next page is 145]

## CHAPTER 36

# HAZARDOUS SUBSTANCE SPILLS

36.01 Purpose

36.02 Definitions

36.03 Cleanup Required

36.04 Liability for Cleanup Costs

36.05 Notifications

36.06 Police Authority

36.07 Liability

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

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

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

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

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

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

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

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

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

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

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

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

**36.04 LIABILITY FOR CLEANUP COSTS.** The responsible person shall be strictly liable to the City for all of the following:

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

**36.05 NOTIFICATIONS.**

1. A person manufacturing, storing, handling, transporting, or disposing of a hazardous substance shall notify the State Department of Natural Resources and the Marshall County Sheriff of the occurrence of a hazardous condition as soon as possible but not later than six hours after the onset of the hazardous condition or discovery of the hazardous condition. The Marshall County Sheriff shall immediately notify the Department of Natural Resources.
2. Any other person who discovers a hazardous condition shall notify the Marshall County Sheriff, which shall then notify the Department of Natural Resources.

**36.06 POLICE AUTHORITY.** If the circumstances reasonably so require, the law enforcement officer or an authorized representative may:

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

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

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

[The next page is 179]

## CHAPTER 40

### PUBLIC PEACE

40.01 Assault

40.02 Harassment

40.03 Disorderly Conduct

40.04 Unlawful Assembly

40.05 Failure to Disperse

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

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

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

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

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

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

*(Code of Iowa, Sec. 708.1)*

**40.02 HARASSMENT.** No person shall commit harassment.

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

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

*(Code of Iowa, Sec. 708.7)*

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

*(Code of Iowa, Sec. 708.7)*

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

*(Code of Iowa, Sec. 708.7)*

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

*(Code of Iowa, Sec. 708.7)*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

*(Code of Iowa, Sec. 723.5)*

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

*(Code of Iowa, Sec. 723.2)*

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

*(Code of Iowa, Sec. 723.3)*

o o o o o o o o o o

## 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

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

*(Code of Iowa, Sec. 727.1)*

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

*(Code of Iowa, Sec. 718.6)*

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

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

*(Code of Iowa, Sec. 719.1A)*

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

*(Code of Iowa, Sec. 719.2)*

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

*(Code of Iowa, Sec. 718.4)*

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

*(Code of Iowa, Sec. 719.1)*

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

*(Code of Iowa, Sec. 708.12)*

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

*(Code of Iowa, Sec. 727.3)*

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

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

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

**41.11 DISCHARGING WEAPONS.**

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

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

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

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

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

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

1. **Definition.** For purposes of this section, definitions are enumerated in Iowa Code Section 727.2, which definitions are incorporated herein by reference.
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 Le Grand at City Hall:
    - (1) **License.** Proof of valid license issued from the State Fire Marshal.
    - (2) **Liability Insurance.** Proof of liability insurance separate from building property insurance specifically showing coverage of fireworks sales for the aggregate amount of \$2,000,000.
    - (3) **Fire Inspection.** Any property, building, or premise intended for the sale of consumer fireworks shall have an initial fire inspection completed by the Fire Chief prior to engaging in the sale of consumer fireworks. The Fire Chief or their designee shall cause an annual inspection to occur, meeting the requirements of the National Fire Protection Code 1124 (2006 Edition) and the current Fire Code adopted by the City of Le Grand. Annual inspection fee shall be \$100.00.
    - (4) **Permanent Structure.** Fireworks sales must be in permanent structures.
    - (5) **Fireworks sales are not allowed within 1,000 feet of school property, including the school complex.**
    - (6) **Fireworks sales are restricted to property that is taxed and zoned "commercial."**
  - B. **Dates of Sale.** Dates of sale shall be between July 3<sup>rd</sup> and July 5<sup>th</sup> of each year, all dates inclusive, in accordance with Section 100.19 of the Iowa Code.
3. **Fireworks - Discharging General Requirements.** For purposes of this section, fireworks usage shall comply with Iowa Code Section 727.2.
4. **Limitations.**
  - A. A person shall not use or explode consumer fireworks on days other than July 3<sup>rd</sup> through July 5<sup>th</sup> of each year, all dates inclusive.

- B. A person shall not use or explode consumer fireworks at times other than between the hours of 9:00 a.m. and 10:00 p.m., on July 3<sup>rd</sup> through July 5<sup>th</sup> of each year.
- C. A person shall not use consumer fireworks on real property other than that person's real property or on the real property of a person who has consented to the use of consumer fireworks on that property.
- D. A person who violates this subsection commits a simple misdemeanor. A court shall not order imprisonment for violation of this subsection.
5. Penalties.
- A. A person, firm, partnership or corporation who offers for sale, exposes for sale, sells at retail, or uses or explodes any display fireworks, commits a simple misdemeanor, punishable by a fine of not less than \$250.00, if it is not in compliance with the ordinance of the City of Le Grand.
- B. A person, firm, partnership or corporation who sells consumer fireworks to persons not at least 18 years of age commits a simple misdemeanor, punishable by a fine of not less than \$250.00.
- C. A person who is less than 18 years of age who purchases consumer fireworks commits a simple misdemeanor, punishable by a fine of not less than \$250.00.
- D. A person who uses or explodes consumer fireworks or novelties while the use of such devices is prohibited in location by the City of Le Grand commits a simple misdemeanor, punishable by a fine of not less than \$250.00.
- E. A person who uses or explodes consumer fireworks or novelties while the use of such devices is suspended by an order of the State Fire Marshall or local Fire Chief commits a simple misdemeanor punishable by a fine of not less than \$250.00.
- F. A person who discharges, uses or explodes consumer fireworks or novelties on property not their own, without consent, commits a simple misdemeanor punishable by a fine of not less than \$250.00.
6. Exceptions. The City may, upon application in writing, grant a permit for the display of fireworks by a City agency, fair associations, amusement parks or other organizations or groups of individuals approved by City authorities when such fireworks display will be handled by a competent operator. No permit shall be granted hereunder unless the operator or sponsoring organization has filed with the City evidence of insurance in the amount of at least \$2,000,000.00.

*(Section 41.14 – Ord. 250 – May 23 Supp.)*

[The next page is 189]

## 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 22.10 – Injury to Books or Property
  - B. Section 22.11 – Theft of Library Property
2. Chapter 105 – Solid Waste Control and Recycling
  - A. Section 105.07 – Littering Prohibited
3. Chapter 135 – Street Use and Maintenance
  - A. Section 135.01 – Removal of Warning Devices
  - B. Section 135.02 – Obstructing or Defacing
  - C. Section 135.03 – Placing Debris On
  - D. Section 135.04 – Playing In
  - E. Section 135.05 – Traveling on Barricaded Street or Alley
  - F. Section 135.08 – Burning Prohibited
  - G. Section 135.12 – Dumping of Snow
4. Chapter 136 – Sidewalk Regulations
  - A. Section 136.11 – 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

o o o o o o o o o

## CHAPTER 43

# DRUG PARAPHERNALIA

### 43.01 Purpose

### 43.02 Controlled Substance Defined

### 43.03 Drug Paraphernalia Defined

### 43.04 Determining Factors

### 43.05 Possession of Drug Paraphernalia

### 43.06 Manufacture, Delivery, or Offering For Sale

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

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

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

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

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

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

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

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

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

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

[The next page is 225]

## 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])*

*(Section 45.01 – Ord. 248 – May 23 Supp.)*

## **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.

*(Ord. 248 – May 23 Supp.)*

3. A person shall not simulate intoxication in a public place.
4. When a peace officer arrests a person on a charge of public intoxication under this section, the peace officer shall inform the person that the person may have a chemical test administered at the person's own expense. If a device approved by the Commissioner of Public Safety for testing a sample of a person's breath to determine the person's blood alcohol concentration is available, that is the only test that need be offered the person arrested. In a prosecution for public intoxication, evidence of the results of a chemical test performed under this subsection is admissible upon proof of a proper foundation. The percentage of alcohol present in a person's blood, breath, or urine established by the results of a chemical test performed within two hours after the person's arrest on a charge of public intoxication is presumed to be the percentage of alcohol present at the time of arrest.

*(Code of Iowa, Sec. 123.46)*

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

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

*(Code of Iowa, Sec. 123.47)*

[The next page is 245]



## 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. It is unlawful for any minor to be or remain upon any of the alleys, streets or public places or to be in places of business and amusement in the City between the hours of 11:00 p.m. and 5:00 a.m. of the following day.
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)*

## CHAPTER 47

# PARK REGULATIONS

47.01 Purpose  
47.02 Parking  
47.03 Use of Drives Required

47.04 Fires  
47.05 Littering  
47.06 Camping

**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 PARKING.** All vehicles shall be parked in designated parking areas, and no vehicle shall be left unattended on any park drive, road or street, except in the case of an emergency.

**47.03 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.

**47.04 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.

**47.05 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.

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

The use, possession or consumption of beer, wine or alcoholic liquors is forbidden in this park.
--

[The next page is 267]

## 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.** The owners of all properties or land abutting the streets, alleys and highways and the parking lots thereof shall keep the same free from brush, weeds and rubbish and shall cause the weeds and other noxious growths to be cut and the

rubbish removed any time the vegetation reaches a height of more than eight inches. **(See also Subsection 13).**

10. Dutch Elm Disease. Trees infected with Dutch elm disease. **(See also Chapter 151)**

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

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

13. Mowing of Properties. The owners, agents or occupants of all properties or land abutting the streets, alleys and highways and the parking lots thereof shall cut or cause to have cut the grass on their respective properties or land any time the grass reaches a height of more than eight inches. Grass which is allowed to grow in excess of this height is deemed to be a violation of this subsection. Any property owner who violates the provisions of this subsection and subsection 9 will be given one written notice per summer and the City will be authorized to respond to additional violations without additional written notices being given. All residential properties will be charged \$90.00 per hour and commercial properties will be charged \$100.00 per hour for such mowing.

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

1. Junk and Junk Vehicles **(See Chapter 51)**
2. Dangerous Buildings **(See Chapter 145)**
3. Storage and Disposal of Solid Waste **(See Chapter 105)**
4. Trees **(See Chapter 151)**

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

*(Code of Iowa, Sec. 657.3)*

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

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

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

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

1. Contents of Notice to Property Owner. The notice to abate shall contain: †
  - A. Description of Nuisance. A description of what constitutes the nuisance.
  - B. Location of Nuisance. The location of the nuisance.
  - C. Acts Necessary to Abate. A statement of the act or acts necessary to abate the nuisance.
  - D. Reasonable Time. A reasonable time within which to complete the abatement.
  - E. Assessment of City Costs. A statement that if the nuisance or condition is not abated as directed and no request for hearing is made within the time prescribed, the City will abate it and assess the costs against the property owner.
2. Method of Service. The notice may be in the form of an ordinance or sent by certified mail to the property owner.  
(Code of Iowa, Sec. 364.12[3h])
3. Request for Hearing. Any person ordered to abate a nuisance may have a hearing with the Council as to whether a nuisance exists. A request for a hearing must be made in writing and delivered to the Clerk within the time stated in the notice, or it will be conclusively presumed that a nuisance exists and it must be abated as ordered. The hearing will be before the Council at a time and place fixed by the Council. The findings of the Council shall be conclusive and, if a nuisance is found to exist, it shall be ordered abated within a reasonable time under the circumstances.
4. Abatement in Emergency. If it is determined that an emergency exists by reason of the continuing maintenance of the nuisance or condition, the City may perform any action that may be required under this chapter without prior notice. The City shall assess the costs as provided in Subsection 6 of this section after notice to the property owner under the applicable provisions of Subsections 1 and 2, and the hearing as provided in Subsection 3.  
(Code of Iowa, Sec. 364.12[3h])
5. Abatement by City. If the person notified to abate a nuisance or condition neglects or fails to abate as directed, the City may perform the required action to abate, keeping an accurate account of the expense incurred. The itemized expense account shall be filed with the Clerk, who shall pay such expenses on behalf of the City.  
(Code of Iowa, Sec. 364.12[3h])
6. Collection of Costs. The Clerk shall send a statement of the total expense incurred by certified mail to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one month, the Clerk shall certify the costs to the County Treasurer and such costs shall then be collected with, and in the same manner as, general property taxes.  
(Code of Iowa, Sec. 364.12[3h])

---

† **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.

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 4 of this Code of Ordinances.



## CHAPTER 51

# JUNK AND JUNK VEHICLES

### 51.01 Definitions

### 51.02 Junk and Junk Vehicles Prohibited

### 51.03 Junk and Junk Vehicles a Nuisance

### 51.04 Exceptions

### 51.05 Notice to Abate

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

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

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

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

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

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

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

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

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

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

[The next page is 291]

## CHAPTER 55

# ANIMAL PROTECTION AND CONTROL

55.01 Definitions	55.11 Rabies Vaccination
55.02 Animal Neglect	55.12 Owner's Duty
55.03 Livestock Neglect	55.13 Confinement
55.04 Abandonment of Cats and Dogs	55.14 At Large: Impoundment
55.05 Livestock	55.15 Disposition of Animals
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	55.19 Management of Cat Population; Trap-Neuter-Release
55.10 Releasing Dogs	

**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.

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

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

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

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

**55.10 RELEASING DOGS.** No person, except the owner of a dog or an authorized agent, shall willfully open any door or gate on any private premises or unleash any dog for the purpose of enticing or enabling a dog to leave such private premises and be at large.

**55.11 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)*

**55.12 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)*

**55.13 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)*

**55.14 AT LARGE: IMPOUNDMENT.** Dogs 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. The City may contract with an incorporated Society For the Prevention of Cruelty to Animals for the use of the Society's pound and for the humane destruction of animals.

1. Impound Costs. The owner of an impounded dog may redeem the dog from the Society by paying the costs and charges incurred by the City to the Society for the impounding and maintenance of the dog, plus a \$25.00 charge to be collected by the Society and remitted to the City.
2. Dogs At Large. It shall be unlawful for the owner or keeper of any dog to permit such dog to run at large. In addition to the penalties, remedies and relief as provided in this Municipal Code of Ordinances, in addition to being a simple misdemeanor, a violation of this section shall also be a municipal infraction punishable as a civil penalty with the following schedule of civil penalties:
  - A. First offense by the owner or keeper, \$100.00
  - B. Second offense by the owner or keeper, \$250.00
  - C. Third offense and subsequent offenses by the owner or keeper, forfeiture of the dog found at large.

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

*(Code of Iowa, Sec. 351.37, 351.41)*

**55.16 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.

### **55.19 MANAGEMENT OF CAT POPULATION; TRAP-NEUTER-RELEASE.**

1. Purpose. The purpose of this section is to protect residents of the City against the hazards brought about by the growing feral cat population and to provide a safe and humane process by which those health and safety hazards can be reduced through use of a Trap-Neuter-Return ("TNR") program to reduce and/or effectively manage the feral cat population within City limits.
2. Definitions. For purposes of this section, the following definitions shall apply:
- A. "Altered community cat" shall mean a free-roaming cat who may be cared for by one or more residents of the immediate area who is/are known or unknown and has a visible ear tip/notch and is known or presumed to be altered and vaccinated. An altered community cat may or may not be feral.
  - B. "Unaltered community cat" shall mean a free-roaming cat who may be cared for by one or more residents of the immediate area who is/are known or unknown and does not have a visible ear tip/notch and is presumed to be unaltered and unvaccinated. An unaltered community cat may or may not be feral.
  - C. "Community cat caregiver" shall mean a person who, in accordance with and pursuant to a policy of TNR, as defined herein, provides care including food, shelter, and/or medical care to a community cat, while not being considered the owner, harbinger, controller or other possessor of a community cat.
  - D. "Community cat caregiver organization" shall mean an organization which is recognized by the City as maintaining an active TNR program.
  - E. "Ear notching" shall mean a small, triangular notch may be made in the top one-third of the outer margin of the cat's ear. This procedure is performed under sterile conditions while the cat is under anesthesia, in compliance with applicable federal and State laws, and under the supervision of a licensed veterinarian. Ear notches are designed to identify a community cat as being sterilized and lawfully vaccinated for rabies pursuant to this section and the provisions of this chapter.
  - F. "Ear tipping" shall mean the surgical removal of the top one-third of the outer margin of the cat's ear. This procedure is performed under sterile

conditions while the cat is under anesthesia, in compliance with applicable federal and State laws, and under the supervision of a licensed veterinarian. Ear tips are designed to identify a community cat as being sterilized and lawfully vaccinated for rabies pursuant to this section and the provisions of this chapter.

G. “Trap-neuter-return” or “TNR” shall mean the process of humanely trapping, sterilizing, vaccinating for rabies, ear tipping/notching, and returning community cats to their original location.

3. Permitted Acts.

A. Feeding. Community cat caregivers and/or community cat caregiver organizations are permitted to feed altered community cats and unaltered community cats, but only if feeding of such unaltered community cats is done in conjunction with the intent of and attempts by the feeder to trap and alter those cats in accordance with this section.

B. Trapping. Trapping shall be allowed for the sole purpose of sterilizing, vaccinating for rabies, and ear tipping/notching or unaltered community cats, as those terms are defined in this section. Any person who traps an altered community cat pursuant to the provisions of this section shall release said community cat immediately and without transporting the cat upon recognition of the ear tip/notch.

C. Return. An altered community cat received by local shelters will be returned to the location where trapped unless veterinary care is required.

D. Reclaiming Impounded Altered Community Cats. Community cat caregivers are empowered to reclaim impounded altered community cats without proof of ownership solely for the purpose of returning the altered community cats to their original location.

E. Reclaiming Impounded Unaltered Community Cats. Community cat caregiver organizations are empowered to reclaim impounded unaltered community cats without proof of ownership solely for the purpose of carrying out TNR. Community cat caregivers not acting on behalf of and with the oversight of a community cat caregiver organization are expressly prohibited from reclaiming an unaltered community cat. An unaltered community cat shall be cared for/handled in accordance with the policies of the facility in which they are impounded until such time as they are reclaimed pursuant to this subsection. The facility shall not be obligated to extend any periods of impoundment or alter any other policy of said facility to allow for the reclaiming of an unaltered community cat. A facility shall not be liable in any way for the humane destruction of an unaltered community cat should any such cat go unclaimed within the applicable time period established by facility policy.

F. Non-Abandonment. A person who returns a community cat to its original location while conducting TNR pursuant to this section is not deemed to have abandoned the community cat.

G. TNR Preferred. TNR shall be the preferred disposition for impounded unaltered community cats. Animal control and the local shelter are authorized and encouraged to conduct TNR or direct impounded community cats to a TNR program.

4. Penalty. Any person who violates the ear tipping/notching oversight requirements or conducts trapping activities for purposes other than those provided for in this section and which are not in conducted pursuant to any other section of this Code of Ordinances shall be guilty of a municipal infraction and shall be subject to the penalties set forth in this Code of Ordinances in addition to all other penalties and punishments, whether criminal, civil or administrative, provided for by Iowa or federal law.

*(Section 55.19 – Ord. 242 – Apr. 19 Supp.)*

[The next page is 325]

## CHAPTER 60

# ADMINISTRATION OF TRAFFIC CODE

60.01 Title

60.02 Definitions

60.03 Administration and Enforcement

60.04 Power to Direct Traffic

60.05 Reports of Traffic Accidents

60.06 Peace Officer's Authority

60.07 Obedience to Peace Officers

60.08 Parades Regulated

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

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

*(Code of Iowa, Sec. 321.1)*

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

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

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

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

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

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

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

*(Code of Iowa, Sec. 321.273)*

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

*(Code of Iowa, Sec. 321.492)*

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

*(Code of Iowa, Sec. 321.229)*

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

1. Definition. “Parade” means any march or procession of persons or vehicles organized for marching or moving on the streets in an organized fashion or manner or any march or procession of persons or vehicles represented or advertised to the public as a parade.
2. Permit Required. No parade shall be conducted without first obtaining a written permit from the Mayor or Clerk. 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.
3. 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.

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

o o o o o o o o o o



**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 Public Works Director 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 Peace Officer shall keep a record of all such traffic control devices.

*(Code of Iowa, Sec. 321.255)*

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

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

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

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

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

*(Code of Iowa, Sec. 321.255)*

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

*(Code of Iowa, Sec. 321.256)*

o o o o o o o o o o

## 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 Milling  
62.08 Excessive Acceleration and Deceleration  
62.09 Squealing Tires  
62.10 Semi-Tractors; Prohibited Noises

**62.01 VIOLATION OF REGULATIONS.** Any person who willfully fails or refuses to comply with any lawful order of a peace officer or direction of a Fire Department officer during a fire, or who fails to abide by the applicable provisions of the following Iowa statutory laws relating to motor vehicles and the statutory law of the road is in violation of this section. These sections of the *Code of Iowa* are adopted by reference and are as follows:

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

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

52. Section 321.295 – Limitation on bridge or elevated structures.
53. Section 321.297 – Driving on right-hand side of roadways; exceptions.
54. Section 321.298 – Meeting and turning to right.
55. Section 321.299 – Overtaking a vehicle.
56. Section 321.302 – Overtaking and passing.
57. Section 321.303 – Limitations on overtaking on the left.
58. Section 321.304 – Prohibited passing.
59. Section 321.306 – Roadways laned for traffic.
60. Section 321.307 – Following too closely.
61. Section 321.308 – Motor trucks and towed vehicles; distance requirements.
62. Section 321.309 – Towing.
63. Section 321.310 – Towing four-wheel trailers.
64. Section 321.312 – Turning on curve or crest of grade.
65. Section 321.313 – Starting parked vehicle.
66. Section 321.314 – When signal required.
67. Section 321.315 – Signal continuous.
68. Section 321.316 – Stopping.
69. Section 321.317 – Signals by hand and arm or signal device.
70. Section 321.318 – Method of giving hand and arm signals.
71. Section 321.319 – Entering intersections from different highways.
72. Section 321.320 – Left turns; yielding.
73. Section 321.321 – Entering through highways.
74. Section 321.322 – Vehicles entering stop or yield intersection.
75. Section 321.323 – Moving vehicle backward on highway.
76. Section 321.323A – Approaching certain stationary vehicles.
77. Section 321.324 – Operation on approach of emergency vehicles.
78. Section 321.324A – Funeral processions.
79. Section 321.329 – Duty of driver; pedestrians crossing or working on highways.
80. Section 321.330 – Use of crosswalks.
81. Section 321.332 – White canes restricted to blind persons.
82. Section 321.333 – Duty of drivers approaching blind persons.
83. Section 321.340 – Driving through safety zone.
84. Section 321.341 – Obedience to signal indicating approach of railroad train or railroad track equipment.
85. Section 321.342 – Stop at certain railroad crossings; posting warning.

86. Section 321.343 – Certain vehicles must stop.
87. Section 321.344 – Heavy equipment at crossing.
88. Section 321.344B – Immediate safety threat; penalty.
89. Section 321.354 – Stopping on traveled way.
90. Section 321.359 – Moving other vehicle.
91. Section 321.362 – Unattended motor vehicle.
92. Section 321.363 – Obstruction to driver’s view.
93. Section 321.364 – Vehicles shipping food; preventing contamination by hazardous material.
94. Section 321.365 – Coasting prohibited.
95. Section 321.367 – Following fire apparatus.
96. Section 321.368 – Crossing fire hose.
97. Section 321.369 – Putting debris on highway.
98. Section 321.370 – Removing injurious material.
99. Section 321.371 – Clearing up wrecks.
100. Section 321.372 – School buses.
101. Section 321.381 – Movement of unsafe or improperly equipped vehicles.
102. Section 321.381A – Operation of low-speed vehicles.
103. Section 321.382 – Upgrade pulls; minimum speed.
104. Section 321.383 – Exceptions; slow vehicles identified.
105. Section 321.384 – When lighted lamps required.
106. Section 321.385 – Head lamps on motor vehicles.
107. Section 321.386 – Head lamps on motorcycles and motorized bicycles.
108. Section 321.387 – Rear lamps.
109. Section 321.388 – Illuminating plates.
110. Section 321.389 – Reflector requirement.
111. Section 321.390 – Reflector requirements.
112. Section 321.392 – Clearance and identification lights.
113. Section 321.393 – Color and mounting.
114. Section 321.394 – Lamp or flag on projecting load.
115. Section 321.395 – Lamps on parked vehicles.
116. Section 321.398 – Lamps on other vehicles and equipment.
117. Section 321.402 – Spot lamps.
118. Section 321.403 – Auxiliary driving lamps.
119. Section 321.404 – Signal lamps and signal devices.

120. Section 321.404A – Light-restricting devices prohibited.
121. Section 321.405 – Self-illumination.
122. Section 321.408 – Back-up lamps.
123. Section 321.409 – Mandatory lighting equipment.
124. Section 321.415 – Required usage of lighting devices.
125. Section 321.417 – Single-beam road-lighting equipment.
126. Section 321.418 – Alternate road-lighting equipment.
127. Section 321.419 – Number of driving lamps required or permitted.
128. Section 321.420 – Number of lamps lighted.
129. Section 321.421 – Special restrictions on lamps.
130. Section 321.422 – Red light in front.
131. Section 321.423 – Flashing lights.
132. Section 321.430 – Brake, hitch, and control requirements.
133. Section 321.431 – Performance ability.
134. Section 321.432 – Horns and warning devices.
135. Section 321.433 – Sirens, whistles, and bells prohibited.
136. Section 321.434 – Bicycle sirens or whistles.
137. Section 321.436 – Mufflers, prevention of noise.
138. Section 321.437 – Mirrors.
139. Section 321.438 – Windshields and windows.
140. Section 321.439 – Windshield wipers.
141. Section 321.440 – Restrictions as to tire equipment.
142. Section 321.441 – Metal tires prohibited.
143. Section 321.442 – Projections on wheels.
144. Section 321.444 – Safety glass.
145. Section 321.445 – Safety belts and safety harnesses; use required.
146. Section 321.446 – Child restraint devices.
147. Section 321.449 – Motor carrier safety regulations.
148. Section 321.449A – Rail crew transport drivers.
149. Section 321.449B – Texting or using a mobile telephone while operating a commercial motor vehicle.
150. Section 321.450 – Hazardous materials transportation.
151. Section 321.454 – Width of vehicles.
152. Section 321.455 – Projecting loads on passenger vehicles.
153. Section 321.456 – Height of vehicles; permits.

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

**62.02 PLAY STREETS DESIGNATED.** The Public Works Director 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 MILLING.** It is unlawful to drive or operate a vehicle, either singly or with others, in any processional milling or repeated movement over any street to the interference with normal traffic use, or to the annoyance or offense of any person.

**62.08 EXCESSIVE ACCELERATION AND DECELERATION.** It is unlawful for any person in the operation of a motor vehicle, including motorcycles, to so accelerate or decelerate such vehicle as to cause audible noise by the friction of the tires on any surface, or to cause the tires of the vehicle to leave marks caused by the acceleration or deceleration on any surface, or to cause the wheel of a motorcycle to leave the ground more than two inches, except when such acceleration or deceleration is reasonably necessary to avoid a collision.



**62.09 SQUEALING TIRES.** No person shall drive any vehicle in such a manner as to cause the repeated or prolonged squealing of tires through too rapid acceleration or too high speed on turning of such vehicle.

**62.10 SEMI-TRACTORS; PROHIBITED NOISES.** It is unlawful for any person within the City to make or cause to be made loud or disturbing noises with any mechanical devices operated by compressed air and used for the purposes of assisting braking on any semi-tractor.

o o o o o o o o o o

## CHAPTER 63

# SPEED REGULATIONS

**63.01 General**

**63.02 State Code Speed Limits**

**63.03 Parks, Cemeteries, and Parking Lots**

**63.04 Special Speed Zones**

**63.05 Minimum Speed**

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

*(Code of Iowa, Sec. 321.285)*

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

1. Business District – 20 miles per hour.
2. Residence or School District – 25 miles per hour.
3. Suburban District – 45 miles per hour.

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

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

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

*(Code of Iowa, Sec. 321.290)*

1. Special 30 MPH Speed Zones. A speed in excess of 30 miles per hour is unlawful on any of the following designated streets or parts thereof.
  - A. Main Street (U.S. No. 30) from Iowa Highway No. 146 to DOT Station 48+00.
2. Special 40 MPH Speed Zones. A speed in excess of 40 miles per hour is unlawful on any of the following designated streets or parts thereof.
  - A. Beane Street from Main Street (U.S. No. 30) to the north corporate line.
3. Special 45 MPH Speed Zones. A speed in excess of 45 miles per hour is unlawful on any of the following designated streets or parts thereof.

- A. Main Street (U.S. No. 30) from 200 feet west of the railroad bridge to the junction with Iowa Highway No. 146;
  - B. Main Street (U.S. No. 30) from DOT Station 48+00 to DOT Station 57+00.
4. Special Speed Zones. A speed in excess of Iowa Department of Transportation current standards as posted is unlawful on any of the following designated streets or parts thereof.
- A. U.S. No. 30 By-pass from the east corporate line to the west corporate line of the City.

**63.05 MINIMUM SPEED.** A person shall not drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation, or in compliance with law.

*(Code of Iowa, Sec. 321.294)*

## CHAPTER 64

# TURNING REGULATIONS

### 64.01 Turning at Intersections

### 64.02 U-Turns

**64.01 TURNING AT INTERSECTIONS.** The driver of a vehicle intending to turn at an intersection shall do so as follows:

*(Code of Iowa, Sec. 321.311)*

1. Both the approach for a right turn and a right turn shall be made as close as practical to the right-hand curb or edge of the roadway.
2. Approach for a left turn shall be made in that portion of the right half of the roadway nearest the centerline thereof and after entering the intersection the left turn shall be made so as to depart from the intersection to the right of the centerline of the roadway being entered.
3. Approach for a left turn from a two-way street into a one-way street shall be made in that portion of the right half of the roadway nearest the centerline thereof and by passing to the right of such centerline where it enters the intersection. A left turn from a one-way street into a two-way street shall be made by passing to the right of the centerline of the street being entered upon leaving the intersection.

The Public Works Director 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, at the following designated intersections and at intersections where there are automatic traffic signals.

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

o o o o o o o o o o

## CHAPTER 65

### STOP OR YIELD REQUIRED

65.01 Through Streets

65.02 Stop Required

65.03 Three-Way Stop Intersections

65.04 Four-Way Stop Intersections

65.05 Yield Required

65.06 School Stops

65.07 Stop Before Crossing Sidewalk

65.08 Stop When Traffic Is Obstructed

65.09 Yield to Pedestrians in Crosswalks

65.10 Official Traffic Controls

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

*(Code of Iowa, Sec. 321.345)*

1. South Webster Street from the south City limits to Main Street;
2. North Webster Street from Main Street to the north City limits;
3. Beane Street from the south City limits to Main Street;
4. Beane Street from the north City limits to Main Street;
5. Main Street from the west City limits to the east City limits.

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

*(Code of Iowa, Sec. 321.345)*

1. Vine Street. Vehicles traveling north on Vine Street shall stop at Clinton Street;
2. Jeffrey Street. Vehicles traveling north on Jeffrey Street shall stop at Benton Street;
3. Sheri Street. Vehicles traveling north on Sheri Street shall stop at Julian Street;
4. Vine Street. Vehicles traveling south on Vine Street shall stop at Clinton Street;
5. Vine Street. Vehicles traveling south on Vine Street shall stop at Julian Street;
6. Franklin Street. Vehicles traveling south on Franklin Street shall stop at Julian Street;
7. Grandview Drive. Vehicles traveling south on Grandview Drive shall stop at Willow Lane;
8. Willow Lane. Vehicles traveling west on Willow Lane shall stop at Grandview Drive;
9. Benton Street. Vehicles traveling west on Benton Street shall stop at Franklin Street;

10. Fremont Street. Vehicles traveling west on Fremont Street shall stop at Vine Street;
11. Clinton Street. Vehicles traveling west on Clinton Street shall stop at Jeffrey Street;
12. Clinton Street. Vehicles traveling west on Clinton Street shall stop at Franklin Street;
13. Dawn Street. Vehicles traveling west on Dawn Street shall stop at Jeffrey Street;
14. Fremont Street. Vehicles traveling east on Fremont Street shall stop at Vine Street;
15. Clinton Street. Vehicles traveling east on Clinton Street shall stop at Jeffrey Street;
16. Clinton Street. Vehicles traveling east on Clinton Street shall stop at Prairie Street;
17. Julian Street. Vehicles traveling east on Julian Street shall stop at Prairie Street;
18. Julian Street. Vehicles traveling on Julian Street shall stop at Jeffrey Street.
19. N. Vine Street. Vehicles traveling south on N. Vine Street must stop at E. Benton Street.
20. N. Vine Street. Vehicles traveling east on E. Benton Street must stop at N. Vine Street.
21. W. Main Street. Vehicles traveling east on W. Main Street must stop at Highway 146.
22. W. Main Street. Vehicles traveling west on W. Main Street must stop at Highway 146.

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

*(Code of Iowa, Sec. 321.345)*

1. Franklin Street and Fremont Street. Vehicles approaching the intersection of Franklin Street and Fremont Street from the north, south and east shall stop before entering such intersection.

**65.04 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)*

1. Intersection of College Avenue and Drury Lane;
2. Intersection of Prairie Street and College Avenue;
3. Intersection of Jeffrey Street and Fremont Street.

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

*(Code of Iowa, Sec. 321.345)*



- NONE -

**65.06 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 Fremont Street at Franklin Street.

**65.07 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)*

**65.08 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.

**65.09 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)*

**65.10 OFFICIAL TRAFFIC CONTROLS.** Every driver shall observe and comply with the directions provided by official traffic control signals at the following intersections:

*(Code of Iowa, Sec. 321.256)*

1. Intersection of Main Street and Franklin Street.

[The next page is 355]

## CHAPTER 66

# LOAD AND WEIGHT RESTRICTIONS

66.01 Temporary Embargo  
66.02 Permits for Excess Size and Weight  
66.03 Load Limits Upon Certain Streets

66.04 Load Limits on Bridges  
66.05 Truck Routes

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

*(Code of Iowa, Sec. 321.471 & 472)*

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

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

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

*(Code of Iowa, Sec. 321.473 & 475)*

- NONE -

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

*(Code of Iowa, Sec. 321.471)*

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

1. Truck Routes Designated. Every motor vehicle weighing 10 tons or more, when loaded or empty, having no fixed terminal within the City or making no scheduled or definite stops within the City for the purpose of loading or unloading shall travel over or upon the following streets within the City and none other:

*(Code of Iowa, Sec. 321.473)*

- A. Main Street, from the west City limits to the east City limits;
- B. Beane Street, from the north City limits to the south City limits;
- C. Webster Street, from Main Street to the south City limits.

2. Deliveries Off Truck Route. Any motor vehicle weighing 10 tons or more, when loaded or empty, having a fixed terminal, making a scheduled or definite stop within the City for the purpose of loading or unloading shall proceed over or upon the designated routes set out in this section to the nearest point of its scheduled or definite stop and shall proceed thereto, load or unload, and return by the most direct route to its point of departure from said designated route.

*(Code of Iowa, Sec. 321.473)*

3. Employer's Responsibility. The owner or any other person employing or otherwise directing the driver of any vehicle shall not require or knowingly permit the operation of such vehicle upon a street in any manner contrary to this section.

*(Code of Iowa, Sec. 321.473)*

**CHAPTER 67**  
**PEDESTRIANS**

**67.01** Walking in Street  
**67.02** Hitchhiking  
**67.03** Pedestrian Crossing

**67.04** Use of Sidewalks  
**67.05** School Crossings

**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.

**67.05 SCHOOL CROSSINGS.** School crossings shall be established and marked by a crosswalk four feet wide at the following locations:

1. Across Main Street as an extension of the sidewalk which runs north and south along the east side of Franklin Street;
2. Across Franklin Street as an extension of the sidewalk which runs east and west along the north side of Main Street;
3. Across Franklin Street as an extension of the sidewalk which runs east and west along the south side of Fremont Street.

o o o o o o o o o o

**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])*

- NONE -

o o o o o o o o o o



## CHAPTER 69

# PARKING REGULATIONS

69.01 Park Adjacent to Curb	69.08 No Parking Zones
69.02 Parking on One-Way Streets	69.09 No Parking 8:00 a.m. to 4:00 p.m.
69.03 Angle Parking	69.10 All Night Parking Prohibited
69.04 Manner of Angle Parking	69.11 Truck Parking Limited
69.05 Parking for Certain Purposes Illegal	69.12 Snow Removal
69.06 Parking Prohibited	69.13 Snow Emergency
69.07 Persons with Disabilities Parking	69.14 No Parking Midnight to 5:00 a.m. on City Property

**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. Franklin Street, on both sides, from Main Street to Fremont Street;
2. Vine Street, on both sides, from Fremont Street to Benton 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 72 hours, unless otherwise limited under the provisions of this chapter, or for any of the following principal purposes:

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

1. Sale. Displaying such vehicle for sale.
2. Repairing. For lubricating, repairing or for commercial washing of such vehicle except such repairs as are necessitated by an emergency.
3. Advertising. Displaying advertising.

4. Merchandise Sales. Selling merchandise from such vehicle except in a duly established market place or when so authorized or licensed under this Code of Ordinances.

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

1. Crosswalk. On a crosswalk.  
*(Code of Iowa, Sec. 321.358[5])*
2. Center Parkway. On the center parkway or dividing area of any divided street.  
*(Code of Iowa, Sec. 321.236[1])*
3. Mailboxes. Within 20 feet on either side of a mailbox that is so placed and so equipped as to permit the depositing of mail from vehicles on the roadway.  
*(Code of Iowa, Sec. 321.236[1])*
4. Sidewalks. On or across a sidewalk.  
*(Code of Iowa, Sec. 321.358[1])*
5. Driveway. In front of a public or private driveway.  
*(Code of Iowa, Sec. 321.358[2])*
6. Intersection. Within an intersection or within 10 feet of an intersection of any street or alley.  
*(Code of Iowa, Sec. 321.358[3])*
7. Fire Hydrant. Within five feet of a fire hydrant.  
*(Code of Iowa, Sec. 321.358[4])*
8. Stop Sign or Signal. Within 10 feet upon the approach to any flashing beacon, stop or yield sign, or traffic control signal located at the side of a roadway.  
*(Code of Iowa, Sec. 321.358[6])*
9. Railroad Crossing. Within 50 feet of the nearest rail of a railroad crossing, except when parked parallel with such rail and not exhibiting a red light.  
*(Code of Iowa, Sec. 321.358[8])*
10. Fire Station. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance when properly sign posted.  
*(Code of Iowa, Sec. 321.358[9])*
11. Excavations. Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.  
*(Code of Iowa, Sec. 321.358[10])*
12. Double Parking. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.  
*(Code of Iowa, Sec. 321.358[11])*
13. Hazardous Locations. When, because of restricted visibility or when standing or parked vehicles would constitute a hazard to moving traffic, or when other traffic conditions require, the Council may cause curbs to be painted with a yellow color and erect no parking or standing signs.  
*(Code of Iowa, Sec. 321.358[13])*

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

*(Code of Iowa, Sec. 321.360)*

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

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

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

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

17. Area Between Lot Line and Curb Line. That area of the public way not covered by sidewalk and lying between the lot line and the curb line, where curbing has been installed.

18. In More Than One Space. In any designated parking space so that any part of the vehicle occupies more than one such space or protrudes beyond the markings designating such space.

**69.07 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. North/South Bound Streets. There will be no parking on the East side of all north and south bound streets in Le Grand, Iowa.
2. East/West Bound Streets. There will be no parking on the North side of all east and west bound streets in Le Grand, Iowa.
3. Curves on all Streets. There will be no parking on curves between posted signs.

**69.09 NO PARKING 8:00 A.M. TO 4:00 P.M.** No one shall stop, stand or park a vehicle in any of the following specifically designated restricted parking areas between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, holidays excepted.

1. Franklin Street, on the west side from Main Street to Benton Street;
2. Franklin Street, on the east side from Fremont Street to Benton Street;
3. Jeffrey Street, on both sides from Main Street to Benton Street;
4. Benton Street, on both sides from Franklin Street to Webster Street;
5. Fremont Street, on both sides from Franklin Street to Webster Street.

**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 11:00 p.m. and 6:00 a.m. of any day.

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

**69.11 TRUCK PARKING LIMITED.** No person shall stand or park a vehicle with a gross weight in excess of 9,000 pounds on any street, alley or other public property between the hours of 11:00 p.m. and 6:00 a.m. of the following day.

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

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

*(Code of Iowa, 321.236[1])*

**69.13 SNOW EMERGENCY.** A snow emergency parking ban shall continue from its proclamation throughout the duration of the snow or ice storm and the 48 hour period after cessation of such storm except as above provided upon streets which have been fully opened. Such a ban shall be of uniform application and the Clerk is directed to publicize the

requirements, using all available news media, in early November each year. Where predictions or occurrences indicate the need, the Mayor shall proclaim a snow emergency and the Clerk shall inform the news media to publicize the proclamation and the parking rules thereunder. Such emergency may be extended or shortened when conditions warrant.

**69.14 NO PARKING MIDNIGHT TO 5:00 A.M. ON CITY PROPERTY.** No one shall stop, stand or park a vehicle in any of the following specifically designated restricted parking areas between the hours of midnight and 5:00 a.m. Sunday through Saturday:

1. 505 W. Main Street.
2. 502 W. Julian Street.
3. 104 W. Main Street – Parking lot behind City Hall.
4. Ferguson Memorial Park head-in parking spaces (North Vine Street and East Fremont Street).
5. Townsquare City parking lots (Main Street and Webster Street).

Any vehicle parked during those time periods shall be towed.

[The next page is 375]

## CHAPTER 70

# TRAFFIC CODE ENFORCEMENT PROCEDURES

70.01 Arrest or Citation

70.02 Scheduled Violations

70.03 Parking Violations: Alternate

70.04 Parking Violations: Vehicle Unattended

70.05 Presumption in Reference to Illegal Parking

70.06 Impounding Vehicles

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

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

*(Code of Iowa, Sec. 805.6 & 321.485)*

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

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

**70.03 PARKING VIOLATIONS: ALTERNATE.** Uncontested violations of parking restrictions imposed by this Code of Ordinances shall be charged upon a simple notice of a fine payable at the office of the City Clerk. The fine for each violation charged under a simple notice of a fine shall be in the amount of \$5.00 for all violations except improper use of a persons with disabilities parking permit. If such fine is not paid within 30 days, it shall be increased by \$5.00. The fine for improper use of a persons with disabilities parking permit is \$100.00.

*(Code of Iowa, Sec. 321.236[1b] & 321L.4[2])*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[The next page is 391]



## CHAPTER 75

# ALL-TERRAIN VEHICLES AND SNOWMOBILES

75.01 Purpose	75.06 Negligence
75.02 Definitions	75.07 Accident Reports
75.03 General Regulations	75.08 Permits
75.04 Operation of Snowmobiles	
75.05 Operation of All-Terrain Vehicles and Off-Road Utility Vehicles	

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

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

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

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

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

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

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

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

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

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

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

An operator of an UTV is also subject to the provisions of this chapter governing the operation of ATVs.

*(Subsection 3 – Ord. 247 – May 23 Supp.)*

4. “Snowmobile” means a motorized vehicle that weighs less than 1,000 pounds, that uses sled-type runners or skis, endless belt-type tread with a width of 48 inches or less, or any combination of runners, skis, or tread, and is designed for travel on snow or ice. “Snowmobile” does not include an all-terrain vehicle that has been altered or equipped with runners, skis, belt-type tracks, or treads.

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

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

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

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

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

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

2. Exceptions. Snowmobiles may be operated on prohibited streets only under the following circumstances:

A. Emergencies. Snowmobiles may be operated on any street in an emergency during the period of time when and at locations where snow upon the roadway renders travel by conventional motor vehicles impractical.

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

B. Direct Crossing. Snowmobiles may make a direct crossing of a prohibited street provided all of the following occur:

(1) The crossing is made at an angle of approximately 90 degrees to the direction of the street and at a place where no obstruction prevents a quick and safe crossing;

(2) The snowmobile is brought to a complete stop before crossing the street;

(3) The driver yields the right-of-way to all on-coming traffic that constitutes an immediate hazard; and

(4) In crossing a divided street, the crossing is made only at an intersection of such street with another street.

*(Code of Iowa, Sec. 321G.9[2])*

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

*(Code of Iowa, Sec. 321G.13[1h])*

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

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

5. Parks and Other City Land. Snowmobiles shall not be operated in any park, playground or upon any other City-owned property without the express permission of the City. A snowmobile shall not be operated on any City land without a snow cover of at least one-tenth of one inch.

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

**75.05 OPERATION OF ALL-TERRAIN VEHICLES AND OFF-ROAD UTILITY VEHICLES.** The operators of ATVs and UTVs shall comply with the following restrictions as to where ATVs and UTVs may be operated within the City:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*(Section 75.05 – Ord. 247 – May 23 Supp.)*

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

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

**75.07 ACCIDENT REPORTS.** Whenever an ATV, off-road utility vehicle, 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 PERMITS.** (Repealed by Ordinance No. 247 – May 23 Supp.)

## CHAPTER 76

# BICYCLE REGULATIONS

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

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

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

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

*(Code of Iowa, Sec. 321.234)*

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

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

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

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

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

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

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

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

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

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

**76.08 RIDING ON SIDEWALKS.** The following provisions apply to riding bicycles on sidewalks:

1. Business District. No person shall ride a bicycle upon a sidewalk within the Business District, as defined in Section 60.02(1) of this Code of Ordinances.

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

2. Other Locations. When signs are erected on any sidewalk or roadway prohibiting the riding of bicycles thereon by any person, no person shall disobey the signs.

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

3. Yield Right-of-Way. Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing.

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

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

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

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

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

**76.12 EQUIPMENT REQUIREMENTS.** Every person riding a bicycle shall be responsible for providing and using equipment as provided herein:

1. Lamps Required. Every bicycle when in use at nighttime shall be equipped with a lamp on the front emitting a white light visible from a distance of at least 300 feet to the front and with a lamp on the rear exhibiting a red light visible from a distance of 300 feet to the rear, except that a red reflector on the rear, of a type that is visible from all distances from 50 feet to 300 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle, may be used in lieu of a rear light.

*(Code of Iowa, Sec. 321.397)*

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

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

**76.13 SPECIAL PENALTY.** Any person violating the provisions of this chapter may, in lieu of the scheduled fine for bicyclists or standard penalty provided for violations of this Code of Ordinances, allow the person's bicycle to be impounded by the City for not less than five days for the first offense, 10 days for a second offense and 30 days for a third offense.

[The next page is 415]

## CHAPTER 80

# ABANDONED VEHICLES

80.01 Definitions

80.02 Authority to Take Possession of Abandoned Vehicles

80.03 Notice by Mail

80.04 Notification in Newspaper

80.05 Fees for Impoundment

80.06 Disposal of Abandoned Vehicles

80.07 Disposal of Totally Inoperable Vehicles

80.08 Proceeds from Sales

80.09 Duties of Demolisher

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

*(Code of Iowa, Sec. 321.89[1] & Sec. 321.90)*

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

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

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

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

**80.03 NOTICE BY MAIL.** The police authority or private entity that takes into custody an abandoned vehicle shall notify, within 20 days, by certified mail, the last known registered owner of the vehicle, all lienholders of record, and any other known claimant to the vehicle or to personal property found in the vehicle, addressed to the parties' last known addresses of record, that the abandoned vehicle has been taken into custody. Notice shall be deemed given when mailed. The notice shall describe the year, make, model and vehicle identification number of the vehicle, describe the personal property found in the vehicle, set forth the location of the facility where the vehicle is being held, and inform the persons receiving the notice of their right to reclaim the vehicle and personal property within 10 days after the effective date of the notice upon payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody and upon payment of the costs of the notice. The notice shall also state that the failure of the owner, lienholders or claimants to exercise their right to reclaim the vehicle or personal property within the time provided shall be deemed a waiver by the owner, lienholders and claimants of all right, title, claim and interest in the vehicle or personal property and that failure to reclaim the vehicle or personal property is deemed consent to the sale of the vehicle at a public auction or disposal of the vehicle to a demolisher and to disposal of the personal property by sale or destruction. If the abandoned vehicle was taken into custody by a private entity without a police authority's initiative, the notice shall state that the private entity may claim a garage keeper's lien as described in Section 321.90 of the *Code of Iowa*, and may proceed to sell or dispose of the vehicle. If the abandoned vehicle was taken into custody by a police authority or by a private entity hired by a police authority, the notice shall state that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or property by the police authority or private entity or of the assessment of fees and charges provided by this section may ask for an evidentiary hearing before the police authority to contest those matters. If the persons receiving notice do not ask for a hearing or exercise their right to reclaim the vehicle or personal property within the 10-day reclaiming period, the owner, lienholders or claimants shall no longer have any right, title, claim, or interest in or to the vehicle or the personal property. A court in any case in law or equity shall not recognize any right, title, claim, or interest of the owner, lienholders or claimants after the expiration of the 10-day reclaiming period.

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

**80.04 NOTIFICATION IN NEWSPAPER.** If it is impossible to determine with reasonable certainty the identity and addresses of the last registered owner and all lienholders, notice by one publication in one newspaper of general circulation in the area where the vehicle was abandoned shall be sufficient to meet all requirements of notice under Section 80.03. The published notice may contain multiple listings of abandoned vehicles and personal property but shall be published within the same time requirements and contain the same information as prescribed for mailed notice in Section 80.03.

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



**80.05 FEES FOR IMPOUNDMENT.** The owner, lienholder, or claimant shall pay \$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])*

o o o o o o o o o o

# CHAPTER 81

## GOLF CARTS

81.01 Purpose	81.07 Hours of Operation
81.02 Definition	81.08 Speed
81.03 Operation of Golf Carts Permitted	81.09 Permits
81.04 Prohibited Streets	81.09 City Celebration Waiver
81.05 Unlawful Operation	81.10 Penalty
81.06 Equipment	

**81.01 PURPOSE.** The purpose of this chapter is to permit the operation of golf carts on certain streets in the City, as authorized by Section 321.247 of the *Code of Iowa*, as amended. This chapter applies whenever a golf cart is operated on any street or alley of the City of Le Grand, Iowa.

**81.02 DEFINITION.** “Golf cart” means a three or four wheeled recreational vehicle generally used for transportation of person(s) in the sport of golf, and has an engine displacement of less than 80 cubic centimeters.

**81.03 OPERATION OF GOLF CARTS PERMITTED.** Golf carts may be operated upon streets of the City by persons possessing a valid Iowa operator’s license and who is at least 16 years of age. All traffic regulations applicable to the operation of motor vehicles on streets, roads, and highways of the State of Iowa and the City of Le Grand shall apply to the operation of a golf cart on the streets and alleys of the City of Le Grand, including the insurance requirements of Iowa Code Section 321A.21.

**81.04 PROHIBITED STREETS.** Golf carts shall not be operated upon a City street which is a primary road extension through the City but shall be allowed to cross a street which is a primary road extension through the City.

**81.05 UNLAWFUL OPERATION.**

1. No golf cart shall be operated in or on any park, playground, sidewalk, or upon any public property except with the permission of the governing body thereof.
2. No golf carts shall be parked upon City sidewalks.
3. No golf cart shall be operated while the operator is under the influence of intoxicating liquor, narcotics, or habit-forming drugs.
4. No golf person shall operate a golf cart in a careless, reckless, or negligent manner endangering the person or property of another or causing injury or damage to same.
5. No golf cart shall carry more passengers than the golf cart is designed to accommodate.

**81.06 EQUIPMENT.** Golf carts operated upon City streets shall be equipped with a minimum of the following safety features.

1. A slow-moving vehicle sign.

2. A bicycle safety flag, the top of which shall be a minimum of five feet from ground level.
3. Adequate brakes.
4. Rearview mirror – driver’s side.

**81.07 HOURS OF OPERATION.** Golf carts may be operated on City streets only between one-half hour (1/2) after sunrise and one-half hours (1/2) before sunset. No twilight operation.

**81.08 SPEED.** No golf cart shall be operated on any City street at a speed in excess of twenty-five (25) miles per hour. Posted speed limits must otherwise be followed in accordance with the *Code of Iowa*.

**81.09 PERMITS** No person shall operate a golf cart on any public street or alley, for any purpose, unless the operator possesses a City of Le Grand permit to operate a golf cart on City streets, issued by the office of the City Clerk of Le Grand, Iowa.

1. Golf cart owners and operators may apply for a permit from the office of the Le Grand City Clerk on forms provided by the City.
2. The office of the Clerk shall not issue a permit from the office of the Le Grand City Clerk on forms provided by the City.
  - A. Evidence that the operator is at least 16 years of age and possesses a valid Iowa driver’s license.
  - B. Proof that owner/operator has liability insurance covering operation of golf carts on City streets in accordance with Iowa Code Section 321A.21.
3. All permits shall be issued for a specific golf cart. Permits must be kept in the golf cart at all times.
4. The fee for such permits shall be \$20.00. Permits will be granted for one year, valid from January 1 through December 31.
5. The permit may be suspended or revoked upon finding evidence that the permit holder has violated the conditions of the permit or has abused the privilege of being a permit holder. There will be no refund of the permit fee.

**81.10 CITY CELEBRATION/WAIVER.** The permit requirements of Section 81.09 shall be waived for golf carts used by officials, workers, and volunteers while carrying out duties related to and during a City celebration. All such operators must be at least 16 years of age and possess a valid driver’s license.

**81.11 PENALTY.** In addition to the suspension or revocation of the permit, a person who violates this chapter is guilty of a simple misdemeanor, punishable as a scheduled violation under Iowa Code.

[The next page is 431]

## CHAPTER 90

# WATER SERVICE SYSTEM

90.01 Definitions	90.12 Installation of Service Line
90.02 Superintendent's Duties	90.13 Failure to Maintain
90.03 Mandatory Connections	90.14 Curb Valve
90.04 Abandonment of Service Lines	90.15 Interior Valve
90.05 Permit	90.16 Inspection and Approval
90.06 Fee for Permit and Connection Charge	90.17 Completion by the City
90.07 Compliance with Plumbing Code	90.18 Service Discontinued
90.08 Plumber Required	90.19 Operation of Curb Valve and Hydrants
90.09 Excavations	90.20 Boilers and Pressure Vessels
90.10 Tapping Mains	90.21 Line Extensions
90.11 Construction Standards	90.22 Fire Hydrants

**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 Public Works Director of the City water system or any duly authorized assistant, agent or representative.
4. "Water main" means a water supply pipe provided for public or community use.
5. "Water service pipe" means the pipe from the water main to the building served.
6. "Water system" or "water works" means all public facilities for securing, collecting, storing, pumping, treating, and distributing water.

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

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

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

**90.04 ABANDONMENT OF SERVICE LINES.** Any customer desiring to abandon a water service line to said customer's premises must give notice in writing of the proposed abandonment to the Clerk at the business office of the City not less than ten days before the date of the proposed abandonment. Notwithstanding such notice it is the responsibility of the customer to cap, plug or otherwise seal the open end of the service line, the other end of which is connected with the main, even though the service line may contain a shut-off valve between the open end and the main.

**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 FEE FOR PERMIT AND CONNECTION CHARGE.** Before any permit is issued the person who makes the application shall pay \$15.00 to the Clerk to cover the cost of issuing the permit and supervising, regulating, and inspection of the work. In addition there shall be a connection charge in the amount of \$35.00 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 CONSTRUCTION STANDARDS.** Service lines and appurtenances shall be constructed of the following materials:

1. Cast Iron Pipe and Fittings. Cast iron pipe and fittings shall be of centrifugally cast iron meeting the following types and specifications:

A. Mechanical joint pipe shall conform to ASA-A21.8 or A21.6. Joints and fittings shall conform to ASA-A21.10.

B. Flanged pipe with flanges screwed on or cast on shall conform to ASA-A21.8 or A21.6. Flanges shall conform to ASA-B16.1, Class 125, AWWA fittings.

C. Ball joint pipe (river crossing pipe) shall be Class 'D' American Molox Ball-joint pipe as manufactured by the American Cast Iron Pipe Company, or an approved equal.

D. "Push-on" joint pipe shall conform to ASA-A21.6 or A-21.8. Joints shall conform to ASA-A21.11.

E. Teflon shut-off valves are required.

2. Ductile Iron Pipe and Fittings. Ductile iron pipe shall conform to ASA-21.51 and shall be of the class specified in accordance with ASA-21.50. Cast iron fittings used shall conform to ASA-21.10.

3. Plastic Pipe. Plastic pipe for sizes from 1.5-inch to 6-inch diameter, inclusive, shall be Type 1, Grade 1, with minimum SDR-26 160 psi rating, polyvinyl chloride pipe conforming to AWWA C-900. Plastic pipe for sizes 8-inch to 12-inch diameter, inclusive, shall be Type 1, Grade 1, with minimum SDR-18 150 psi rating conforming to AWWA C-900. Plastic fittings shall be of the same material and the same strength class as the pipe. All pipe and fittings shall carry the NSF (National Sanitation Foundation) seal.

4. Steel Pipe. Steel pipe in sizes up to 30-inch diameter shall conform to AWWA C-202. Sizes 30-inch diameter and larger shall conform to AWWA C-201. Flanges and fittings shall conform to AWWA C-207 and AWWA C-208, respectively. Field welding of steel pipe shall conform to AWWA C-206.

5. Any non-metallic pipe shall include and be accompanied by trace wire of sufficient gauge to be detected by standard line locator equipment from above grade.

**90.12 INSTALLATION OF SERVICE LINE.** Each customer shall install, connect and maintain at said customer's expense the service from the main, including the necessary tap, fittings and curb stop to said customer's premises, including an interior stop 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 of service to be installed. The customer shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation, connection, maintenance or deterioration of said water service pipe.

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

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

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

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

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

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

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

**90.18 SERVICE DISCONTINUED.** Application may be canceled and/or water service discontinued by the City for any violation of any rule, regulation or condition of service and especially for any of the following reasons:

1. Misrepresentation. Misrepresentation in the application as to the property to be supplied or use to be made of water.
2. Failure to Report Use. Failure to report to the City addition to the property or fixtures to the supplies or additional use to be made of water.
3. Sale of Water. Resale or giving away of water. The owner of a mobile home park, however, may recover the cost of water which the City supplies to the mobile home park from the residents of the park. This cost recovery will not be deemed resale as the mobile home park owner will be serving as a conduit for the water charges. Mobile home park owners may not charge more than the City charges for water.



4. Misuse. Waste or misuse of water due to improper or imperfect service pipes, or failure to keep same in suitable state of repair.
5. Tampering. Tampering with meter, meter seal, service or valves or permitting such tampering by others.
6. Cross Connection. Connection, cross connection or permitting same of any separate water supply to premises which receive water from the City.
7. Delinquency. Nonpayment of bills.

**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 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.

**90.21 LINE 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, but each contract shall be null and void unless approved by the Farmers Home Administration and other governing bodies. If refund of the advance is to be made, the following method shall apply: 20% 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.

**90.22 FIRE HYDRANTS.** No person, unless specifically authorized by the City, shall open or attempt to draw water from any fire hydrant for any purpose whatsoever.

[The next page is 455]

## CHAPTER 91

# WATER METERS

91.01 Purpose	91.06 Estimated Readings
91.02 Water Use Metered	91.07 Meter Repairs
91.03 Fire Sprinkler Systems; Exception	91.08 Right of Entry
91.04 Location of Meters	91.09 Meter Tests
91.05 Meter Setting	

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

**91.02 WATER USE METERED.** All water furnished to customers shall be measured through meters. From and after April 2, 1990, all meters connected into the municipal water system (whether for new installations or as replacements of existing meters) shall be furnished, installed, maintained and owned by the City. The City shall maintain ownership records of all its meters, may replace meters (whether City owned or privately owned) whenever the City deems it advisable to do so; and in every case the City shall determine the size and type of meter to be installed.

**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 ESTIMATED READINGS.** Where a meter has ceased to register or meter reading could not be obtained, the quantity of water consumed for billing purposes will be based upon the previous month consumption, and the conditions of normal water usage prevailing during the period in which the meter failed to register.

**91.07 METER REPAIRS.** Whenever a water meter owned by the City is found to be out of order the Superintendent shall have it repaired. If it is found that damage to the meter has occurred due to the carelessness or negligence of the customer or property owner, or the meter is not owned by the City, then the property owner shall be liable for the cost of repairs.

**91.08 RIGHT OF ENTRY.** The Superintendent shall be permitted to enter the premises of any customer at any reasonable time to read, remove, or change a meter.

**91.09 METER TESTS.** Upon written request of any customer or the City, 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 two dollars will be made, and then only if the test indicates meter accuracy within the limits of two percent. Any meter found inaccurate beyond a tolerance of two percent shall not be returned to service until the meter is either repaired or replaced.

[The next page is 461]

## CHAPTER 92

# WATER RATES

92.01 Service Charges  
92.02 Definitions  
92.03 Rates For Service  
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 Requested Discontinuance of Service  
92.11 Construction Use

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

1. "Commercial water user unit" means the usual customary commercial, industrial or professional unit for which water is supplied.
2. "Residential water user unit" means a water user unit which is not a commercial water user unit.
3. "Water user unit" means the usual customary residential, commercial, industrial or professional unit for which water is supplied; provided, a home occupation (as defined in the Zoning Ordinance of the City) conducted within a residence shall be considered a part of the residence for water rate purposes and the home occupation and the residence shall constitute a single water user unit. If the water consumption of more than one water user unit is measured by one meter, the rates and charges for that meter shall be based upon one minimum monthly bill for each water user unit receiving water through that meter.

**92.03 RATES FOR SERVICE.** Water service shall be furnished at the following monthly rates within the City:

*(Code of Iowa, Sec. 384.84)*

1. Residential Water User Unit. Each user unit which serves living quarters shall be classified as a residential customer and shall pay a basic water service charge of \$7.00 plus an amount as follows:
  - A. The first 1,000 gallons or less used per month at \$7.87
  - B. All over 1,000 gallons used per month at \$7.87 per 1,000 gallons.
2. Commercial. Each user unit which does not service living quarters shall be classified as a commercial customer and shall pay a basic water service charge of \$7.60 plus an amount as follows:
  - A. The first 1,000 gallons or less used per month at \$8.07
  - B. All over 1,000 gallons used per month at \$8.07 per 1,000 gallons.

3. **Yearly Increase.** Each year in July, at the beginning of the billing cycle (15<sup>th</sup>), the Residential basic water service charge rate will increase by twenty cents (\$.20); and the per thousand gallon rate will increase ten cents (\$.10); the monthly basic water service charge for Commercial water user units shall be increased by thirty cents (\$.30); and the rate per 1,000 gallons shall be increased by ten cents (\$.10). Additionally, the water rate will increase in an amount that matches any Rural water increase going into effect at the time of the Rural water increase effective date.
4. **Bulk Water.** The rate charged for bulk water supplied by the municipal water system shall be the rate for residential water user units (in excess of the minimum) plus \$1.00 per 1,000 gallons.
5. **City Usage.** The City shall pay \$72.00 per year, due and payable on January 1 of each year, in full satisfaction for the use of and for the service supplied by the municipal water system to the City.

**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 15<sup>th</sup> day of the same month.

**Late Payment Penalty.** Bills not paid when due shall be considered delinquent. A delayed payment charge of ten 10% 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.
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, the Clerk shall conduct an informal hearing and shall make a determination as to whether the discontinuance or disconnection is justified. The customer has the right to appeal the Clerk's decision to the Council, and if the Council finds that discontinuance or disconnection is justified, then such discontinuance or disconnection shall be made, unless payment has been received.

4. Fees. A fee of \$25.00 shall be charged if service is disconnected due to non-payment. A fee of \$25.00 shall be charged to reconnect service. All amounts due, including utility service charges, late charge penalties, the \$25.00 disconnection fee and the \$25.00 reconnection fee must be paid to re-establish service after disconnection. No fee shall be charged for the usual or customary trips in the regular changes in occupancies of property.

5. Reconnect Procedures. Business work days are Monday – Friday from 7 a.m. to 3 p.m. The City will not reconnect service after 3:00 p.m. Monday through Friday or on weekends. Reconnection of services will occur, after all utility services fees are paid in full at the business office, no later than noon of the following business day.

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

*(Code of Iowa, Sec. 384.84)*

**92.07 LIEN EXEMPTION.**

*(Code of Iowa, Sec. 384.84)*

1. Water Service Exemption. The lien for nonpayment shall not apply to charges for water service to a residential or commercial rental property where water service is separately metered and the rates or charges for the water service are paid directly to the City by the tenant, if the landlord gives written notice to the City that the property is residential or commercial rental property and that the tenant is liable for the rates or charges. The City may require a deposit not exceeding the usual cost of 90 days of such services to be paid to the City. When the tenant moves from the rental property, the City shall refund the deposit if all service charges are paid in full. The lien exemption does not apply to delinquent charges for repairs related to any of the services.

2. Other Service Exemption. The lien for nonpayment shall also not apply to the charges for any of the services of sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal for a residential rental property where the charge is paid directly to the City by the tenant, if the landlord gives written notice to the City that the property is residential rental property and that the tenant is liable for the rates or charges for such service. The City may require a deposit not exceeding the usual cost of 90 days of such services to be paid to the City. When the tenant moves from the rental property, the City shall refund the deposit if all service charges are paid in full. The lien exemption does not apply to delinquent charges for repairs related to any of the services.

3. Written Notice. The landlord's written notice shall contain the name of the tenant responsible for charges, the address of the residential or commercial rental property that the tenant is to occupy, and the date that the occupancy begins. Upon receipt, the City shall acknowledge the notice and deposit. A change in tenant for a residential rental property shall require a new written notice to be given to the City within 30 business days of the change in tenant. A change in tenant for a commercial rental property shall require a new written notice to be given to the City within 10 business days of the change in tenant. A change in the ownership of the residential rental property shall require written notice of such change to be given to the City within 30 business days of the completion of the change of ownership. A change in the

ownership of the commercial rental property shall require written notice of such change to be given to the City within 10 business days of the completion of the change of ownership.

4. Mobile Homes, Modular Homes, and Manufactured Homes. A lien for nonpayment of utility services described in Subsections 1 and 2 of this section shall not be placed upon a premises that is a mobile home, modular home, or manufactured home if the mobile home, modular home, or manufactured home is owned by a tenant of and located in a mobile home park or manufactured home community and the mobile home park or manufactured home community owner or manager is the account holder, unless the lease agreement specifies that the tenant is responsible for payment of a portion of the rates or charges billed to the account holder.

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

*(Code of Iowa, Sec. 384.84)*

**92.09 CUSTOMER DEPOSITS.** Except as otherwise provided in this section, a deposit of \$35.00 is required from all applicants for service. For duplexes a deposit of \$35.00 is required from all applicants for service if the water for both residential units is measured through a single meter. For multiple dwellings other than duplexes a deposit is required in an amount equal to the product of \$35.00 times the number of residential units in the multiple dwelling being served by a single meter. When such a deposit is no longer required by the depositor, it may be credited against the depositor's water rates and charges, either current or delinquent. The deposit or the part of the deposit which is not so credited shall be returned to the depositor without interest.

**92.10 REQUESTED DISCONTINUANCE OF SERVICE.** Any customer desiring to discontinue water service to his or her premises for any reason must give notice of discontinuance in writing at the business office of the water system; otherwise, the customer shall remain liable for all water used and service rendered by the City until said notice is received by the City. A charge of \$25.00 will be made for disconnection of water service voluntarily discontinued and a charge \$25.00 will be made for reconnection of water service.

**92.11 CONSTRUCTION USE.** Water for building or construction purposes will be furnished by meter measurement, only after suitable deposit has been made, the minimum deposit being \$50.00, 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.

[The next page is 471]



## CHAPTER 93

# EMERGENCY CONTROL OF WATER USAGE

### 93.01 Definition

### 93.02 Authority of Council

### 93.03 Notice

**93.01 DEFINITION.** “Emergency,” as used in this chapter, means any emergency due to shortage or need for conservation of water as declared by a two-thirds vote of the entire Council, which vote shall be held at a regular or special meeting.

**93.02 AUTHORITY OF COUNCIL.** In case of an emergency, the Council has the authority by resolution to restrict the use for which water may be put, the time of use of water or the quantity of such use. In addition, the Council has the authority by resolution to modify water usage rates temporarily if, in the opinion of the Council, such temporary modification would assist in the alleviation of the emergency condition.

**93.03 NOTICE.** Notice of the adoption of the resolution passed by the Council shall be published in the same fashion as for the publication of an ordinance.

[The next page is 481]

## CHAPTER 95

# SANITARY SEWER SYSTEM

95.01 Purpose

95.02 Definitions

95.03 Superintendent

95.04 Prohibited Acts

95.05 Sewer Connection Required

95.06 Service Outside the City

95.07 Right of Entry

95.08 Use of Easements

95.09 Special Penalties

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

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

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

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

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

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

1. Operation and Maintenance. Operate and maintain the City sewage system.
2. Inspection and Tests. Conduct necessary inspections and tests to assure compliance with the provisions of these Sanitary Sewer chapters.

3. Records. Maintain a complete and accurate record of all sewers, sewage connections and manholes constructed showing the location and grades thereof.

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

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

*(Code of Iowa, Sec. 716.1)*

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

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

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

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

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

6. Untreated Discharge. Discharge to any natural outlet within the City, or in any area under its jurisdiction, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of these chapters.

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

**95.05 SEWER CONNECTION REQUIRED.** The owners of any houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley or right-of-way in which there is now located, or may in the future be located, a public sanitary or combined sewer, are hereby required to install, at such owner's expense, suitable toilet facilities therein and a building sewer connecting such facilities directly with the proper public sewer, and to maintain the same all in accordance with the provisions of these Sanitary Sewer chapters, such compliance to be completed within 60 days after date of official notice from the City to do so provided that said public sewer is located within 150 feet of the property line of such owner and is of such design as to receive and convey by gravity such sewage as may be conveyed to it. Billing for sanitary sewer service will begin the date of official notice to connect to the public sewer.

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

*(IAC, 567-69.1[3])*

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

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

**95.07 RIGHT OF ENTRY.** The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of these Sanitary Sewer chapters. The Superintendent or representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

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

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

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

## CHAPTER 96

### BUILDING SEWERS AND CONNECTIONS

96.01 Permit  
96.02 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  
96.11 Abandoned Sewers

**96.01 PERMIT.** No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City. The application for the permit shall set forth the location and description of the property to be connected with the sewer system and the purpose for which the sewer is to be used, and shall be supplemented by any plans, specifications, or other information considered pertinent. The permit shall require the owner to complete construction and connection of the building sewer to the public sewer within 30 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.** Each application for a permit as described in Section 96.01 for service to any property located in whole or in part within the corporate limits of the City shall be accompanied by payment of a fee of \$200.00, payable to the City.

**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.

14. Trace Wire Requirement. Any non-metallic pipe shall include and be accompanied by trace wire of sufficient gauge to be detected by standard line locator equipment from above grade.

**96.06 INTERCEPTORS REQUIRED.** Grease, oil, sludge and sand interceptors shall be provided by gas and service stations, convenience stores, car washes, garages, and other facilities when, in the opinion of the Superintendent, they are necessary for the proper handling of such wastes that contain grease in excessive amounts or any flammable waste, sand or other harmful ingredients. Such interceptors shall not be required for private living quarters or dwelling units. When required, such interceptors shall be installed in accordance with the following:

1. Design and Location. All interceptors shall be of a type and capacity as specified in the *State Plumbing Code*, to be approved by the Superintendent, and shall be located so as to be readily and easily accessible for cleaning and inspection.
2. Construction Standards. The interceptors shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers that shall be gastight and watertight.
3. Maintenance. All such interceptors shall be maintained by the owner at the owner's expense and shall be kept in continuously efficient operations at all times.

**96.07 SEWER TAP.** Connection of the building sewer into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If no properly located "Y" branch is available, a saddle "Y" shall be installed at the location specified by the Superintendent. The public sewer shall be tapped with a tapping machine and a saddle appropriate to the type of public sewer shall be glued or attached with a gasket and stainless steel clamps to the sewer. At no time shall a building sewer be constructed so as to enter a manhole unless special written permission is received from the Superintendent and in accordance with the Superintendent's direction if such connection is approved.

**96.08 INSPECTION REQUIRED.** All connections with the sanitary sewer system before being covered shall be inspected and approved, in writing, by the Superintendent. As soon as all pipe work from the public sewer to inside the building has been completed, and before any backfilling is done, the Superintendent shall be notified and the Superintendent shall inspect and test the work as to workmanship and material; no sewer pipe laid underground shall be covered or trenches filled until after the sewer has been so inspected and approved. If the Superintendent refuses to approve the work, the plumber or owner must proceed immediately to correct the work.

**96.09 PROPERTY OWNER'S RESPONSIBILITY.** All costs and expenses incident to the installation, connection, and maintenance of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

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

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

**96.11 ABANDONED SEWERS.** It is the responsibility of the owner of any abandoned building sewer leading into a public sewer to cap, plug or otherwise seal the building sewer at the property line under the direction of the Superintendent.

## CHAPTER 97

# USE OF PUBLIC SEWERS

97.01 Storm Water  
97.02 Surface Waters Exception  
97.03 Prohibited Discharges  
97.04 Restricted Discharges

97.05 Restricted Discharges; Powers of Superintendent  
97.06 Special Facilities  
97.07 Control Manholes  
97.08 Testing of Wastes

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

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

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

1. Flammable or Explosive Material. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
2. Toxic or Poisonous Materials. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two milligrams per liter as CN in the wastes as discharged to the public sewer.
3. Corrosive Wastes. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
4. Solid or Viscous Substances. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
5. Excessive B.O.D., Solids or Flow.
  - A. Any waters or wastes: (i) having a five-day biochemical oxygen demand greater than 300 parts per million by weight; or (ii) containing more than 350 parts per million by weight of suspended solids; or (iii) having an

average daily flow greater than two percent of the average sewage flow of the City, shall be subject to the review of the Superintendent.

B. Where necessary in the opinion of the Superintendent, the owner shall provide, at the owner's expense, such preliminary treatment as may be necessary to: (i) reduce the biochemical oxygen demand to 300 parts per million by weight; or (ii) reduce the suspended solids to 350 parts per million by weight; or (iii) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and no construction of such facilities shall be commenced until said approvals are obtained in writing.

**97.04 RESTRICTED DISCHARGES.** No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances restricted are:

1. High Temperature. Any liquid or vapor having a temperature higher than 150 degrees F (65 degrees C).
2. Fat, Oil, Grease. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 milligrams per liter or 600 milligrams per liter of dispersed or other soluble matter.
3. Viscous Substances. Water or wastes containing substances that may solidify or become viscous at temperatures between 32 degrees F and 150 degrees F (0 degrees to 65 degrees C).
4. Garbage. Any garbage that has not been properly shredded, that is, to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.
5. Acids. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solution whether neutralized or not.
6. Toxic or Objectionable Wastes. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
7. Odor or Taste. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits that may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of State, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

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

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

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

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

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

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

## CHAPTER 98

# ON-SITE WASTEWATER SYSTEMS

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

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

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

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

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

*(IAC, 567-69.1[3])*

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

*(IAC, 567-69.1[3 & 4])*

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

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

*(IAC, 567-69.1[3])*

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

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

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

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

[The next page is 515]



## 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 Deposit

99.07 Special Agreements Permitted

**99.01 SEWER SERVICE CHARGES REQUIRED.** Effective July 1, 2023 the sewer rates will be as follows:

1. Residential. Each user unit which serves living quarters shall be classified as a residential customer and shall pay a basic sewer service charge of \$43.36 plus \$7.35 per thousand gallons.
2. Commercial. Each user unit which does not serve living quarters shall be classified as a commercial customer and shall pay a basic sewer service charge of \$43.36 plus \$14.71 per thousand gallons.

*(Section 99.01 – Ord. 249 – May 23 Supp.)*

**99.02 SPECIAL RATES.** For those users who contribute waste water the strength of which is greater than normal domestic sewage and/or the total flow exceeds 50,000 gpd (6,667 cf/day), a Treatment Agreement between the City and the customer shall be required. The Treatment Agreement shall stipulate the average day, peak day and peak hour flow and/or strength of the waste water. The charge for operation and maintenance including replacement when flow and/or strength exceeds domestic levels shall be determined by the responsible plant operating personnel and approved by the Council based on actual operating records and costs to the City. Quantities used for determining charges shall be average operating day values each month based upon a minimum of one test per week. Any user who discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge from the Municipal Sewer System or any user who discharges any substances which singly or by interaction with other substances cause identifiable increases in the cost of operation, maintenance or replacement of the Sanitary Sewer System, shall pay for such increased costs. The charge to each such user shall be as determined by the responsible plant operating personnel and approved by the Council.

**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 DEPOSIT.** Every customer who is a tenant of the premises being served is required to deposit \$35.00 with the City. When such deposit is no longer required by the customer, it may be credited against the customer's sewer rates and charges, either current or delinquent. The deposit or that part of the deposit which is not so credited shall be returned to the customer without interest.

*(Code of Iowa, Sec. 384.84)*

**99.07 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.

[The next page is 525]

## CHAPTER 100

# SUMP PUMP DISCONNECTION PROGRAM

100.01 Purpose	100.07 Non-Compliance Fee for Sump Pump Connection
100.02 Applicability	100.08 Rebuttable Presumptions
100.03 Notification Procedure	100.09 Installation and Notice
100.04 Removal of Sump Pump Connections Required	100.10 Violation & Penalty
100.05 Approved Removal Procedure	
100.06 Sump, Pump and Rigid Pipe: Methods of Installation	

**100.01 PURPOSE.** The purpose of this chapter is to eliminate sump pump connections to the sanitary sewer system by the establishment of procedures of notification and procedures of removal for sanitary sewer system customers to disconnect from the sanitary sewer system within a specified period of time, and to establish monthly surcharge payments for sanitary sewer system customers with previous notification that fail to disconnect sump pump within a specified period of time following the notification. This ordinance does not apply to footing drains, foundation drains and roof downspouts.

**100.02 APPLICABILITY.** This chapter shall be applicable to all located within the corporate boundaries of the City of Le Grand properties that are not currently connected to a public storm sewer system, public footing drain collection system or approved surface water collection system.

**100.03 NOTIFICATION PROCEDURE.** City Staff shall notify, by mail or other method as approved by the Council, sanitary sewer system customers that directly or indirectly connect sump pumps, sump pits, or similar systems or devices to the sanitary sewer system. The notification shall mandate that disconnection from the sanitary sewer system is required within 30 days and installation of a sump pump pit, sump pump, discharge line, and connection to a public storm sewer system or public footing drain collection system, yard or street is required.

**100.04 REMOVAL OF SUMP PUMP CONNECTIONS REQUIRED.** All indirect or direct connections of sump pump, sump pit, or similar system or device intended to collect and convey groundwater along; adjacent to, beside or under the footing, foundation or basement of any building shall be disconnected from the sanitary sewer system within 30 days after the notification by the City Staff.

**100.05 APPROVED REMOVAL PROCEDURE.** The approved removal procedure for indirect or direct connected sump pumps, sump pits, or similar systems or devices to the sanitary sewer system footing drain connection to the sanitary sewer system under this chapter must fully comply with the following:

1. Approved System. An approved system for the removal of sump pump, sump pit or similar system or device connection must be used. The approved system shall consist of a sump pump and sump pit with a discharge to an approved storm sewer connection, an approved footing drain collection connection, an approved yard location, or to the street.

2. **Plugging of Existing Connection.** Any direct or indirect connection between the sump pump and/or sump pit and the sanitary sewer system of the building shall be permanently plugged.
3. **Floor Drain Connection Prohibited.** The new system shall be installed in such a manner that direct or indirect flow from the footing drain to a floor drain shall not be possible.
4. **Post-Construction Inspection.** The installation of the sump pump and associated facilities work shall be inspected by the City or require a certificate from a State of Iowa Licensed Plumber. The sanitary sewer customer shall be responsible to schedule the post-construction inspection.

#### **100.06 SUMP, PUMP AND RIGID PIPE: METHOD OF INSTALLATION.**

1. A discharge pipe shall be installed through the outside foundation wall of the building with rigid pipe (plastic, copper or galvanized) one inch inside diameter minimum, without valves or quick connections that would alter the path of discharge. The discharge shall be directed away from the foundation wall.
2. No discharge shall be directed so as to impact neighboring properties.
3. Where a sump pit exists in any building, it shall have a pump installed with rigid piping as specified above.
4. Where a sump pit exists and the property owner decides not to utilize a pump, or a radon mitigation system, the pit shall be permanently filled with concrete.
5. Any plumber who knowingly installs a sump, pump or piping that is not in conformance with this chapter will be subject to a fine amount set by resolution of the City Council.

**100.07 NON-COMPLIANCE FEE FOR SUMP PUMP CONNECTION.** Any sanitary sewer customer who has not scheduled a City inspection within 30 days of the publication of this Ordinance<sup>†</sup> or with direct sump pump connection to the sanitary sewer system, being properly notified as described under Section 100.03 and remaining in place 30 days after said notification, shall be subject to a monthly surcharge for potential un-metered flow contributed to the sanitary sewer system. The payment will be in addition to all other sanitary sewer user charges.

1. Monthly surcharge fee table for non-compliance is as follows:
  - A. First year       \$25.00 per month
  - B. Second year     \$50.00 per month
  - C. Third year       \$75.00 per month
  - D. Fourth year     \$100.00 per month

**100.08 REBUTTABLE PRESUMPTION.** There is a presumption that all sanitary sewer customers within the corporate City limits have a sump pump connection to the sanitary sewer system as prohibited under this chapter. Effective 30 days after publication of the Ordinance<sup>†</sup>, properties that have not scheduled a City inspection or completed an approved removal

---

<sup>†</sup> **EDITOR'S NOTE:** Ordinance No. 226, was adopted April 12, 2016.

procedure or other equivalent removal procedure inspected and documented by the City shall be presumed to have a non-compliant sump pump connection for purposes of this chapter. The payment shall continue until such time as the City determines through inspection the sump pump, sump pit or similar device connection no longer exists.

**100.09 INSPECTION AND NOTICE.** The City may conduct periodic inspections of properties to confirm there are no indirect connections of a sump pump to the sanitary sewer system. Upon reasonable notice of this inspection to be conducted at a reasonable time, property owner shall not refuse the City access to the property. If during an inspection the City determines there is an indirect connection as a result of a modification of the system to allow for an indirect connection, failure to maintain or replace a failed sump pump that would allow an indirect connection to the sanitary sewer system, or such other cause as may allow a direct or indirect connection, the City shall provide the property owner a written notice. The property owner shall be provided 30 days to cure the defect and to arrange for a re-inspection by the City or a State of Iowa Licensed Plumber. If at the end of 30 days the indirect connection has not been inspected and determined to have been removed, the property shall be subject to the non-compliance fee provisions under this chapter. The payment shall continue until such time as the City determines through inspection the indirect footing drain connection no longer exists.

**100.10 VIOLATION & PENALTY.** Violations of the provisions of this chapter are punishable as a municipal infraction. Said persons shall be liable to the City of any expense, loss or damaged occasioned the City by reason of such violation.

[The next page is 545]

## CHAPTER 105

# SOLID WASTE CONTROL

105.01 Purpose	105.07 Littering Prohibited
105.02 Definitions	105.08 Toxic and Hazardous Waste
105.03 Sanitary Disposal Required	105.09 Waste Storage Containers
105.04 Health and Fire Hazard	105.10 Prohibited Practices
105.05 Open Burning Restricted	105.11 Sanitary Disposal Project Designated
105.06 Separation of Yard Waste Required	

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

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

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

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

(IAC, 567-100.2)

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

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

(IAC, 567-20.2[455B])

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

(IAC, 567-100.2)

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

(IAC, 567-100.2)

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

(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.

**105.03 SANITARY DISPOSAL REQUIRED.** It is the duty of each owner to provide for the sanitary disposal of all refuse accumulating on the owner's premises before it becomes a nuisance. Any such accumulation remaining on any premises for a period of more than 30 days shall be deemed a nuisance and the City may proceed to abate such nuisances in accordance with the provisions of Chapter 50 or by initiating proper action in district court.

*(Code of Iowa, Ch. 657)*

**105.04 HEALTH AND FIRE HAZARD.** It is unlawful for any person to permit to accumulate on any premises, improved or vacant, or on any public place, such quantities of solid waste that constitute a health, sanitation or fire hazard.

**105.05 OPEN BURNING RESTRICTED.** No person shall allow, cause or permit open burning of combustible materials where the products of combustion are emitted into the open air without passing through a chimney or stack, except that open burning is permitted in the following circumstances:

*(IAC, 567-23.2[455B] and 567-100.2)*

1. Disaster Rubbish. The open burning of rubbish, including landscape waste, for the duration of the community disaster period in cases where an officially declared emergency condition exists, provided that the burning of any structures or demolished structures is conducted in accordance with 40 CFR Section 61.145.

*(IAC, 567-23.2[3a])*

2. Trees and Tree Trimmings. The open burning of trees and tree trimmings at a City-operated burning site, provided such burning is conducted in compliance with the rules established by the State Department of Natural Resources.

*(IAC, 567-23.2[3b])*

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

*(IAC, 567-23.2[3c])*

4. Landscape Waste. The disposal by open burning of landscape waste originating on the premises. However, the burning of landscape waste produced in clearing, grubbing and construction operations shall be limited to areas located at least one-fourth mile from any building inhabited by other than the landowner or tenant conducting the open burning. Rubber tires shall not be used to ignite landscape waste.

*(IAC, 567-23.2[3d])*

5. Recreational Fires. Open fires for cooking, heating, recreation, and ceremonies, provided they comply with the limits for emission of visible air

contaminants established by the State Department of Natural Resources. Rubber tires shall not be burned in a recreational fire.

*(IAC, 567-23.2[3e])*

6. Residential Waste. Backyard burning of residential waste at dwellings of four-family units or less.

*(IAC, 567-23.2[3f])*

7. Training Fires. Fires set for the purpose of conducting bona fide training of public or industrial employees in firefighting methods, provided that the training fires are conducted in compliance with rules established by the State Department of Natural Resources.

*(IAC, 567-23.2[3g])*

8. Pesticide Containers and Seed Corn Bags. The disposal by open burning of paper or plastic pesticide containers (except those formerly containing organic forms of beryllium, selenium, mercury, lead, cadmium or arsenic) and seed corn bags resulting from farming activities occurring on the premises if burned in accordance with rules established by the State Department of Natural Resources.

*(IAC, 567-23.2[3h])*

9. Agricultural Structures. The open burning of agricultural structures if in accordance with rules and limitations established by the State Department of Natural Resources.

*(IAC, 567-23.2[3i])*

10. Controlled Burning of a Demolished Building. The controlled burning of a demolished building by the City, subject to approval of the Council, provided that the controlled burning is conducted in accordance with rules and limitations established by the State Department of Natural Resources.

*(IAC, 567-23.2[3j])*

11. Variance. Any person wishing to conduct open burning of materials not permitted herein may make application for a variance to the Director of the State Department of Natural Resources.

*(IAC, 567-23.2[2])*

**105.06 SEPARATION OF YARD WASTE REQUIRED.** All yard waste shall be separated by the owner or occupant from all other solid waste accumulated on the premises and shall be composted or burned on the premises or placed in acceptable containers and set out for collection. As used in this section, "yard waste" means any debris such as grass clippings, leaves, garden waste, brush, and trees. Yard waste does not include tree stumps.

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

*(Code of Iowa, Sec. 455B.363)*

*(IAC, 567-100.2)*

*(IAC, 567-102.13[2] and 400-27.14[2])*

**105.09 WASTE STORAGE CONTAINERS.** Every person owning, managing, operating, leasing, or renting any premises, dwelling unit or any place where refuse accumulates shall provide and at all times maintain in good order and repair portable containers for refuse in accordance with the following:

1. Container Specifications. Waste storage containers shall comply with the following specifications:
  - A. Residential. Residential waste containers, whether they are reusable, portable containers or heavy-duty disposable garbage bags, shall be of sufficient capacity, and leak-proof and waterproof. Disposable containers shall be securely fastened, and reusable containers shall be fitted with a fly-tight lid that shall be kept in place except when depositing or removing the contents of the container. Reusable containers shall also be lightweight and of sturdy construction and have suitable lifting devices.
  - B. Commercial. Every person owning, managing, operating, leasing or renting any commercial premises where an excessive amount of refuse accumulates and where its storage in portable containers as required above is impractical, shall maintain metal bulk storage containers approved by the City.
2. Storage of Containers. Residential solid waste containers shall be stored upon the residential premises. Commercial solid waste containers shall be stored upon private property, unless the owner has been granted written permission from the City to use public property for such purposes. The storage site shall be well drained and fully accessible to collection equipment, public health personnel, and fire inspection personnel. All owners of residential and commercial premises shall be responsible for proper storage of all garbage and yard waste to prevent materials from being blown or scattered around neighboring yards and streets.
3. Location of Containers for Collection. Containers for the storage of solid waste awaiting collection shall be placed outdoors at some easily accessible place by the owner or occupant of the premises served. If no curb exists, the container shall be placed in front of the premises as near the street as possible.
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 Marshall County Solid Waste Commission are hereby designated as the official “Public Sanitary Disposal Project” for the disposal of solid waste produced or originating within the City.

## 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's License  
106.08 Volume-Based Charges Required  
106.09 Lien for Nonpayment

**106.01 COLLECTION SERVICE.** The collection of solid waste within the City shall be only by collectors licensed by the City.

**106.02 COLLECTION VEHICLES.** Vehicles or containers used for the collection and transportation of garbage and similar putrescible waste or solid waste containing such materials shall be leak-proof, durable and of easily cleanable construction. They shall be cleaned to prevent nuisances, pollution, or insect breeding and shall be maintained in good repair.

*(IAC, 567-104.9[455B])*

**106.03 LOADING.** Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak, or spill therefrom, and shall be covered to prevent blowing or loss of material. Where spillage does occur, the material shall be picked up immediately by the collector or transporter and returned to the vehicle or container and the area properly cleaned.

**106.04 FREQUENCY OF COLLECTION.** All solid waste shall be collected from residential premises at least once each week and from commercial, industrial and institutional premises as frequently as may be necessary, but not less than once each week.

**106.05 BULKY RUBBISH.** Bulky rubbish 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 COLLECTOR'S LICENSE.** No person shall engage in the business of collecting, transporting, processing or disposing of solid waste other than waste produced by that person within the City without first obtaining from the City an annual license in accordance with the following:

1. **Application.** Application for a solid waste collector's license shall be made to the Clerk and provide the following:
  - A. **Name and Address.** The full name and address of the applicant, and if a corporation, the names and addresses of the officers thereof.
  - B. **Equipment.** A complete and accurate listing of the number and type of collection and transportation equipment to be used.

- C. Collection Program. A complete description of the frequency, routes and method of collection and transportation to be used.
  - D. Disposal. A statement as to the precise location and method of disposal or processing facilities to be used.
2. Insurance. No collector's license shall be issued until and unless the applicant therefor, in addition to all other requirements set forth, shall file and maintain with the City evidence of satisfactory public liability insurance covering all operations of the applicant pertaining to such business and all equipment and vehicles to be operated in the conduct thereof in the following minimum amounts:
- A. Public Liability Insurance in an amount not less than \$1,000,000 for injuries, including accidental death to any one person, and subject to the same limit for each person, in an amount not less than \$1,000,000 on account of one accident, and Property Damage Insurance in an amount of not less than \$1,000,000.
  - B. Comprehensive Vehicle-Automobile Liability in the following amounts:
    - (1) For injury to or death of persons, not less than \$1,000,000 to or for any one person and \$1,000,000 for any one accident; and
    - (2) For injury to or destruction of property not less than \$1,000,000 for any one accident, where such loss arises by reason of ownership, maintenance, operation, use, loading and/or unloading of any vehicle. Such insurance shall be applicable to each and every truck or other vehicle used in hauling garbage or recyclables or as otherwise used in the performance of work contracted under this chapter.
  - C. Umbrella Liability Coverage. Haulers shall obtain and maintain Umbrella Liability Coverage with the same limits of liability as specified in subsection A of this subsection providing excess insurance over and above the basic automobile policy referred to in subsection B.
  - D. Proof of Insurance. Haulers shall furnish the Clerk with Certificates of Insurance relating to all required coverage.
  - E. Cancellation of Insurance. Each policy shall provide that it is non-cancelable for a period of 30 days following written notice of intention to cancel given to the City by certified mail.
3. License Fee. A license fee in the amount of \$25.00 shall accompany the application. In the event the requested license is not granted, the fee paid shall be refunded to the applicant.
4. License Issued. If the Council upon investigation finds the application to be in order and determines that the applicant will collect, transport, process, or dispose of solid waste without hazard to the public health or damage to the environment and in conformity with law and ordinance, the requested license shall be issued to be effective for a period of one year from the date approved.
5. License Renewal. An annual license may be renewed simply upon payment of the required fee, provided the applicant agrees to continue to operate in substantially the same manner as provided in the original application, and provided the applicant furnishes the Clerk with a current listing of vehicles, equipment, and facilities in use.

6. License Not Transferable. No license authorized by this chapter may be transferred to another person.
7. Owner May Transport. Nothing herein is to be construed so as to prevent the 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.
8. Grading or Excavation Excepted. No license or permit is required for the removal, hauling, or disposal of earth and rock material from grading or excavation activities; however, all such materials shall be conveyed in tight vehicles, trucks or receptacles so constructed and maintained that none of the material being transported spills upon any public right-of-way.

**106.08 VOLUME-BASED CHARGES REQUIRED.** Any person holding a license to haul garbage and refuse or recyclables in the City shall charge based upon the volume of garbage and refuse generated. The volume-based charges may be made through the number of containers or bins used or based upon actual weight collected.

**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)*

o o o o o o o o o o



## CHAPTER 107

# RECYCLING

107.01 General Purpose  
107.02 Definitions  
107.03 Recycling Required

107.04 Containers  
107.05 Location of Containers  
107.06 Public Education

**107.01 GENERAL PURPOSE.** The City recognizes the necessity of reducing solid waste at landfills and conserving the natural resources of the earth and believes that a volume-based garbage system and recycling are essential to the fulfilling of these goals. This chapter sets forth the requirements of recycling.

**107.02 DEFINITIONS.** For use in this chapter, the following terms are defined.

1. "Aluminum" means all cans made of aluminum which have been rinsed clean.
2. "Commercial and industrial units/occupants" means all locations within the City which are not considered residential units/ occupants under this chapter. Commercial and industrial units are subject to this chapter.
3. "Glass" means green, brown or clear glass bottles and jars which have been rinsed and are clean. Glass, as defined herein, does not mean Pyrex, window glass, mirror glass, light bulbs or table drinking glasses.
4. "Newsprint" means all newspapers and magazines including slick or colored inserts.
5. "Milk jugs" means all plastic jugs used to store milk which have been rinsed clean and which have had their caps removed.
6. "Patron" means one receiving recycling services.
7. "Recyclable materials" or "recyclables" means materials separated from refuse and solid waste in preparation for recycling. Such materials include but are not limited to:
  - A. Aluminum, tin cans, bi-metal cans and metal
  - B. Newsprint
  - C. No. 1 P.E.T.E. plastics and No. 2 H.D.P.E. plastics
  - D. Clear, brown and green glass bottles and jars
  - E. Office paper
  - F. Cardboard (corrugated and non-corrugated)
  - G. Waste oil (in leak-proof containers)
  - H. Lead-acid batteries (casing undamaged)
  - I. Wood pallets

No recycler is required to pick up items listed in G, H or I above as part of the regular customer's pickup. However, any recycler making any schedule recyclable pickup shall

pick up items listed in A through F unless the items are not accepted for recycling for reuse.

8. “Recycler” means a person qualified to collect, process, prepare and return recyclables for reuse in their original form or for reuse in manufacturing processes.

9. “Recycling” means the process of collecting, processing, preparing and using recyclable materials in their original form or reusing them in manufacturing processes.

10. “Residence” (residential unit/occupant) means a single-family dwelling, which may include a maximum of two family quarters. Apartment complexes and row-type housing units are considered residential premises regardless of the total number of such apartments or units which may be included; however, each unit may be considered a separate residence for purposes of billing.

11. “Tin cans” means all metal cans used to store and preserve food products which have been rinsed and which have had paper labels removed.

12. “Volume-based garbage system” means a system with an ever-increasing charge based upon the number of containers utilized or upon actual weight of garbage generated.

**107.03 RECYCLING REQUIRED.** Each commercial, industrial and residential unit/occupant in the City shall recycle those items designated as recyclables. Recyclable items shall not be disposed of except by delivery by the commercial, industrial or residential unit/occupant or by a licensed recycler to an individual or entity engaged in recycling of the items involved. No recyclables shall be disposed of by depositing them with garbage or refuse, and no licensed collector shall pick up any recyclable commingled with garbage or refuse.

**107.04 CONTAINERS.** The recycler may furnish plastic containers for patrons’ use in collecting recyclables. Patrons shall assure that containers are clean to prevent nuisances, pollution or insect breeding and shall maintain containers in good repair. No recycler shall pick up any recyclables from any commercial, industrial or residential unit which is not contained in a recycling bin.

**107.05 LOCATION OF CONTAINERS.** Containers for the storage of recyclables which are awaiting collection shall be placed at the curb of the residence to be served on the day set for collection. Containers shall be set in front of the house as near the street as possible if no curb exists. Recyclables shall be placed at the curb separate from solid wastes or yard wastes in a manner consistent with the rules, regulations, and procedures adopted by the recycler and approved by the City.

**107.06 PUBLIC EDUCATION.** Recyclers shall develop a plan of education so as to inform patrons of the requirements imposed upon the collection of garbage and recyclables. As a part of this educational effort the recycler will distribute, in printed form, a statement of the collection schedule as well as a statement of items which are recyclable and an explanation concerning how the garbage/refuse and recyclable system is to operate. Any costs associated with the educational effort shall be the exclusive responsibility of the recycler. All recyclers shall file in writing a description of the volume or weight-based system concerning garbage and refuse. Such a system is intended to create a financial incentive to recycle and reduce the volume of garbage and refuse generated.

[The next page is 571]

## CHAPTER 110

# NATURAL GAS FRANCHISE

**110.01 Franchise Granted**

**110.02 Mains and Pipes; Indemnification**

**110.03 Excavations**

**110.04 Construction and Maintenance**

**110.05 Service Requirements**

**110.06 Nonexclusive**

**110.07 Term of Franchise**

**110.08 Entire Agreement**

**110.01 FRANCHISE GRANTED.** There is hereby granted to INTERSTATE POWER AND LIGHT COMPANY, hereinafter referred to as the “Company,” its successors and assigns, the right, franchise and privilege for the term of twenty-five (25) years from and after the passage, adoption, approval and acceptance of the ordinance codified by this chapter,<sup>†</sup> 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 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 MAINS AND PIPES; INDEMNIFICATION.** 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 CONSTRUCTION AND MAINTENANCE.** The Company shall, at its cost, locate and relocate its existing facilities or equipment in, on, over or under any public street or alley in the City in such a manner as the City may at any time reasonably require for the purposes of facilitating the construction, reconstruction, maintenance or repair of the street or alley or any public improvement thereof, in or about any such street or alley or reasonably promoting the efficient operation of any such improvement. If the City orders or requests the Company to relocate its existing facilities or equipment for any reason other than as specified above, or as the result of the initial request of a commercial or private developer, the Company shall receive payment for the cost of such relocation as a precondition to relocating its existing facilities or

---

<sup>†</sup> **EDITOR’S NOTE:** Ordinance No. 217 adopting a natural gas franchise for the City was passed and adopted by the Council on September 13, 2011.

equipment. The City shall consider reasonable alternatives in designing its public works projects so as not arbitrarily to cause the Company unreasonable additional expense in exercising its authority under this section. The City shall also provide a reasonable alternative location for the Company's facilities as part of its relocation request. The City shall give the Company reasonable advance written notice to vacate a public right-of-way. Prior to vacating a public right-of-way, the Company shall be provided an opportunity to secure an easement to allow it to operate and maintain its existing facilities.

**110.05 SERVICE REQUIREMENTS.** 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.

**110.06 NONEXCLUSIVE.** The franchise granted by this chapter shall not be exclusive.

**110.07 TERM OF FRANCHISE.** The term of the franchise granted by this chapter and the rights granted thereunder shall continue for the period of twenty-five (25) years from and after its acceptance by the said Company, as herein provided.

**110.08 ENTIRE AGREEMENT.** This chapter sets forth and constitutes the entire agreement between the Company and the City with respect to the rights contained herein, and may not be superseded, modified or otherwise amended without the approval and acceptance of the Company. Upon acceptance by the Company, this chapter shall supersede, abrogate, and repeal the prior gas system ordinance between the Company and the City as of the date the ordinance codified in this chapter is accepted by the Company. Notwithstanding the foregoing, in no event shall the City enact any ordinance or place any limitations, either operationally or through the assessment of fees, that create additional burdens upon the Company, or which delay utility operations.

## CHAPTER 111

### ELECTRIC FRANCHISE

111.01 Franchise Granted	111.06 Standard of Service
111.02 Placement of Appliances; Indemnification	111.07 Nonexclusive Franchise
111.03 Excavations	111.08 Uninterrupted Service
111.04 Construction and Maintenance	111.09 Term of Franchise
111.05 Installation of Meters	111.10 Entire Agreement

**111.01 FRANCHISE GRANTED.** There is hereby granted to INTERSTATE POWER AND LIGHT COMPANY, hereinafter referred to as the “Company,” its successors and assigns, the right and franchise to acquire, construct, reconstruct, erect, maintain and operate in the City, works and plants for the manufacture and generation of electricity and a distribution system for electric light, heat and power and the right to erect and maintain the necessary poles, lines, wires, conduits and other appliances for the distribution of electric current along, under and upon the streets, alleys and public places in the said City to supply individuals, corporations, communities, and municipalities both inside and outside of the City with electric light, heat and power for the period of twenty-five (25) years;<sup>†</sup> also the right of eminent domain as provided in Section 364.2 of the Code of Iowa.

**111.02 PLACEMENT OF APPLIANCES; INDEMNIFICATION.** The poles, lines, wires, circuits, and other appliances shall be placed and maintained so as not to unnecessarily interfere with the travel on said streets, alleys, and public places in the City 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 to the extent arising from the negligent acts or omissions of the Company in the erection or maintenance of said system.

**111.03 EXCAVATIONS.** In making any excavations in any street, alley, 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, and shall back fill all openings in such manner as to prevent settling or depressions in surface, pavement or sidewalk of such excavations with same materials, restoring the condition as nearly as practical.

**111.04 CONSTRUCTION AND MAINTENANCE.** The Company shall, at its cost, locate and relocate its existing facilities or equipment in, on, over or under any public street or alley in the City in such a manner as the City may at any time reasonably require for the purposes of facilitating the construction, reconstruction, maintenance or repair of the street or alley or any public improvement thereof, in or about any such street or alley or reasonably promoting the efficient operation of any such improvement. If the City orders or requests the Company to relocate its existing facilities or equipment for any reason other than as specified above, or as the result of the initial request of a commercial or private developer, the Company shall receive payment for the cost of such relocation as a precondition to relocating its existing facilities or equipment. The City shall consider reasonable alternatives in designing its public works projects so as not arbitrarily to cause the Company unreasonable additional expense in

---

<sup>†</sup> **EDITOR’S NOTE:** Ordinance No. 216 adopting an electric franchise for the City was passed and adopted on September 13, 2011.

exercising its authority under this section. The City shall also provide a reasonable alternative location for the Company's facilities as part of its relocation request. The City shall give the Company reasonable advance written notice to vacate a public right-of-way. Prior to vacating a public right-of-way, the Company shall be provided an opportunity to secure an easement to allow it to operate and maintain its existing facilities.

**111.05 INSTALLATION OF 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.

**111.06 STANDARD OF SERVICE.** The system authorized by this chapter shall be modern and up-to-date and shall be of sufficient capacity to supply all reasonable demands of said City and its inhabitants thereof and shall be kept in a modern and up-to-date condition.

**111.07 NONEXCLUSIVE FRANCHISE.** The franchise granted by this chapter shall not be exclusive.

**111.08 UNINTERRUPTED 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.

**111.09 TERM OF FRANCHISE.** The term of the franchise granted by this chapter and the rights granted thereunder shall continue for the period of twenty-five (25) years from and after its acceptance by the said Company, as herein provided.

**111.10 ENTIRE AGREEMENT.** This chapter sets forth and constitutes the entire agreement between the Company and the City with respect to the rights contained herein, and may not be superseded, modified or otherwise amended without the approval and acceptance of the Company. Upon written acceptance by the Company, this chapter shall supersede, abrogate and repeal the prior electric system ordinance between the Company and the City as of the date the ordinance codified in this chapter is accepted by the Company. Notwithstanding the foregoing, in no event shall the City enact any ordinance or place any limitations, either operationally or through the assessment of fees other than those approved and accepted by the Company within this chapter, that create additional burdens upon the Company, or which delay utility operations.

[The next page is 595]

## 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 Peace Officer, 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)*

*(Ord. 248 – May 23 Supp.)*

**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.

*(Ord. 248 – May 23 Supp.)*

*(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.

*(Section 120.05 – Ord. 248 – May 23 Supp.)*

**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.

*(Section 120.06 – Ord. 248 – May 23 Supp.)*

o o o o o o o o o o

## CHAPTER 121

# CIGARETTE AND TOBACCO PERMITS

121.01 Definitions  
121.02 Permit Required  
121.03 Application  
121.04 Fees  
121.05 Issuance and Expiration

121.06 Refunds  
121.07 Persons Under Legal Age  
121.08 Self-Service Sales Prohibited  
121.09 Permit Revocation

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

*(Code of Iowa, Sec. 453A.1)*

1. “Alternative nicotine product” means a product, not consisting of or containing tobacco, that provides for the ingestion into the body of nicotine, whether by chewing, absorbing, dissolving, inhaling, snorting, or sniffing, or by any other means. “Alternative nicotine product” does not include cigarettes, tobacco products, or vapor products, or a product that is regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.
2. “Cigarette” means any roll for smoking made wholly or in part of tobacco, or any substitute for tobacco, irrespective of size or shape and irrespective of tobacco or any substitute for tobacco being flavored, adulterated, or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material. However, cigarette shall not be construed to include cigars.
3. “Place of business” means any place where cigarettes, tobacco products, alternative nicotine products, or vapor products are sold, stored, or kept for the purpose of sale or consumption by a retailer.
4. “Retailer” means every person who sells, distributes or offers for sale for consumption, or possesses for the purpose of sale for consumption, cigarettes, alternative nicotine products, or vapor products, irrespective of the quantity or amount or the number of sales, or who engages in the business of selling tobacco, tobacco products, alternative nicotine products, or vapor products to ultimate consumers.
5. “Self-service display” means any manner of product display, placement, or storage from which a person purchasing the product may take possession of the product, prior to purchase, without assistance from the retailer or employee of the retailer, in removing the product from a restricted access location.
6. “Tobacco products” means the following: cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco; snuff; cavendish; plug and twist tobacco; fine-cut and other chewing tobaccos; shorts or refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or for both chewing and smoking, but does not mean cigarettes.
7. “Vapor product” means any noncombustible product, which may or may not contain nicotine, that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from a solution or other substance. “Vapor product” includes

an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device, and any cartridge or other container of a solution or other substance, which may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. “Vapor product” does not include a product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.

**121.02 PERMIT REQUIRED.**

1. Retail Cigarette Permits. It is unlawful for any person, other than a holder of a retail permit, to sell cigarettes, alternative nicotine products, or vapor products at retail and no retailer shall distribute, sell, or solicit the sale of any cigarettes, alternative nicotine products, or vapor products within the City without a valid permit for each place of business. The permit shall, at all times, be publicly displayed at the place of business so as to be easily seen by the public and the persons authorized to inspect the place of business.

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

2. Retail Tobacco Permits. It is unlawful for any person to engage in the business of a retailer of tobacco, tobacco products, alternative nicotine products, or vapor products at any place of business without first having received a permit as a retailer for each place of business owned or operated by the retailer.

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

A retailer who holds a retail cigarette permit is not required to also obtain a retail tobacco permit. However, if a retailer only holds a retail cigarette permit and that permit is suspended, revoked, or expired, the retailer shall not sell any tobacco, tobacco products, alternative nicotine products, or vapor products, during such time.

**121.03 APPLICATION.** A completed application on forms furnished by the State Department of Revenue or on forms made available or approved by the Department and accompanied by the required fee shall be filed with the Clerk. Renewal applications shall be filed at least five days prior to the last regular meeting of the Council in June. If a renewal application is not timely filed, and a special Council meeting is called to act on the application, the costs of such special meeting shall be paid by the applicant.

*(Code of Iowa, Sec. 453A.13 & 453A.47A)*

**121.04 FEES.** The fee for a retail cigarette or tobacco permit shall be as follows:

*(Code of Iowa, Sec. 453A.13 & 453A.47A)*

<b>FOR PERMITS GRANTED DURING:</b>	<b>FEE:</b>
July, August or September	\$ 75.00
October, November or December	\$ 56.25
January, February or March	\$ 37.50
April, May or June	\$ 18.75

**121.05 ISSUANCE AND EXPIRATION.** Upon proper application and payment of the required fee, a permit shall be issued. Each permit issued shall describe clearly the place of business for which it is issued and shall be nonassignable. All permits expire on June 30 of each year. The Clerk shall submit a duplicate of any application for a permit to the Alcoholic Beverages Division of the Department of Commerce within 30 days of issuance of a permit.

**121.06 REFUNDS.** A retailer may surrender an unrevoked permit and receive a refund from the City, except during April, May, or June, in accordance with the schedule of refunds as provided in Section 453A.13 or 453A.47A of the *Code of Iowa*.

*(Code of Iowa, 453A.13 & 453A.47A)*

**121.07 PERSONS UNDER LEGAL AGE.** 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 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])*

**121.08 SELF-SERVICE SALES PROHIBITED.** Except for the sale of cigarettes through a cigarette vending machine as provided in Section 453A.36[6] of the *Code of Iowa*, a retailer shall not sell or offer for sale tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes through the use of a self-service display.

*(Code of Iowa, Sec. 453A.36A)*

**121.09 PERMIT REVOCATION.** Following a written notice and an opportunity for a hearing, as provided by the *Code of Iowa*, the Council may also revoke a permit issued pursuant to this chapter for a violation of Division I of Chapter 453A of the *Code of Iowa* or any rule adopted thereunder. If a permit is revoked, a new permit shall not be issued to the permit holder for any place of business, or to any other person for the place of business at which the violation occurred, until one year has expired from the date of revocation, unless good cause to the contrary is shown to the Council. The Clerk shall report the revocation or suspension of a retail permit to the Alcoholic Beverages Division of the Department of Commerce within 30 days of the revocation or suspension.

*(Code of Iowa, Sec. 453A.22)*

o o o o o o o o o o

**CHAPTER 122**  
**PEDDLERS, SOLICITORS, AND TRANSIENT**  
**MERCHANTS**

122.01 Purpose	122.10 Time Restriction
122.02 Definitions	122.11 Revocation of License
122.03 License Required	122.12 Hearing
122.04 Application for License	122.13 Record and Determination
122.05 License Fees	122.14 Appeal
122.06 Bond Required	122.15 Effect of Revocation
122.07 License Issued	122.16 Rebates
122.08 Display of License	122.17 License Exemptions
122.09 License Not Transferable	122.18 Charitable and Nonprofit Organizations

**122.01 PURPOSE.** The purpose of this chapter is to protect residents of the City against fraud, unfair competition, and intrusion into the privacy of their homes by licensing and regulating peddlers, solicitors, and transient merchants.

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

1. “Peddler” means any person carrying goods or merchandise who sells or offers for sale for immediate delivery such goods or merchandise from house to house or upon the public street.
2. “Solicitor” means any person who solicits or attempts to solicit from house to house or upon the public street any contribution or donation or any order for goods, services, subscriptions or merchandise to be delivered at a future date.
3. “Transient merchant” means any person who engages in a temporary or itinerant merchandising business and in the course of such business hires, leases or occupies any building or structure whatsoever, or who operates out of a vehicle that is parked anywhere within the City limits. Temporary association with a local merchant, dealer, trader or auctioneer, or conduct of such transient business in connection with, as a part of, or in the name of any local merchant, dealer, trader, or auctioneer does not exempt any person from being considered a transient merchant.

**122.03 LICENSE REQUIRED.** Any person engaging in peddling, soliciting or in the business of a transient merchant in the City without first obtaining a license as herein provided is in violation of this chapter.

**122.04 APPLICATION FOR LICENSE.** An application in writing shall be filed with the Clerk for a license under this chapter. Such application shall set forth the applicant’s name, permanent and local address, and business address if any. The application shall also set forth the applicant’s employer, if any, and the employer’s address, the nature of the applicant’s business, the last three places of such business and the length of time sought to be covered by the license.

**122.05 LICENSE FEES.** The following license fees shall be paid to the Clerk prior to the issuance of any license.

1. Solicitor Principals. In addition to the license fee for each person actually soliciting (principal or agent), a fee for the principal of \$25.00 for each three-month period or any part thereof.
2. Peddlers or Transient Merchants.
  - A. For one day.....\$2.00
  - B. For one week.....\$5.00
  - C. For up to six (6) months.....\$50.00
  - D. For one year or major part thereof.....\$100.00

**122.06 BOND REQUIRED.** Before a license under this chapter is issued to a transient merchant, an applicant shall provide to the Clerk evidence that the applicant has filed a bond with the Secretary of State in accordance with Chapter 9C of the *Code of Iowa*.

**122.07 LICENSE ISSUED.** If the Clerk finds the application is completed in conformance with the requirements of this chapter, the facts stated therein are found to be correct, and the license fee paid, a license shall be issued immediately.

**122.08 DISPLAY OF LICENSE.** Each solicitor or peddler shall keep such license in possession at all times while doing business in the City and shall, upon the request of prospective customers, exhibit the license as evidence of compliance with all requirements of this chapter. Each transient merchant shall display publicly such merchant’s license in the merchant’s place of business.

**122.09 LICENSE NOT TRANSFERABLE.** Licenses issued under the provisions of this chapter are not transferable in any situation and are to be applicable only to the person filing the application.

**122.10 TIME RESTRICTION.** All peddler’s and solicitor’s licenses shall provide that said licenses are in force and effect only between the hours of 8:00 a.m. and 7:00 p.m.

**122.11 REVOCATION OF LICENSE.** Following a written notice and an opportunity for a hearing, the Clerk may revoke any license issued pursuant to this chapter for the following reasons:

1. Fraudulent Statements. The licensee has made fraudulent statements in the application for the license or in the conduct of the business.
2. Violation of Law. The licensee has violated this chapter or has otherwise conducted the business in an unlawful manner.
3. Endangered Public Welfare, Health, or Safety. The licensee has conducted the business in such manner as to endanger the public welfare, safety, order, or morals.

The Clerk shall send the written notice to the licensee at the licensee’s local address. The notice shall contain particulars of the complaints against the licensee, the ordinance provisions or State statutes allegedly violated, and the date, time, and place for hearing on the matter.

**122.12 HEARING.** The Clerk shall conduct a hearing at which both the licensee and any complainants shall be present to determine the truth of the facts alleged in the complaint and notice. Should the licensee, or authorized representative, fail to appear without good cause, the Clerk may proceed to a determination of the complaint.



**122.13 RECORD AND DETERMINATION.** The Clerk shall make and record findings of fact and conclusions of law, and shall revoke a license only when upon review of the entire record the Clerk finds clear and convincing evidence of substantial violation of this chapter or State law.

**122.14 APPEAL.** If the Clerk revokes or refuses to issue a license, the Clerk shall make a part of the record the reasons for such revocation or refusal. The licensee, or the applicant, shall have a right to a hearing before the Council at its next regular meeting. The Council may reverse, modify, or affirm the decision of the Clerk by a majority vote of the Council members present and the Clerk shall carry out the decision of the Council.

**122.15 EFFECT OF REVOCATION.** Revocation of any license shall bar the licensee from being eligible for any license under this chapter for a period of one year from the date of the revocation.

**122.16 REBATES.** Any licensee, except in the case of a revoked license, shall be entitled to a rebate of part of the fee paid if the license is surrendered before it expires. The amount of the rebate shall be determined by dividing the total license fee by the number of days for which the license was issued and then multiplying the result by the number of full days not expired. In all cases, at least \$5.00 of the original fee shall be retained by the City to cover administrative costs.

**122.17 LICENSE EXEMPTIONS.** The following are excluded from the application of this chapter.

1. Newspapers. Persons delivering, collecting for, or selling subscriptions to newspapers.
2. Club Members. Members of local civic and service clubs, Boy Scout, Girl Scout, 4-H Clubs, Future Farmers of America, and similar organizations.
3. Local Residents and Farmers. Local residents and farmers who offer for sale their own products.
4. Students. Students representing the East Marshall School District conducting projects sponsored by organizations recognized by the school.
5. Route Sales. Route delivery persons who only incidentally solicit additional business or make special sales.
6. Resale or Institutional Use. Persons customarily calling on businesses or institutions for the purposes of selling products for resale or institutional use.

**122.18 CHARITABLE AND NONPROFIT ORGANIZATIONS.** Authorized representatives of charitable or nonprofit organizations operating under the provisions of Chapter 504 of the *Code of Iowa* desiring to solicit money or to distribute literature are exempt from the operation of Sections 122.04 and 122.05. All such organizations are required to submit in writing to the Clerk the name and purpose of the cause for which such activities are sought, names and addresses of the officers and directors of the organization, the period during which such activities are to be carried on, and whether any commissions, fees or wages are to be charged by the solicitor and the amount thereof. If the Clerk finds that the organization is a bona fide charity or nonprofit organization, the Clerk shall issue, free of charge, a license containing the above information to the applicant. In the event the Clerk denies the exemption,

the authorized representatives of the organization may appeal the decision to the Council, as provided in Section 122.14 of this chapter.

## CHAPTER 123

# HOUSE MOVERS

123.01 House Mover Defined  
123.02 Permit Required  
123.03 Application  
123.04 Bond Required  
123.05 Insurance Required  
123.06 Permit Fee

123.07 Permit Issued  
123.08 Public Safety  
123.09 Time Limit  
123.10 Removal by City  
123.11 Protect Pavement  
123.12 Overhead Wires

**123.01 HOUSE MOVER DEFINED.** A “house mover” means any person who undertakes to move a building or similar structure upon, over or across public streets or property when the building or structure is of such size that it requires the use of skids, jacks, dollies, or any other specialized moving equipment.

**123.02 PERMIT REQUIRED.** It is unlawful for any person to engage in the activity of house mover as herein defined without a valid permit from the City for each house, building or similar structure to be moved. Buildings of less than 200 square feet are exempt from the provisions of this chapter.

**123.03 APPLICATION.** Application for a house mover’s permit shall be made in writing to the Clerk. The application shall include:

1. Name and Address. The applicant’s full name and address and, if a corporation, the names and addresses of its principal officers.
2. Building Location. An accurate description of the present location and future site of the building or similar structure to be moved.
3. Routing Plan. A routing plan approved by the City Council. The route approved shall be the shortest route compatible with the greatest public convenience and safety.

**123.04 BOND REQUIRED.** The applicant shall post with the Clerk a penal bond in the minimum sum of \$5,000.00 issued by a surety company authorized to issue such bonds in the State. The bond shall guarantee the permittee’s payment for any damage done to the City or to public property, and payment of all costs incurred by the City in the course of moving the building or structure.

**123.05 INSURANCE REQUIRED.** Each applicant shall also file a certificate of insurance indicating that the applicant is carrying public liability insurance in effect for the duration of the permit covering the applicant and all agents and employees for the following minimum amounts:

1. Bodily Injury – \$50,000.00 per person; \$100,000.00 per accident.
2. Property Damage – \$50,000.00 per accident.

**123.06 PERMIT FEE.** A permit fee of \$10.00 shall be payable at the time of filing the application with the Clerk. A separate permit shall be required for each house, building or similar structure to be moved.

**123.07 PERMIT ISSUED.** Upon approval of the application, filing of bond and insurance certificate, and payment of the required fee, the Clerk shall issue a permit.

**123.08 PUBLIC SAFETY.** At all times when a building or similar structure is in motion upon any street, alley, sidewalk or public property, the permittee shall maintain flag persons at the closest intersections or other possible channels of traffic to the sides, behind and ahead of the building or structure. At all times when the building or structure is at rest upon any street, alley, sidewalk or public property the permittee shall maintain adequate warning signs or lights at the intersections or channels of traffic to the sides, behind and ahead of the building or structure.

**123.09 TIME LIMIT.** No house mover shall permit or allow a building or similar structure to remain upon any street or other public way for a period of more than 12 hours without having first secured the written approval of the City.

**123.10 REMOVAL BY CITY.** In the event any building or similar structure is found to be in violation of Section 123.09, the City is authorized to remove such building or structure and assess the costs thereof against the permit holder and the surety on the permit holder's bond.

**123.11 PROTECT PAVEMENT.** It is unlawful to move any house or building of any kind over any pavement, unless the wheels or rollers upon which the house or building is moved are at least one inch in width for each 1,000 pounds of weight of such building. If there is any question as to the weight of a house or building, the estimate of the City as to such weight shall be final.

**123.12 OVERHEAD WIRES.** The holder of any permit to move a building shall see that all telephone, cable television and electric wires and poles are removed when necessary and replaced in good order, and shall be liable for the costs of the same.

[The next page is 617]

## CHAPTER 124

# ADULT ENTERTAINMENT

124.01 Purpose

124.02 Definitions

124.03 Permit Required

124.04 Application

124.05 Conditions for Approval

124.06 Revocation of Permit

**124.01 PURPOSE.** The purpose of this chapter is to define “adult entertainment businesses,” to regulate the operation and conduct of such businesses and to restrict such businesses to Class “A” Business and Class “A” Industrial Districts, all for the protection of the safety, morals and general welfare of the community.

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

1. “Adult book store” means an establishment with a significant portion of its stock in trade consisting of books, films, magazines and other periodicals which are distinguished or characterized by an emphasis on the depiction or description of sex acts or specified anatomical areas, as defined in this section.
2. “Adult entertainment business” includes adult bookstores, adult motels, adult motion picture arcades, adult motion picture theaters, massage parlors, sexual encounter centers and dance taverns.
3. “Adult motel” means a motel wherein material is presented which is distinguished or characterized by an emphasis on the depiction or description of sex acts or specified anatomical areas, as defined in this section.
4. “Adult motion picture arcade” means any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on the depiction or description of sex acts or specified anatomical areas, as defined in this section.
5. “Adult motion picture theater” means an enclosed building used for presenting material distinguished or characterized by an emphasis on the depiction or description of sex acts or specified anatomical areas as defined in this section.
6. “Dance tavern” means any licensed premises, as defined in Section 123.3(20) of the Code of Iowa, on which persons of either sex entertain tavern patrons by dancing, whether or not such persons receive compensation for performing such dancing.
7. “Establishment of an adult entertainment business” means the opening of such business as a new business, the relocation of such business or the conversion of an existing business to an adult entertainment business.
8. “Massage parlor” means any place where, for any form of consideration or gratuity, massage, alcohol rubs, administration of fomentations, electric or magnetic treatments or any other treatment or manipulation of the human body occurs as part of or in connection with sex acts or where any person providing such treatment, manipulation or service related thereto exposes specified anatomical areas.

9. “Person of good moral character” means any person who meets all of the following requirements:

- A. Has such financial standing and a reputation that will satisfy the Council that he or she will comply with this chapter and all laws, ordinances and regulations applicable to operation of an adult entertainment business;
- B. Is a citizen of the United States and a resident of Iowa or, in the case of a corporation, licensed to do business in Iowa.
- C. Has not been convicted of a felony. However, if this conviction of a felony occurred more than five years before the date of the application for a permit, and if the applicant’s rights of citizenship have been restored by the Governor, the Council may determine that such person is a person of good moral character notwithstanding such conviction.

If the person is a corporation, partnership, association, club, hotel or motel, the foregoing requirements of this subsection shall apply to each officer, director, partner or associate who, directly or indirectly, owns or controls 10% or more of any class of stock of such organization or has an interest of 10% or more in the ownership or profits of such organization. For the purpose of this provisions, an individual and spouse shall be regarded as one person.

10. “Sexual encounter center” means any business, agency or persons who, for any form of consideration or gratuity, provide a place where three or more persons, not all of whom are members of the same family, may congregate, assemble or associate for the purpose of engaging in sex acts or exposing specified anatomical areas, as defined in this section.

11. “Specified anatomical areas” includes human genitals, pubic region, buttocks and female breasts below a point immediately above the top of the areola.

12. “Sex acts” means any sexual contact, actual or simulated, either natural or deviate, between two or more persons, or between a person and an animal, by the penetration of the penis into the vagina or anus or by contact between the mouth or tongue and genitalia or anus, or by contact between a finger of one person and the genitalia of another person or by use of artificial sexual organs in contact with the genitalia or anus.

**124.03 PERMIT REQUIRED.** No person shall establish, operate or conduct an adult entertainment business without first obtaining a permit therefor and shall continue to operate or conduct such business only so long as such permit continues in force.

**124.04 APPLICATION.** An application for the original issuance or for the renewal of a permit shall be filed with the Clerk and shall be presented to the Council for approval or disapproval. It shall be accompanied with an application fee of \$300.00. The permit may be issued for such period of time as the Council may determine but shall not exceed one year.

**124.05 CONDITIONS FOR APPROVAL.** An applicant for an adult entertainment business permit must, as a condition for approval by the Council, give consent in writing on the application to members of the fire department, law enforcement department and health department and the building inspector to enter upon the premises occupied by the adult entertainment business without warrant to inspect for violations of the provisions of State law and of this chapter and in addition thereto:

1. Premises. No adult entertainment business permit shall be approved for premises which do not conform to all applicable laws, ordinances, resolutions and fire and health regulations.
2. Character. No permit shall be granted to a person who is not a person of good moral character.
3. Location. No permit shall be issued for the establishment of an adult entertainment business within 1,000 feet of another such business, a church, a school, a public park, a public plaza, a public playground or an area zoned for residential use.

**124.06 REVOCATION OF PERMIT.** An adult entertainment business permit may be revoked by the Council at any time if the Council determines that a permit would not be granted if an application for it were made at that time by the person then holding the permit. If a permit is revoked, none of the fee paid for the permit shall be returned to the permit holder.

[The next page is 641]



## CHAPTER 135

### STREET USE AND MAINTENANCE

- |  |  |
|--|--|
| 135.01 Removal of Warning Devices              | 135.08 Burning Prohibited                              |
| 135.02 Obstructing or Defacing                 | 135.09 Excavations                                     |
| 135.03 Placing Debris On                       | 135.10 Property Owner's Responsibility for Maintenance |
| 135.04 Playing In                              | 135.11 Failure to Maintain                             |
| 135.05 Traveling on Barricaded Street or Alley | 135.12 Dumping of Snow                                 |
| 135.06 Use for Business Purposes               | 135.13 Driveway Culverts                               |
| 135.07 Washing Vehicles                        | 135.14 Temporary Closing of Streets or Alley           |

**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.<sup>†</sup>

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

**135.11 FAILURE TO MAINTAIN.** If the abutting property owner does not perform an action required under the above section within a reasonable time, the City may perform the required action and assess the cost against the abutting property for collection in the same manner as a property tax.

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

**135.12 DUMPING OF SNOW.** It is unlawful for any person to throw, push, or place or cause to be thrown, pushed or placed, any ice or snow from private property, sidewalks, or driveways onto the traveled way of a street or alley so as to obstruct gutters, or impede the passage of vehicles upon the street or alley or to create a hazardous condition therein; except where, in the cleaning of large commercial drives in the business district it is absolutely necessary to move the snow onto the street or alley temporarily, such accumulation shall be removed promptly by the property owner or agent. Arrangements for the prompt removal of such accumulations shall be made prior to moving the snow.

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

**135.13 DRIVEWAY CULVERTS.** The property owner shall, at the owner's expense, install any culvert deemed necessary under any driveway or any other access to the owner's

---

<sup>†</sup> **EDITOR'S NOTE:** See also Section 136.04 relating to property owner's responsibility for maintenance of sidewalks.

property, and before installing a culvert, permission must first be obtained from the City. In the event repairs are needed at any time with respect to culverts, it shall be the responsibility of the property owner to make such repairs, and, in the event the owner fails to do so, the City shall have the right to make the repairs. If the property owner fails to reimburse the City for the cost of said repairs, the cost shall be certified to the County Treasurer and specially assessed against the property as by law provided.

**135.14 TEMPORARY CLOSING OF STREETS OR ALLEYS.** A street or alley may be temporarily closed by being barricaded for a period not exceeding 24 hours when, in the judgment of the Mayor, the Peace Officer, or any two Council members, the failure to do so would result in the unwarranted risk for those who might otherwise be traveling the barricaded street or alley or for those legally using the barricaded street or alley or other circumstances justify the temporary barricading of a street or alley.

[The next page is 665]

## 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. "Defective sidewalk" means any public sidewalk exhibiting one or more of the characteristics shown on the Repair Codes on file at City Hall.
3. "Established grade" means that grade established by the City for the particular area in which a sidewalk is to be constructed.
4. "One-course construction" means that the full thickness of the concrete is placed at one time, using the same mixture throughout.
5. "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.
6. "Portland cement" means any type of cement except bituminous cement.
7. "Sidewalk" means all permanent public walks in business, residential or suburban areas.
8. "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.
9. "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.** It is the responsibility of the abutting property owners to remove or cause to be removed all snow, ice and other accumulations from public sidewalks abutting the property owned or occupied by them within 24 hours after an accumulation of snow or ice of two inches or more in depth resulting from either a snowfall or drifting. The City or its officers or employees, as designated by the Council, may remove or cause to be removed all snow, ice or other accumulations from all sidewalks

without notice to the property owners when the same has remained on the sidewalk for longer than 24 hours after two inches of snow or ice has accumulated. By the close of the next business day, the person who has removed the snow or ice from the sidewalk pursuant to this section shall return to the Clerk a statement showing the linear feet of sidewalk cleared and the Clerk shall bill the property owner \$75.00 or fifty cents per linear foot, whichever is higher, for the removal of snow and ice. Payment for snow and ice removal is to be made to the Clerk within 15 days after the bill is sent by the Clerk. Snow and ice removal charges remaining unpaid and delinquent shall constitute a lien upon the premises of the land owner from which the snow and ice was removed and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

*(Code of Iowa, Sec. 364.12[2b & e])*

**136.04 PROPERTY OWNER'S RESPONSIBILITY FOR MAINTENANCE.** The abutting property owner shall maintain in a safe and hazard-free condition any sidewalk outside the lot and property lines and inside the curb lines or, in the absence of a curb, any sidewalk between the property line and that portion of the public street used or improved for vehicular purposes. The abutting property owner may be liable for damages caused by failure to maintain the sidewalk.

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

**136.05 CITY MAY ORDER REPAIRS.** If the abutting property owner does not maintain sidewalks as required, the Council may serve notice on such owner, by certified mail, requiring the owner to repair, replace or reconstruct sidewalks within a reasonable time and if such action is not completed within the time stated in the notice, the Council may require the work to be done and assess the costs against the abutting property for collection in the same manner as a property tax. The Council may by resolution set a percentage of the cost which it will pay for any sidewalk repair, replacement or reconstruction required by the City and determine the funding and priority of repair and replacement.

*(Code of Iowa, Sec. 364.12[2d & e])*

**136.06 SIDEWALK CONSTRUCTION ORDERED.** The Council may order the construction of permanent sidewalks upon any street or court in the City and may specially assess the cost of such improvement to abutting property owners in accordance with the provisions of Chapter 384 of the *Code of Iowa*.

*(Code of Iowa, Sec. 384.38)*

**136.07 PERMIT REQUIRED.** No person shall remove, reconstruct, or install a sidewalk unless such person has obtained a permit from the City and has agreed in writing that said removal, reconstruction, or installation will comply with all ordinances and requirements of the City for such work.

**136.08 SIDEWALK STANDARDS.** Sidewalks repaired, replaced, or constructed under the provisions of this chapter shall be of the following construction and meet the following standards:

1. Cement. Portland cement shall be the only cement used in the construction and repair of sidewalks.
2. Construction. Sidewalks shall be of one-course construction.
3. Sidewalk Base. Concrete may be placed directly on compact and well-drained soil. Where soil is not well drained, a three-inch sub-base of compact, clean, coarse

gravel or sand shall be laid. The adequacy of the soil drainage is to be determined by the City.

4. Sidewalk Bed. The sidewalk bed shall be so graded that the constructed sidewalk will be at established grade.
5. Length, Width and Depth. Length, width and depth requirements are as follows:
  - A. Residential sidewalks shall be at least three feet wide and four inches thick, and each section shall be no more than six 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) one foot from the property line, unless the Council establishes a different distance due to special circumstances.
7. Grade. Curb tops shall be on level with the centerline of the street, which is the established grade.
8. Elevations. The street edge of a sidewalk shall be at an elevation even with the curb at the curb or not less than one-half inch above the curb for each foot between the curb and the sidewalk.
9. Slope. All sidewalks shall slope one-fourth inch per foot toward the curb.
10. Finish. All sidewalks shall be finished with a broom finish or wood float finish.
11. Curb Ramps and Sloped Areas for Persons with Disabilities. If a street, road, or highway is newly built or reconstructed, a curb ramp or sloped area shall be constructed or installed at each intersection of the street, road, or highway with a sidewalk or path. If a sidewalk or path is newly built or reconstructed, a curb ramp or sloped area shall be constructed or installed at each intersection of the sidewalk or path with a street, highway, or road. Curb ramps and sloped areas that are required pursuant to this subsection shall be constructed or installed in compliance with applicable federal requirements adopted in accordance with the Federal Americans with Disabilities Act, including (but not limited to) the guidelines issued by the Federal Architectural and Transportation Barriers Compliance Board.

*(Code of Iowa, Sec. 216C.9)*

**136.09 BARRICADES AND WARNING LIGHTS.** Whenever any material of any kind is deposited on any street, avenue, highway, passageway or alley when sidewalk improvements are being made or when any sidewalk is in a dangerous condition, it shall be the duty of all persons having an interest therein, either as the contractor or the owner, agent, or lessee of the property in front of or along which such material may be deposited, or such dangerous condition exists, to put in conspicuous places at each end of such sidewalk and at each end of any pile of material deposited in the street, a sufficient number of approved warning lights or flares, and to keep them lighted during the entire night and to erect sufficient barricades both at night and in the daytime to secure the same. The party or parties using the street for any of the purposes specified in this chapter shall be liable for all injuries or damage to persons or property arising from any wrongful act or negligence of the party or parties, or their agents or employees or for any misuse of the privileges conferred by this chapter or of any failure to comply with provisions hereof.

**136.10 FAILURE TO REPAIR OR BARRICADE.** It is the duty of the owner of the property abutting the sidewalk, or the owner's contractor or agent, to notify the City immediately in the event of failure or inability to make necessary sidewalk improvements or to install or erect necessary barricades as required by this chapter.

**136.11 INTERFERENCE WITH SIDEWALK IMPROVEMENTS.** No person shall knowingly or willfully drive any vehicle upon any portion of any sidewalk or approach thereto while in the process of being improved or upon any portion of any completed sidewalk or approach thereto, or shall remove or destroy any part or all of any sidewalk or approach thereto, or shall remove, destroy, mar or deface any sidewalk at any time or destroy, mar, remove or deface any notice provided by this chapter.

**136.12 AWNINGS.** It is unlawful for a person to erect or maintain any awning over any sidewalk unless all parts of the awning are elevated at least eight feet above the surface of the sidewalk and the roof or covering is made of duck, canvas or other suitable material supported by iron frames or brackets securely fastened to the building, without any posts or other device that will obstruct the sidewalk or hinder or interfere with the free passage of pedestrians.

**136.13 ENCROACHING STEPS.** It is unlawful for a person to erect or maintain any stairs or steps to any building upon any part of any sidewalk without permission by resolution of the Council.

**136.14 OPENINGS AND ENCLOSURES.** It is unlawful for a person to:

1. Stairs and Railings. Construct or build a stairway or passageway to any cellar or basement by occupying any part of the sidewalk, or to enclose any portion of a sidewalk with a railing without permission by resolution of the Council.
2. Openings. Keep open any cellar door, grating, or cover to any vault on any sidewalk except while in actual use with adequate guards to protect the public.
3. Protect Openings. Neglect to properly protect or barricade all openings on or within six feet of any sidewalk.

**136.15 FIRES OR FUEL ON SIDEWALKS.** It is unlawful for a person to make a fire of any kind on any sidewalk or to place or allow any fuel to remain upon any sidewalk.

**136.16 DEFACING.** It is unlawful for a person to scatter or place any paste, paint, or writing on any sidewalk.

*(Code of Iowa, Sec. 716.1)*

**136.17 DEBRIS ON SIDEWALKS.** It is unlawful for a person to throw or deposit on any sidewalk any glass, nails, glass bottle, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or any substance likely to injure any person, animal, or vehicle.

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

**136.18 MERCHANDISE DISPLAY.** It is unlawful for a person to place upon or above any sidewalk, any goods or merchandise for sale or for display in such a manner as to interfere with the free and uninterrupted passage of pedestrians on the sidewalk; in no case shall more than three feet of the sidewalk next to the building be occupied for such purposes.



**136.19 SALES STANDS.** It is unlawful for a person to erect or keep any vending machine or stand for the sale of fruit, vegetables or other substances or commodities on any sidewalk without first obtaining a written permit from the Council.

o o o o o o o o o o

## CHAPTER 137

# VACATION AND DISPOSAL OF STREETS

137.01 Power to Vacate  
137.02 Planning and Zoning Commission  
137.03 Notice of Vacation Hearing

137.04 Findings Required  
137.05 Disposal of Vacated Streets or Alleys  
137.06 Disposal by Gift Limited

**137.01 POWER TO VACATE.** When, in the judgment of the Council, it would be in the best interest of the City to vacate a street, alley, portion thereof, or any public grounds, the Council may do so by ordinance in accordance with the provisions of this chapter.  
*(Code of Iowa, Sec. 364.12[2a])*

**137.02 PLANNING AND ZONING COMMISSION.** Any proposal to vacate a street, alley, portion thereof, or any public grounds shall be referred by the Council to the Planning and Zoning Commission for its study and recommendation prior to further consideration by the Council. The Commission shall submit a written report including recommendations to the Council within 30 days after the date the proposed vacation is referred to the Commission.  
*(Code of Iowa, Sec. 392.1)*

**137.03 NOTICE OF VACATION HEARING.** The Council shall cause to be published a notice of public hearing of the time at which the proposal to vacate shall be considered.

**137.04 FINDINGS REQUIRED.** No street, alley, portion thereof, or any public grounds shall be vacated unless the Council finds that:

1. Public Use. The street, alley, portion thereof, or any public ground proposed to be vacated is not needed for the use of the public, and therefore, its maintenance at public expense is no longer justified.
2. Abutting Property. The proposed vacation will not deny owners of property abutting on the street or alley reasonable access to their property.

**137.05 DISPOSAL OF VACATED STREETS OR ALLEYS.** When in the judgment of the Council it would be in the best interest of the City to dispose of a vacated street or alley, portion thereof or public ground, the Council may do so in accordance with the provisions of Section 364.7, *Code of Iowa*.  
*(Code of Iowa, Sec. 364.7)*

**137.06 DISPOSAL BY GIFT LIMITED.** The City may not dispose of real property by gift except to a governmental body for a public purpose or to a fair.  
*(Code of Iowa, Sec. 174.15[2] & 364.7[3])*

<b>EDITOR'S NOTE</b>			
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.			
<b>ORDINANCE NO.</b>	<b>ADOPTED</b>	<b>ORDINANCE NO.</b>	<b>ADOPTED</b>
23			
64	July 22, 1975		
89	April 3, 1978		
93	December 18, 1978		
94	December 18, 1978		
106	June 15, 1981		

## CHAPTER 138

# STREET GRADES

**138.01 Established Grades**

**138.02 Record Maintained**

**138.01 ESTABLISHED GRADES.** The grades of all streets, alleys and sidewalks, which have been heretofore established by ordinance, are hereby confirmed, ratified, and established as official grades.

**138.02 RECORD MAINTAINED.** The Clerk shall maintain a record of all established grades and furnish information concerning such grades upon request.

<b>EDITOR'S NOTE</b>			
The following ordinances not codified herein, and specifically saved from repeal, have been adopted establishing street and/or sidewalk grades and remain in full force and effect.			
<b>ORDINANCE NO.</b>	<b>ADOPTED</b>	<b>ORDINANCE NO.</b>	<b>ADOPTED</b>
III	July 7, 1909		

o o o o o o o o o o

## 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 Le Grand, 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.

[The next page is 695]



## CHAPTER 145

# DANGEROUS BUILDINGS

145.01 Enforcement Officer  
145.02 General Definition of Unsafe  
145.03 Unsafe Building  
145.04 Notice to Owner

145.05 Conduct of Hearing  
145.06 Posting of Signs  
145.07 Right to Demolish; Municipal Infraction  
145.08 Costs

**145.01 ENFORCEMENT OFFICER.** The Mayor is responsible for the enforcement of this chapter.

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

*(Code of Iowa, Sec. 657A.1 & 364.12[3a])*

**145.03 UNSAFE BUILDING.** “Unsafe building” means any structure or mobile home meeting any or all of the following criteria:

1. Various Inadequacies. Whenever the building or structure, or any portion thereof, because of: (i) dilapidation, deterioration, or decay; (ii) faulty construction; (iii) the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay, or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.
2. Manifestly Unsafe. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
3. Inadequate Maintenance. Whenever a building or structure, used or intended to be used for dwelling purposes, because of dilapidation, decay, damage, faulty construction, or otherwise, is determined by any health officer to be unsanitary, unfit for human habitation or in such condition that it is likely to cause sickness or disease.
4. Fire Hazard. Whenever any building or structure, because of dilapidated condition, deterioration, damage, or other cause, is determined by the Fire Marshal or Fire Chief to be a fire hazard.
5. Abandoned. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

**145.04 NOTICE TO OWNER.** The enforcement officer shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged and, if such is found to be an unsafe building as defined in this chapter, the enforcement officer shall give to the owner of such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises, within 48 hours

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

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

1. Notice Served. Such notice shall be served by sending by certified mail to the owner of record, according to Section 364.12[3h] of the *Code of Iowa*, if the owner is found within the City limits. If the owner is not found within the City limits, such service may be made upon the owner by registered mail or certified mail. The designated period within which said owner or person in charge is required to comply with the order of the enforcement officer shall begin as of the date the owner receives such notice.
2. Hearing. Such notice shall also advise the owner that he or she may request a hearing before the Council on the notice by filing a written request for hearing within the time provided in the notice.

**145.05 CONDUCT OF HEARING.** If requested, the Council shall conduct a hearing in accordance with the following:

1. Notice. The owner shall be served with written notice specifying the date, time and place of hearing.
2. Owner's Rights. At the hearing, the owner may appear and show cause why the alleged nuisance shall not be abated.
3. Determination. The Council shall make and record findings of fact and may issue such order as it deems appropriate.<sup>†</sup>

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

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

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

---

<sup>†</sup> **EDITOR'S NOTE:** Suggested forms of notice and of a resolution and order of the Council for the administration of this chapter are provided in the APPENDIX to this Code of Ordinances. Caution is urged in the use of this procedure. We recommend you review the situation with your attorney before initiating procedures and follow his or her recommendation carefully.

**145.08 COSTS.** Costs incurred under Section 145.07 shall be paid out of the City treasury. Such costs shall be charged to the owner of the premises involved and levied as a special assessment against the land on which the building or structure is located, and shall be certified to the County Treasurer for collection in the manner provided for other taxes. In addition, the City may take any other action deemed appropriate to recover costs incurred.

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

o o o o o o o o o o

## CHAPTER 146

# MANUFACTURED AND MOBILE HOMES

### 146.01 Definitions

### 146.02 Conversion to Real Property

### 146.03 Foundation Requirements

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

*(Code of Iowa, Sec. 435.1)*

1. “Manufactured home” means a factory-built structure built under the authority of 42 U.S.C. Sec. 5403 which was constructed on or after June 15, 1976, and is required by federal law to display a seal from the United States Department of Housing and Urban Development.
2. “Manufactured home community” means any site, lot, field, or tract of land under common ownership upon which ten or more occupied manufactured homes are harbored, either free of charge or for revenue purposes, and includes any building, structure or enclosure used or intended for use as part of the equipment of the manufactured home community.
3. “Mobile home” means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but also includes any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home means any such vehicle built before June 15, 1976, which was not built to a mandatory building code and which contains no State or federal seals.
4. “Mobile home park” means any site, lot, field or tract of land upon which three or more mobile homes or manufactured homes, or a combination of any of these homes, are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available.

The term “manufactured home community” or “mobile home park” is not to be construed to include manufactured or mobile homes, buildings, tents, or other structures temporarily maintained by any individual, educational institution, or company on its own premises and used exclusively to house said entity’s own labor or students. The manufactured home community or mobile home park shall meet the requirements of any zoning regulations that are in effect.

**146.02 CONVERSION TO REAL PROPERTY.** A mobile home or manufactured home that is located outside a manufactured home community or mobile home park shall be converted to real estate by being placed on a permanent foundation and shall be assessed for real estate taxes except in the following cases:

*(Code of Iowa, Sec. 435.26 & Sec. 435.35)*

1. Retailer’s Stock. Mobile homes or manufactured homes on private property as part of a retailer’s or a manufacturer’s stock not used as a place for human habitation.
2. Existing Homes. A taxable mobile home or manufactured home that is located outside of a manufactured home community or mobile home park as of January 1, 1995,

shall be assessed and taxed as real estate, but is exempt from the permanent foundation requirement of this chapter until the home is relocated.

**146.03 FOUNDATION REQUIREMENTS.** A mobile home or manufactured home located outside of a manufactured home community or mobile home park shall be placed on a permanent frost-free foundation system that meets the support and anchorage requirements as recommended by the manufacturer or required by the *State Building Code*. The foundation system must be visually compatible with permanent foundation systems of surrounding residential structures. Any such home shall be installed in accordance with the requirements of the *State Building Code*.

*(Code of Iowa, Sec. 103A.10 & 414.28)*

[The next page is 731]

## CHAPTER 150

# BUILDING NUMBERING

### 150.01 Definitions

### 150.02 Owner Requirements

### 150.03 Building Numbering Plan

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

1. “Owner” means the owner of the principal building.
2. “Principal building” means the main building on any lot or subdivision thereof.

**150.02 OWNER REQUIREMENTS.** Every owner shall comply with the following numbering requirements:

1. Obtain Building Number. The owner shall obtain the assigned number to the principal building from the Clerk.

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

2. Display Building Number. The owner shall place or cause to be installed and maintained on the principal building the assigned number in a conspicuous place to the street in figures not less than two and one-half inches in height and of a contrasting color with their background.

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

3. Failure to Comply. If an owner refuses to number a building as herein provided, or fails to do so for a period of 30 days after being notified in writing by the City to do so, the City may proceed to place the assigned number on the principal building and assess the costs against the property for collection in the same manner as a property tax.

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

**150.03 BUILDING NUMBERING PLAN.** Building numbers shall be assigned in accordance with the building numbering plan on file in the office of the Clerk.

o o o o o o o o o o



## CHAPTER 151

### TREES

151.01 Definition

151.02 Planting Restrictions

151.03 Duty to Trim Trees

151.04 Trimming Trees to Be Supervised

151.05 Disease Control

151.06 Inspection and Removal

**151.01 DEFINITION.** For use in this chapter, “parking” means that part of the street, avenue, or highway in the City not covered by sidewalk and lying between the lot line and the curb line or, on unpaved streets, that part of the street, avenue, or highway lying between the lot line and that portion of the street usually traveled by vehicular traffic.

**151.02 PLANTING RESTRICTIONS.** No tree shall be planted in any parking or street.

**151.03 DUTY TO TRIM TREES.** The owner or agent of the abutting property shall keep the trees on, or overhanging the street, trimmed so that all branches will be at least 15 feet above the surface of the street and eight feet above the sidewalks. If the abutting property owner fails to trim the trees, the City may serve notice on the abutting property owner requiring that such action be taken within five days. If such action is not taken within that time, the City may perform the required action and assess the costs against the abutting property for collection in the same manner as a property tax.

*(Code of Iowa, Sec. 364.12[2c, d & e])*

**151.04 TRIMMING TREES TO BE SUPERVISED.** Except as allowed in Section 151.03, it is unlawful for any person to trim or cut any tree in a street or public place unless the work is done under the supervision of the City.

**151.05 DISEASE CONTROL.** Any dead, diseased, or damaged tree or shrub that may harbor serious insect or disease pests or disease injurious to other trees is hereby declared to be a nuisance.

**151.06 INSPECTION AND REMOVAL.** The Council shall inspect or cause to be inspected any trees or shrubs in the City reported or suspected to be dead, diseased or damaged, and such trees and shrubs shall be subject to the following:

1. City Property. If it is determined that any such condition exists on any public property, including the strip between the curb and the lot line of private property, the Council may cause such condition to be corrected by treatment or removal. The Council may also order the removal of any trees on the streets of the City which interfere with the making of improvements or with travel thereon.
2. Private Property. If it is determined with reasonable certainty that any such condition exists on private property and that danger to other trees or to adjoining property or passing motorists or pedestrians is imminent, the Council shall notify by certified mail the owner, occupant or person in charge of such property to correct such condition by treatment or removal within 14 days of said notification. If such owner, occupant, or person in charge of said property fails to comply within 14 days of receipt

of notice, the Council may cause the condition to be corrected and the cost assessed against the property.

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

[The next page is 751]

## CHAPTER 155

# BUILDING CODE

155.01 Short Title	155.21 Subsection R303.3 Amended – Bathrooms
155.02 International Building Codes Adopted	155.22 Subsection 406.3.4.1 Amended – Separation
155.03 Amendments, Modifications, Additions, and Deletions	155.23 Subsection R311.3.2 Amended – Floor Elevations At Other Exterior Doors
155.04 Referenced Codes – Amendments, Modifications, Additions, and Deletions	155.24 Subsection R311.7.5.1 Amended – Risers
155.05 Deletions	155.25 Subsection R311.7.8.2 Addition – Continuity
155.06 Subsections 101.1 and R101.1 Amended – Title	155.26 Subsection R313.1 Amended – Townhouse Automatic Fire Sprinkler Systems
155.07 Subsection 101.4 Amended – Reference Codes	155.27 Subsection R313.2 Amended – One- and Two-Family Dwellings Automatic Fire Systems
155.08 Subsections 103.1 and R103.1 Amended – Creation Of Enforcement Agency	155.28 Subsection R404.1 Amended – Concrete and Masonry Foundation Walls
155.09 Subsection 104.11 Addition – Alternate Materials, Methods, and Equipment	155.29 Subsection 1807.1.5.1 and R404.1.2.2.3 Addition - Foundation Walls for Conventional Light Frame Wood Construction
155.10 Subsections 105.1 and R105.1 Addition –(Permits) Required	155.30 Section R405 Addition – Foundation Drainage
155.11 Subsections 105.2 and R105.2 Amended – Work Exempt From Permit	155.31 Subsection R506.2.4 Addition – Reinforcement Support
155.12 Subsections 105.5 and R105.5 Amended - Expiration	155.32 Subsection 907.2.11 Amended – Single and Multiple-Station Smoke Alarms
155.13 Subsections 105.6.1 and R105.6.1 Addition - Revocation of Permit	155.33 Section 1008.3.3 Amended – Rooms and Spaces
155.14 Subsections 109.2.1 and R108.2.1 Addition – Plan Review Fees	155.34 Section 1010.1.6.1 Addition – Doors, Gates, and Turnstiles
155.15 Subsections 109.4 and R108.6 Addition – Work Commencing Before Permit Issuance	155.35 Subsection 1030.3 and R310.3 Amended - (Emergency Escape and Rescue) Maximum Height From Floor
155.16 Subsection R110.1 Amended – Use and Occupancy	155.36 Subsection 1030.4.3 – Window Wells
155.17 Section 112 and R111 Addition – Underground Utility Installation	155.37 Subsection 1608.2 Amended – Ground Snow Loads
155.18 Table R301.2(1) Amended – Climatic and Geographic Design Criteria	155.38 Section 1612 Amended – Flood Loads
155.19 Subsection R302.1 Amended – Exterior Walls	155.39 Building Permits in New Subdivisions
155.20 Subsection Table R302.6 Amended – Dwelling/ Garage Separation	

**155.01 SHORT TITLE.** This chapter shall be known as the Le Grand Building Code, may be cited as such, and will be referred to as such in this chapter. Any higher standards in the State statutes or City ordinances shall be applicable.

**155.02 INTERNATIONAL BUILDING CODES ADOPTED.** Except as hereinafter modified, that certain building codes known as the *International Building Code*, 2018 Edition, and the *International Residential Code*, 2018 Edition, as published by the International Code Council, Inc., is adopted in full except for such portions as may be hereinafter deleted, modified, or amended. A copy each, as adopted, and a copy of this chapter are on file in the office of the City Clerk.

**155.03 AMENDMENTS, MODIFICATIONS, ADDITIONS, AND DELETIONS.** The *International Building Code*, 2018 Edition (hereinafter known as the IBC), and the *International Residential Code*, 2018 Edition (hereinafter known as the IRC), are amended as hereinafter set out in Sections 155.04 through 155.39

**155.04 REFERENCED CODES – AMENDMENTS, MODIFICATIONS, ADDITIONS, AND DELETIONS.** The remaining sections in this chapter represent amendments to the requirements contained in the IBC and IRC. In the event requirements of

this code conflict with applicable State and Federal requirements of this code conflict with applicable State and Federal requirements, the more stringent shall apply except that all references to flood hazard construction shall be coordinated in consultation with Chapter 160 of this Code of Ordinances.

**105.05 DELETIONS.** The following is deleted from the IRC and is of no force or effect in this chapter:

1. Subsection 302.13 Fire protection of floors.
2. Part VIII – Electrical.

**105.06 SUBSECTIONS 101.1 AND R101.1 AMENDED – TITLE.** Subsections 101.1, Title, of the IBC and R101.1, Title, of the IRC, are hereby deleted and there is enacted in lieu thereof the following subsections:

1. Subsection 101.1 Title. These regulations shall be known as the Le Grand Building Code, hereinafter known as “this code.”
2. Subsection R 101.1 Title. These provisions shall be known as the Le Grand Residential Code for One- and Two- Family Dwellings and shall be cited as such and will be referenced to herein as “this code.”

**105.07 SUBSECTION 101.4 AMENDED – REFERENCE CODES.** Subsections 101.4, Reference Codes, of the IBC, is hereby amended by deleting said subsection and inserting in lieu thereof the following subsection and subsections:

1. 101.4 Referenced Codes. The other codes listed in Section 101.4.1 through 101.4.8 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.
2. 101.4.1 Gas. The provisions of the *2018 International Fuel Gas Code* shall apply to the installation of gas piping from the point of delivery, gas appliances, and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.
3. 101.4.2 Mechanical. The provisions of the *Iowa State Mechanical Code* shall apply to the installation, alterations, repairs, and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators, and other energy-related systems.
4. 101.4.3 Plumbing. The provisions of the *Iowa State Plumbing Code* shall apply to the installation, alteration, repair, and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the *International Private Sewage Disposal Code* shall apply to private sewage disposal systems.
5. 101.4.4 Property Maintenance. The provisions of the *2018 International Property Maintenance Code* shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

6. 101.4.5 Fire Prevention. The provisions of the *2018 International Fire Code* shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.
7. 101.4.6 Energy. The provisions of the *State of Iowa Energy Conservation Code* shall apply to all matters governing the design and construction of buildings for energy efficiency.
8. 101.4.7 Existing Buildings. The provisions of the *2018 International existing Building Code* shall apply to matters governing the repair, alteration, change of occupancy, addition to and relocation of existing buildings.
9. 101.4.8 Swimming Pool and Spa. The provisions of the *2018 International Swimming Pool and Spa Code* shall apply to all matters governing the design and construction of pools and spa systems.

**155.08 SUBSECTIONS 103.1 AND R103.1 AMENDED – CREATION OF ENFORCEMENT AGENCY.** Subsection 103.1, Creation of Enforcement Agency, of the IBC and R103.1, Creation of Enforcement Agency, of the IRC, are hereby amended by adding the following paragraph:

Subsections 103.1 and R103.1 Building Official and Zoning Administrator. The term Building Official is intended to also mean the Zoning Administrator, who shall be appointed by the Council and shall hereinafter also be referred to as Code Official and his or her representatives or designees, who are herewith delegated the same powers, authorities, duties and responsibilities as designated for the Code Official. The Code Official when so appointed, shall be responsible for the enforcement of the Building Code; the Mechanical code; the Plumbing code; the Gas Code, the Energy code, the Electrical code, the Zoning code and the Fire Prevention code of the city. The Code Official shall have authority to file a complaint in any court of competent jurisdiction charging a person with the violation of this Chapter. The Code Official shall have whatever additional duties the Council may prescribe.

**155.09 SUBSECTION 104.11 ADDITION – ALTERNATE MATERIALS, METHODS, AND EQUIPMENT.** Subsections 104.11.3, Plumbing and Fuel Gas, of the IBC, is hereby established by adding the following subsection:

1. Subsection 104.11, Alternate materials, methods, and equipment, of the IBC is here by amended by adding the following subsection and exception:
  - A. Subsection 104.11.3 – *Iowa State Plumbing Code*. The *Iowa State Plumbing Code* consisting of the Uniform Plumbing Code, as prepared and edited by the International Association of Plumbing and Mechanical Officials, as amended and currently adopted by the State of Iowa Department of Public Health, is hereby approved as an alternate equivalent method for complete plumbing and fuel gas systems.
  - B. Subsection 104.11.3, Administration Exception 1. Administrative regulations shall be as prescribed in the *International Plumbing Code*, 2018 Edition and *International Fuel Gas Code*, 2018 Edition, as adopted and amended.

**155.10 SUBSECTIONS 105.1 AND R105.1 ADDITION – (PERMITS) REQUIRED.**

Subsections 105.1, Required, of the IBC and R105.1, Required, of the IRC, are hereby amended by adding the following to said subsections:

1. Subsections 105.1 and R105.1 Platting Required. A building permit shall not be issued unless the land upon which the proposed work is to be done is platted pursuant to the provisions of the subdivision regulations, unless a metes and bounds description previously has been utilized by the City. A building permit shall not be issued permitting the construction of any building or other structure on any lot designated on any plat as an outlot, without such lot being replatted in accordance with the provisions of the subdivision regulations. Such platting may be waived by the city council if that body determines that no portion of the land is needed for public purposes or if that portion needed for public purposes, as determined by the council, is dedicated to the city; provided further, that such platting may be waived by the zoning administrator if the requested building permit is for one of the following purposes:

- A. Any accessory structure or addition for a one- or two-family residence;
- B. The removal, repair or alteration of a structure on unplatted premises, provided that there is no change in the use classifications of such structure;
- C. The term "alteration" shall be deemed to mean any change or modification of a structure that does not serve to increase the size of the original structure by more than ten percent.

**155.11 SUBSECTIONS 105.2 AND R105.2 AMENDED – WORK EXEMPT FROM PERMIT.**

Subsections 105.2, Work exempt from permit, of the IBC and R105.2, Work exempt from permit, of the IRC are hereby amended by deleting the following items and adding a sentence to said subsections as follows:

Subsections 105.2 and R105.2 Work Exempt from Permit.

- 1. Delete - Subsection 105.2 Building - Item #1 Detached structures not exceeding 120 sq. ft.
- 2. Delete - Subsection 105.2 Building - Item #2 Fences not over 7 feet high
- 3. Delete - Subsection 105.2 Building - Item #6 Sidewalks and driveways
- 4. Delete - Subsection 105.2 Building - Item #9 Prefabricated swimming pools
- 5. Delete - Subsection 105.2 Building - Item #10 Shade cloth structures
- 6. Delete - Subsection R105.2 Building - Item #1 Detached structures not exceeding 200 sq. ft.
- 7. Delete - Subsection R105.2 Building - Item # 2 Fences not over 7 feet high
- 8. Delete - Subsection R105.2 Building - Item #5 Sidewalks and driveways
- 9. Delete - Subsection R105.2 Building - Item #7 Prefabricated swimming pools
- 10. Delete - Subsection R105.2 Building - Item #10 Decks not exceeding 200 sq. ft.

Exemption from permit requirements of this chapter shall not preclude requirements for permitting of plumbing, electrical and mechanical installations and systems or compliance with this Code of Ordinances.

**155.12 SUBSECTIONS 105.5 AND R105.5 AMENDED – EXPIRATION.** Subsections 105.5 Expiration, of the IBC and R105.5, Expiration, of the IRC, are hereby amended by deleting said subsections and inserting in lieu thereof the following:

Subsections 105.5 and R105.5 12 Month Expiration. Every permit issued under the provisions of this Code shall expire twelve (12) months from the date of issue, unless the application is accompanied by a construction schedule of specific longer duration, in which instance the permit may be issued for the term of the construction schedule, with approval of the Code Official. If the work has not been completed by the expiration date of the permit, no further work shall be done until the permit shall have been renewed by the owner or his or her agent and by payment of the renewal fee as established by Resolution of the City Council, and provided no changes have been made in plans or location. Upon approval, permits may be extended for no more than two periods not exceeding 180 days each.

**155.13 SUBSECTIONS 105.6.1 AND R105.6.1 ADDITION – REVOCATION OF PERMIT.** Subsections 105.6.1 Revocation of Permit, of the IBC and R105.6.1, Revocation of Permit, of the IRC, are hereby established by adding the following subsections:

Subsections 105.6.1 and R105.6.1 Revocation of Permit. It is the responsibility of the permit holder to schedule the required inspections and obtain final approval. Failure to schedule the required inspections and receive approval of work authorized by the permit before covering said work or at completion shall result in revocation of the permit and void any associated approvals granted by the City. This failure shall also equate to working without a permit in violation of City ordinance and no future permits shall be issued to any person or company who has outstanding violations of this code or any other laws or ordinances of the City. Failure to contact the City for any inspection or follow-up prior to expiration of a permit shall be deemed a violation of this code section. Failure to contact the City for any inspection or follow-up prior to expiration of a Temporary Certificate of Occupancy shall also be deemed a violation of this code section. Allowing occupancy of a structure, for which a person or company holds a building permit, prior to or without a valid Certificate of Occupancy (temporary or final) shall be deemed a violation of this code section and no future permits shall be issued to any person or company who has outstanding violations of this code or any other laws or ordinances of the City.

**155.14 SUBSECTIONS 109.2.1 AND R108.2.1 ADDITION – PLAN REVIEW FEES.** Subsections 109.2.1, Plan review fees, of the IBC, and R108.2.1, Plan review fees, of the IRC, are hereby established by adding the following subsections:

Subsections 109.2.1 and R108.2.1 Plan Review Fees. Fees for all plan reviews shall be as set forth and established by resolution of the City Council. All such fees shall be paid in accordance with the terms and requirements of such resolution or as the same may be amended by the City Council from time to time.

**155.15 SUBSECTIONS 109.4 AND R108.6 ADDITION – WORK COMMENCING BEFORE PERMIT ISSUANCE.** Subsections 109.4, Work commencing before permit issuance, of the IBC, and R108.6, Work commencing before permit issuance, of the IRC, are hereby established by adding the following sentence after said subsections:

Subsections 109.4 and R108.6 Work Commencing Before Permit Issuance. Said fee shall be 100 percent of the usual permit fee in addition to the required permit fees.

**155.16 SUBSECTION R110.1 AMENDED – USE AND OCCUPANCY.** Subsection R110.1, Use and occupancy, of the IRC, is hereby amended by deleting exception #2 - Accessory buildings or structures.

**155.17 SECTION 112 AND R111 ADDITION – UNDERGROUND UTILITY INSTALLATION.** Subsections 112.4, Service Utilities, of the IBC, and R111.4, Service Utilities, of the IRC, are hereby established by adding the following subsections:

Subsections 112.4 and R111.4 Underground Utility Installation. All electrical service lines not exceeding four hundred eighty volts and all telephone and cablevision service lines, as well as other utility lines serving any new building or structure, including signs and billboards, requiring permanent electrical service shall be placed underground unless a waiver from such is approved by the City Engineer.

The provisions of this section shall not apply to existing buildings or additions to such buildings. Nothing in this section shall be deemed to apply to temporary service when defined as such by the utility company.

**155.18 TABLE R301.2(1) AMENDED – CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA.** Table R301.2(1), Climatic and Geographic Design Criteria, of the IRC, is hereby amended by modifying said table as follows:

**Table R301.2(1), Climatic and Geographic Design Criteria**

Ground Snow Load	Wind Design			Subject to Damage From			Winter		Flood Hazards	Air Freezing Index	Mean Annual Temp.
	Speed MPH	Topographic Effects	Seismic Design Capacity	Weathering	Frost Line Depth	Termite	Design Temps	Ice Barrier Req'd	Flood Plain Adoption		
30 PSF	115	NO	A	Severe	42"	Moderate to Heavy	-5°F	Yes	10-Nov-09	1833	48.6°F

**155.19 SUBSECTION R302.1 AMENDED – EXTERIOR WALLS.** Subsection R302.1, Exterior walls, of the IRC, is hereby amended by deleting all exceptions and inserting in lieu thereof the following exception:

Subsection R302.1 Exterior Walls Exception #1. Accessory structures less than 10 feet from a dwelling and/or less than 3 feet from a property line shall be provided with 5/8” “X” fire code sheetrock or equivalent throughout the interior, including the walls and ceiling. Any accessory structure opening(s) in wall(s) parallel to and less than 10’ from dwelling unit wall(s) shall be fire rated in accordance with this code.

**155.20 SUBSECTION TABLE R302.6 AMENDED – DWELLING/GARAGE SEPARATION.** Table R302.6 Dwelling-Garage Separation, of the IRC, is hereby amended by modifying said table as follows:



**Table R302.6, Dwelling/Garage Separation**

Separation	Material
From the residence & attics – common wall with garage	5/8” “X” fire code sheetrock or equivalent applied to the garage side
From all habitable rooms above the garage	5/8” “X” fire code sheetrock or equivalent – throughout garage
Structures supporting floor/ceiling assemblies used for separation required by this section	5/8” “X” fire code sheetrock or equivalent – throughout garage
Garages located less than 10 feet from a dwelling unit(s) on the same lot	5/8” “X” fire code sheetrock or equivalent – throughout garage

**155.21 SUBSECTION R303.3 AMENDED – BATHROOMS.** Subsection R303.3, Bathrooms, of the IRC, is hereby amended by deleting said subsection and inserting in lieu thereof the following subsection and also by adding the following exception:

1. Subsection R303.3 Bathrooms. Bathrooms shall be provided with a mechanical ventilation system. The minimum ventilation rates shall be 50 cfm for intermittent ventilation or 20 cfm for continuous ventilation. Ventilation air from the space shall be exhausted directly to the outside.
2. Exception: Toilet rooms containing only a water closet and/or lavatory may be provided with a recirculating fan.

**155.22 SUBSECTION 406.3.4.1 AMENDED – SEPARATION.** Subsection 406.3.4.1, Dwelling Unit Separation, of the IBC, is hereby amended by deleting subsection and inserting in lieu thereof the following:

Subsection 406.3.4.1 Dwelling Unit Separation. The private garage shall be separated from the dwelling unit and its attic area by means of minimum 5/8-inch type “X” fire code gypsum board or equivalent applied to the garage side. Where the separation is a floor-ceiling assembly, the structure supporting the separation shall also be protected by not less than 5/8-inch type “X” fire code gypsum board or equivalent throughout. Garages beneath habitable rooms shall be separated by not less than 5/8-inch type “X” fire code gypsum board or equivalent throughout. Door openings between a private garage and the dwelling unit shall be equipped with either solid wood doors or solid or honeycomb core steel doors not less than 1 3/8” thick, or doors in compliance with 716.5.3. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Doors shall be self-closing and self-latching.

**155.23 SUBSECTION R311.3.2 AMENDED – FLOOR ELEVATIONS AT OTHER EXTERIOR DOORS.** Subsection R311.3.2, Floor elevations at other exterior doors, of the IRC, is hereby amended by deleting said exception and inserting in lieu thereof the following exception:

Subsection R311.3.2 Floor Elevations at Other Exterior Doors Exception. A top landing is not required where a stairway of not more than three risers is located on the exterior side of the door, provided that the door does not swing over the stairway.

**155.24 SUBSECTION R311.7.5.1 AMENDED – RISERS.** Subsection R311.7.5.1, Riser height, of the IRC, is hereby amended by adding the following exceptions:

Subsection R311.7.5.1 Riser Height Exception 3. The maximum riser height shall be 7 3/4 inches. The riser height shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch, except at the top or bottom riser of any interior stair where this dimension may deviate by a maximum of 1 inch. In no case shall the risers exceed the maximum height of 7 3/4 inches.

Subsection R311.7.5.1 Profile Exception 4. The opening between adjacent treads is not limited on exterior stairs serving individual dwelling units.

**155.25 SUBSECTION R311.7.8.2 ADDITION – CONTINUITY.** Subsection R311.7.8.2, Continuity, of the IRC, is hereby amended by adding the following exception:

Subsection R311.7. 8.2 Continuity Exception 3. Handrails within a dwelling unit or serving an individual dwelling unit shall be permitted to be interrupted at one location in a straight stair when the rail terminates into a wall or ledge and is offset and immediately continues.

**155.26 SUBSECTION R313.1 AMENDED – TOWNHOUSE AUTOMATIC FIRE SPRINKLER SYSTEMS.** Subsection R313.1 Townhouse automatic fire sprinkler system, of the IRC, is hereby amended by deleting said subsection and inserting the following in lieu thereof (exception remains unchanged):

Subsection R313.1 Townhouse Automatic Fire Sprinkler Systems. An automatic residential fire sprinkler system shall be installed in townhouses containing more than 2 (two) dwelling units.

**155.27 SUBSECTION R313.2 AMENDED – ONE- AND TWO-FAMILY DWELLINGS AUTOMATIC FIRE SYSTEM.** Subsection R313.2 One- and two- family automatic fire sprinkler systems, of the IRC, is hereby amended by adding the following exception:

Subsection R313.2 One- and Two-Family Automatic Fire Sprinkler Systems Exception 2. Dwelling units in which the gross square footage of the dwelling space(s), including all floor levels whether finished or unfinished and all basement areas whether finished or unfinished (exclusive of attached garage area), does not exceed 8,000 square feet.

**155.28 SUBSECTION R404.1 AMENDED – CONCRETE AND MASONRY FOUNDATION WALLS.** Subsection R404.1, Concrete and masonry foundation walls, of the IRC, is hereby amended by adding the following paragraph:

Subsection R404.1 Concrete and Masonry Foundation Walls Lateral Support. Prior to backfill and prior to a poured in place floor slab to provide bottom lateral support the following may be provided (1) a full depth (minimum 1-1/2”) nominal 2” x 4” keyway may be formed into the footings to secure the bottom of the foundation wall - or- (2) 36” long vertical # 4 rebar may be embedded a minimum of 6” into the footings not to exceed 7’ o.c. spacing.

**155.29 SUBSECTION 1807.1.5.1 AND R404.1.2.2.3 ADDITION – FOUNDATION WALLS FOR CONVENTIONAL LIGHT FRAME WOOD CONSTRUCTION.** Subsections 1807.1.5.1, Foundation Walls for Conventional Light Frame Wood Construction, of the IBC and R404.1.2.2.3, Foundation Walls for Conventional Light Frame Wood Construction, of the IRC, are hereby established by adding the following subsections and table:

Subsections 1807.1.5.1 and R404.1.2.2.3 Foundation Walls for Conventional Light Frame Wood Construction. As an alternate to the requirements of respective codes the following Table ‘Foundation Walls for Conventional Light Frame Construction’ may be used:

**Table – “Foundation Walls for Conventional Light Frame Construction”**

Height of Foundation Wall (Net measured from top of basement slab to top of foundation wall)*		Thickness of Foundation Walls		Reinforcement type and placement within Foundation Wall **	Reinforcement Type and placement within Foundation Wall** (maximum 12’ span between corners and supporting cross walls.)	Type of Mortar
		Unit				
Gross	Net	Concrete	Masonry	Concrete	Masonry	Masonry
8	7’8”	7 ½”	8”	½” horizontal bars, placement in the middle, and near the top & bottom –½” bars @ 6’ max. vertically	0.075 square inch bar 8’ o.c. vertically in fully grouted cells. If block is 12” nominal thickness, may be unreinforced.	Type M or S. Grout & Mortar shall meet provisions of Chapter 21 IBC
9	8’8”	8”	See Chapter 18 IBC	½” bars 2’ o.c. horizontally & 20” vertically o.c.	See Chapter 18 IBC	Same as above
10	9’8”	8”	See Chapter 18 IBC	(5/8” bars 2’ o.c. horizontally & 30” vertically o.c.)	See Chapter 18 IBC	Same as above
*Concrete floor slab to be nominal 4”. If such floor slab is not provided prior to backfill, provide 1) 36” vertical #4 rebar embedded in the footing @ maximum 7’ O.C. spacing -and/or- 2) full depth nominal 2” depth x 4” width keyway in footing						
**All reinforcement bars shall meet ASTM A6175 grade 40 minimum and be deformed. Placement of bars shall be in center of wall and meet the provisions of 18, 19, and 21 of the International Building Code.						
NOTE: Cast in place concrete shall have a compressive strength of 3,000 lbs @ 28 days. Footings shall contain continuous reinforcement of 2 – ½” diameter rebar throughout. Placement of reinforcement and concrete shall meet the requirements of Chapter 19 of the International Building Code.						
NOTE: Material used for backfilling shall be carefully placed granular soil of average or high permeability and shall be drained with an approved drainage system as prescribed in Section 1805.4 of the International Building Code. Where soils containing a high percentage of clay, fine silt or similar materials of low permeability or expansive soils are encountered or where backfill materials are not drained or an unusually high surcharge is to be placed adjacent to the wall, a specially designed wall shall be required.						
Note: Foundation plate or sill anchorage may be installed in accordance with the respective codes as applicable.						

**155.30 SECTION R405 ADDITION – FOUNDATION DRAINAGE.** Section R405, Foundation Drainage, of the IRC, is hereby amended by adding a new subsection as follows:

Subsection R405.3 Sump Pumps. Footing drains and drainage systems shall be discharged to a sump pump plumbed to a discharge system separated from the sanitary sewer and in accordance with the standard specifications adopted by the City Council. Exceptions may be granted by the Code Official in accordance with said engineering standards.

**155.31 SUBSECTION R506.2.4 ADDITION – REINFORCEMENT SUPPORT.** Subsection R506.2.4, of the IRC, Reinforcement support is hereby amended by addition of the following exception:

Subsection R506.2.4 Reinforcement Support Exception 1. Non-structural slabs.

**155.32 SUBSECTION 907.2.11 AMENDED – SINGLE AND MULTIPLE-STATION SMOKE ALARMS.** Subsection 907.2.11, of the IBC, Single and Multiple-station smoke alarms is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 907.2.11 Single and Multiple-Station Smoke Alarms. Listed single- and multiple-station smoke alarms complying with UL 217 shall be installed in accordance with provisions of this code and the household fire warning equipment provision of NFPA 72. Smoke alarms shall be addressable with sounder bases and tied into the building fire alarm system as a supervisory signal only. Mini horns are not required if notification from a building fire alarm system is through the smoke alarms with sounder bases.

**155.33 SECTION 1008.3.3 AMENDED – ROOMS AND SPACES.** Section 1008.3.3, Rooms and spaces, of the IBC, is hereby amended by deleting said Item and inserting in lieu thereof the following:

5. Restrooms containing more than one water closet/urinal or that are accessible.

**155.34 SECTION 1010.1.6.1 ADDITION – DOORS, GATES, AND TURNSTILES.** Section 1010.1.6.1, Doors, Gates and Turnstiles, of the IBC, is hereby amended by adding the following subsection:

Subsection 1010.1.6.1 Frost Protection. Exterior landings at doors shall be provided with frost protection.

**155.35 SUBSECTION 1030.3 AND R310.3 AMENDED – (EMERGENCY ESCAPE AND RESCUE) MAXIMUM HEIGHT FROM FLOOR.** Subsection 1029.3, Maximum Height from Floor, of the IBC and R310.3 Maximum Height from Floor, of the IRC, is hereby amended by adding the following exception:

Subsection 1030.3 and R310.3 Maximum Height From Floor Exception 1. Within individual units of Group R-2 and R-3 occupancies where a window is provided as a means of escape and rescue opening from a basement it shall have a sill height of not more than 44 inches above the floor or landing. Where a landing is provided the landing shall be not less than 36 inches wide, not less than 18 inches out from the exterior wall, and not more than 24 inches in height. The landing shall be permanently affixed to the floor below and the wall under the openable area of the window it serves.

**155.36 SUBSECTION 1030.4.3 – WINDOW WELLS.** Subsections 1030.4.3, Window Wells, of the IBC, is hereby amended by adding the following subsection:

Subsections 1030.4.3 Window Well Drainage. All window wells shall be provided with approved drainage.

**155.37 SUBSECTION 1608.2 AMENDED – GROUND SNOW LOADS.** Subsection 1608.2, Ground Snow Loads, of the IBC, is hereby amended by deleting said section and inserting in lieu thereof the following:

Subsection 1608.2 Ground Snow Load. The ground snow load to be used in determining the design snow load for roofs is hereby established at 30 pounds per square foot. Subsequent increases or decreases shall be allowed as otherwise provided in the building code, except that the minimum allowable flat roof snow load may be reduced to not less than 80 percent of the ground snow load.

**155.38 SECTION 1612 AMENDED – FLOOD LOADS.** Section 1612, Flood Loads, of the IBC, is hereby amended by deleting said section and inserting in lieu thereof the following section:

Section 1612.1 General Floodplain Construction Standards. The following standards are established for construction occurring within the one-hundred-year flood elevation:

1. All structures shall:
  - A. Be adequately anchored to prevent flotation, collapse or lateral movement of the structure;
  - B. Be constructed with materials and utility equipment resistant to flood damage; and
  - C. Be constructed by methods and practices that minimize flood damage.
2. Residential Buildings. All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one foot above the one-hundred-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than one foot above the one-hundred-year flood level and extend at such elevation at least eighteen feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers) may be allowed, subject to favorable consideration by the Code Official where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding.
3. Nonresidential Buildings. All new or substantially improved nonresidential buildings shall have the first floor (including basement) elevated a minimum of one foot above the one-hundred-year flood level, or together with attendant utility and sanitary systems, be floodproofed to such a level.
4. 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 one-hundred-year flood; that the structure, below the one-hundred-year flood level, is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to mean

sea level) to which any structures are floodproofed shall be maintained by the Code Official.

5. Mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements are that:

- A. Over-the-top ties be provided at each of the four corners of the mobile home with two additional ties per side at intermediate locations for mobile homes 50 feet or more in length or one such tie for mobile homes less than 50 feet in length;
- B. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points for mobile homes 50 feet in length;
- C. All components of the anchoring system be capable of carrying a force of four thousand eight hundred pounds; and
- D. Any additions to the mobile home be similarly anchored.

6. Mobile homes shall be placed on lots or pads elevated by means of compacted fill so that the lowest floor of the mobile home will be a minimum of one foot above the one-hundred-year flood level. In addition, the tie-down specification of Section 175.04.350 Subsection E must be met and adequate surface drainage and access for a hauler must be provided.

7. New mobile homes, expansions to existing mobile homes and mobile home lots where the repair, reconstruction or improvement of the streets, utilities, and pads equals or exceeds fifty percent before the repair, reconstruction or improvement has commenced shall provide:

- A. Lots or pads that have been elevated by means of compacted fill so that the lowest floor of mobile homes will be a minimum of one-foot above the one-hundred-year flood level;
- B. Ground anchors for mobile homes.

8. Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one foot above the one-hundred-year flood level. Other material and equipment must either be similarly elevated or:

- A. Not be subject to major flood damage and be anchored to prevent movement due to flood waters; or
- B. Be readily removable from the area within the time available after flood warning.

#### Section 1612.2 Special floodway standards.

1. The following standards are established for construction occurring within a designated floodway.

- A. Structures, buildings and sanitary and utility systems, if permitted, shall meet the applicable general floodplain standards and shall be constructed or aligned to present the minimum possible resistance to flood flows.
- B. Buildings, if permitted, shall have a low flood damage potential and shall not be for human habitation.

**155.39 BUILDING PERMITS IN NEW SUBDIVISIONS.** An applicant for a building permit in a subdivision that has been platted after January 1, 2002, shall certify on the application for a building permit whether sewer, water, electricity and natural gas utility services are available at the property line of the lot for which the building permit is sought. If the utility services are not available, a building permit will not be issued by the Building Official until such time as the applicant files a new application certifying that the utility services are available at the property line. In the event, however, both the property owner and builder waive in writing the requirement that sewer, water, electricity and natural gas utility services be available at the property line, the Building Official shall proceed to issue the building permit, if all other requirements are met.

[The next page is 771]



# CHAPTER 156

## PLUMBING CODE

156.01 Short Title	156.07 Subsection 104.1.1 Addition – Permit Acquisition
156.02 Adoption of Plumbing Code	156.08 Subsection 104.4.3 Amended – Expiration
156.03 Amendments, Modifications, Additions, and Deletions	156.09 Subsection 104.5 Amended – Fee Schedule
156.04 Referenced Codes – Conflicts	156.10 Subsection 104.5.3 Amended – Fee Refunds
156.05 Subsection 101.1 Amended – Title	156.11 Subsection 106.3 Amended – Violation Penalties
156.06 Subsection 103.1 Addition - General	156.12 Subsection 106.4 Addition – Stop Work Order

**156.01 SHORT TITLE.** This chapter shall be know as the Le Grand Plumbing Code, and may be cited as such, and may be referred to herein as this chapter.

**156.02 ADOPTION OF PLUMBING CODE.** The *Uniform Plumbing Code*; published by the International Association of Plumbing and Mechanical Officials, as currently adopted and amended by the Department of Public Health Iowa Administrative Rule 641-25, is adopted in full except for such portions as may be hereinafter deleted, modified, or amended. A copy of the *Uniform Plumbing Code*, as adopted, and a copy of this chapter are on file in the office of the City Clerk.

**156.03 AMENDMENTS, MODIFICATIONS, ADDITIONS, AND DELETIONS.** The *Uniform Plumbing Code*, (hereinafter known as the UPC), is amended as hereinafter set out in Sections 156.04 through 156.12

**156.04 REFERENCED CODES – CONFLICTS.** In the event requirements of this code conflict with applicable State and federal requirements, the more stringent shall apply.

**156.05 SUBSECTIONS 101.1 AMENDED – TITLE.** Subsection 101.1, Title, of the UPC is hereby deleted and there is enacted in lieu thereof the following subsection:

Subsection 101.1 Title. These regulations shall be known as the Plumbing Code of the City of Le Grand, hereinafter known as “this code.”

**156.06 SUBSECTION 103.1 ADDITION – GENERAL.** Subsection 103.1, General, of the UPC, is hereby amended by adding the following paragraphs to said subsection:

Subsection 103.1 Building and Zoning Administrator. The term Code Official is intended to also mean the Building Official and Zoning Administrator and his or her representatives or designees, who are herewith delegated the same powers, authorities, duties, and responsibilities as designated for the Code Official.

**156.07 SUBSECTION 104.1.1 ADDITION – PERMIT ACQUISITION.** Subsection 104.1.1 Permit Acquisition, of the UPC, is hereby established by adding the following:

Subsection 104.1.1 Permit Acquisition.

1. Permits are not transferable. Plumbing work performed under the provisions of this chapter must be done by a contractor meeting the licensing provisions as set forth by the State of Iowa Plumbing and Mechanical Systems Board in accordance with Iowa Code Chapter 105. A plumber licensed by the State of Iowa Plumbing and Mechanical

Systems Board as a “Master” may sign and obtain a permit for the contractor for which they are employed only when said “Master” has provided proof of employment by said licensed contractor. Any permit required by the provisions of this code may be revoked by the Code Official upon the violation of any provision of this code.

2. A State of Iowa licensed plumbing contractor shall be allowed only to secure permits for himself or herself, or for a single firm or corporation. When a State of Iowa licensed plumbing contractor has secured such a permit, only the employees of such contractor when meeting the provisions of Iowa Code Chapter 105 shall perform the work for which the permit was obtained.

3. For purposes of this section, an “employee” shall be one employed by the contractor, firm, or corporation for a wage or salary. A contractor may be required by the Code Official to show positive evidence as to the employee status of workers on the job. Such evidence shall be in the form of payroll and time records, canceled checks, or other such documents.

4. The contractor may also be required to show the agreement or contract pertaining to the work being questioned as evidence that said contractor is, in fact, the actual contractor for such work. Failure or refusal by the contractor to make available such employee or contractual records within 24 hours from demand therefore shall be grounds for immediate revocation of any permit for the work in question.

5. Homeowners (owner/occupants) qualifying for the homestead tax exemption may acquire permits for their principal residence (not an apartment) and appurtenant accessory structures for plumbing work, not to include connection within the public right-of-way to the public main of sewer, water and storm lines.

**156.08 SUBSECTION 104.4.3 AMENDED – EXPIRATION.** Subsection 104.4.3 Expiration, of the UPC, is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 104.4.3 12 Month Expiration. Every permit issued under the provisions of this Code shall expire twelve (12) months from the date of issue, unless the application is accompanied by a construction schedule of specific longer duration, in which instance the permit may be issued for the term of the construction schedule, with approval of the Code Official. If the work has not been completed by the expiration date of the permit, no further work shall be done until the permit shall have been renewed by the owner or his or her agent and by payment of the renewal fee as established by Resolution of the City Council, and provided no changes have been made in plans or location. Upon approval, permits may be extended for no more than two periods not exceeding 180 days each.

**156.09 SUBSECTION 104.5 AMENDED – FEE SCHEDULE.** Subsection 104.5 Fee Schedule, of the UPC, is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 104.5 Fee Schedule. Permits shall not be issued until the fees, as set forth and established by resolution of the City Council, have been paid to the City of Le Grand, Iowa. An amended permit or a supplemental permit for additional construction shall not be issued until the permit fee(s) for the additional work has been paid.

**156.10 SUBSECTION 104.5.3 AMENDED – FEE REFUNDS.** Subsection 104.5.3, Fee Refunds, of the UPC, is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 104.5.3 Fee Refunds. The Code Official is authorized to establish a refund policy.

**156.11 SUBSECTION 106.3 AMENDED – VIOLATION PENALTIES.** Subsection 106.3, Violation penalties, of the UPC, is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 106.3 Violation Penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, installs, alters or repairs plumbing work in violation of the approved construction documents or directive of the Code Official, or of a permit issued under the provisions of this code, shall be subject to penalties as prescribed by law.

**156.12 SUBSECTION 106.4 ADDITION – STOP WORK ORDER.** Subsection 106.4, Stop Work Orders, of the UPC, is hereby amended by adding the following subsection:

Subsection 106.4.1. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

[The next page is 781]

## CHAPTER 157

# MECHANICAL CODE

157.01 Short Title	157.08 Subsection 106.1.1 Addition – Permit Acquisition
157.02 Adoption of Mechanical Code	157.09 Subsection 106.2 Addition – Permits Not Required
157.03 Amendments, Modifications, Additions, and Deletions	157.10 Subsection 106.4.3 Amended – Expiration
157.04 Deletions	157.11 Subsection 106.5.2 Amended – Schedule of Permit Fees
157.05 Conflicts	157.12 Subsection 106.5.3 Amended – Fee Refunds
157.06 Subsection 101.1 Amended - Title	157.13 Subsection 108.4 Amended – Violation Penalties
157.07 Subsection 103.1 Addition - General	157.14 Subsection 108.5 Amended – Stop Work Order

**157.01 SHORT TITLE.** This chapter shall be known as the City of Le Grand Mechanical Code, and may be cited as such, and may be referred to herein as this chapter.

**157.02 ADOPTION OF MECHANICAL CODE.** The *International Mechanical Code*; published by the International Code Council, Inc., as currently adopted and amended by the Department of Public Health Iowa Administrative Rule 641-61, is adopted in full except for such portions as may be hereinafter deleted, modified or amended. A copy of the *International Mechanical Code*, as adopted and a copy of this chapter are on file in the office of the City Clerk.

**157.03 AMENDMENTS, MODIFICATIONS, ADDITIONS, AND DELETIONS.** The *International Mechanical Code* (hereinafter known as the IMC), is amended as hereinafter set out in Sections 157.04 through 157.14.

**157.04 DELETIONS.** The following are deleted from the IMC and are of no force or effect in this chapter:

1. Subsection 106.1.1 Annual permit.
2. Subsection 106.1.2 Annual permit records.
3. Subsection 106.4.4 Extensions.
4. Subsection 109 Means of Appeal.

**157.05 CONFLICTS.** In the event requirements of this code conflict with applicable State and Federal requirements, the more stringent shall apply.

**157.06 SUBSECTION 101.1 AMENDED - TITLE.** Subsection 101.1, Title, of the IMC, is hereby deleted and there is enacted in lieu thereof the following subsection:

Subsection 101.1 Title. These regulations shall be known as the City of Le Grand Mechanical Code, hereinafter known as “this code.”

**157.07 SUBSECTION 103.1 ADDITION - GENERAL.** The term Code Official is intended to also mean the Building Official and Zoning Administrator and his or her representatives or designees, who are herewith delegated the same powers, authorities, duties, and responsibilities as designated for the Code Official.

**157.08 SUBSECTION 106.1.1 ADDITION – PERMIT ACQUISITION.** Subsection 106.1.1 Permit Acquisition, of the IMC, is hereby established by adding the following:

Subsection 106.1.1 Permit Acquisition.

1. Permits are not transferable. Mechanical work performed under the provisions of this chapter must be done by a contractor meeting the licensing provisions as set forth by the State of Iowa Plumbing and Mechanical System Board in accordance with Iowa Code Chapter 105. A responsible person or mechanical professional licensed by the State of Iowa Plumbing and Mechanical Systems Board as a “Master” may sign and obtain a permit for the contractor for which they are employed only when said responsible person or “Master” has provided proof of employment or written confirmation by said licensed contractor. Any permit required by the provisions of this code may be revoked by the Code Official upon the violation of any provision of this code.
2. A State of Iowa licensed mechanical contractor shall be allowed only to secure permits for himself or herself, or for a single firm or corporation. When a State of Iowa licensed Mechanical contractor has secured such a permit, only the employees of such contractor when meeting the provisions of Iowa Code Chapter 105 shall perform the work for which the permit was obtained.
3. For purposes of this section, an “employee” shall be one employed by the contractor, firm, or corporation for a wage or salary. A contractor may be required by the Code Official to show positive evidence as to the employee status of workers on the job. Such evidence shall be in the form of payroll and time records, canceled checks, or other such documents.
4. The contractor may also be required to show the agreement or contract pertaining to the work being questioned as evidence that said contractor is, in fact, the actual contractor for such work. Failure or refusal by the contractor to make available such employee or contractual records within 24 hours from demand therefor shall be grounds for immediate revocation of any permit for the work in question.

**157.09 SUBSECTION 106.2 ADDITION – PERMITS NOT REQUIRED.** Subsection 106.2, Permits not required, of the IMC, is hereby amended by adding the following #9 to the subsection:

Subsection 106.2 Permits Not Required – 9. Replacement or relocation of existing house ventilation fans, bathroom exhaust, dryer vents, window air conditioners and extension of existing supply and return ductwork.

**157.10 SUBSECTION 106.4.3 AMENDED – EXPIRATION.** Subsection 106.4.3 Expiration, of the IMC, is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 106.4.3 12 Month Expiration. Every permit issued under the provisions of this Code shall expire twelve (12) months from the date of issue, unless the application is accompanied by a construction schedule of specific longer duration, in which instance the permit may be issued for the term of the construction schedule, with approval of the Code Official. If the work has not been completed by the expiration date of the permit, no further work shall be done until the permit shall have been renewed by the owner or his or her agent and by payment of the renewal fee as established by resolution of the City Council, and provided no changes have been made in plans or location. Upon

approval, permits may be extended for no more than two periods not exceeding 180 days each.

**157.11 SUBSECTION 106.5.2 AMENDED – SCHEDULE OF PERMIT FEES.** Subsection 106.5.2 Fee schedule, of the IMC, is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 106.5.2 Fee schedule. Permits shall not be issued until the fees, as set forth and established by resolution of the City Council, have been paid to the City of Le Grand. An amended permit or a supplemental permit for additional construction shall not be issued until the permit fee(s) for the additional work has been paid.

**157.12 SUBSECTION 106.5.3 AMENDED – FEE REFUNDS.** Subsection 106.5.3, Fee refunds, of the IMC, is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 106.5.3 Fee refunds. The Code Official is authorized to establish a refund policy.

**157.13 SUBSECTION 108.4 AMENDED – VIOLATION PENALTIES.** Subsection 108.4, Violation penalties, of the IMC, is hereby amended by deleting said subsection and inserting in lieu thereof the following:

Subsection 108.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, installs, alters or repairs mechanical work in violation of the approved construction documents or directive of the Code Official, or of a permit issued under the provisions of this code, shall be subject to penalties as prescribed by law.

**157.14 SUBSECTION 108.5 AMENDED – STOP WORK ORDER.** Subsection 108.5, Stop Work Orders, of the IMC, is hereby amended by deleting the last sentence of said subsection and inserting in lieu thereof the following:

Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

[The next page is 789]



## CHAPTER 158

# ELECTRICAL CODE

158.01 Short Title	158.06 Article 90.2.1 Addition – Permit Acquisition
158.02 Adoption of Electrical Code	158.07 Addition – Permit Expiration
158.03 Addition – Title	158.08 Addition – Schedule of Permit Fees
158.04 Addition – Creation of Enforcement Agency	158.09 Addition – Fee Refunds
158.05 Article 90.2 Amended – Scope (A) Covered - (Permits Required)	158.10 Addition – Stop Work Order

**158.01 SHORT TITLE.** This chapter shall be known as the City of Le Grand Electrical Code, and may be cited as such, and may be referred to herein as this chapter.

**158.02 ADOPTION OF ELECTRICAL CODE.** The *National Electrical Code*; published by the National Fire Protection Association (NFPA 70), as currently adopted and amended by the Iowa Electrical Examining Board, Iowa Department of Public Safety is hereby adopted.

**158.03 ADOPTION – TITLE.** Title, of the NEC, is hereby established by adding the following:

Title. These regulations shall be known as the City of Le Grand Electrical Code hereinafter known as “this code.”

**158.04 ADDITION – CREATION OF ENFORCEMENT AGENCY.** Creation of enforcement agency, of the NEC, is hereby established by adding the following:

Building and Zoning Administrator - The term Code Official is intended to also mean the Building Official and Zoning Administrator and his or her representatives or designees, who are herewith delegated the same powers, authorities, duties and responsibilities as designated for the Code Official.

**158.05 ARTICLE 90.2 AMENDED – SCOPE (A) COVERED. (PERMITS REQUIRED).** Permits required, of the NEC, is hereby established by adding the following subcategory (A)(5) and exceptions.

1. Permits Required – Permits shall be required for work contained within the scope of this article.
2. Exceptions:
  - A. Replacement lighting fixtures, receptacles, switches, overcurrent protection devices of the same volt and amperage.
  - B. The repair or replacement of flexible cords of same volt and amperage.
  - C. The process of manufacturing, testing, servicing, or repairing of electrical equipment or apparatus.
  - D. No permit or inspections are required for electrical wiring of 50 volts or less.

**158.06 ARTICLE 90.2.1 ADDITION – PERMIT ACQUISITION.** Permit acquisition, of the NEC, is hereby established by adding the following article:

## Article 90.2.1 Permit Acquisition.

1. Permits are not transferable. Electrical work performed under the provisions of this chapter must be done by a contractor meeting the licensing provisions as set forth by the Iowa Electrical Examining Board in accordance with Iowa Code Chapter 103. A responsible person or an electrician licensed by the State of Iowa Electrical Examining board as a “Master A or B” may sign and obtain a permit for the contractor for which they are employed only when said responsible person or “Master A or B” has provided proof of employment or written confirmation by said licensed contractor. Any permit required by the provisions of this code may be revoked by the Building Official upon the violation of any provision of this code.
2. A State of Iowa licensed Electrical Contractor or Residential Contractor shall be allowed only to secure permits for himself or herself, or for a single firm or corporation. When a State of Iowa licensed electrical contractor has secured such a permit, only the employees of such contractor when meeting the provisions of Iowa Code Chapter 103 shall perform the work for which the permit was obtained.
3. For purposes of this section, an “employee” shall be one employed by the contractor, firm or corporation for a wage or salary. A contractor may be required by the Electrical Code Official to show positive evidence as to the employee status of workers on the job. Such evidence shall be in the form of payroll and time records, canceled checks, or other such documents.
4. The contractor may also be required to show the agreement or contract pertaining to the work being questioned as evidence that said contractor is, in fact, the actual contractor for such work. Failure or refusal by the contractor to make available such employee or contractual records within 24 hours from demand therefore shall be grounds for immediate revocation of any permit for the work in question.
5. Homeowners (owner/occupants) qualifying for the homestead tax exemption may acquire permits for their principal residence (not an apartment or rental unit or rental building) and appurtenant accessory structures for electrical work, not to include dwelling service upgrade or replacement.

**158.07 ADDITION – PERMIT EXPIRATION.** Permit expiration, of the NEC, is hereby established by adding the following:

12 Month Expiration. Every permit issued under the provisions of this Code shall expire twelve (12) months from the date of issue, unless the application is accompanied by a construction schedule of specific longer duration, in which instance the permit may be issued for the term of the construction schedule, with approval of the building official. If the work has not been completed by the expiration date of the permit, no further work shall be done until the permit shall have been renewed by the owner or his or her agent and by payment of the renewal fee as established by resolution of the City Council, and provided no changes have been made in plans or location. Upon approval, permits may be extended for no more than two periods not exceeding 180 days each.

**158.08 ADDITION – SCHEDULE OF PERMIT FEES.** Schedule of permit fees, of the NEC, is hereby established by adding the following:

Schedule of Permit Fees Permits shall not be issued until the fees, as set forth and established by resolution of the City Council, have been paid to the City of Le Grand, Iowa. An amended permit or a supplemental permit for additional construction shall not be issued until the permit fee(s) for the additional work has been paid.

**158.09 ADDITION – FEE REFUNDS.** Fee refunds, of the NEC, is hereby established by adding the following:

Fee Refunds – The Code Official is authorized to establish a refund policy in accordance with City policy.

**158.10 ADDITION – STOP WORK ORDER.** Stop work order, of the NEC, is hereby established by adding the following:

Stop Work Order.

1. Authority - Whenever the Code Official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the Code Official is authorized to issue a stop work order.
2. Issuance - The stop work order shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume. Where an emergency exists the Code Official shall not be required to give notice prior to stopping the work

[The next page is 801]

# CHAPTER 165

## ZONING REGULATIONS

165.01 Purpose	165.25 Home Occupation Standards
165.02 Nature	165.26 Home Industry Standards
165.03 Authority	165.27 Proposed Use Not Covered by Chapter
165.04 Iowa Open Meetings Law	165.28 Application of Regulations
165.05 Definitions	165.29 Validity of Existing Building Permits
165.06 Establishment of Districts	165.30 Permitted Uses
165.07 Zoning Map	165.31 Temporary Special Exceptions
165.08 Rules for Interpretation of District Boundaries	165.32 Requirements for Rezoning, Variances and Special Permits
165.09 Annexed Territory	165.33 A-1 Agricultural District
165.10 Zoning Affects Every Structure	165.34 R-1 Single-Family Residential District
165.11 Minimum Street Frontage	165.35 R-2 Residential Multi-Family District
165.12 Lot of Record	165.36 R-3 Mobile Home Residential District
165.13 Lots Unserved by Sewer and/or Water	165.37 C-1 Light Commercial District
165.14 Bulk Requirements	165.38 C-2 Heavy Commercial District
165.15 Required Yard Cannot Be Reduced or Used by Another Building	165.39 Floodplain Overlay District
165.16 Yard and Parking Space Restriction	165.40 Off-Street Parking Areas and Loading Spaces
165.17 Public Right-of-Way Use	165.41 Signs
165.18 Height Exceptions	165.42 Nonconforming Buildings, Structures and Uses
165.19 Essential Services	165.43 Additional Requirements, Exceptions, Modifications and Interpretations
165.20 Access Required	165.44 Administration and Enforcement
165.21 Fences	165.45 Building Construction; Certificates; Fees
165.22 Accessory Buildings, Structures and Uses	165.46 Violations and Legal Remedies
165.23 Zero Lot Lines	
165.24 Adult Entertainment	

**165.01 PURPOSE.** This chapter is adopted for the purpose (among others) of:

1. Carrying out the Comprehensive Plan for the City.
2. Promoting the public health, safety, morals, comfort, and general welfare, and preserving the natural, scenic, and historically significant areas of the City.
3. Helping to achieve greater efficiency and economy of land development by promoting the grouping of those activities that have similar needs.
4. Encouraging such distribution of population, classification of land use, and distribution of land development throughout the City that will tend to facilitate adequate and economic provision of transportation, communication, water supply, drainage, sanitation, education, recreation, and other public requirements.
5. Lessening or avoiding congestion in public streets and highways.
6. Protecting against fire, explosion, noxious fumes, flood, panic, and other dangers in the interest of public health, safety, comfort, and general welfare.
7. Helping to ensure that all residential, commercial, and manufacturing structures (as well as other types of structures) will be accessible to firefighting and other emergency equipment.
8. Prohibit the formation or expansion of nonconforming uses of land, buildings, and structures which are adversely affecting the character and value of desirable development in each district.

9. Promoting the development of residential neighborhoods that are free of noise, dust, fumes, and heavy traffic volumes in which each dwelling unit is assured of light, air, and open spaces.
10. Helping to prevent land development activities, which lead to roadside blight, and to minimize the effects of nuisance-producing activities.
11. To prevent, whenever possible, land boundary disputes or real estate title problems.
12. Promoting and guiding the continued growth and expansion of the City while protecting the natural, economic, historic, and scenic resources of the City;
13. Conserving the taxable value of land and buildings throughout the City.
14. Defining the powers and duties of the zoning officer and other bodies as provided herein.

**165.02 NATURE.** This chapter classifies and regulates the use of land, buildings, and structures within the corporate limits of the City. The regulations contained herein are necessary to promote the health, safety, convenience, morals, and welfare of the inhabitants, and to preserve the natural, scenic, and historically significant areas of the City by dividing the City into zoning districts and regulating therein the use of the land and the use and size of the buildings as to height and number of stories, the coverage of the land by buildings, the size of yards and open spaces, the location of buildings, and the density of population.

**165.03 AUTHORITY.** This chapter, in pursuance of the authority granted by *Code of Iowa*, Chapter 414, Section 1, shall be known and cited as the “Zoning Ordinance of the City of Le Grand, Iowa.”

**165.04 IOWA OPEN MEETINGS LAW.** The City Council, Zoning Commission and Board of Adjustment, which are public bodies, are subject to the terms, regulations, and restrictions of the Iowa Open Meeting Law, Chapter 21 of the *Code of Iowa* as amended. Wherever in this chapter a conflict appears between this chapter and the open meeting law, the open meeting law shall control.

**165.05 DEFINITIONS.** For the purpose of this chapter and in order to carry out the provisions contained herein, certain words, terms, phrases, and illustrations are interpreted and defined herein. The word “lot” includes the words “plot or parcel” and the word “building” includes “structure.” The following words, terms, and phrases are hereby defined as follows and shall be interpreted as such throughout these regulations. Terms not herein defined shall have the meaning customarily assigned to them.

1. “Accessory building or use” is a building or use of the same lot with, and of a nature customarily incidental and subordinate to, the principal building or use.
2. “Alterations, structural” means any change in the supporting members of a building such as bearing walls, columns, beams, or girders.
3. “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.
4. “Appeal” a request for review by the Board of Adjustment of the Zoning Administrator’s interpretation of any provision of this chapter.

5. “Auto body repair shop” means any building, structure, or land use for automobile body repair, restoration, and painting.
6. “Board of Adjustment” means the zoning board of adjustment of the City of Le Grand, Iowa.
7. “Building height” 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.
8. “Building line” means a line on a plat between which said line and street, alley, or private place no building or structure may be erected.
9. “Carport” means a portion of a principal residential building or an accessory building to a residential use designed to be utilized for the shelter of one or more motor vehicles, and which is open (unenclosed) on two or more sides, including on the vehicular entry side, and which is covered with a solid roof.
10. “Child care center (institutional)” means any established institution, such as a church or nonprofit organization, which receives three or more children under the age of 16 years for care apart from their natural parents, legal guardian, or custodians, when received for regular periods of time for compensation. An institutional child care center shall not be conducted in a dwelling unit or private home.
11. “Child care center (in-home)” means an organization located in a dwelling unit, or private home, which provides care services for children under the age of 16 years for care apart from their natural parents, legal guardian, or custodians, when received for regular periods of time for compensation. For the purposes of this chapter, a child care center operated in the home shall be considered a home occupation and shall follow the provisions outlined in this chapter.
12. “Clinic” means a building or buildings used by physicians, dentists, veterinarians, osteopaths, chiropractors, and allied professions for out-patient care of persons requiring such professional service.
13. “Comprehensive Plan” means the general plan outlining the development of the community, which may also be titled or referred to as the master plan, comprehensive land use plan or some other title, which has been adopted by the City Council. Said Comprehensive Plan shall include any part of such plan separately adopted, and any amendment to such plan or parts thereof.
14. “Convenience store” means a retail store that is designed and stocked to sell primarily food, beverages, fuel, and other household supplies to customers who purchase only a relatively few items. It is designed to attract and depends on a large volume of stop-and-go traffic.
15. “Court” means an open, unobstructed, and unoccupied space other than a yard which is bounded on two or more sides by a building on the same lot.
16. “Deck” means an outdoor structure that is attached or unattached to a house or accessory building which is generally constructed of wood or structurally approved materials and used for recreational or relaxation purposes. A deck is not an accessory building unless it is a minimum of five feet away from other buildings or structures. An attached deck shall be considered part of the principal building for setback measurement purposes.

17. “Development” means any human-made change to improved or unimproved real estate, including (but not limited to) buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations, or storage of equipment or materials.
18. “District” means a section or sections of the City within which certain uniform regulations and requirements governing the use of buildings and premises or the height and areas of buildings and premises are enforced.
19. “Driveway” means a private roadway, providing access for vehicles to a parking space, garage, dwelling, or other structure.
20. “Dwelling” means any building or portion thereof which is designed for, or used for, residential purposes and is not less than 24 feet in width. The term does not include a tent, cabin, trailer, or mobile home.
21. “Dwelling, attached” means a dwelling that is physically attached by a common roof, wall, or floor to another dwelling or accessory building.
22. “Dwelling, condominium” means a multiple dwelling (as defined herein) whereby the title to each dwelling unit is held in separate ownership, and the real estate on which the units are located is held in common ownership solely by the owners of the units with each owner having an undivided interest in the common real estate.
23. “Dwelling, rowhouse or townhouse” means any one of two or more attached dwellings in a continuous row, each dwelling designed and erected as a unit on a separate lot and separated from one another by an approved wall or walls.
24. “Dwelling unit” is a dwelling which consists of one or more rooms which are arranged, designed, or used as living quarters for one family only.
25. “Dwelling, single-family” is a detached residential dwelling unit, other than a mobile home, designed for occupancy by one family only.
26. “Dwelling, two-family” is a detached residential building containing two dwelling units, designed for occupancy by not more than two families with separate housekeeping and cooking facilities for each.
27. “Dwelling, multiple-family” is a residential building designed for occupancy by three or more families, with separate housekeeping and cooking facilities for each.
28. “Dwelling, detached” means a dwelling that is not attached to any other dwelling by any means. The detached dwelling does not have any roof, wall, or floor in common with any other dwelling unit.
29. “Exotic animals” means domesticated animals kept for commercial or personal purposes which are not common domesticated animals, including (but not limited to) emus, ostriches, llamas, monkeys, snakes, spiders, chinchillas, and mink.
30. “Family” means one or more persons occupying a single dwelling unit, provided that unless all members are related by blood, marriage or adoption, no such family shall contain over eight persons.
31. “Family home” means a community-based residential home which is licensed as a residential care facility under Chapter 135C of the *Code of Iowa* or as a child foster care facility under Chapter 237 of the *Code of Iowa* to provide room and board, personal care, rehabilitation services, and supervision in a family environment exclusively for not more than eight developmentally disabled persons and any necessary support



personnel. A family home does not mean an individual foster care family as licensed under Chapter 237 of the *Code of Iowa*.

32. “Farm” or “farmland” means a parcel of land used for agricultural purposes and the growing and production of all agricultural products thereon, and their storage on the area, or for the raising thereon of livestock.

33. “Farm animal” means an animal produced, kept, or maintained for sale, lease, or personal use, and useful to humans, including (but not limited to) dairy animals, poultry, livestock (including beef cattle, sheep, swine, horses, ponies, mules, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all of such animals) and fur animals but not including rabbits kept as pets.

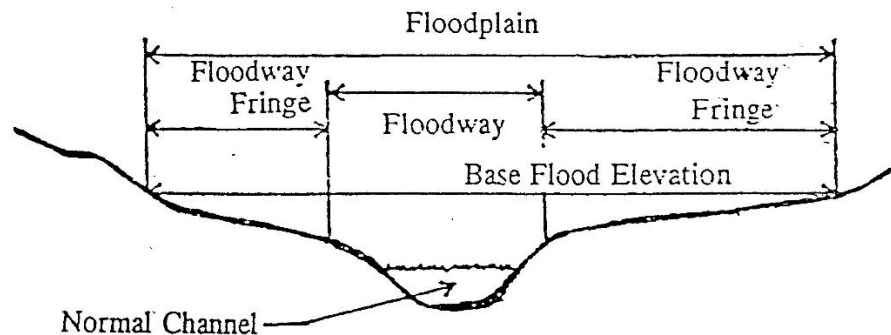
34. “Feedlot” means any parcel of land or premises on which the principal use is the concentrated feeding within a confined area of cattle, hogs, sheep, or poultry. The term does not include areas which are used for the raising of crops or other vegetation, and upon which livestock are allowed to graze or feed.

35. “Fence, residential” means a barrier and/or structure erected in an R District intended to provide security, mark a boundary, or as a means of landscaping with the centerline of said barrier to be located one foot away from the designated property line. Such fence shall be constructed of materials commonly used for landscape fencing such as masonry block, lumber, and chain link, but shall not include corrugated sheet metal, barbed wire, or salvage material.

36. “Fence, nonresidential” means a barrier and/or structure erected in a district other than an R District intended to provide security, mark a boundary, or as a means of landscaping with the centerline of said barrier to be located one foot away from the designated property line provided no such fence is constructed of salvaged material or uses barbed wire closer than six feet to the ground except a fence used purely for agricultural purposes. Such fence shall be constructed of materials commonly used for landscape fencing such as masonry block, lumber, and chain link, but does not include corrugated sheet metal, barbed wire, or salvage material. Barbed wire is allowed in zoned A-1 areas.

37. “Floodplain” means the channel and the relatively flat area adjoining the channel of a natural stream or river which has been or may be covered by floodwater. See Figure 1 below.

**Figure 1: Floodplain Definitions**

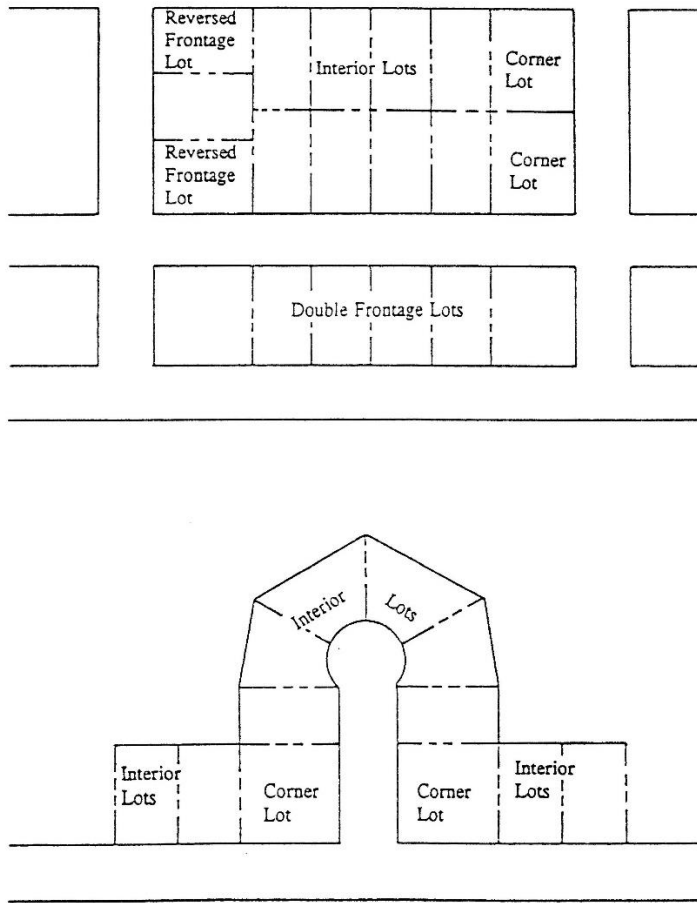


38. “Frontage” means that side of a lot abutting on a street; the front lot line.

39. “Garage, attached” means an attached structure designed or used for the storage of motor-driven vehicles owned and used by the occupants of the primary building.
40. “Garage, detached” means a detached accessory building designed or used for the storage of motor-driven vehicles owned and used by the occupants of the primary building.
41. “Group care facility” means a facility that provides resident services to seven or more individuals, of whom one or more are unrelated. These individuals are handicapped, aged, or disabled, are undergoing rehabilitation, and are provided services to meet their needs. This category includes any licensed or supervised federal, State or County health/welfare agencies, such as group homes (all ages), halfway houses, resident schools, resident facilities, and foster or boarding homes.
42. “Home industry” means an occupation or profession conducted entirely within an enclosed accessory building and/or an attached garage of a dwelling unit that is clearly incidental and secondary to the residential occupancy and does not change the character thereof.
43. “Home occupation” means an occupation or profession conducted entirely within an enclosed dwelling unit that is clearly incidental and secondary to residential occupancy and does not change the character thereof.
44. “Hotel” means a building in which lodging is provided and offered to the public for compensation, and which is open to transient guests, in contradistinction to a boarding house or rooming house.
45. “Household” means a family living together in a single dwelling unit, with common access to and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit.
46. “Improvements” means changes to land necessary to prepare it for building sites, including (but not limited to) grading, filling, street paving, curb paving, sidewalks, walk ways, water mains, sewers, storm sewers, sanitary sewers, drainage ways, and other public works and appurtenances.
47. “Junk” or “salvage” means all old or scrap copper, brass, lead, broken glass, rope, rags, batteries, paper trash, tires and rubber, debris, waste, tin-ware, plastics, appliances, furniture, equipment, building demolitions materials including wood and lumber, structural steel materials, or similar materials. This definition also includes junked, dismantled, or wrecked motor vehicles, or parts of motor vehicles, and iron, steel, or other scrap ferrous or nonferrous material.
48. “Junkyard” means any area where waste, discarded, or salvaged materials are bought, sold, exchanged, stored or abandoned, baled or packed, disassembled, or handled, including the dismantling or wrecking of automobiles or other vehicles or machinery, house wrecking yards, house wrecking and structural steel materials and equipment, but not including areas where such uses are conducted entirely within a completely enclosed building.
49. “Junk vehicle” is defined in Chapter 51 of this Code of Ordinances.
50. “Kennel, dog” (commercial) means any parcel of land on which three or more dogs, six months old or older, are kept for the purposes of breeding, grooming, boarding, or other activities associated with the care of dogs for commercial purposes.

51. “Kennel, dog” (private) means any parcel of land on which three or more dogs are kept, however, this shall not include breeding, grooming, boarding, or other activities associated with the care of dogs other than the owner’s dogs.
52. “Livestock” is defined in Chapter 55 of this Code of Ordinances.
53. “Lot area” means the total area within the lot lines of a lot, excluding any street rights-of-way. (See Figure 2.)
54. “Lot, corner” means a lot abutting upon two or more streets at their intersection.
55. “Lot depth” means the mean horizontal distance between the front and rear lot lines. (See Figure 2.)
56. “Lot, double frontage” means a lot having a frontage on two nonintersecting streets, as distinguished from a corner lot.
57. “Lot frontage” means the length of the front line measured at the street right-of-way line. (See Figure 2.)
58. “Lot, interior” means a lot other than a corner lot.
59. “Lot line” means a line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space. (See Figure 2.)
60. “Lot line, rear” means the lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line 10 feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line. (See Figure 2.)
61. “Lot line, side” means any lot line other than a front or rear lot line. (See Figure 2.)
62. “Lot, minimum area” means the smallest lot area established by this chapter on which a use or structure may be located in a particular district.
63. “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 of the county in which it is located.
64. “Lot width” means the width of a lot measured at the building line and at right angles to its depth. (See Figure 2.)

**Figure 2: Examples of Lot Definitions**



65. “Manufactured home” means a single-family structure which is manufactured or constructed under the authority of 42 U.S.C. Section 5403 and is to be used as a place for human habitation, but which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving it to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. The home shall also be converted to real estate and taxed as such, as required by Chapter 435 of the *Code of Iowa*. For the purposes of this chapter, a manufactured home may also be known as a modular home. The principal portion of such building shall have a continuous and complete frost-protected perimeter foundation. A manufactured home shall be placed upon piers per the manufacturer’s requirements but said home must meet the foundation requirements contained herein, namely, it shall also have a complete permanent perimeter frost-protected foundation with piers. The building shall have for the exterior wall covering either:

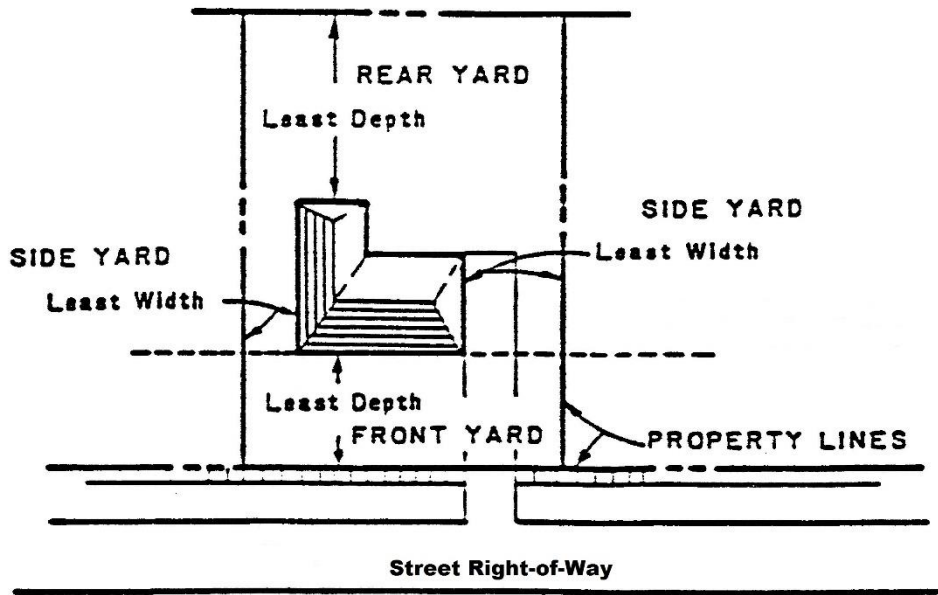
- A. Wood or masonry finish, or its appearance, and/or
- B. Vertical or horizontal grooved siding or lap siding, or its appearance.

66. “Mobile home” means a structure, transportable in one or more sections, which is at least eight feet in width and 32 feet in length, which is built on a permanent chassis and designed to be used as a dwelling unit.

67. “Motor court” or “motel” is a building or group of buildings used primarily for the temporary residence of motorists or travelers with parking facilities conveniently located to each unit, and may include accessory facilities such as swimming pool, restaurant, meeting rooms, etc.
68. “Nonconforming building” means a building which was lawful prior to the adoption, revision, or amendment of the Zoning Ordinance, but which fails, by reason of such adoption, revision, or amendment, to conform to the present requirements of the zoning district in which it is situated.
69. “Nonconforming use” means a use or activity which was lawful prior to the adoption, revision, or amendment of the Zoning Ordinance, but which fails, by reason of such adoption, revision, or amendment, to conform to the present requirements of the zoning district in which it is situated.
70. “Owner” means the legal entity holding title to the property, or such representative or agent as is fully empowered to act on its behalf.
71. “Parcel” means a part of a tract of land.
72. “Parking lot” means a parcel of land devoted to unenclosed parking spaces.
73. “Parking space” means a surfaced area, enclosed in the principal building, an accessory building, or an unenclosed 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 and egress for automobiles.
74. “Sidewalk” means a paved or surfaced area, paralleling and usually separated from the street, used as a pedestrian walkway.
75. “Sign” means any structure or part thereof or device attached thereto or painted, or represented thereon, which displays or includes any letter, work model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction, or advertisement. Sign includes “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.
76. “Site plan” means a plan (to scale) showing uses and structures proposed for a parcel of land as required by the regulations involved.
77. “Special exception” means a listed use that may not be in exact compatibility with other principal permitted uses of a zoning district, but which may be allowed according to the provisions and requirements of this chapter by the Board of Adjustment.
78. “Structure” means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, billboards, and poster panels.
79. “Structural alteration” means any change in the supporting members of a building such as bearing walls, columns, beams, or girders.
80. “Tower” means any radio, television, telephone, short-wave, cellular telephone, wind generation, or microwave antenna or tower.

81. “Utilities” means systems for the distribution or collection of water, gas, electricity, wastewater, stormwater, telephone, and cablevision.
82. “Variance” means a grant of relief considered by the Board of Adjustment to an applicant from the terms of this chapter which permits construction in a manner otherwise prohibited by this chapter where specific enforcement would result in unnecessary hardship.
83. “Violation” means an intentional or deliberate failure of a structure or other development to be fully compliant with the provisions of this chapter.
84. “Yard, front” means a yard extending across the full width of the lot and measured between the front lot line and the building.
85. “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. (See Figure 3.)
86. “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 projections thereto. (See Figure 3.)
87. “Zero lot line” means the location of a building on a lot in such a manner that one of the building’s sides rests directly on a lot line.
88. “Zoning Administrator” means the administrative officer designated or appointed by the City Council to administer and enforce the regulations contained in this chapter.

Figure 3: Yard Definitions



[The next page is 819]



**165.06 ESTABLISHMENT OF DISTRICTS.** For the purposes of this chapter, the City is hereby organized into the following zoning districts:

- A-1 Agricultural District
- R-1 Single-Family Residential District
- R-2 Multi-Family Residential District
- R-3 Mobile Home Residential District
- C-1 Light Commercial District
- C-2 Heavy Commercial District
- FP Floodplain Overlay District

**165.07 ZONING MAP.** The location and boundaries of the zoning districts established by this chapter are set forth on the map (entitled Zoning Map) which is located in City Hall and made a part of this chapter. Said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this chapter as though fully set forth and described herein. (*See EDITOR'S NOTE at the end of this chapter for ordinances amending the zoning map.*)

**165.08 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES.** Where uncertainty exists with respect to the precise location of any of the aforesaid districts shown on the zoning map, the following rules shall apply:

1. Boundaries shown as following or approximately following streets, highways, or alleys shall be construed to follow the centerlines of such streets, highways, or alleys.
2. Boundaries shown as following or approximately following platted lot lines or other property lines shall be construed to follow said boundary lines.
3. Boundaries shown as following or approximately following railroad lines shall be construed to lie midway between the main tracks of such railroad lines.
4. Boundaries shown as following or approximately following the centerlines of streams, rivers, or other continuously flowing water courses shall be construed as following the channel centerline of such water courses taken at a mean low water mark.
5. Boundaries shown as following or closely following the City limits shall be construed as following such City limit lines.
6. 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, the Board of Adjustment shall interpret the district boundaries.
8. Whenever any street, alley, or other public easement is vacated, the district classification of the property to which the vacated portions of land accrue shall become the classifications of the vacated land.

**165.09 ANNEXED TERRITORY.** All territory that may hereafter be annexed to the City shall be classed automatically as being in an A-1 Agricultural District until such classification shall have been changed by amendment of this chapter, as provided hereinafter.

**165.10 ZONING AFFECTS EVERY STRUCTURE.** Except as hereinafter provided, no building, structure, or land shall be erected, constructed, reconstructed, occupied, moved,

altered, or repaired except in conformity with the regulations herein specified for the class of district in which it is located.

**165.11 MINIMUM STREET FRONTAGE.** No lot shall be created after the adoption of the ordinance codified in this chapter unless it abuts at least 30 feet on a public street.

**165.12 LOT OF RECORD.** In any residential district on a lot of record at the time of enactment of the Zoning Ordinance, a single-family dwelling may be established regardless of the size of the lot, provided all other requirements of this chapter are met. Further, where two or more contiguous recorded lots are held in common ownership, they may be combined into a zoning lot and shall thereafter be maintained in common ownership by deed restriction and shall be so joined and developed for implementing this section. The razing of a building on a substandard lot shall constitute the formation of a vacant lot.

**165.13 LOTS UNSERVED BY SEWER AND/OR WATER.** In any residential district where neither public water supply nor public sanitary sewer is reasonably available, one single dwelling may be constructed, provided the otherwise specified lot area and width requirements shall be a minimum of two acres.

**165.14 BULK REQUIREMENTS.**

1. All new buildings shall conform to the building regulations established herein for the district in which each building is located. Further, no existing building shall be enlarged, reconstructed, structurally altered, converted, or relocated in such a manner as to conflict or to further conflict with the bulk regulations of this chapter for the district in which such buildings are located.
2. Minimum bulk requirements are listed on Table 1, Bulk Requirements, on the following page.

**Table 1: Bulk Requirements.**

District Use	Maximum Building Height	Minimum Building Width	Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Side Yard on a Corner Lot	Minimum Rear Yard
<b>A-1 Agricultural</b>								
Single-Family	---	20 feet	1 acre	150 feet	30 feet	20 feet	30 feet	30 feet
Other Permitted Uses	-	20 feet	1 acre	150 feet	30 feet	20 feet	30 feet	30 feet
<b>R-1 Single-Family Residential</b>								
Single-Family and Two-Family	35 feet	20 feet	6,000 square feet	60 feet	30 feet	4 feet	30 feet	4 feet
Other Permitted Uses	35 feet	20 feet	6,000 square feet	60 feet	30 feet	4 feet	30 feet	4 feet
<b>R-2 Multi-Family Residential</b>								
Single-Family and Two-Family	35 feet	20 feet	6,000 square feet	60 feet	30 Ft	4 Ft	30 feet	4 feet
Multi-Family	50 feet	20 feet	6,000 square feet plus 1,000 square feet for each unit beyond two units	60 feet	30 feet	4 feet	30 feet	4 feet
Other Permitted Uses	50 feet	20 feet	6,000 square feet	60 feet	30 feet	4 feet	30 feet	4 feet
<b>C-1 Light Commercial</b>	50 feet	20 feet	40 feet in width 50 feet in depth	40 feet	5 feet	3 feet if provided	3 feet if provided	10% of the depth of the lot
<b>C-2 Heavy Commercial</b>	50 feet	20 feet	40 feet in width 50 feet in depth	40 feet	5 feet	3 feet if provided	3 feet if provided	10% of the depth of the lot

**165.15 REQUIRED YARD CANNOT BE REDUCED OR USED BY ANOTHER BUILDING.** No lot, yard, court, parking area or other open space shall be so reduced in area or dimension as to make any such area or dimension less than the minimum required by this chapter, and if already less than the minimum required it shall not be further reduced. No required open space provided around any building or structure shall be included as part of any open space required for another building or structure.

**165.16 YARD AND PARKING SPACE RESTRICTION.** No part of any 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 yard, open space, off-street parking, or loading space similarly required for any other building.

**165.17 PUBLIC RIGHT-OF-WAY USE.** No portion of the public 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. No structure,

building, sign, fencing, or landscaping shall be placed in an easement. The City will not bear any responsibility, financial or otherwise, for moving or reconstructing any of these types of structures when access is required to an easement.

**165.18 HEIGHT EXCEPTIONS.** The height limitations contained in Section 165.14 do not apply to spires, belfries, cupolas, chimneys, antennas, water tanks, ventilators, elevator housing, or other structures placed above roof level and not intended for human occupancy.

**165.19 ESSENTIAL SERVICES.** Essential services shall be permitted as authorized and regulated by law and other ordinances of the community. With the exception of buildings and telecommunication towers, it is the intent to exempt such essential services from the application of this chapter. Associated buildings and telecommunication towers must be located in the appropriate Zoning District, and must abide by the corresponding requirements thereof.

**165.20 ACCESS REQUIRED.** Every building hereinafter erected or structurally altered shall be accessible from a public right-of-way, either directly or by easement.

**165.21 FENCES.** For the purposes of this chapter, fences shall not be classified as a structure but shall be deemed a separate and distinct use of the land so as to allow their placement on a portion of a lot in which a structure or accessory building may not be allowed. The following regulations shall apply to fences:

1. No fence shall be constructed within the City limits until a building permit has been obtained from the Zoning Administrator. Building permit fees for fence construction shall be \$25.00. Fences shall be subject to the same rules and regulations as other building projects within the City. No building permit shall be issued until the Zoning Administrator has determined that all the requirements are met. If there is any disagreement as to where the property line is located, the Zoning Administrator, prior to issuing a building permit, may require the property owner to have a survey of the property done at the owner's expense to make certain that the requirements are met.
2. Property owners may construct a fence on the property line with a written letter of approval from all adjoining neighbors and the letter of approval shall be filed with City Hall. This applies to both residential and commercial districts.
3. All fences shall be constructed so that the finished side faces away from the owner's property with posts on the inside of the fence.
4. Barbed wire and electric fences shall not be permitted within any district in the City.
5. Except in a Commercial District, there shall be provided an unobstructed view across a triangle formed by joining points measured 20 feet distant along the property line from the intersection of two streets or 15 feet along both the street and the alley line from the intersection of a street and an alley. Within said triangle there shall be no sight obscuring or partly obscuring wall, fence or foliage higher than 30 inches above grade or in the case of trees, foliage lower than five feet.
6. On portions of a lot not covered by street or alley intersection restrictions, the height of fences of any length and foliage continuous for five feet or more shall be limited to 48 inches on any street line and the front 30 feet of any side lot line. On all other portions of lot lines, fences, hedges, and continuous foliage barriers may not exceed a height of eight feet.

7. Heights of fences, hedges and other continuous foliage shall be measured from the adjacent top of the street curb, surface of an alley or the official established grade thereof, wherever is the higher. On inside lot lines the measurement shall be from the average grade of the lot line of the parcel or property having the lower elevation.

8. The Board of Adjustment may approve, or may direct as a condition for granting an appeal, that fences of plantings of a height in excess of these regulations be placed as screening between different uses, or between like uses upon agreement between the parties affected thereby, provided that no such approval shall have the effect of reducing corner visibility as provided for herein.

9. Fences or foliage may be placed within the required setback in any zoning district at the distance specified from the property line for that district. This shall not exempt a fence or foliage from the corner visibility requirement as specified in Subsection 5 above, nor the height restrictions of Subsection 6 above.

10. The following required distances from property line and maximum heights shall apply to fences:

**Table 2: Fence Requirements.**

District Use	Front Yard	Side Yard	Street Side Yard	Rear Yard
<b>Residential Districts</b>				
Minimum Distance From Property Line	1 foot	1 foot	1 foot	1 foot
Maximum Height	4 feet	8 feet	8 feet	8 feet
<b>Commercial Districts</b>				
Minimum Distance From Property Line	1 foot	1 foot	1 foot	1 foot
Maximum Height	4 feet	8 feet	8 feet	8 feet

**165.22 ACCESSORY BUILDINGS, STRUCTURES, AND USES.**

1. Residential Districts. The following provisions in this section shall apply to all accessory buildings constructed within residential districts within the City:

- A. An accessory building shall not exceed 18 feet in height. Height shall be measured from the ground to the highest point of the roof.
- B. No accessory building or part thereof shall be located in the front yard.
- C. An accessory building located entirely or in part in a side yard shall be erected in conformity with the side yard regulations.
- D. An accessory building located entirely in the required rear yard shall not be nearer than four feet to any lot line.
- E. Where the rear lot line of a corner lot is the side lot line of the adjoining lot, the side yard regulations of the district shall apply to the location of the accessory building.
- F. A carport shall comply will all associated rules governing accessory buildings or structures for residential districts in this section.

2. Prohibited Accessory Buildings, Structures, and Uses. The following types of accessory buildings shall be prohibited in all districts in the City:

- A. Portable containers, converted storage or shipping containers.

- B. Structures without a permanent hard weather proof exterior.
- C. Structures with nylon or plastic type flexible covers.
- D. Arched metal structures.

**165.23 ZERO LOT LINES.** All dwellings constructed within the zero lot line development shall be so constructed as to share a common property line with an adjoining parcel or lot. A zero lot line development shall comply with the following standards:

1. The lot for one dwelling unit shall not be lesser than 5,800 square feet. Each dwelling unit lot width shall not be less than 40 feet.
2. The minimum side yard on the non-zero lot line side is eight feet.
3. For zero lot line units, the dwellings and all accessory structures, shall not cover more than 60 percent of the lot area. All other standards that apply to single-family homes that are not zero lot lines shall apply. No more than two dwelling units shall share a common wall in this district.

**165.24 ADULT ENTERTAINMENT.** Adult entertainment uses are not allowed in any commercial or industrial district in the City.

**165.25 HOME OCCUPATION STANDARDS.** The following standards and criteria shall apply to home occupations.

1. The home occupation shall be clearly incidental and secondary to the use of the dwelling unit as a residence.
2. The home occupation shall be conducted entirely within an existing dwelling unit.
3. The home occupation shall be conducted by a member of the family residing within the dwelling unit and no more than two nonresident employees.
4. There shall be no evidence of such occupation being conducted within the dwelling unit, which is perceivable at or beyond the lot lines, by virtue of outside storage, displays, noise, odors, smoke, vibration, heat, dust, electrical disturbances, or excessive traffic generation.
5. Water, sewer, and waste disposal systems shall be subject to approval of the City Council.
6. Off-street parking space shall be adequate to accommodate the parking demand generated by the home occupation.
7. The home occupation shall occupy less than 50 percent of the floor area of the dwelling unit in which it is located.

**165.26 HOME INDUSTRY STANDARDS.** The following standards and criteria shall apply to home industries.

1. The home industry shall be clearly incidental and secondary to the residential occupancy of a dwelling unit located up on the property.
2. The home industry shall be conducted entirely and confined within an accessory detached building located upon the property.

3. The home industry shall be conducted by a member of the family residing within the dwelling unit located on the property and no more than two nonresident employee.
4. There shall be no evidence of such industry being conducted within the accessory building which is perceivable at or beyond the lot lines, by virtue of outside storage, displays, noise, odors, smoke, vibration, heat, dust, electrical disturbances, or excessive traffic generation.
5. Water, sewer, and waste disposal systems shall be subject to approval of the City Council.
6. Off-street parking space shall be adequate to accommodate the parking demand generated by the home industry.

**165.27 PROPOSED USE NOT COVERED BY CHAPTER.** Any proposed use not specifically addressed or listed in this chapter as a principal permitted use or special exception shall be referred to the Zoning Commission for a recommendation as to the proper district in which said use should be permitted. The chapter shall be amended as provided herein, before a request is made or permit is issued for the proposed use.

**165.28 APPLICATION OF REGULATIONS.** The regulations within each district of this chapter shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

**165.29 VALIDITY OF EXISTING BUILDING PERMITS.** Nothing contained in this chapter shall require any change in the overall layout, plans, construction, size, or designated uses of any development, building, structure, or part thereof, for which the official approvals and required building permits have been granted before the enactment of the Zoning Ordinance, the construction of which, conforming with such plans, shall have been started prior to the effective date of the Zoning Ordinance and the completion thereof carried on in a normal manner within the subsequent 12-month period, and not discontinued until completion, except for reasons beyond the builder's control.

**165.30 PERMITTED USES.**

1. Use is permitted in all zoning districts for the purposes of the distribution of public utilities. However design and placement of said equipment and devices shall be reviewed by the Zoning Commission and approved by the City Council.
2. All other uses are permitted only as listed under each specific zoning district.

**165.31 TEMPORARY SPECIAL EXCEPTIONS.** The following uses may be permitted by a temporary special exception permit, valid for 10 days or less to the applicant, subject to the review and approval of the application by the Board of Adjustment:

1. Carnival, circus.
2. Festivals.

In determining whether a temporary special exception permit shall be granted, the Board of Adjustment shall give consideration to the health, safety, morals, and comfort of area residents, any adverse impact on land uses, possibility of traffic congestion, harm to public roads, erosion of adjacent property, and threat to any source of water supply. Conditions and restrictions as

determined necessary to protect the public health, safety, morals, and comfort may be attached to the permit.

**165.32 REQUIREMENTS FOR REZONING, VARIANCES AND SPECIAL PERMITS.** All petitions for rezoning, special exception, variance, etc. must be in writing, stating the exact legal description of land involved. Said petitions must be received by the Zoning Administrator 20 days prior to a stated or special meeting of the Zoning Commission or Board of Adjustment. A preliminary plat plan shall be submitted with a petition for rezoning for subdivisions.

[The next page is 831]



**165.33 A-1 AGRICULTURAL DISTRICT.**

1. General Description. The A-1 Agricultural District is intended to provide regulations for land situated on the fringe of the urban area that is used primarily for agricultural purposes. Many tracts in this district will be in close proximity to residential, commercial, or industrial uses. The purpose of this district is to restrict the permitted uses to those which are compatible with both agricultural uses and developing residential, commercial, or industrial uses.
2. Principal Uses Permitted.
  - A. Agricultural crops.
  - B. No feedlots, farm animals, or storage of manure or odor-producing substances are permitted.
  - C. Single-family detached dwellings, including manufactured homes that comply with all provisions of this chapter.
  - D. Churches and temples.
  - E. Public schools, elementary, junior high and high schools.
  - F. Parochial or private schools having similar curricula as public schools and having no rooms used regularly for housing or sleeping purposes.
  - G. Public buildings, public, semipublic parks, playgrounds or community buildings.
  - H. Golf courses and country clubs, miniature courses or driving ranges.
  - I. Accessory uses and buildings which are customarily incidental to any of the above stated uses, but not involving the conduct of business.
  - J. Roadside stand for sale of produce raised on the premises.
  - K. Public buildings and facilities, including essential service buildings.
  - L. Home occupations and home industries.
3. Special Exceptions. The following special exceptions deemed appropriate on review by the Board of Adjustment in accordance with provisions contained herein:
  - A. Hospitals; rest, nursing, convalescent, and family homes; homes for children and aged; off-street parking and yards comparable for other institutional uses to be provided.
  - B. Public utilities.
  - C. Cemetery or mausoleum.
  - D. Recreational development for seasonal or temporary use.
  - E. Extraction of sand, gravel, topsoil or other natural resources provided the land is restored to a condition suitable for the permitted uses of this district.
  - F. Dog kennels.
  - G. Greenhouses and plant nurseries operated for commercial purposes.
  - H. Telecommunications towers and other towers.

4. Lot Area, Frontage and Yard Requirements. In the A-1 Agricultural District, lot area, frontage and yard requirements shall be those regulations as specified in Section 165.14.
5. Percentage of Lot Covered by Buildings and Other Structures. All dwellings or other structures, including accessory buildings, shall not cover more than 40 percent of the area of the lot in an A-1 Agricultural District. If more than one lot is used, the percentage limitation shall be computed on the combined size of the lots.
6. Off-Street Parking. In the A-1 Agricultural District, off-street parking and loading requirements shall be those regulations as specified in Section 165.40.
7. Sign Regulations. In the A-1 Agricultural District, sign regulations shall be those regulations as specified in Section 165.41.

[The next page is 837]

**165.34 R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT.**

1. General Description. The R-1 Residential District is intended to provide for single-family dwelling structures. The principal use of land may range from single-family to duplexes. Certain other uses are permitted which are more compatible functionally with intensive residential uses than with commercial uses. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of each use permitted in the district.
2. Principal Uses Permitted. Property and buildings in an R-1 Residential District shall be used only for the following purposes:
  - A. Agricultural crops are permitted on parcels that are undeveloped. Once a parcel is developed into a residential use, the growing of agricultural crops shall be prohibited in an R-1 Residential District.
  - B. Single-family detached dwellings, including manufactured homes that comply with all provisions of this chapter.
  - C. Two-family rental housing, condominium housing, or townhouse housing.
  - D. Churches and temples.
  - E. Public schools, elementary, junior high and high schools.
  - F. Parochial or private schools having similar curricula as public schools and having no rooms used regularly for housing or sleeping purposes.
  - G. Public, semi-public parks and playgrounds.
  - H. Libraries.
  - I. Public bus storage and maintenance facilities.
  - J. Public buildings and facilities, including essential service buildings.
  - K. Home occupations and home industries.
  - L. Accessory buildings and accessory uses which are customarily incidental to any of the above stated uses, but not involving the conduct of business. Accessory uses shall include private garages and private greenhouses not operated for commercial purposes. Accessory uses shall not involve excessive noise, dust or vibrations.
3. Special Exceptions. The following special exceptions deemed appropriate on review by the Board of Adjustment in accordance with the provisions contained herein:
  - A. Family homes, nursing homes, convalescent homes, public buildings, and/or community buildings, with the same off-street parking and yards as those required for other institutional uses.
  - B. Public utilities.
  - C. Public swimming pools.
  - D. Golf courses and country clubs, miniature golf courses, and driving ranges.

- E. Private kindergartens and day nurseries, and child care centers.
4. Lot Area, Frontage and Yard Requirements. In the R-1 Single-Family Residential District, lot area, frontage and yard requirements shall be those regulations as specified in Section 165.14.
  5. Percentage of Lot Covered by Buildings and Other Structures. All dwellings or other structures, including accessory buildings, shall not cover more than 40 percent of the area of the lot in an R-1 Single-Family Residential District. If more than one lot is used, the percentage limitation shall be computed on the combined size of the lots.
  6. Off-Street Parking. Each multi-family living unit shall have two parking spaces per living unit. These parking spaces shall be in the side or rear yard. The parking spaces shall be graveled or hard surface and free of ruts and weeds.
  7. Sign Regulations. In the R-1 Single-Family Residential District, sign regulations shall be those regulations as specified in Section 165.41.
  8. Height Regulations, Lot Area, Frontage and Yard Requirements. On a corner lot the least width of a side yard along the side street lot line shall be equal to the required front yard along the side street. No part of any accessory building shall be nearer a side street lot line than the least depth on any front yard required along such side street.
  9. More Than One Principal Structure on Lot. No more than one single-family detached dwelling may be erected on a single lot.

[The next page is 843]

**165.35 R-2 RESIDENTIAL MULTI-FAMILY DISTRICT.**

1. General Description. The R-2 Residential Multi-Family District is intended to provide for a variety of residential dwellings. The principal use of land may range from single-family to duplex to multi-family dwellings. Certain other uses are permitted which are more compatible functionally with intensive residential uses than with commercial uses. Medium and high population density neighborhoods are recognized and provided for by varying the minimum bulk regulations.
2. Principal Uses Permitted. Property and buildings in an R-2 Residential District shall be used only for the following purposes:
  - A. Single-family detached dwellings.
  - B. Two-family rental housing, condominiums or townhouses.
  - C. Multi-family housing larger than a duplex.
  - D. Family homes, nursing homes, convalescent homes, public buildings, and/or community buildings, with the same off-street parking and yards as those required for other institutional uses.
  - E. Churches and temples.
  - F. Public schools, elementary, junior high and high schools.
  - G. Parochial or private schools having similar curricula as public schools and having no rooms used regularly for housing or sleeping purposes.
  - H. Private swimming pools.
  - I. Public, semi-public parks and playgrounds.
  - J. Public buildings and facilities, including essential service buildings.
  - K. Home occupations and home industries.
  - L. Accessory buildings and accessory uses which are customarily incidental to any of the above stated uses, but not involving the conduct of business. Accessory uses shall include private garages and private greenhouses not operated for commercial purposes. Accessory uses shall not involve excessive noise, dust or vibrations.
3. Special Exceptions. The following special exceptions deemed appropriate on review by the Board of Adjustment in accordance with the provisions contained herein:
  - A. Public utilities.
  - B. Public swimming pools.
  - C. Golf courses and country clubs, miniature golf courses, and driving ranges.
  - D. Private kindergartens and day nurseries, and child care centers.
  - E. Group care facilities.
4. Lot Area, Frontage and Yard Requirements. In the R-2 Multi-Family Residential District, lot area, frontage and yard requirements shall be those regulations as specified in Section 165.14.

5. Percentage of Lot Covered by Buildings and Other Structures. All dwellings or other structures, including accessory buildings, shall not cover more than 40 percent of the area of the lot in an R-2 Multi-Family Residential District. If more than one lot is used, the percentage limitation shall be computed on the combined size of the lots.
6. Off-Street Parking. Each multi-family living unit shall have two parking spaces per living unit. These parking spaces shall be in the side or rear yard. The parking spaces shall be graveled or hard surface and free of ruts and weeds.
7. Sign Regulations. In the R-2 Multi-Family Residential District, sign regulations shall be those regulations as specified in Section 165.41.
8. Height Regulations, Lot Area, Frontage and Yard Requirements. On a corner lot the least width of a side yard along the side street lot line shall be equal to the required front yard along the side street. No part of any accessory building shall be nearer a side street lot line than the least depth on any front yard required along such side street.

[The next page is 849]

**165.36 R-3 MOBILE HOME RESIDENTIAL DISTRICT.**

1. General Description. The R-3 Mobile Home Residential District is intended to provide an area for mobile home or manufactured home dwellings to be located.
2. Principal Uses Permitted. Property and buildings in an R-3 Mobile Home Residential District shall be used only for the following purposes:
  - A. Mobile homes.
  - B. Manufactured homes.
  - C. Home occupations and home industries.
  - D. Parks, playgrounds, recreational uses, and community buildings, all non-commercial.
  - E. Accessory buildings and accessory uses which are customarily incidental to any of the above stated uses, but not involving the conduct of business. Accessory uses shall include sheds and private garages. Accessory uses shall not involve excessive noise, dust or vibrations.
3. Yard Requirements. The following requirements and setback distances shall be observed for individual lots in a mobile home park:

Front Yard	15 feet minimum. Existing nonconforming lots: five feet. Yard depth shall be measured from the edge of the surfaced public or private street or right-of-way to the closest point on the lower face of the mobile home.
Side Yard	Zero lot lines are encouraged in order to utilize yard space, but in no event shall there be less than 20 feet between any two mobile home units in the side yard. Yard depth shall be measured from the closest point on the lower face of one mobile home unit to closest point on the lower face of an adjacent mobile home unit.
Rear Yard	Zero lots lines are encouraged in order to utilized yard space, but in no event shall there be less than 10 feet between any two mobile home units in the rear yard. Yard depth shall be measured from the closest point on the lower face of one mobile home unit to closest point on the lower face of an adjacent mobile home unit.
Accessory Buildings and Other Accessory Uses	Accessory buildings and other accessory uses shall not be located within the required front yard. These uses may be located in the side and rear yards but must be at least 10 feet away from any adjacent mobile home unit. Distance shall be measured from the closest point of the accessory structure to closest point on the lower face of an adjacent mobile home unit.

4. Permit Required. A building permit shall be required from the City for any placement, alteration, modification, or trailer enlargement, including covered additions, to any mobile home, manufactured home, accessory building or any other building located in an R-3 Mobile Home Residential District. A building permit shall also be required if more than 50 percent of the trailer value is damaged for any reason, including

(but not limited to) storms, wind, or fire. All provisions of Section 165.45 of this chapter shall apply to building permits for the R-3 Mobile Home Residential District. In addition to the provisions of Section 165.45, the following shall be provided to obtain a building permit in the R-3 Mobile Home Residential District:

- A. The site plan shall show the following:
    - (1) Lot number (park map must be provided identifying lot locations/numbers.
    - (2) A plot plan showing the size, shape, and location of all buildings or structures to be erected or affected and of every existing building on the property.
    - (3) Distance to adjacent structures, measured from the lower face of the mobile home unit to the adjacent structure. Possible adjacent structures to be considered include:
      - a. Homes
      - b. Garages
      - c. Storage Buildings
      - d. Decks
  - B. All provisions required to meet the requirements of this chapter shall be clearly illustrated in the permit application. Final placement, alteration, modification, or addition to any mobile home, manufactured home, accessory building or any other building shall be in completed in accordance with the approved building permit.
5. Off-Street Parking. Each living unit shall have one parking space per mobile home site. The parking space shall be graveled or hard surface and free of ruts and weeds.
  6. Sign Regulations. In the R-3 Mobile Home Residential District, sign regulations shall be those regulations as specified in Section 165.41.
  7. Manufactured Home Stand. The manufactured home stand shall provide for the practical placement of the manufactured home and removal of the manufactured home from the manufactured home space. Access to the manufactured home stand shall be kept free of trees or other immovable obstructions. The manufactured home stand shall be constructed of appropriate material (such as concrete) and shall be properly graded, placed, and compacted in order to provide durable and adequate support of the maximum loads during all seasons of the year. The manufactured home stand shall react as a fixed support and remain intact under the weight of the manufactured home due to frost action, inadequate drainage, vibration, wind, or other forces acting on the structure. Adequate surface drainage shall be obtained by proper grading of the manufactured home stand and the manufactured home space. Manufactured home stands shall not occupy an area in excess of one-third of the respective manufactured home space.
  8. Ground Anchors and Tiedowns. Ground anchors shall be installed by the lot owner or developer at each manufacture home stand, prior to or when the manufactured home is located thereon to permit tiedowns of manufactured home. Ground anchors shall meet manufacturer's recommendations and applicable administrative rules of the State of Iowa. Every owner or occupant of a manufactured home shall secure the same



against wind damage, and every owner, operator, or person in charge and control of a manufactured home park shall inspect and enforce this requirement.

9. Skirting. The frame, wheels and crawlspace, storage areas, and utility connections of all manufactured homes shall be concealed from view by skirting made of a durable all-weather construction that is consistent with the exterior of the manufactured home. Installation of the skirting must be completed within 60 days of the placement of the manufactured home on the stand.

10. Lot Markers. All units shall be marked with a number identifying the unit and the name of the lessee or owner of the unit shall be furnished to the City Clerk within 30 days of the rental or transfer of ownership.

11. Penalty. Any person, firm or corporation violating any provision, section, or paragraph of this chapter shall be subject to the remedies of Section 165.46.

12. New Mobile Home Park or Expansion of Existing Mobile Home Park. When an existing mobile home park expands or a new mobile park is proposed, the following shall apply:

A. All standards in this section shall be followed.

B. All mobile home parks shall have a structure to provide shelter from tornadoes and other weather-related storms. This structure shall either have a basement or shall itself be underground for storm protection. This structure shall be required to have a minimum occupancy ratio of seven square feet of floor area per each individual lot in the mobile home residential district.

[The next page is 857]

**165.37 C-1 LIGHT COMMERCIAL DISTRICT.**

1. General Description. The C-1 Light Commercial District is intended and designed to permit the development of service, retail, and other commercial uses, excluding industrial uses. Permitted uses are designed to provide commercial services to the residential community.

2. Principal Uses Permitted. Property and buildings in a C-1 Light Commercial District shall be used only for the following purposes:

- No new single-family detached dwellings shall be permitted. Existing dwellings shall be allowed to remain and to expand, as long as they remain in conformance with the height and setback standards of this district.
- Multi-family housing. No units are allowed on the ground floor.
- Animal hospitals and veterinary clinics.
- Antique shops.
- Automobile accessory stores.
- Automobile repair shops.
- Automobile sales. No non-drivable vehicles shall be within public view. No item shall be displayed for longer than six months. No junk or unrepaired wrecked vehicles shall be stored in public view on the lot. All the vehicles shall be in immediately operable condition.
- Trailer, motorcycle, boat and farm implement establishments for display, hire, rental, and sales. No items that are not in working order shall be stored outside.
- Bakeries.
- Banks, savings and loan associations, and similar financial institutions.
- Barbershops and beauty parlors.
- Business offices, professional offices and studios.
- Car washes, including self-service and truck bays.
- Carpenter and cabinet making shops; excluding the processing of products.
- Churches.
- Clothes cleaning and laundry pick-up stations.
- Commercial recreational facilities.
- Commercial sales.
- Confectionery stores, including ice cream or snack bars.
- Construction businesses, contractor's shops, and storage yards.
- Custom dressmaking, tailoring and millinery.
- Dance studio.
- Dental and medical clinics.
- Drug stores.
- Dry goods stores.
- Florist shops.

- Food lockers – retail sales, no live animal processing.
- Funeral homes and mortuaries.
- Furniture stores.
- Gas stations and service stations.
- Gift shops.
- Grocery stores, including supermarkets.
- Hardware stores.
- Health club.
- Hotels and motels.
- Household appliances, sale and repair. No items shall be stored or displayed outside of the building.
- Jewelry stores and watch repair shops.
- Liquor stores and lounges.
- Locker plant for storage and retail sales only.
- Lumber yards - all materials shall be stored inside a building.
- Music studios.
- Office buildings.
- Pet shops - no pets shall be kept outside of the building.
- Photographic studios, printing and developing establishments.
- Playgrounds and public parks.
- Plumbing and heating shops. No items shall be stored or displayed outside of the building.
- Post offices.
- Printing and lithographing shops.
- Public buildings and facilities, including essential service buildings.
- Publishing and engraving establishments.
- Radio and television sales and repair shops. No items shall be stored or displayed outside of the building.
- Rental storage buildings provided that all items are stored inside of the buildings.
- Restaurants, restaurant drive-in and carry-out.
- Service stations and convenience stores.
- Shoe repair shops.
- Sign shops - not items shall be stored outside of the building.
- Sporting goods stores.
- Storage sheds.
- Upholstering shops.
- Variety stores.
- Welding and machine shops. No items shall be stored outside of the building.

- Wholesale display and sales rooms and offices.
  - Accessory uses and buildings which are customarily incidental to the above stated uses.
  - Other uses similar to the foregoing designated uses after review and approval of the Board of Adjustment.
3. Special Exception. The following special exceptions deemed appropriate on review by the Board of Adjustment in accordance with the provisions stated herein:
- A. Agricultural feed and seed sales, but excluding grinding, mixing and bleeding.
  - B. Private clubs and lodges.
4. Off-Street Parking Areas. In the C-1 Light Commercial District, off-street parking areas and loading requirements shall be those regulations as specified in Section 165.40.
5. Signs. In the C-1 Light Commercial District, sign regulations shall be those regulations as specified in Section 165.41.
6. Percentage of Lot Covered. No building with its accessory buildings, to be used for said commercial purposes, shall occupy in excess of 90 percent of the area of the lot.
7. Front Yard Greenspace Required. There shall be a front yard of five feet containing open space abutting a right-of-way of any street or road. The open space shall be landscaped with grass, trees, shrubs, or other plant materials. The owners and their agent shall be responsible for providing, protecting, and maintaining all landscaping in healthy and growing condition, replacing it when necessary, and keep it free from refuse and debris. See Section 165.14, Bulk Requirements, for other yard requirements in this district.

[The next page is 865]

**165.38 C-2 HEAVY COMMERCIAL DISTRICT.**

1. General Description. The C-2 Heavy Commercial District is intended and designed to permit the development of service, retail, and other commercial uses, including light industrial and manufacturing. Heavy commercial firms will locate in close proximity to residential and business uses. District regulations are designed to permit operations that would not be detrimental to the surrounding area or the community as a whole by reason of noise, dust, smoke, odor, traffic, physical appearance or other similar factors. No residential uses are permitted in this district.
2. Principal Uses Permitted. Property and buildings in a C-2 Heavy Commercial District shall be used only for the following purposes:
  - A. All uses permitted within the C-1 Light Commercial District.
  - B. Agricultural sales and services, including the sale or storage of feed, grain, fertilizers, pesticides and similar goods or in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered.
  - C. Accessory uses and buildings which are customarily incidental to the above stated uses.
  - D. Other uses similar to the foregoing designated uses after review and approval of the Board of Adjustment.
3. Special Exception. The following special exception deemed appropriate on review by the Board of Adjustment in accordance with the provisions stated herein:
  - A. Assembly of appliances and equipment, including manufacture of small parts.
  - B. Sale or storage of building material.
  - C. Wholesale distribution of all standard types of prepared or packaged merchandise.
4. Off-Street Parking Areas. In the C-2 Heavy Commercial District, off-street parking areas and loading requirements shall be those regulations as specified in Section 165.40.
5. Signs. In the C-2 Heavy Commercial District, sign regulations shall be those regulations as specified in Section 165.41.
6. Percentage of Lot Covered. No building with its accessory buildings, to be used for said commercial purposes, shall occupy in excess of 90 percent of the area of the lot.

[The next page is 871]



**165.39 FLOODPLAIN OVERLAY DISTRICT.**

1. Establishment of Floodplain (Overlay) District. The areas within the jurisdiction of the City of Le Grand having special flood hazards are hereby designated as a Floodplain (Overlay) District and shall be subject to the standards of the Floodplain (Overlay) District (as well as those for the underlying zoning district). The Floodplain (Overlay) District boundaries shall be as shown on the Flood Insurance Rate Map (FIRM) for Marshall County and Incorporated Areas, City of Le Grand, Panels 19127C0200C dated November 16, 2011.

2. Definitions. Unless specifically defined below, words or phrases used in this section shall be interpreted so as to give them the meaning they have in common usage and to give this section its most reasonable application.

A. "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.

B. "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."

C. "Base flood elevation" (BFE) means the elevation floodwaters would reach at a particular site during the occurrence of a base flood event.

D. "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.")

E. "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.

F. "Enclosed area below lowest floor" means the floor of the lowest enclosed area in a building when all the following criteria are met:

(1) The enclosed area is designed to flood to equalize hydrostatic pressure during flood events with walls or openings that satisfy the provisions of Section 9.6 of this section.

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.

G. "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.

H. “Existing factory-built home park or subdivision” means a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the community.

I. “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).

J. “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 section 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.

K. “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.

L. “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.

M. “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.

N. “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.

O. “Flood insurance study” (FIS) means a report published by FEMA for a community issued along with the community’s Flood Insurance Rate Map(s). The study contains such background data as the base flood discharge and water surface elevations that were used to prepare the FIRM.

P. “Floodplain” means any land area susceptible to being inundated by water as a result of a flood.

Q. “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.

R. “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.

S. “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.

T. “Floodway fringe” means those portions of the Special Flood Hazard Area outside the floodway.

U. “Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

V. “Historic structure” means any structure that is:

(1) 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;

(2) 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;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) 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.

W. “Lowest floor” means the floor of the lowest enclosed area in a building including a basement except when the criteria listed in the definition of enclosed area below lowest floor are met.

X. “Maximum damage potential uses” means hospitals and like institutions; buildings or building complexes containing documents, data, or instruments of great public value; buildings or building complexes containing materials dangerous to the public or fuel storage facilities; power installations needed in emergency or other buildings or building complexes similar in nature or use.

Y. “Minor projects” means small development activities (except for filling, grading and excavating) valued at less than \$500.00.

Z. “New construction” (new buildings, factory-built home parks) means those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.

AA. “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 first floodplain management regulations adopted by the community.

BB. “Recreational vehicle” means a vehicle which is:

- (1) Built on a single chassis.
- (2) Four hundred (400) square feet or less when measured at the largest horizontal projection.
- (3) Designed to be self-propelled or permanently towable by a light duty truck.
- (4) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

CC. “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:

- (1) Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding.
- (2) Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
- (3) Basement sealing.
- (4) Repairing or replacing damaged or broken window panes.
- (5) Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.

DD. “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.

EE. “Start of construction” includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the

building, whether or not that alteration affects the external dimensions of the building.

FF. “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.

GG. “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.

HH. “Substantial improvement” means any improvement to a structure which satisfies either of the following criteria:

(1). 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.

(2) 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.

II. “Variance” means a grant of relief by a community from the terms of the floodplain management regulations.

JJ. “Violation” means the failure of a structure or other development to be fully compliant with the community’s floodplain management regulations.

3. Statutory Authority. 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.

4. 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 section relies upon engineering methodology for analyzing flood hazards which is consistent with the standards established by the Department of Natural Resources.
5. **Statement of Purpose.** It is the purpose of this section to protect and preserve the rights, privileges and property of the City and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing those flood losses described in Paragraph 4(A) of this section with provisions designed to:
- A. Reserve sufficient floodplain area for the conveyance of flood flows so that flood heights and velocities will not be increased substantially.
- B. Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities.
- C. Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.
- D. Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.
- E. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.
6. **Lands to Which Ordinance Apply.** The provisions of this section 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.
7. **Rules for Interpretation of District Boundaries.** The boundaries of the zoning district areas shall be determined by scaling distances on the Official Floodplain Zoning Map. When an interpretation is needed as to the exact location of a boundary, the Zoning Administrator shall make the necessary interpretation. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Zoning Administrator in the enforcement or administration of this section.
8. **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 section and other applicable regulations which apply to uses within the jurisdiction of this section.
9. **Abrogation and Greater Restrictions.** It is not intended by this section to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this section imposes greater restrictions, the provision of this section shall prevail. All other ordinances inconsistent with this section are hereby repealed to the extent of the inconsistency only.

10. Interpretation. In their interpretation and application, the provisions of this section 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.

11. Warning and Disclaimer of Liability. The standards required by this section are considered reasonable for regulatory purposes. This section does not imply that areas outside the designated Floodplain (Overlay) District areas will be free from flooding or flood damages. This section 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 section or any administrative decision lawfully made thereunder.

12. Severability. If any section, clause, provision, or portion of this section is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected thereby.

13. Appointment, Duties and Responsibilities of Local Official.

A. The Zoning Administrator is hereby appointed to implement and administer the provisions of this section and will herein be referred to as the Administrator.

B. Duties and responsibilities of the Administrator shall include, but not necessarily be limited to the following:

(1) Review all floodplain development permit applications to assure that the provisions of this section will be satisfied.

(2) Review floodplain development applications to assure that all necessary permits have been obtained from federal, State and local governmental agencies including approval when required from the Department of Natural Resources for floodplain construction.

(3) Record and maintain a record of: (i) the elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of all new or substantially improved structures; or (ii) the elevation to which new or substantially improved structures have been floodproofed.

(4) Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.

(5) Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this section.

(6) Submit to the Federal Insurance Administrator an annual report concerning the community's participation, utilizing the annual report form supplied by the Federal Insurance Administrator.

(7) Notify the Federal Insurance Administration of any annexations or modifications to the community's boundaries.

(8) Review subdivision proposals to insure such proposals are consistent with the purpose of this section and advise the Council of potential conflict.

(9) Maintain the accuracy of the community's Flood Insurance Rate Maps when:

- a. Development placed within the Floodway (Overlay) District results in any of the following: (i) an increase in the base flood elevations; or (ii) alteration to the floodway boundary;
- b. Development placed in Zones A, AE, AH, and A1-30 that does not include a designated floodway that will cause a rise of more than one foot in the base elevation; or
- c. Development relocates or alters the channel.

Within six months of the completion of the development, the applicant shall submit to FEMA all scientific and technical data necessary for a Letter of Map Revision.

(10) Perform site inspections to ensure compliance with the standards of this section.

(11) Forward all requests for variances to the Board of Adjustment for consideration. Ensure all requests include the information ordinarily submitted with applications as well as any additional information deemed necessary to the Board of Adjustment.

14. Floodplain Development Permit.

A. Permit Required. A Floodplain Development Permit issued by the 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, excavation or drilling operations), including the placement of factory-built homes.

B. Application for Permit. Application shall be made on forms furnished by the Administrator and shall include the following:

- (1) Description of the work to be covered by the permit for which application is to be made.
- (2) Description of the land on which the proposed work is to be done (e.g., lot, block, track, street address or similar description) that will readily identify and locate the work to be done.
- (3) Location and dimensions of all buildings and building additions.
- (4) Indication of the use or occupancy for which the proposed work is intended.
- (5) Elevation of the base flood.
- (6) Elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of buildings or of the level to which a building is to be floodproofed.



(7) For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.

(8) Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this section.

C. Action on Permit Application. The Administrator shall, within a reasonable time, make a determination as to whether the proposed floodplain development meets the applicable standards of this section and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefor. The Administrator shall not issue permits for variances except as directed by the Board of Adjustment.

D. Construction and Use to Be as Provided in Application and Plans. 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 section. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this section, prior to the use or occupancy of any structure.

15. Standards for Floodplain (Overlay) District. All uses must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Where base flood elevations and floodway data have not been provided on the Flood Insurance Rate Map, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination. All development within the Floodplain (Overlay) District shall:

A. Be consistent with the need to minimize flood damage.

B. Use construction methods and practices that will minimize flood damage.

C. Use construction materials and utility equipment that are resistant to flood damage.

D. Obtain all other necessary permits from federal, state and local governmental agencies including approval when required from the Iowa Department of Natural Resources.

16. 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 elevations. Construction shall be upon compacted fill which shall, at all points, be no lower than one foot above the base flood elevations and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers or extended foundations) may be allowed subject to favorable consideration by the Board of Adjustment, where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards

associated with flooding. All new residential structures located in areas that would become isolated due to flooding of surrounding ground shall be provided with a means of access that will be passable by wheeled vehicles during the base flood. However, this criterion shall not apply where the Administrator determines there is sufficient flood warning time for the protection of life and property. When estimating flood warning time, consideration shall be given to the criteria listed in 567 IAC 75.2(3).

17. Nonresidential Structures. All new or substantially improved nonresidential structures shall have the lowest floor (including basement) elevated a minimum of one foot above the base flood elevation, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood; and that the structure, below the base flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the Administrator.

18. All New and Substantially Improved Structures. The following standards shall apply to all new and substantially improved structures in the Floodplain Overlay District:

A. Fully enclosed areas below the lowest floor (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:

(1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

(2) The bottom of all openings shall be no higher than one foot above grade.

(3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

(4) Such areas shall be used solely for parking of vehicles, building access and low damage potential storage.

B. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

C. New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities elevated or floodproofed to a minimum of one foot above the base flood elevation).

19. **Factory-Built Homes.**
  - A. All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one foot above the base flood level.
  - B. All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement. 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.
20. **Utility and Sanitary Systems.** The following standards shall apply to utility and sanitary systems in the Floodplain Overlay District:
  - A. On-site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.
  - B. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one foot above the base flood elevation.
  - C. New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one foot above the base flood elevation.
  - D. Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.
21. **Storage of Materials and Equipment.** Storage of equipment and materials that are flammable, explosive, or injurious to human, animal or plant life is prohibited unless elevated a minimum of one foot above the base flood elevation. Other material and equipment must either be similarly elevated or: (i) not subject to major flood damage and anchored to prevent movement due to flood waters; or (ii) readily removable from the area within the time available after flood warning.
22. **Flood Control Structural Works.** 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, structural flood control works shall be approved by the Department of Natural Resources.
23. **Watercourse Alterations or Relocations.** Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.
24. **Subdivisions.** 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 section. 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 100-year flood elevation data for those areas located within the Floodplain (Overlay) District.

25. Accessory Structures to Residential Uses. The following standards shall apply to accessory structures to residential uses in the Floodplain Overlay District:

A. Detached garages, sheds, and similar structures that are incidental to a residential use are exempt from the base flood elevation requirements where the following criteria are satisfied.

(1) The structure shall be designed to have low flood damage potential. Its size shall not exceed 600 square feet in size. Those portions of the structure located less than one foot above the BFE must be constructed of flood-resistant materials.

(2) The structure shall be used solely for low flood damage potential purposes such as vehicle parking and limited storage. The structure shall not be used for human habitation.

(3) The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.

(4) The structure shall be firmly anchored to resist flotation, collapse and lateral movement.

(5) The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the base flood elevation.

(6) The structure's walls shall include openings that satisfy the provisions of Subsection 18(A) of this section.

B. 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.

26. Recreational Vehicles. Recreational vehicles are exempt from the requirements of Subsection 18 of this section regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.

A. The recreational vehicle shall be located on the site for less than 180 consecutive days.

B. The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

C. Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of Subsection 18 of this section regarding anchoring and elevation of factory-built homes.

27. Pipeline River and Stream 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.

28. Maximum Damage Potential Use. All new or substantially improved maximum damage potential uses shall have the lowest floor (including basement) elevated a minimum of one foot above the elevation of the 500-year flood, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the two-tenths percent annual chance flood; and that the structure, below the two-tenths percent annual 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 Administrator. Where a two-tenths 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.

29. Establishment of Variance Procedures. The Board of Appeals may authorize upon request in specific cases such variances from the terms of this section that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this section 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 only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

C. In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this section, the applicant shall be notified in writing over the signature of the Administrator that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage; and (ii) such construction increases risks to life and property.

30. Factors Upon Which the Decision of the Board of Adjustment Shall Be Based. In passing upon applications for variances, the Board shall consider all relevant factors specified in this section 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 County.
  - 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 section.
31. Conditions Attached to Variances. Upon consideration of the factors listed above, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose of this Ordinance. 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 section.
  - E. Floodproofing measures.
32. Nonconforming Uses. A structure or the use of a structure or premises which was lawful before the passage or amendment of this section, but which is not in conformity with the provisions of this section, 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 section.
  - B. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.

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 section. 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.

33. Penalties for Violation. Violations of the provisions of this section or failure to comply with any of the requirements shall constitute a misdemeanor. Any person who violates this section or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00. Nothing herein contained prevent the City from taking such other lawful action as is necessary to prevent or remedy violation.

34. Amendments. The regulations and standards set forth in this section 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 901]



**165.40 OFF-STREET PARKING AREAS AND LOADING SPACES.**

1. Lighting Standards. Any lighting used to illuminate such parking areas shall be arranged as to reflect light away from adjoining premises in a residential district.
2. Parking Not Permitted in Front Yard. In a residential district, motor vehicle parking in the front yard is not permitted unless the motor vehicles are parked in a driveway. "Front yard" means any portion of a lot or parcel of land which extends its full width and lies between the edge of a public right-of-way, including the sidewalk, and the front of the principal building on the lot or parcel.

**165.41 SIGNS.**

1. General Provisions. All signs and billboards shall be maintained in a neat and presentable condition and in the event their use will cease, they shall be removed promptly and the surrounding area restored to a condition free from refuse and debris.
2. Agricultural Districts. In any agricultural district the following signs are permitted:
  - A. Name plates not to exceed one square foot in area.
  - B. Church or public bulletin boards.
  - C. Temporary signs advertising the lease or sale of the premises, not to exceed 12 square feet in area.
  - D. Signs announcing candidates seeking public political office or pertinent political issues. Such signs shall be confined to private property, except as hereinafter provided, shall not exceed 16 square feet in area, and shall not exceed four feet in height. Signs may be erected not more than 45 days prior to the date of an election and shall be removed within seven days after the date of said election.
  - E. Bulletin boards and signs pertaining to the lease, hire, or sale of a building or premises, or signs pertaining to any material that is grown or treated within the district; provided, however, such signs shall be located upon or immediately adjacent to the building or in the area in which such materials are treated, processed or stored.
3. Residential Districts. In any residential district the following signs are permitted:
  - A. Name plates not to exceed one square foot in area.
  - B. Church or public bulletin boards.
  - C. Temporary signs advertising the lease or sale of the premises, not to exceed 12 square feet in area.
  - D. Signs announcing candidates seeking public political office or pertinent political issues. Such signs shall be confined to private property, except as hereinafter provided, shall not exceed 16 square feet in area, and shall not exceed four feet in height. Signs may be erected not more than 45 days prior to the date of an election and shall be removed within seven days after the date of said election.

- E. Facilities, other than single-family dwellings, normally required to provide an attractive residential area may illuminate signs, bulletin boards, and name plates only with indirect non-intermittent lights that do not exceed 60 watts.
  - F. Signs for home occupations not exceeding four square feet in area.
  - G. Signs must not project more than four feet above the roofline.
4. Home Occupation and Home Industry Sign Regulations. For home occupations in any residential district, only one identification sign may be displayed upon the lot, subject to the following requirements:
- A. Contains only the name of the occupant and the nature of the occupation.
  - B. Shall not contain more than four square feet and shall be attached to the principal building.
  - C. Shall not be illuminated.
  - D. If located along a State or federal highway, an Iowa Department of Transportation permit must be obtained.
5. Commercial Districts. The following signs are permitted in Commercial Districts:
- A. Signs permitted in the Residential Districts.
  - B. Two signs per business shall be permitted in Commercial Districts. There shall only be one post sign for each business, and any exterior wall sign shall pertain only to a use conducted within the building and be integral or attached thereto. No sign may project over any street line (back of curb) or sidewalk. The maximum height of any post sign is 24 feet.
  - C. In Commercial Districts no sign shall project more than four feet above the roof line. Signs shall not have a surface of greater than 40 square feet on any one side thereof and not more than two sides of a post sign shall be used for advertising purposes.
  - D. A post or ground sign that is within 50 feet of the edge of any part of the right-of-way for State Highway 30 may have a height not to exceed 40 feet measured from the base of the sign support to the top of the sign and a maximum of 150 square feet of sign surface on a side. Such a sign shall pertain only to a use conducted on the premises. No sign may project over any street line, sidewalk, or the DOT right-of-way.
6. Portable and Banner Signs. Portable and banner signs are subject to the following requirements:
- A. Banner signs are permitted in all zones within the City. A banner sign shall not exceed 100 square feet in area. No banner sign shall be displayed longer than 90 consecutive days without removal or replacement. A banner sign does not require a sign permit.
  - B. Portable signs, or any sign which by its construction or nature is designed to be moved from one location to another, shall be permitted in Commercial Districts. Portable signs shall not exceed 50 square feet in area, shall not exceed six feet in height, and shall not be located in any public right-

of-way. One portable sign shall be permitted on any zoning lot for a period of not more than 14 consecutive days and not more than 60 total days in any calendar year. Off premises advertising is prohibited.

7. Prohibited Signs. The following signs are prohibited in all zoning districts within the City:
  - A. Abandoned signs.
  - B. Flashing signs, including those illuminated by or containing flashing, intermittent, rotating, or moving light or lights. This prohibition shall not apply to electronic message centers.
  - C. Any sign which contains statements, words, or pictures of an obscene, pornographic, or immoral character.
  - D. In no event shall an illuminated sign or lighting device be placed or directed or beamed upon a public street, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance. All signs shall be screened from beaming on residential windows.
  - E. No neon sign or other illuminated advertisement shall be of such color or located in such a manner as to diminish or detract in any way from the effectiveness of any traffic signal or similar safety or warning device.
  - F. No building wall shall be used for display of advertising except that pertaining to the use carried on within such building.
  - G. No sign or sign structure shall be placed on private or public property without the consent of the owner or authorized agent thereof.
8. Exempt Signs. The following signs are allowed without a permit but shall comply with all other applicable provisions of this section:
  - A. Name plates that do not exceed one square foot in area.
  - B. The flag of a government or a noncommercial institution, such as a school.
  - C. Religious symbols and seasonal decorations within the appropriate public holiday season.
  - D. Real estate signs (on-site) advertising for sale, rental, or lease only, the premises, lots, or tracts on which they are located.
  - E. Campaign signs as allowed by Section 68A.406 of the *Code of Iowa*.
  - F. Log signs that do not exceed 12 square feet in area.
  - G. Temporary banner signs.
  - H. Home occupation and home industry signs that do not exceed four square feet in area.
  - I. Community identification, information, or directional signs which are owned by the City, identify the name of the City, advertise community events, new businesses, or direct traffic to public facilities or commercial districts.

9. Signs Not to Constitute Traffic Hazard.
  - A. In all districts where permitted, signs shall be set back from the proposed right-of-way line of any State or federal highway, any major City thoroughfare so designated by the official major street plan, and from the right-of-way line of any other street or highway.
  - B. No signs shall be permitted on corner lots in the triangle formed by measuring 20 feet along the curb line of each street and then running a line between the two end points.

#### **165.42 NONCONFORMING BUILDINGS, STRUCTURES AND USES.**

1. Nonconforming Building. A lawful, or authorized, nonconforming building or structure existing at the time of adoption of the Zoning Ordinance may be continued, maintained, and repaired, except as otherwise provided in this section even though said building or structure may not conform with the regulations of this chapter for the district in which it is located. Nothing in this chapter shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe.
2. Alteration or Enlargement of Building and Structures. A nonconforming building or structure shall not be added to or enlarged in any manner unless said building or structure, including additions and enlargements, is made to conform to all the regulations of the district in which it is located; provided, however, if a building or structure is conforming as to its use, but nonconforming as to yards or height or off-street parking space, said building or structure may be enlarged or added to provided that the enlargement or addition complies with the yard and height and off-street parking requirements of the district in which said building or structure is located. No nonconforming building or structure shall be moved in whole or part to another location on the lot unless every portion of said building or structure is made to conform to all of the regulations of the district in which it is located.
3. Building Vacancy. A building or structure or portion thereof, which is nonconforming as to use, which is or hereafter becomes vacant and remains unoccupied for continuous period of one year shall not thereafter be occupied except by a use which conforms to the use regulations of the district in which it is located.
4. Destruction of Nonconforming Building or Structure. Any nonconforming building or structure which has been or may be damaged by fire, flood, explosions, earthquake, war, riot, or any other act of God, may be reconstructed and used as before if it can be done within 12 months of such calamity, unless damaged more than 50 percent of its fair market value, as determined by the Board of Adjustment, at the time of the damage, in which case reconstruction shall be in accordance with the provisions of this chapter.
5. Change of Uses.
  - A. A nonconforming use of a conforming building or structure may be expanded or extended into any other portion of the structure provided the structure was manifestly arranged or designed for such use at the time of adoption or amendment of the Zoning Ordinance, but no such use shall be extended to occupy any land outside such building.
  - B. If such a nonconforming use, or a portion thereof, is discontinued or changed to a conforming use, any future use of such building, structure, or portion thereof shall be in conformity with the regulations of the district in

which such building or structure is located. A vacant or partially vacant conforming building or structure may be occupied by a use for which the building or structure was designed or intended if occupied within a period of one year after the effective date of the Zoning Ordinance, but otherwise it shall be used in conformity with the regulations of the district in which it is located.

C. The use of a nonconforming building or structure may be changed to a use of the same or a more restricted district classification; but where the use of nonconforming building or structure is changed to a use of a more restricted district classification it thereafter shall not be changed to a use of a less restricted district classification; provided, however, a building or structure that is nonconforming at the time of adoption of the Zoning Ordinance is not in violation. For the purpose of this subsection only, the R-1 District shall be considered the most restrictive and the M-1 Manufacturing/Industrial District the least restrictive district.

6. Nonconforming Uses of Land. A lawful, or authorized, nonconforming use existing at the time of adoption of the Zoning Ordinance may be continued, maintained, and repaired, except as otherwise provided in this section. Any nonconforming use in existence at the adoption hereof that was not a lawful, or authorized use under previous zoning ordinances shall not be authorized to continue as a nonconforming use pursuant to this chapter, or amendments thereto. A nonconforming use may not be extended or expanded, nor shall it occupy more lot area or be considered a more intense use than was in existence on the effective date of the Zoning Ordinance.

7. Nonconforming Lots. A lawful, or authorized, nonconforming lot existing at the time of adoption of the Zoning Ordinance may be continued, maintained, and repaired, except as otherwise provided in this section. Any nonconforming lot in existence at the adoption hereof that was not a lawful, or authorized use under previous zoning ordinances shall not be authorized to continue as a nonconforming lot pursuant to this chapter, or amendments thereto. A nonconforming lot in existence on the effective date of the Zoning Ordinance shall be considered a lot of record, as defined and regulated within this chapter.

**165.43 ADDITIONAL REQUIREMENTS, EXCEPTIONS, MODIFICATIONS AND INTERPRETATIONS.** The requirements and regulations specified elsewhere in this chapter shall be subject to additional requirements, exceptions, modifications, and interpretations contained in this section.

1. Height and Size Limits. Height limitations stipulated elsewhere in this chapter shall not apply in the following situations:

A. To barns, silos, or other farm buildings or structures on farms provided these are not less than 50 feet from every lot line; to church spires, belfries, cupolas and domes, monuments, water towers, fire and hose towers, masts, and aerials; to parapet walls extending not more than four feet above the limiting height of the building. However, if in the opinion of the Zoning Administrator, such structure would adversely affect adjoining or adjacent properties, such greater height shall not be authorized except by the Board of Adjustment.

B. To bulkheads, conveyors, derricks, elevator penthouses, water tanks, monitors, wind generators and scenery lofts; to monuments, fire towers, hose towers, cooling towers, grain elevators, gas holders or other structures, where

the manufacturing process requires a greater height than specified, such may be authorized by the Board of Adjustment.

C. Telecommunication towers and other towers.

2. Rear Yard Exceptions and Modifications. Accessory building or structures may be permitted in rear yards, subject to the provisions contained elsewhere in this chapter:

A. In any Commercial or Residential District, a building which is nonconforming as to rear yard setbacks may be expanded or enlarged, provided the enlargement or expansion does not encroach closer to the rear property line than the already existing building. All other Bulk Requirements must be met.

B. Accessory buildings or structures subject to the provisions contained elsewhere in this chapter.

C. Fire escapes, bays and balconies.

D. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, and the like.

E. Terraces, steps, uncovered porches, or similar features.

F. Swimming pools.

#### **165.44 ADMINISTRATION AND ENFORCEMENT.**

1. Organization. The administration of the Zoning Ordinance is vested in the following four offices of the government of the City: Mayor and City Council; Board of Adjustment; Zoning Commission; and Zoning Administrator.

2. Basis of Regulations. Regulations are made in accordance with *Code of Iowa* Chapter 414, as amended, and with the City's Comprehensive Plan. These regulations are designed to preserve the availability of agricultural land; to consider the protection of soil from wind and water erosion; to encourage efficient urban development patterns; to lessen congestion in the street; to secure safety from fire, flood, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to promote the conservation of energy resources; to promote reasonable access to solar energy; and to facilitate the adequate provision of transportation, water sewage, schools, parks, and other public requirements.

3. Jurisdiction. The Mayor and City Council shall discharge the following duties under this chapter. Appointments shall be made by the Mayor, subject to approval by the City Council.

A. Appoint a Zoning Administrator whose responsibilities it will be to enforce the provisions of this chapter.

B. Appoint members of the Board of Adjustment as provided for in this chapter.

C. Appoint members to the Zoning Commission as provided for in this chapter.

D. Receive and decide upon all recommendations concerning amendments, supplements, and changes presented by the Zoning Commission.

- E. Receive from the Zoning Commission all recommendations on the effectiveness of this chapter.
  - F. To decide all matters upon which it is required to pass under this chapter.
4. Board of Adjustment.
- A. Creation. the Board of Adjustment, as established under applicable provisions of the *Code of Iowa*, is the Board referred to in this chapter.
  - B. Appointment; Terms; Removal. The Board shall consist of five members, who are residents, to be appointed by the Mayor and subject to approval by City Council for staggered terms of five years. A majority of the members of the Board shall be persons representing the public at large. The Board of Adjustment members shall not also be members of the Zoning Commission or City staff, and members shall not hold an elective office in municipal government nor shall a majority of the members be involved in the business of purchasing or selling real estate. Members of the Board may be removed from office by the City Council for cause upon written charges and after public hearing. Vacancies shall be filled by the Mayor, subject to City Council approval, for the unexpired term of the member affected. There shall be no term limits for the Board of Adjustment.
  - C. Powers and Duties. The Board of Adjustment is hereby vested with the following powers and duties:
    - (1) To hear and decide all applications for variances from the terms provided in this chapter in the manner prescribed and subject to the standards herein.
    - (2) To hear and decide all applications for special exceptions in the manner prescribed in this chapter.
    - (3) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this chapter. The Board shall also interpret the Official Zoning Map, if necessary.
  - D. Meetings and Rules. 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 Chairperson 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 agenda item requiring action, 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 public record and be filed in the office of the Zoning Administrator and City Clerk. The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to effect any variation in application of this chapter. At the first meeting of each calendar the Board of Adjustment members shall name a Chairperson and

Vice Chairperson for that coming year. If one of those officers shall choose not to be a member of the Board during the year, a new officer shall be selected by the remaining Board members for the remaining term of that calendar year. A Chairperson can serve for multiple terms.

E. Finality of Decisions of the Board of Adjustment. All decisions and findings of the Board of Adjustment on appeals applications, applications for a variance, or application for a special exception, after a hearing, shall, in all instances, be final administrative decisions and shall be subject to judicial review as is stated in the *Code of Iowa*.

5. Variances.

A. Purpose and Findings of Fact. The Board of Adjustment, after a public hearing, may determine and vary the regulations of this chapter in harmony with their general purpose and intent, only in the specific instances hereinafter set forth, where the Board of Adjustment makes written findings of fact in accordance with the standards hereinafter prescribed and further, finds that there are no practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this chapter.

B. Application for Variance. An application for a variance shall be filed in writing with the Zoning Administrator. Said application shall contain such information, and appropriate non-refundable fee, as the Board of Adjustment may, by rules, require.

C. Hearing on Application. Upon receipt in proper form of the application, the Board of Adjustment shall hold at least one public hearing on the proposed variance. Notice of time and place of such hearing shall be published not less than seven days or more than 20 days in advance of the public hearing in a newspaper of general circulation in the City. Property owners within 200 feet of the property for which the change is being requested shall be notified as a courtesy as well. Before an application is filed with the Board of Adjustment, the applicant shall pay a non-refundable fee to the City to cover the publishing and administration costs of said request, per the adopted fee schedule.

D. Standards for Variance. The Board of Adjustment shall not vary the regulations of this chapter, as authorized in this section, unless there is evidence presented to it in each specific case that:

(1) Special conditions and circumstances exist which are unique to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district. Special conditions shall include but not be limited to a property owner who can show that their property was acquired in good faith and where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property, or where by reason of exceptional topographic conditions or other exceptional or extraordinary situations the strict application of the terms of this chapter actually prohibits the use of the property in manner reasonably similar to that of other property in the district.

(2) 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. In other words, an unnecessary hardship would result from literal enforcement of this chapter.

(3) Special conditions and circumstances do not result from the actions of the applicant.

(4) 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.

E. Further Requirements.

(1) The Board of Adjustment shall 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.

(2) 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 the Le Grand Comprehensive Plan, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

(3) 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 under this chapter.

(4) Under no circumstances shall the Board of Adjustment grant a variance to allow for 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 the district.

(5) If property lines cannot be determined through existing surveys or property markers, the request must be accompanied by a certified survey.

F. Denial and Revocation of Variance.

(1) Denial. No application for a variance that has been denied wholly or in part by the Board of Adjustment shall be resubmitted for a period of one year from the date of denial, except on the grounds of new evidence or proof of change of conditions that may be found to be valid by the Board of Adjustment.

(2) Revocation. In any case where variance has not been established within one year after the date of granting thereof, the Board shall provide notice to the applicant that the approved variance may be revoked. Said notice shall offer the applicant an opportunity to be heard by the Board of Adjustment. The Board may, after this process, revoke or extend the approved variance.

6. Special Exceptions.

A. Purpose. The development and administration of this chapter is based upon the division of the City into zoning districts, within said districts the use

of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized that there are certain uses, because of their unique characteristics, cannot be properly classified in any particular district or districts, without special consideration in each case, of the impact of those uses upon neighboring land and of the public need for the particular use that locations. Such special exceptions fall into two categories:

- (1) Uses publicly operated or traditionally affected with a public interest.
  - (2) Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.
- B. Initiation of Special Exceptions. Any person having a freehold interest in land, a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest of an exclusive possessory interest, either of which is specifically enforceable, may file an application to use such land for one or more of the special exceptions provided for in this chapter in the zoning district in which the land is located.
- C. Application for Special Exception. An application for a special exception shall be filed with the Zoning Administrator on a form as the Zoning Administrator shall prescribe. The application shall be accompanied by an appropriate non-refundable fee and such plans and/or data prescribed by the Board of Adjustment and shall include a statement indicating the section of this chapter under which the special exception is sought and stating the grounds on which it is requested.
- D. Hearing on Application. Upon receipt in proper form of the application and statement, the Board of Adjustment shall hold at least one public hearing on the proposed special exception. Notice of time and place of such hearing shall be published not less than seven days or more than 20 days in advance of the public hearing in a newspaper of general circulation in the City. Property owners within 200 feet of the property for which the exception is being requested shall be notified as a courtesy as well. Before an application is filed with the Board of Adjustment, the applicant shall pay a non-refundable fee to the City to cover the publishing and administration costs of said request, per the adopted fee schedule.
- E. Authorization. For each application for a special exception the Zoning Administrator shall prepare and file with the Board of Adjustment findings and recommendations, including the recommended stipulations of additional conditions and guarantees that are deemed necessary for the protection of the public interest.
- F. Standards. No special exception shall be granted by the Board of Adjustment unless such Board shall find:
- (1) That the establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.

(2) That the special exception will not be injurious to the use and enjoyment of other property already permitted, nor substantially diminish and impair property values within the neighborhood.

(3) That the establishment of special exceptions will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

(4) That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided and that the request not impair an adequate supply of air or light to adjacent properties.

(5) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

(6) That the special exception shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Board of Adjustment.

(7) That the special exception shall be consistent with the Le Grand Comprehensive Plan and this Code of Ordinances.

G. Conditions and Guarantees. Prior to the granting of any special use, the Board of Adjustment shall stipulate such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the special exception as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in Subparagraph (6) above. In all cases in which special exceptions are granted, the Board of Adjustment shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be met.

H. Denial and Revocation of Special Exception.

(1) Denial. No application for a special exception that has been denied wholly or in part by the Board of Adjustment shall be resubmitted for a period of one year from the date of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Board of Adjustment.

(2) Revocation. In any case where special exception has not been established within one year after the date of granting thereof, the Board shall provide notice to the applicant that the approved exception may be revoked. Said notice shall offer the applicant an opportunity to be heard by the Board of Adjustment. The Board may, after this process, revoke or extend the approved exception.

7. Appeals of the Staff and Other Powers of the Board of Adjustment. Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board, or bureau of the City affected by a decision of the Zoning Administrator or official in enforcement of this chapter. Such appeal shall be taken to the Board within a reasonable time, as prescribed by the Board's Rules of Procedure. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from is taken. An appeal stays

all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board, after notice of appeal shall have been filed, that by reason of the facts stated in the certificate a stay would, in the Administrator's opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order that may be granted by the Board or by a court of record on application of notice to the Zoning Administrator and due cause shown. The Board shall hold one public hearing and shall give a reasonable time for the hearing on the appeal. Notice of time and place of such hearing shall be published not less than seven days or more than 20 days in advance of the public hearing in a newspaper of general circulation in the City. Property owners within 200 feet of the property for which the appeal is being requested shall be notified as a courtesy as well. Before an application is filed with the Board of Adjustment, the applicant shall pay a non-refundable fee to the City to cover the publishing and administration costs of said request, per the adopted fee schedule. In exercising the above-mentioned powers, the Board may, in conformity with the provisions of the law, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination as it believes proper and to that end will have the powers of the Zoning Administrator. The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter which it is required to pass under this chapter, provided that the action of the Board shall not become effective until after the written decision or resolution of the Board, setting forth the full reason for its decision and the vote of each participating member has been recorded in the minutes. Said written decision or resolution shall be filed in the office of the Zoning Administrator and shall be open to public inspection.

8. Interpretation of District Map. Where the application of the rules for interpretation of district boundaries leaves a reasonable doubt to the boundary between two Zoning Districts the Board of Adjustment after notice to the owners of the property and after public hearing, shall interpret the Map in such a way as to carry out the intent and purposes of this chapter.

9. Appeals of Board of Adjustment Decisions. Any person or persons, or any board, taxpayer, department, board or bureau of the City aggrieved by any decision of the Board of Adjustment may seek review by a court of record of said decision, in the manner provided by the laws of the state and particularly by the *Code of Iowa*.

10. Zoning Commission. The Planning and Zoning Commission established in Chapter 23 of this Code of Ordinances is the Zoning Commission referred to in this chapter.

11. Zoning Administrator.

A. Designation of Zoning Administrator. The Zoning Administrator shall be designated by the Mayor and subject to the approval of the City Council.

B. Powers and Duties of the Zoning Administrator. The Zoning Administrator shall enforce this chapter and in addition shall:

(1) Issue all building permits and collect any fees.

(2) Process and review all applications for variances, special exceptions, and interpretation for referral to the Board of Adjustment.

- (3) Respond to complaints of alleged violations to the Zoning Ordinance. If after response by the Zoning Administrator the complaint remains unresolved, the issue shall be referred by the Administrator to the Mayor and City Council for resolution.
  - (4) Provide applications and forms and maintain public information relative to all matters arising out of this chapter.
  - (5) Process and review all applications for rezoning prior to consideration by the Zoning Commission.
  - (6) Review site plans for conformance with this chapter.
  - (7) Attend meetings of the Zoning Commission and the Board of Adjustment, as well as carry out duties that may be requested by both bodies.
12. Amendments to this Chapter.

A. Procedure. The regulations, restrictions, and boundaries may from time to time, be amended, supplemented, changed, modified, or repealed by the City Council. No such amendments shall be made final without: (i) the applicant completing a rezoning application, unless the City is the applicant; (ii) holding a public hearing before the Zoning Commission, who shall thereafter send a recommendation to the City Council; and (iii) after a public hearing is held by the City Council and the proper ordinance amendment procedures, as required by the *Code of Iowa*, are followed by the City Council. The notice of the time and place of the hearings shall be published in a newspaper with general circulation in the City not less than seven days or more than 20 days before either of the public hearings. Property owners within 200 feet of the property for which the amendment is being requested shall be notified of the hearings as a courtesy as well. In no case shall the City Council hearing be held earlier than the next regularly scheduled City Council meeting after the Zoning Commission hearing. In case the Zoning Commission does not approve the change, or in the case of a protest filed with the City Council against such change 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 to, not to exceed 200 feet, such amendments shall not be passed except by the favorable vote of three-fourths of all members of the City Council. As part of an amendment to this chapter changing land from one zoning district to another zoning district, or as part of approving a site development plan, the City Council may impose conditions on a property owner which are in addition to existing regulations if the additional conditions have been agreed to in writing by the property owner before the public hearing required under this section or any adjournment of that hearing. The conditions must be reasonable and imposed to satisfy public needs that are directly caused by the requested change.

B. Ordinance Amendment Application (Text or Map/Rezoning Amendments). An application for rezoning shall contain the following items:

- (1) The legal description and local address, if applicable, of the property to be rezoned.

- (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 or sketch 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.
- (7) The property owner's signature.

C. Fees. Before any action is taken upon an application as provided in this section, the applicant shall pay the Zoning Administrator a non-refundable fee. The applicant shall pay this fee to the credit of the general revenue fund of the City. Failure to approve the change, by either the Zoning Commission or City Council, will not be construed as any reason for refunding the fee to the applicant.

#### **165.45 BUILDING CONSTRUCTION; CERTIFICATES; FEES.**

1. No building or structure shall hereafter be erected, constructed, reconstructed, enlarged, moved, or converted unless a separate permit for each building or structure has first been obtained from the Zoning Administrator. Any structure, including a structure on skids, that is 100 square feet or larger shall require a building permit. Said permit and the application for the permit shall contain a plot plan showing the actual dimensions of the lot to be built upon, the size, shape, and location of the building or structure to be erected or affected and of every existing building on the property, the name and address of the owner or owners of the involved lot, and such other information as may be necessary to provide for the enforcement of this chapter. The application and permit shall be on forms prepared by the Zoning Administrator and approved by the Council. No permit shall be issued for any construction not in compliance with this chapter. Any construction started without a permit shall be stopped immediately, and shall be subject to the remedies of Section 165.46.
2. Commencement and Completion of Construction. An applicant who is issued a permit under the provisions of this chapter is bound, by acceptance of the permit, to commence the construction for which the permit is issued within six months from and after the date of issue of said permit, and is bound to finish said construction within 12 months from and after said date of issue. Failure to commence construction within six months shall cause the permit to expire. A permit issued under the provisions of this chapter shall be valid for a period of 12 months from and after the date of issue of said permit. Upon expiration of a permit, the holder shall make a new application for a new permit under the provisions of this chapter and shall otherwise go through the same procedure as required for issuance of the original permit. The fee for the second permit, as in the case of the original permit fee, shall be set by resolution by the City Council. The Zoning Administrator can issue extensions as long as there is obvious progress.
3. Structure Standards. The following standards shall apply to all structures and all construction for which building permits are issued on or after the effective date of the Zoning Ordinance codified by this chapter:

- A. All dwellings shall be affixed to a permanent foundation system in accordance with building construction standards.
  - B. All structures shall comply with all requirements of this chapter, including all requirements contained in the definitions of this chapter, including (without limitation) the definitions of dwelling and fence; all bulk requirements; and all other provisions of this chapter.
4. Application Requirements. The Zoning Administrator is instructed to issue permits upon properly approved written applications under this chapter. Applicable requirements for an application include but are not limited to, the following:
- A. Graph or professional blueprint of the lot diameter with the structure that is to be built or remodeled drawn on that graph.
  - B. Lot pins must be marked with spray paint or flagged prior to the Zoning Administrator's review of the site.
  - C. Side setbacks, rear setbacks, and front setbacks must all be clearly marked and must meet current code requirements.
  - D. Legal description of the property and current owner of the property shall be clearly written with full name and contact information.
  - E. New structures using blue prints and/or model home photos shall be accompanied by a lot diagram to confirm set backs are being met.
5. Applications and Non-Refundable Fees. The Zoning Administrator is instructed to issue permits upon properly approved written applications under this chapter, and charge a non-refundable fee as determined by the City Council and adopted by resolution. If the City initiates any of the actions listed below, it shall not be required to pay the corresponding fee. Applicable fees include, but are not limited to, the following:
- A. Zoning Map Amendments (Rezoning Requests) or Ordinance Text Amendments - \$250.00 plus fees for publications and mailings.
  - B. Variances - \$50.00.
  - C. Special Exceptions - \$50.00.
  - D. Appeals of Staff Interpretations and Decisions - \$50.00.
  - E. Building permits - The building permit fee structure shall be as follows:
    - (1) Commercial: \$250.00
    - (2) Residential (new construction): \$250.00
    - (3) Residential (remodel or addition): \$100.00
    - (4) Structure 350 square feet or greater: \$60.00
    - (5) Structure less than 350 square feet: \$45.00
    - (6) Driveways or Parking Pads (new or altered): \$25.00
    - (7) Sidewalks (new only): \$25.00
    - (8) Decks and Fences: \$25.00

**165.46 VIOLATIONS AND LEGAL REMEDIES.**

1. Notice to Violators. If the Zoning Administrator finds that any provision of this chapter is being violated, they 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 Zoning Administrator 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 or by this Code of Ordinances to insure compliance with or to prevent violation of its provisions.
2. Responsibility. The owners, or tenant, 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 of this chapter may each be charged with a separate offense and upon conviction suffer the penalties herein provided.
3. City Remedies. If any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this chapter, the City may, in addition to other remedies, institute an injunction, municipal infraction, mandamus, or other appropriate lawful action necessary to prevent, correct, or abate such violation. A violation of this chapter shall be deemed a violation of this Code of Ordinances and thus a municipal infraction, and punishable as such. Any construction started without a permit or which does not comply with the requirements of this Code of Ordinances shall be removed immediately. The City Council may, without limitation, provide for abatement of such infraction, pursue civil action in court, or prosecute such violation, such action to be prosecuted in the name of the City, or may pursue any combination of remedies. Each day that said violation is continued shall constitute a separate violation. Nothing in this section shall limit the remedies and enforcement powers of the City, which shall include injunctive relief.
4. Building Permit Violators. Anyone violating any of the provisions of this chapter shall, upon conviction, be subject a civil penalty not to exceed \$500.00.





[The next page is 937]

## CHAPTER 166

# SUBDIVISION REGULATIONS

166.01 Purpose and Jurisdiction  
166.02 Definitions  
166.03 Preliminary and Final Plats  
166.04 Fees

166.05 Subdivision Design Standards  
166.06 Improvements  
166.07 Variations  
166.08 Enforcement

**166.01 PURPOSE AND JURISDICTION.** The purpose of this chapter is to establish minimum standards for the design and development of all new subdivisions so that adequate provision will be made for public utilities and other public requirements to improve the health, safety and general welfare. In accordance with Chapter 354 of the *Code of Iowa*, this chapter governs subdivisions within the corporate limits of the City and all land within an area extending two miles beyond the City limits.

*(Code of Iowa, Ch. 354 and Sec. 354.9)*

**166.02 DEFINITIONS.** For the purpose of this chapter, the following terms and words are defined.

1. “Block” means an area of land within a subdivision that is entirely bounded by streets or highways or the exterior boundary of the subdivision.
2. “Cul-de-sac” means a short street having one end open to vehicular traffic, the other end permanently terminated by a vehicular turnaround.
3. “Easement” means a grant by a property owner for the use of land for a specified purpose by the general public, within the limits of which the owner shall not erect any permanent structures, but shall have the right to make any other use of the land subject to such easement which is not inconsistent with the rights of the grantee of the easement.
4. “Engineer” means a registered engineer authorized to practice civil engineering.
5. “Lot” means a portion of a subdivision or other parcel of land intended for the purpose, whether immediate or future, of transfer of ownership or for building development.
6. “Plat” means a map, drawing or chart on which the subdivider’s plan of the subdivision is presented and which is submitted for approval and, in final form, to be recorded.
7. “Roadway” means that portion of the street available for vehicular traffic, and where curbs are laid, the portion from back to back of curbs.
8. “Street” or “alley” means a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however designated.
9. “Subdivision” means the division of a parcel of land into three (3) or more lots or parcels for the purpose of transfer of ownership or building development. The term includes resubdivision and, when appropriate to context, relates to the process of subdividing or to the land subdivided.

10. "Surveyor" means a registered land surveyor.

**166.03 PRELIMINARY AND FINAL PLATS.** The purpose of the preliminary plat is to show the facts needed to enable the Council to determine whether the proposed layout of the land is satisfactory from the standpoint of the public interest and is in accordance with the law and this chapter. The procedure hereinafter described entails submission of a preliminary plat for conditional approval and a final plat for final approval, as follows:

1. Copies Filed. The subdivider shall submit six copies of the preliminary plat to the Clerk. The preliminary plat shall contain such information and data as hereinafter set out.
2. Referral of Copies. The Clerk shall immediately refer copies of the preliminary plat to the Mayor and to the City Attorney.
3. Contents. The preliminary plat shall contain the following:

*Identification and Description*

- A. Proposed name of the subdivision.
- B. Location by township, section, town and range or by other legal description.
- C. Names and addresses of the subdivider and the surveyor or engineer who made the plat.
- D. Scale of the plat, not smaller than one inch equals one hundred feet (1" = 100').
- E. Date.
- F. North point.

*Delineation of Existing Conditions*

- G. Boundary line of proposed subdivision indicated by a solid, heavy line and a notation of the approximate total acreage encompassed thereby.
- H. Location, widths and names of all existing streets or other public ways, railroad and utility rights-of-way, easements, parks and other public spaces, permanent buildings and structures, and section and corporate lines within or adjacent to the area.
- I. Existing sewers, water mains, culverts and other underground facilities within the tract.
- J. Boundary lines of adjacent properties for a distance of not less than 100 feet from the proposed subdivision. Ownership of these properties shall be shown.
- K. Topographic data, including contours at intervals of not more than two feet, water courses, marshes and other significant features.

*Delineation of Proposed Conditions*

- L. Layout of streets, their names and widths; widths of alleys, crossways and easements; and layout, numbers and dimensions of lots and blocks.
- M. Building setback lines, showing dimensions.

- N. Parcels of land intended to be dedicated or temporarily reserved for public use or for the use of property owners in the subdivision.
- O. Proposed utility services within the subdivision.

Accompanying Material

P. Attorney’s opinion showing that the fee title to the land proposed for the subdivision is in the subdivider shown on the plat and showing any encumbrances which may exist against said land.

Q. Any plan which cannot reasonably be served by public sewer shall show results of soil percolation tests made by an engineer or other qualified person.

4. Council Action. The Council shall either approve or disapprove the preliminary plat within 60 days after the filing of the copies with the Clerk.

5. Conditional Approval — Notice. Notice of conditional approval shall be given as follows:

<p><i>Notice is hereby given that this preliminary plat has received the approval of the Council of the City of Le Grand, subject to _____ and that the Council is now ready to receive the final plat for consideration.</i></p> <p style="text-align: right;"><i>Dated _____</i></p> <p style="text-align: center;">_____ <i>Mayor</i></p>
--

6. Conditional Approval — Term of. Conditional approval shall be effective for not more than 12 months following the date of approval unless, upon written application by the subdivider, a written extension of time is granted by the Council.

7. Final Plat Submitted. After approval of the preliminary plat by the Council, the subdivider shall submit six copies of the final plat for review by the Council. The final plat shall contain the same identification and description material required herein for the preliminary plat, and shall contain the following:

Delineation of Existing Conditions

- A. Boundary of the plat based on an accurate traverse, with angular and lineal dimensions.
- B. Exact locations, widths, centerlines and names of all streets within and adjoining the plat, and the exact location and widths of all alleys and crossways.
- C. True angles and distances to the nearest established street lines or official monuments which shall be accurately described on the plat.
- D. Municipal, township or section lines accurately tied to a line of the subdivision by distances and angles.
- E. Radii, internal angles, points of curvature, tangents, bearings and lengths of all curves.
- F. All easements or rights-of-way for public services, utilities or other purposes.

- G. All lot and block numbers with their lines accurately dimensioned in feet and hundredths of feet.
- H. Building setback lines accurately shown and dimensioned.
- I. Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon, and any area to be reserved by deed covenant for the common use of all property owners.

Accompanying Material

- J. Proposed restrictive covenants.
- K. Certification by a registered surveyor that the plat represents a survey made by said surveyor, that the monuments and markers thereon exist as located and that all dimensions and details are correct.
- L. Plans and profiles of all streets and alleys at a 50-foot horizontal scale and 5-foot vertical scale. Profiles shall show location, size and grade of all conduits, sewers, pipe lines, etc., to be placed under the streets and alleys. Profiles of east and west streets shall be drawn so that the west end of the profile is at the left side of the drawing. Profiles of north and south streets shall be drawn so that the south end of the profile is at the left side of the drawing.
- M. Materials and certificates required by Section 354 of the *Code of Iowa*.
- N. Complete estimates of costs of all proposed public improvements, including cost of engineer inspection.
- O. If the improvements required by this chapter have not been completed:
  - (1) A proposed form of agreement between the subdivider and the City setting forth the conditions for the insuring and completion of the required improvements and fixing the time limit in which they must be completed; and
  - (2) A performance bond in an amount equal to 125 percent of the cost of the required and uncompleted improvements as estimated by a registered engineer employed by the City. In lieu of the performance bond, cash may be deposited with the City.

The Council shall either approve or reject the final plat within 60 days from the date of its submission.

**166.04 FEES.** Before a preliminary plat may be considered by the Council, the subdivider shall deposit with the Clerk a fee of \$10.00 to be credited to the City.

**166.05 SUBDIVISION DESIGN STANDARDS.** The standards and details of design herein contained are intended only as minimum requirements so that the general arrangement and layout of a subdivision may be adjusted to a wide variety of circumstances. However, in the design and development of a plat, the subdivider should use standards consistent with the site conditions so as to assure an economical, pleasant and durable neighborhood.

- 1. Streets. Minimum design criteria applicable to streets include the following:
  - A. Continuation of Existing Streets. Proposed streets shall provide for continuation or completion of any existing streets in adjoining property, at equal or greater width, but not less than 60 feet in width, and in similar

alignment, unless variations are recommended by an engineer employed by the City.

B. Circulation. The street pattern shall provide ease of circulation within the subdivision as well as convenient access to adjoining streets, thoroughfares, or unsubdivided land as may be required by the Council. In a case where a street will eventually be extended beyond the plat, but is temporarily dead ended, an interim turnaround may be required.

C. Street Intersections. Street intersections shall be as nearly as possible at right angles.

D. Cul-de-sac. Whenever a cul-de-sac is permitted, such street shall be no longer than 600 feet and shall be provided at the closed end with a turnaround having a street property line diameter of at least 120 feet in the case of residential subdivisions. The right-of-way width of the street leading to the turnaround shall be a minimum of 60 feet. The property line at the intersection of the turnaround and the lead-in portion of the street shall be rounded at a radius of not less than 25 feet.

E. Street Names. All newly platted streets shall be named and in a manner conforming to the prevailing street naming system. A proposed street that is obviously in alignment with other existing streets, or with a street that may logically be extended although the various portions be at a considerable distance from each other, shall bear the same name. Names of new streets shall be subject to the approval of the Council in order to avoid duplication or close similarity of names.

F. Physical and Cultural Features. In general, streets shall be platted with appropriate regard for topography, creeks, wooded areas, and other natural features which would lend themselves to attractive treatment.

G. Half Streets. Dedication of half streets will be discouraged. Where there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, the other half shall be platted if deemed necessary by the Council.

H. Alleys. Alleys may be required in business and industrial areas for adequate access to block interiors and for off-street loading and parking purposes. Except where justified by unusual conditions, alleys will not be approved in residential districts. Dead-end alleys shall be provided with a means of turning around at the dead end thereof.

I. Easements. Easements for utilities shall be provided along rear or side lot lines or along alleys, if needed. Whenever any stream or important surface water course is located in an area that is being subdivided, the subdivider shall, at the subdivider's own expense, make adequate provision for straightening or widening the channel so that it will properly carry the surface water, and shall provide and dedicate to the City an easement along each side of the stream, for the purpose of widening, improving, or protecting the stream. The width of such easement shall be not less than 20 feet and shall be adequate to provide for any necessary channel relocation or straightening.

J. Land Not Platted. Where the plat to be submitted includes only part of the tract owned by the subdivider, the Council may require topography and a sketch of a tentative future street system of the unsubdivided portion.

- K. Street Grades. Streets and alleys shall be completed to grades which have been officially established by the Council. All streets shall be graded to the full width of the roadway and adjacent side slopes graded to blend with the natural ground level. The maximum grade shall not exceed six percent for main and secondary thoroughfares, or 10% for minor or local service streets. All changes in grades on major roads or highways shall be connected by vertical curves of a minimum length equivalent to twenty times the algebraic difference between the rates of grades, expressed in feet per hundred, or greater, if deemed necessary to an engineer employed by the City; for secondary and minor streets, fifteen times. The grade alignment and resultant visibility, especially at intersections, shall be worked out in detail to meet the approval of an engineer employed by the City.
2. Blocks. Minimum design criteria applicable to blocks include the following:
- A. No block shall be longer than 1,320 feet. Blocks over 750 feet in length shall have one crosswalk not less than 10 feet in width, situated near the center of the block.
- B. At street intersections block corners shall be rounded with a radius of not less than 20 feet, except if, at any one intersection, a curve radius has been previously established, such radius shall be used as standard.
3. Lots. Minimum design criteria applicable to lots include the following:
- A. Corner lots shall have a minimum width of 75 feet in order to permit adequate building setbacks on both front and side streets.
- B. Double frontage lots, other than corner lots, shall be prohibited except where such lots back on to a major street or highway or except in the case of large commercial or industrial lots.
- C. For the purpose of complying with the minimum health standards, the following minimum lot sizes shall be observed:
- (1) Lots which cannot be reasonably served by an existing public sanitary sewer system and public water mains shall have a minimum width of 100 feet, measured at the building line, and an area of not less than 20,000 square feet.
- (2) Lots which are not within a reasonable distance of a public sanitary sewer system but are connected to a public water supply main shall have a minimum width of 80 feet and an area of 10,000 square feet.
- D. Side lot lines shall be approximately at right angles to the street or radial to curved streets.

**166.06 IMPROVEMENTS.** The subdivider shall install and construct the improvements required by this section or by the Council under the provisions of this section. All required improvements shall be installed and constructed in accordance with approved specifications and under the supervision of the Council and to its satisfaction.

1. Required Improvements. The improvements required of the subdivider are as follows:



A. Grading. All streets and alleys within the platted area which are dedicated for public use shall be brought to the grade approved by the Council.

B. Street Surface. All streets within the platted area shall be surfaced with a four-inch bituminous treated aggregate base and a two-inch asphaltic concrete surface, or an equivalent or superior surfacing, and to a minimum width of 24 feet.

C. Sewers. When public sewer facilities are available for extension within a reasonable distance, sanitary sewer lines and their appurtenances shall be constructed and installed in accordance with the plans and specifications adopted by the Council. Sewer lines shall be made accessible to each lot.

D. Water Mains and Fire Hydrants. Water mains and fire hydrants shall be constructed within the platted area in accordance with the plans and specifications adopted by the Council, with service lines stubbed from the main for each lot to the lot line.

2. Acceptance of Improvements. Before the Council approves the final plat the improvements required by this section or by the Council under the provisions of this section shall be constructed and accepted by formal resolution of the Council. Before passage of the said resolution of acceptance, an engineer employed by the City shall report that said improvements meet all requirements of this Code of Ordinances, other specifications and all other City requirements and the agreements between the subdivider and the City.

3. Waiver of Completion — Bond. Completion of the improvements may be waived if the subdivider will post a performance bond as set out in Section 166.03(7)(O), conditioned upon the improvements being constructed within a period of one year from final acceptance of the plat. However, if the performance bond is posted, final acceptance of the plat will not constitute a final acceptance by the City of any improvements to be constructed. Improvements will be accepted only after their construction has been completed, and no public funds will be expended in the subdivision until such improvements have been completed and accepted by the City.

4. Required Improvement Waived. The Council may waive the requirements for construction and installation required by this section in cases of subdivisions where only the size, shape or arrangement of the lots is being changed and no new streets are required and in cases of dedications of land or rights-of-way to public use where such dedication is in excess of the needs of the subdivision and is desired by public agency in lieu of a purchase or condemnation proceeding.

**166.07 VARIATIONS.** Whenever the tract proposed to be subdivided is of such unusual topography, size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in this chapter would result in substantial hardships or injustices, the Council may vary or modify such requirements so that the subdivider is allowed to develop the property in a reasonable manner; but so that, at the same time, the public welfare and interests of the City are protected and the general intent and spirit of this chapter are preserved.

**166.08 ENFORCEMENT.** The provisions of this chapter shall be enforced as follows:

1. Plat Invalid. No plat of any subdivision shall be entitled to be recorded in the County Recorder's office or the County Auditor's office until it has been approved in

the manner prescribed herein and it shall be of no validity until it is filed in both of said offices.

2. City Expenditure Prohibited. The Council shall not permit any public improvements over which it has any control to be made or any money expended for improvements in any area which has been subdivided or upon any street that has been platted after September 3, 1968, unless such subdivision or street has been approved in accordance with the provisions contained herein.

# INDEX TO CODE OF ORDINANCES

## CHAPTER OR SECTION NUMBER

---

<b>ABANDONED BUILDINGS</b> .....	145
<b>ABANDONED OR UNATTENDED REFRIGERATORS</b> .....	41.08
<b>ABANDONED UTILITY CONNECTIONS</b>	
On-Site Wastewater Treatment and Disposal Systems .....	98.07
Water Service .....	90.04
<b>ABANDONED VEHICLES</b> .....	80
<i>See also</i> Impounding Vehicles .....	70.06
<i>See also</i> State Code Traffic Regulations .....	62.01
<b>ABANDONMENT OF CATS AND DOGS</b> .....	55.04
<b>ABATEMENT OF NUISANCES</b> .....	50
<b>ACCOUNTING RECORDS</b> .....	7.07
<b>ADULT ENTERTAINMENT</b> .....	124
<b>AIR POLLUTION</b> .....	50.02(8)
<i>See also</i> <b>ENVIRONMENTAL VIOLATION</b> .....	4.02
<b>AIRPORT AIR SPACE</b> .....	50.02(11)
<b>ALCOHOL</b>	
Consumption and Intoxication .....	45
Liquor Licenses and Wine and Beer Permits .....	120
Open Containers in Motor Vehicles.....	62.01(49) and (50)
Social Host Liability .....	45.04
<b>ALL-TERRAIN VEHICLES AND SNOWMOBILES</b> .....	75
<b>AMUSEMENT DEVICES</b> .....	120.06
<b>ANGLE PARKING</b> .....	69.03 and 69.04
<b>ANIMAL PROTECTION AND CONTROL</b>	
Abandonment of Cats and Dogs .....	55.04
Animal Neglect .....	55.02
Annoyance or Disturbance .....	55.08
At Large Prohibited.....	55.06
Confinement of Animals Suspected of Having Rabies .....	55.13
Damage or Interference by Animals .....	55.07
Duty to Report Attacks.....	55.12
Impounding .....	55.13 - 55.15
Livestock .....	55.03 and 55.05
Management of Cat Population; Trap-Neuter-Release .....	55.19
Pet Awards Prohibited.....	55.16
Rabies Vaccination.....	55.11
Vicious Dogs.....	55.09

	CHAPTER OR SECTION NUMBER
<b>ANTENNA AND RADIO WIRES</b> .....	41.09
<b>APPOINTMENTS</b>	
By Council.....	17.05
By Mayor.....	15.03
<b>ASSAULT</b> .....	40.01
<b>ATTORNEY FOR CITY</b> .....	20
<b>AUTOMOBILE REPAIR ON PUBLIC PROPERTY</b> .....	69.05(2)
<b>AWNINGS</b> .....	136.12
<b>BARBED WIRE AND ELECTRIC FENCES</b> .....	41.10
<b>BEER, LIQUOR, AND WINE CONTROL</b>	
<i>See</i> <b>ALCOHOL</b>	
<b>BICYCLES</b> .....	76
<i>See also</i> Clinging to Vehicles.....	62.04
<i>See also</i> State Code Traffic Regulations .....	62.01
<b>BILLBOARDS</b> .....	50.02(6) and 62.06
<b>BONDS</b>	
City Officials .....	5.02
House Movers.....	123.04
Public Bonds, Records of .....	18.08(3)
Streets .....	135.09(4)
Transient Merchants .....	122.06
<b>BOUNDARIES</b> .....	3
<b>BUDGET</b>	
Amendments.....	7.06
Preparation .....	7.05
<b>BUILDING CODE</b> .....	155
<b>BUILDING MOVERS</b> .....	123
<b>BUILDING NUMBERING</b> .....	150
<b>BUILDING SEWERS AND CONNECTIONS</b> .....	96
<b>BUILDINGS, DANGEROUS</b> .....	145
<b>BULKY RUBBISH</b> .....	106.05
<b>BURNING</b>	
Burning on Streets and Alleys.....	135.08
Fires in Parks .....	47.04
Fires or Fuel on Sidewalks .....	136.15
Open Burning Restricted .....	105.05
Yard Waste .....	105.06

	CHAPTER OR SECTION NUMBER
<b>BUSINESS DISTRICT</b> .....	60.02(1)
<i>See also:</i>	
Bicycles on Sidewalks.....	76.08(1)
Sidewalks .....	136.08(5)(B)
<b>CAMPING IN PARKS</b> .....	47.06
<b>CAR WASHING ON STREETS</b> .....	135.07
<b>CEMETERY PROVISIONS</b>	
<i>See also</i> Parks, Cemeteries and Parking Lots (Speed Limits).....	63.03
<b>CHARTER</b> .....	2
<b>CIGARETTES AND TOBACCO</b>	
Permits .....	121
Possession by Minors.....	46.02
<b>CITY ATTORNEY</b> .....	20
<b>CITY CHARTER</b> .....	2
<b>CITY CLERK</b> .....	18
<b>CITY COUNCIL</b>	
Appointments by .....	17.05
Compensation.....	17.06
Meetings.....	17.04 and 5.06
Number and Term .....	2.04 and 17.01
Powers and Duties.....	17.02 and 17.03
<b>CITY ELECTIONS</b> .....	6
<b>CITY OFFICERS AND EMPLOYEES</b>	
Appointments by Council .....	17.05
Appointments by Mayor .....	15.03
Bonds .....	5.02
City Attorney.....	20
City Clerk.....	18
City Council .....	17
City Treasurer.....	19
Conflict of Interest .....	5.07
Discretionary Powers .....	1.13
Extension of Authority .....	1.07
Fire Chief .....	35
Gifts to.....	5.11
Harassment of.....	41.05

CHAPTER OR SECTION  
NUMBER

**CITY OFFICERS AND EMPLOYEES (continued)**

- Indemnity of ..... 1.04
- Mayor ..... 15
- Oath of Office..... 5.01
- Powers and Duties ..... 5.03
- Removal of an Officer’s Communication or Control Device..... 41.07
- Removal of Appointed Officers and Employees ..... 5.09
- Resignations ..... 5.08
- Sewer Superintendent..... 95.03
- Vacancies ..... 5.10
- Water Superintendent..... 90.02

**CITY OPERATING PROCEDURES ..... 5**

**CITY POWERS..... 1.03**

**CITY SEAL..... 18.13**

**CLINGING TO VEHICLE ..... 62.04**

**CODE OF IOWA TRAFFIC REGULATIONS ..... 62.01**

**CODE OF ORDINANCES**

- Altering..... 1.10
- Amendments to..... 1.08
- Catchlines and Notes ..... 1.09
- Definitions of Terms ..... 1.02
- Rules of Construction..... 1.06
- Validity..... 1.11

**COMPENSATION**

- Changes in ..... 17.02(7)
- City Attorney..... 20.01
- City Clerk ..... 18.01
- Council Members ..... 17.06
- Mayor ..... 15.04
- Mayor Pro Tem ..... 16.04
- Set by Council ..... 17.02(7)
- Treasurer..... 19.02

**CONFLICT OF INTEREST ..... 5.07**

**CONTRACT LAW ENFORCEMENT ..... 30**

**CONTRIBUTING TO DELINQUENCY..... 46.03**

**CORPORATE LIMITS..... 3**

**COUNCIL ..... 17**

	CHAPTER OR SECTION NUMBER
<b>COUNCIL MEETINGS</b> .....	17.04
<b>CRIMINAL MISCHIEF</b> .....	42.02
<b>CROSSWALKS</b>	
Designation and Maintenance .....	61.02
Parking Prohibited in .....	69.06(1)
Pedestrians in Crosswalks .....	65.09
<b>CURFEW</b> .....	46.01
<b>DANGEROUS BUILDINGS</b> .....	145
<b>DANGEROUS SUBSTANCES, DISTRIBUTING OF</b> .....	41.01
<b>DANGEROUS TOYS (THROWING AND SHOOTING)</b> .....	41.12
<b>DEFACING PROCLAMATIONS AND NOTICES</b> .....	42.03
<b>DEPOSIT FOR UTILITIES</b> .....	92.09
<b>DEPOSITS AND INVESTMENTS</b> .....	7.03(2)
<b>DEPUTY CITY CLERK</b> .....	18.14
<b>DESTRUCTION OF PROPERTY</b> .....	42.02
<b>DISCRETIONARY POWER OF CITY OFFICERS AND EMPLOYEES</b> .....	1.13
<b>DISORDERLY CONDUCT</b> .....	40.03
<b>DOGS</b> .....	55
<i>See also ANIMALS</i>	
<b>DRIVEWAY CULVERTS</b> .....	135.13
<b>DRUG PARAPHERNALIA</b> .....	43
<b>DUTCH ELM DISEASE</b> .....	50.02(10)
<b>EASEMENTS, USE OF</b> .....	95.08
<b>ELECTIONS</b>	
Duties of Clerk .....	18.12
Procedures .....	6
<b>ELECTRIC FRANCHISE</b> .....	111
<b>ELECTRICAL CODE</b> .....	158
<b>EMERGENCY CONTROL OF WATER USAGE</b> .....	93
<b>ENVIRONMENTAL VIOLATIONS</b> .....	4.02
<b>EXCAVATIONS</b>	
Sewer.....	96.04
Streets.....	135.09
Water.....	90.09

	CHAPTER OR SECTION NUMBER
<b>EXTENSION OF AUTHORITY</b> .....	1.07
<b>FAILURE TO DISPERSE</b> .....	40.05
<b>FALSE IDENTIFICATION INFORMATION</b> .....	41.03
<b>FALSE REPORTS</b>	
Of Catastrophe.....	40.03(5)
To Public Safety Entities.....	41.02
<b>FENCES</b>	
Barbed Wire and Electric Fences .....	41.10
Blocking Public and Private Ways.....	50.02(5)
<b>FIGHTING</b> .....	40.03(1)
<b>FINANCE OFFICER</b> .....	7.02
<b>FINANCES</b> .....	7
<b>FINANCIAL REPORTS</b> .....	7.08
<b>FIRE DEPARTMENT AND EMS</b> .....	35
<b>FIRE HAZARD CONDITIONS</b>	
Health and Fire Hazard.....	105.04
Storing of Flammable Junk .....	50.02(7)
Unsafe Buildings .....	145
Weeds and Brush.....	50.02(9)
<b>FIRE SPRINKLER SYSTEMS CONNECTIONS</b> .....	91.03
<b>FIRES</b>	
In Parks.....	47.04
On Sidewalks.....	136.15
Open Burning Restricted.....	105.05
<b>FIREWORKS</b> .....	41.14
<b>FISCAL MANAGEMENT</b> .....	7
<b>FLAG, DISRESPECT OF</b> .....	40.03(6)
<b>FLOODPLAIN REGULATIONS</b> .....	165.39
<b>FORM OF GOVERNMENT</b> .....	2.02
<b>FRAUD</b> .....	42.05
<b>FUNDS</b> .....	7.04
<b>FUNERAL SERVICE, DISRUPTION OF</b> .....	40.03(8)
<i>See also</i> State Code Traffic Regulations .....	62.01
<b>GANG ACTIVITY</b> .....	50.02(12)



	CHAPTER OR SECTION NUMBER
<b>GARBAGE COLLECTION AND DISPOSAL</b> .....	105 and 106
<b>GAS FRANCHISE</b> .....	110
<b>GIFTS TO CITY OFFICIALS</b> .....	5.11
<b>GOLF CARTS</b> .....	81
<b>GRADES OF STREETS, ALLEYS AND SIDEWALKS</b> .....	138
<b>HANDICAPPED PARKING</b>	
<i>See</i> Persons with Disabilities Parking .....	69.07
<b>HARASSMENT</b>	
Of Other Persons .....	40.02
Of Public Officers and Employees.....	41.05
<b>HAZARDOUS SUBSTANCE SPILLS</b> .....	36
<b>HAZARDOUS WASTE</b> .....	105.08
<i>See also</i> Prohibited and Restricted Discharges to Sewer System.....	97.03 and 97.04
<b>HITCHHIKING</b> .....	67.02
<b>HOUSE MOVERS</b> .....	123
<b>HOUSE NUMBERS</b> .....	150
<b>HOUSES OF ILL FAME</b> .....	50.02(12)
<b>IMPOUNDING</b>	
Animals .....	55.14
Vehicles.....	70.06 and 80.02
<b>INDEMNITY AGREEMENT, PERMITS AND LICENSES</b> .....	1.04
<b>INSURANCE REQUIREMENTS</b>	
Firefighters .....	35
Fireworks .....	41.14
House Movers .....	123.05
Solid Waste Collector .....	106.07
Street Excavations .....	135.09
<b>INTERFERENCE WITH OFFICIAL ACTS</b> .....	41.06
<b>INVESTMENTS AND DEPOSITS</b> .....	7.03(2)
<b>JUNK AND JUNK VEHICLES</b> .....	51
<i>See also</i> Storing of Flammable Junk .....	50.02(7)
<b>LEGAL OPINIONS</b> .....	20.06
<b>LIBRARY</b> .....	22

	CHAPTER OR SECTION NUMBER
<b>LICENSES</b>	
Drivers .....	62.01
Liquor .....	120
Peddlers, Solicitors and Transient Merchants .....	122
<i>See also</i> Issuance of Licenses and Permits .....	18.10
<i>See also</i> <b>PERMITS</b>	
<b>LIQUOR LICENSES AND WINE AND BEER PERMITS</b> .....	120
<b>LITTERING</b>	
Debris on Sidewalks .....	136.17
Park Regulations .....	47.05
Placing Debris on Streets .....	135.03
Solid Waste Control .....	105.07
<b>LIVESTOCK</b> .....	55.03 and 55.05
<b>LOAD AND WEIGHT RESTRICTIONS, VEHICLES</b> .....	66
<b>LOITERING</b> .....	40.04
<b>MANUFACTURED AND MOBILE HOMES</b> .....	146
<i>See also:</i>	
Factory-Built Homes (Flood Plain Regulations) .....	160.05(5)
<b>MAYOR</b>	
Appointments .....	15.03
Compensation .....	15.04
Powers and Duties .....	15.02
Term of Office .....	15.01
Voting .....	15.05
<i>See also</i> <b>CITY OFFICERS AND EMPLOYEES</b>	
<b>MAYOR PRO TEM</b> .....	16
<b>MECHANICAL CODE</b> .....	157
<b>MEETINGS</b>	
Council Meetings .....	17.04
Procedures for Notice and Conduct of .....	5.06
Publication of Minutes of Council Meetings .....	18.03
<b>METERS, WATER</b> .....	91
<b>MINORS</b> .....	46
<i>See also:</i>	
Amusement Devices .....	120.06
Employment for Serving of Alcohol .....	120.05(4)
In Licensed Premises .....	120.05(12)
Persons Under Legal Age .....	45.01
Persons Under Legal Age .....	121.07

	CHAPTER OR SECTION NUMBER
<b>MOBILE HOMES</b> .....	146
<b>MUNICIPAL INFRACTIONS</b> .....	4
<i>See also</i> <b>MUNICIPAL INFRACTION ABATEMENT PROCEDURE</b> .....	50.07
<b>NAMING OF STREETS</b> .....	139
<b>NATURAL GAS FRANCHISE</b> .....	110
<b>NOISE</b>	
Annoyance or Disturbance (Barking Dogs) .....	55.08
Disorderly Conduct .....	40.03(2) and 40.03(8)
Quiet Zones .....	62.05
<b>NOMINATIONS FOR ELECTIVE OFFICES</b> .....	6
<b>NUISANCE ABATEMENT PROCEDURE</b> .....	50
<b>NUMBERING OF BUILDINGS</b> .....	150
<b>OATH OF OFFICE</b> .....	5.01
<b>OFFENSIVE SMELLS AND SUBSTANCES</b> .....	50.02(1) and (2)
<i>See also</i> Restricted Discharges to Sanitary Sewer System.....	97.04
<b>OFF-ROAD MOTORCYCLES AND UTILITY VEHICLES</b> .....	75
<b>ONE-WAY TRAFFIC</b> .....	68
<b>ON-SITE WASTEWATER SYSTEMS</b> .....	98
<b>OPEN BURNING</b> .....	105.05
<b>OPEN CONTAINERS IN MOTOR VEHICLES</b> .....	62.01(49) and (50)
<b>OPEN MEETINGS</b> .....	5.06
<b>OPERATING PROCEDURES</b> .....	5
<b>PARADES REGULATED</b> .....	60.08
<b>PARK AND RECREATION COMMISSION</b> .....	24
<b>PARK REGULATIONS</b> .....	47
<i>See also</i> Parks, Cemeteries and Parking Lots (Speed Limits).....	63.03
<b>PARKING REGULATIONS</b>	
All Night Parking Prohibited .....	69.10
Angle Parking.....	69.03 and 69.04
Illegal Purposes .....	69.05
No Parking Zones.....	69.08
Park Adjacent to Curb.....	69.01 and 69.02
Parking of Bicycles .....	76.11
Parking Prohibited.....	69.06
Parking Violations.....	70.03 and 70.04
Persons With Disabilities Parking.....	69.07
Snow Emergency .....	69.13
Snow Removal .....	69.12

	CHAPTER OR SECTION NUMBER
<b>PEACE OFFICERS</b>	
Failure to Assist.....	41.04
Interference with.....	41.06
Obedience to.....	60.07
Powers and Authority under Traffic Code .....	60
Removal of an Officer’s Communication or Control Device.....	41.07
<b>PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS .....</b>	<b>122</b>
<b>PEDESTRIANS .....</b>	<b>67</b>
<i>See also:</i>	
Crosswalks .....	61.02
State Code Traffic Regulations .....	62.01
Yield to Pedestrians in Crosswalks .....	65.09
<b>PENALTIES</b>	
Abatement of Violation of Sewer Connection Requirements .....	96.10
Additional Penalties – Cigarette and Tobacco Permits .....	121.07
Curfew Violations .....	46.01(6)
Municipal Infractions .....	4
Special Penalties (Sanitary Sewer Regulations).....	95.09
Special Penalty (Bicycle Regulations) .....	76.13
Standard Penalty for Violation of Code of Ordinances.....	1.14
Traffic Code Violations.....	70
<b>PERMITS</b>	
Beer and Wine .....	120
Cigarette and Tobacco.....	121.02
Fireworks.....	41.14
Floodplain Development Permit.....	165.39(14)
Golf Carts .....	81.03
House Mover .....	123.02
On-Site Wastewater System.....	98.04
Parade .....	60.08(2)
Persons with Disabilities Parking.....	69.07
Sewer Connection.....	96.01
Sexually Oriented Businesses.....	124.03
Sidewalks .....	136.07
Street Excavation.....	135.09(1)
Vehicles, Excess Size and Weight.....	66.02
Vending Machines and Sales Stands on Sidewalks.....	136.19
Water System Connection .....	90.05
<i>See also</i> Issuance of Licenses and Permits.....	18.10
<i>See also</i> <b>LICENSES</b>	
<b>PERSONAL INJURIES.....</b>	<b>1.05</b>
<b>PET AWARDS PROHIBITED .....</b>	<b>55.16</b>

	CHAPTER OR SECTION NUMBER
<b>PETTY CASH FUND</b> .....	7.03(3)
<b>PLANNING AND ZONING COMMISSION</b> .....	23
<b>PLAY STREETS</b> .....	62.02
<i>See also</i> Playing in Streets .....	135.04
<b>PLUMBING CODE</b> .....	156
<b>POLICE DEPARTMENT (CONTRACT LAW)</b> .....	30
<b>POLLUTION</b>	
Air Pollution.....	50.02(8)
Environmental Violations .....	4.02
Hazardous Substance Spills .....	36
Incinerators Required .....	105.10
Open Burning Restricted.....	105.05
Prohibited Discharges to Public Sewer .....	97.03
Restricted Discharges to Sewer System .....	97.04
Toxic and Hazardous Wastes .....	105.08
Water Pollution .....	50.02(4)
<b>POWERS AND DUTIES</b>	
City Clerk.....	18.02
City Council .....	17.02 and 17.03
City Officers Generally .....	2.03
Fire Chief .....	35.04
Mayor .....	15.02
Mayor Pro Tem .....	16.02
Municipal Officers .....	5.03
<b>PRIVATE PROPERTY</b> .....	42
<b>PRIVATE WATER SYSTEMS (SEWER CHARGES)</b> .....	99.03
<b>PUBLIC AND PRIVATE PROPERTY</b>	
Criminal Mischief .....	42.02
Damage to Sewer System.....	95.04(1)
Defacing Proclamations or Notices.....	42.03
Fraud .....	42.05
Injury to Library Books or Property.....	22.10
Littering Prohibited .....	105.07
Park Regulations .....	47
Public and Private Property.....	42
Sidewalk Regulations.....	136
Street Excavations .....	135
Theft.....	42.06
Trees and Shrubs on Public Property .....	151
Trespassing.....	42.01
Unauthorized Entry .....	42.04

	CHAPTER OR SECTION NUMBER
<b>PUBLIC HEALTH AND SAFETY</b> .....	41
<b>PUBLIC NOTICES</b> .....	18.05(1)
<b>PUBLIC OFFENSES</b>	
Drug Paraphernalia .....	43
Littering Prohibited .....	105.07
Public and Private Property .....	42
Public Health and Safety .....	41
Public Peace .....	40
<i>See also</i> <b>SIDEWALK REGULATIONS</b> .....	136
<i>See also</i> <b>STREET EXCAVATIONS</b> .....	135
<b>PUBLICATION REQUIREMENTS</b> .....	18.05
<b>RABIES VACCINATION</b> .....	55.11
<b>RECORDS</b>	
Accounting .....	7.07
Maintenance by Clerk .....	18.08
Minutes of Council Meetings .....	5.06(3)
Public Records, Access to .....	5.04
Transfer to Successors .....	5.05
<b>RECYCLING</b> .....	107
<b>REMOVAL OF APPOINTED OFFICERS AND EMPLOYEES</b> .....	5.09
<b>RESIGNATION OF ELECTED OFFICERS</b> .....	5.08
<b>RIGHT TO ENTER</b>	
Fire Chief .....	35.04
Sewer Service Inspection and Sampling .....	95.07
Solid Waste Collection .....	106.06
Use of Easements .....	95.08
Warrants .....	1.12
Water Meter Service .....	91.08
<b>SANITARY SEWER SYSTEM</b>	
Building Sewers and Connection Requirements .....	96
General Provisions .....	95
On-Site Wastewater Systems .....	98
Sewer Service Charges .....	99
Use of Public Sewers .....	97
<b>SEWER RATES</b> .....	99

---

 CHAPTER OR SECTION  
 NUMBER
 

---

**SIDEWALKS**

Barricades and Warning Lights.....	136.09
Bicycles on Sidewalks.....	76.08
Construction Standards .....	136.08
Debris on .....	136.17
Defacing .....	136.16
Encroaching Steps.....	136.13
Fires and Fuel on.....	136.15
Interference with Improvements .....	136.11
Maintenance .....	136
Openings and Enclosures .....	136.14
Parking Prohibited on Sidewalks .....	69.06(4)
Sales Stands and Merchandise Displays .....	136.18 and 136.19
Snow Removal .....	136.03
Use by Pedestrians .....	67.04
Vehicles Crossing Sidewalks .....	65.07
Vehicles on Sidewalks .....	62.03

**SKATES, COASTERS AND TOY VEHICLES**

Clinging to Vehicle .....	62.04
---------------------------	-------

**SNOW REMOVAL**

From Sidewalks.....	136.03
From Streets .....	135.12
Parking .....	69.12 and 69.13

**SNOWMOBILES AND ALL-TERRAIN VEHICLES..... 75****SOLICITORS, PEDDLERS AND TRANSIENT MERCHANTS..... 122****SOLID WASTE CONTROL**

Collection .....	106
General Provisions .....	105
<i>See also</i> Restricted Discharges to Sewer System.....	97.04

**SPEED REGULATIONS..... 63****STATE CODE TRAFFIC REGULATIONS..... 62.01****STOP OR YIELD REQUIRED..... 65****STORM WATER**

Discharge to Sanitary Sewer Prohibited.....	95.04(2) and 97.01
Surface Water Exception.....	97.02

**STREET NAME MAP..... 139.04 and 139.05**

CHAPTER OR SECTION  
NUMBER

**STREETS AND ALLEYS**

Billboards and Signs Obstructing View ..... 50.02(6)  
 Blocking Public and Private Ways ..... 50.02(5)  
 Excavations and Maintenance ..... 135  
 Grades..... 138  
 Naming ..... 139  
 Obstructing Use of Streets..... 40.03(7)  
 Vacation and Disposal..... 137

*See also* **TRAFFIC CODE**

**SUBDIVISION REGULATIONS** ..... 166

**SUMP PUMP DISCONNECTION PROGRAM** ..... 100

**TERMS OF OFFICE**

Clerk ..... 18.01  
 Council ..... 2.04 and 17.01  
 Mayor ..... 2.05 and 15.01  
 Treasurer..... 19.01

**THEFT**

Library Property ..... 22.11  
 Public and Private Property ..... 42.06

**TOBACCO PERMITS**..... 121

**TOXIC AND HAZARDOUS WASTE** ..... 105.08

**TRAFFIC CODE**

Administration of ..... 60  
 Enforcement Procedures..... 70  
 General Regulations ..... 62  
 Load and Weight Restrictions ..... 66  
 One-Way Traffic ..... 68  
 Parking Regulations ..... 69  
 Pedestrians..... 67  
 Speed Regulations ..... 63  
 Stop or Yield Required..... 65  
 Traffic Control Devices..... 61  
 Turning Regulations ..... 64

**TRAFFIC CONTROL DEVICES**

Installation; Standards; Compliance..... 61  
 Location..... 65.10  
 Traveling on Barricaded Street or Alley ..... 135.05



	CHAPTER OR SECTION NUMBER
<b>TRAFFIC REGULATIONS</b> .....	62.01
<b>TRANSIENT MERCHANTS, PEDDLERS, AND SOLICITORS</b> .....	122
<b>TREASURER</b> .....	19
<b>TREES</b>	
Disease Control.....	151.05
Dutch Elm Disease.....	50.02(10)
Duty to Trim Trees.....	151.03
Inspection and Removal of.....	151.06
Maintenance of Parking or Terrace.....	135.10
Obstructing View at Intersections.....	62.06
Open Burning Restrictions.....	105.05
Planting Restrictions.....	151.02
Trimming Trees to be Supervised.....	151.04
Yard Waste.....	105.06
<b>TRESPASSING</b> .....	42.01
<b>TRUCK PARKING LIMITED</b> .....	69.11
<b>TRUCK ROUTES</b> .....	66.05
<b>TURNING REGULATIONS</b> .....	64
<b>UNAUTHORIZED ENTRY</b> .....	42.04
<b>UNLAWFUL ASSEMBLY</b> .....	40.04
<b>URBAN REVITALIZATION</b> .....	8
<b>URINATING AND DEFECATING IN PUBLIC</b> .....	41.13
<b>UTILITIES</b>	
Electric.....	111
Natural Gas.....	110
Sewer Service System.....	95 - 99
Water Service System.....	90 - 92
<b>U-TURNS</b> .....	64.02
<b>VACANCIES IN OFFICE</b> .....	5.10
<b>VACATING STREETS OR ALLEYS</b> .....	137
<b>VETO</b>	
Council May Override.....	17.03
Mayor's Authority.....	15.02(4)

	CHAPTER OR SECTION NUMBER
<b>VICIOUS DOGS</b> .....	55.09
<b>VIOLATIONS</b>	
Cigarette and Tobacco Violations (Sale to Minors) .....	121.07
Environmental .....	4.02
Municipal Infractions .....	4
Parking .....	70
Special Penalties for Violation of Sanitary Sewer Regulations .....	95.09
Standard Penalty for Violation of Code of Ordinances.....	1.14
Traffic.....	62.01
<b>WARRANTS</b> .....	1.12
<b>WASTE STORAGE CONTAINERS</b> .....	105.09
<b>WASTEWATER SYSTEMS, ON-SITE</b> .....	98
<b>WATER POLLUTION</b> .....	50.02(4)
<b>WATER SERVICE SYSTEM</b>	
Connections; General Regulations .....	90
Emergency Control of Water Usage.....	93
Meters.....	91
Rates .....	92
<b>WEAPONS</b>	
Discharging Weapons in City Limits .....	41.11
Throwing and Shooting.....	41.12
<b>WEEDS AND BRUSH</b> .....	50.02(9)
<b>WINE</b>	
<i>See</i> <b>ALCOHOL</b>	
<b>YARD WASTE</b> .....	105.06
<b>YIELD REQUIRED</b> .....	65
<b>ZONING REGULATIONS</b> .....	165

# 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 LE GRAND, 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 Le Grand, Iowa:

SECTION 1. NEW SECTION. The Code of Ordinances of the City of Le Grand, 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 LE GRAND, 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 Le Grand, Iowa:

SECTION 1. SUBSECTION REPEALED. The Code of Ordinances of the City of Le Grand, 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 LE GRAND, IOWA, BY AMENDING PROVISIONS PERTAINING TO SEWER SERVICE CHARGES

BE IT ENACTED by the City Council of the City of Le Grand, Iowa:

SECTION 1. SECTION MODIFIED. Section 99.01 of the Code of Ordinances of the City of Le Grand, 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 LE GRAND, IOWA

Be It Enacted by the City Council of the City of Le Grand, Iowa:

SECTION 1. The (location or legal description of street or alley) to Le Grand, 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 Le Grand, 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 Le Grand, 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 Le Grand, 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 Le Grand, Iowa

By: \_\_\_\_\_  
(enforcement officer)

**RESOLUTION AND ORDER  
REGARDING DANGEROUS BUILDING**

**BE IT RESOLVED**, by the City Council of the City of Le Grand, 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 Le Grand, 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 Le Grand, Iowa

By: \_\_\_\_\_, \_\_\_\_\_  
(Name) (Title)

NOTICE OF HEARING

REQUIRED SEWER CONNECTION

TO: \_\_\_\_\_  
(Name)  
\_\_\_\_\_  
(Street Address)  
\_\_\_\_\_, Iowa

You are hereby notified that the City Council of Le Grand, 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 Le Grand, Iowa

By: \_\_\_\_\_, \_\_\_\_\_  
(Name) (Title)

RESOLUTION AND ORDER

REQUIRED SEWER CONNECTION

BE IT RESOLVED, by the City Council of the City of Le Grand, 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



CITY OF LE GRAND, IOWA

APPLICATION FOR A BUILDING/LAND USE PERMIT

DATE: \_\_\_\_\_ APPLICATION NO.: \_\_\_\_\_ FEE: \_\_\_\_\_

Applicant \_\_\_\_\_  
Address \_\_\_\_\_

Tel. No. (Bus.) \_\_\_\_\_ (Res.) \_\_\_\_\_

<b>FOR OFFICE USE ONLY</b>	
_____	FEE PAID
_____	PLOT DIAGRAM SUBMITTED
_____	PLAN SUBMITTED
_____	APPLICATION FOR A CERTIFICATE OF OCCUPANCY SUBMITTED

I/WE HEREBY REQUEST A BUILDING/LAND USE PERMIT TO:

BUILD                                       ALTER                                       CHANGE THE USE OF

THE FOLLOWING DESCRIBED PROPERTY:

STREET ADDRESS \_\_\_\_\_

LEGAL DESCRIPTION:

TYPE OF IMPROVEMENT: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PRESENT USE: \_\_\_\_\_

PROPOSED USE: \_\_\_\_\_  
\_\_\_\_\_

*A PLOT DIAGRAM, showing lot lines, exact location and dimensions of all existing and proposed structures on the property, AND A PLAN OF ANY PROPOSED WORK MUST ACCOMPANY THIS APPLICATION.*

\*\*\*\*\*

I have read Chapter \_\_\_\_\_ of the Code of Ordinances of Le Grand, Iowa, and believe to the best of my knowledge, that the work proposed in this application would not violate any portion of this chapter.

\_\_\_\_\_  
(Applicant's Signature)

**CITY OF LE GRAND, IOWA**

**BUILDING/LAND USE PERMIT**

PERMIT NO. \_\_\_\_\_ (Date)

APPLICATION NO. \_\_\_\_\_  
(Date of Application)

LOCATION \_\_\_\_\_

\*\*\*\*\*

THIS PERMIT IS ISSUED PURSUANT TO THE REQUIREMENTS OF CHAPTER \_\_\_\_,  
"BUILDING AND LAND USE REGULATIONS" OF THE CODE OF ORDINANCES OF LE  
GRAND, IOWA.

APPROVED BY COUNCIL \_\_\_\_\_ (Date)

\*\*\*\*\*

THIS PERMIT ISSUED TO:

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Building Official

CITY OF LE GRAND, IOWA

APPLICATION FOR A CERTIFICATE OF OCCUPANCY

DATE \_\_\_\_\_ APPLICATION NO. \_\_\_\_\_

APPLICATION NO. OF BUILDING/LAND USE PERMIT \_\_\_\_\_

\*\*\*\*\*

APPLICANT: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

TELEPHONE NO. (Business) \_\_\_\_\_

(Home) \_\_\_\_\_

\*\*\*\*\*

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Signature of Building Official

CITY OF LE GRAND, IOWA

CERTIFICATE OF OCCUPANCY

NO. \_\_\_\_\_

- PERMANENT
- TEMPORARY

DATE: \_\_\_\_\_

C.O. APPLICATION NO. \_\_\_\_\_

BUILDING/LAND USE PERMIT NO. \_\_\_\_\_

DATE ISSUED: \_\_\_\_\_

LOCATION \_\_\_\_\_

\*\*\*\*\*

THIS CERTIFICATE IS ISSUED PURSUANT TO THE REQUIREMENTS OF CHAPTER \_\_\_\_\_ OF THE CODE OF ORDINANCES OF \_\_\_\_\_, IOWA, AND COMPLIES WITH ALL THE BUILDING AND HEALTH LAWS.

\*\*\*\*\*

THIS CERTIFICATE ISSUED TO:

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Building Official

