

CHAPTER 1

CODE OF ORDINANCES

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1.01 TITLE. This Code of Ordinances shall be known and may be cited as the Code of Ordinances of the City of Sanborn, Iowa, 2008.

(Ord. 183 – Apr. 08 Supp.)

1.02 DEFINITIONS. Where words and phrases used in this Code of Ordinances are defined by State law, such definitions apply to their use in this Code of Ordinances 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, unless specifically defined otherwise in another portion of this Code of Ordinances:

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 Sanborn, Iowa.
3. “Clerk” means the city clerk of Sanborn, 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 Sanborn, Iowa, 2008.
(Ord. 183 – Apr. 08 Supp.)
6. “Council” means the city council of Sanborn, Iowa.
7. “County” means O'Brien County, Iowa.
8. “Measure” means an ordinance, amendment, resolution or motion.
9. “Month” means a calendar month.
10. “Oath” means an affirmation in all cases in which by law an affirmation may be substituted for an oath, and in such cases the words “affirm” and “affirmed” are equivalent to the words “swear” and “sworn.”

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"Ordinances" means the ordinances of the City of Sanborn, Iowa, as embodied in this Code of Ordinances, ordinances not repealed by the ordinance adopting this Code of Ordinances, and those enacted hereafter.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. "Preceding" and "following" mean next before and next after, respectively.
15. "Property" includes real property, and tangible and intangible personal property unless clearly indicated otherwise.
16. "Property owner" means a person owning private property in the City as shown by the County Auditor's plats of the City.
17. "Public place" includes in its meaning, but is not restricted to, any City-owned open place, such as parks and squares.
18. "Public property" means any and all property owned by the City or held in the name of the City by any of the departments, commissions or agencies within the City government.
19. "Public way" includes any street, alley, boulevard, parkway, highway, sidewalk, or other public thoroughfare.
20. "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.
21. "State" means the State of Iowa.
22. "Statutes" or "laws" means the latest edition of the Code of Iowa, as amended.
23. "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.
24. "Writing" and "written" include printing, typing, lithographing, or other mode of representing words and letters.
25. "Year" means a calendar year.

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 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 all injury to or death of any person or persons whomsoever, and all 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 the Code of Ordinances the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the Council or repugnant to the context of the provisions.

1. Verb Tense and Plurals. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular.
2. May. The word “may” confers a power.
3. Must. The word “must” states a requirement.
4. Shall. The word “shall” imposes a duty.
5. Gender. The masculine gender includes the feminine and neuter genders.
6. Interpretation. All general provisions, terms, phrases, and expressions contained in the Code of Ordinances shall be liberally construed in order that the true intent and meaning of the Council may be fully carried out.
7. Extension of Authority. Whenever an officer or employee is required or authorized to do an act by a provision of the 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.

1.07 AMENDMENTS. All ordinances which 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)

1.08 CATCHLINES AND NOTES. The catchlines of the several sections of the 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 the 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.

1.09 ALTERING CODE. It is unlawful for any unauthorized person to change or amend by additions or deletions, any part or portion of the Code of Ordinances, or to insert or delete pages, or portions thereof, or to alter or tamper

with the Code of Ordinances in any manner whatsoever which will cause the law of the City to be misrepresented thereby.

(Code of Iowa, Sec. 718.5)

1.10 STANDARD PENALTY. Unless another penalty is expressly provided by the Code of Ordinances for any particular provision, section or chapter, any person failing to perform a duty, or obtain a license required by, or violating any provision of the Code of Ordinances, or any rule or regulation adopted herein by reference shall, upon conviction, be subject to a fine of not more than five hundred dollars (\$500.00) or imprisonment not to exceed thirty (30) days.

(Code of Iowa, Sec. 364.3[2])

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

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CHAPTER 2

CHARTER

2.01 Title

2.02 Form of Government

2.03 Powers and Duties

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 Sanborn, Iowa.[†]

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

(Code of Iowa, Sec. 372.4)

2.03 POWERS AND DUTIES. 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 (5) Council Members elected at large for overlapping terms of four (4) years.

(Code of Iowa, Sec. 376.2)

2.05 TERM OF MAYOR. The Mayor is elected for a term of two (2) 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)

[†] **EDITOR'S NOTE:** Ordinance No. 93 adopting a charter for the City was passed and approved by the Council on June 11, 1973, and was published in the *Sanborn Register* on June 14, 1973.

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CHAPTER 3

BOUNDARIES

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

All of Section Thirty-five (35) and the South One-half ($S\frac{1}{2}$) of Section Twenty-six (26) all in Township Ninety-seven (97) North Range Forty-one (41) West of the Fifth (5th) P.M. in O'Brien County and State of Iowa; and commencing at a point $S\ 0^{\circ}\ 20'\ 30''\ W$ 100 feet of the NW corner of Section Thirty-six (36), Township Ninety-seven (97) North of Range Forty-one (41) West of the 5th P.M., O'Brien County, Iowa, at a point beginning, thence east 40 feet, thence northeasterly 154.8 feet to the south right-of-way line of U.S. Highway No. 18, thence east along said right-of-way line a distance of 317.19 feet, thence $S\ 0^{\circ}\ 20'\ 30''\ W$ 466.69 feet, thence west 506.69 feet to the section line on the west side of the $NW\frac{1}{4}$ of said Section 36, thence $N\ 0^{\circ}\ 20'\ 30''\ E$ 426.69 feet along said section line to the point of beginning, containing 5.32 acres.

and

That part of the East Half ($E\frac{1}{2}$) of Section Thirty-four (Sec. 34), Township Ninety-seven North (T97N), Range Forty-one West (R41W) of the Fifth Principal Meridian (5th P.M.), O'Brien County, Iowa, lying south of the right-of-way of the Chicago, Milwaukee & St. Paul Railway, EXCEPT a 4.32-acre parcel of land described as: commencing at the northeast corner (NE Cor.) of said Section Thirty-four (Sec. 34); thence due south a distance of two thousand three hundred seven and nine tenths feet (2307.9 ft.) to a point of beginning; thence due south a distance of four hundred twenty-two and thirty-five hundredths feet (422.35 ft.); thence due west a distance of four hundred fifty and forty-two hundredths feet (450.42 ft.); thence due north a distance of four hundred thirteen and sixteen hundredths feet (413.16 ft.) to the south right-of-way line of the Chicago, Milwaukee & St. Paul Railway; thence north eighty-eight degrees fifty-one minutes east ($N88^{\circ}\ 51'E$) along said south right-of-way a distance of four hundred fifty and fifty-one hundredths feet (450.51 ft.) to the point of beginning. The East Line of said Section Thirty-four (Sec. 34) is assumed to bear due north, as annexed by Resolution 80-2 approved January 28, 1980.

and

A tract of land in the West Half of the Northwest Quarter ($W\frac{1}{2}NW\frac{1}{4}$) of Section Thirty-six (36) in Township Ninety-seven (97) North of Range Forty-one (41) West of the Principal Meridian (5th P.M.), referred to as Tract A of said $NW\frac{1}{4}$, containing 2.50 acres, more or less, according to the plat of James R. Blum, L.S., recorded in Plat Book 2 on Page 871, of the records of the O'Brien County Recorder's Office.

and

All that part of the West Half of the Northwest Quarter (W¹/₂ NW¹/₄) of Section 36 in Township 97 North of Range 41 West of the 5th P.M., in O'Brien County and State of Iowa, lying north of the right-of-way of the Soo Line Railroad Company (formerly the right-of-way of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company); except that part thereof described in Warranty Deed recorded in Land Deed Record 76 on Page 6; except that part thereof described in Plat of Arthur D. Burr, P.E. & L.S. recorded in Plat Book 1 on Page 99; except that part thereof described in Plat of James R. Blum, Registered Land Surveyor recorded in Plat Book 2 on Page 871; and except that part thereof conveyed to the State of Iowa in Warranty Deed recorded in Land Deed Book 68 on Page 366, subject to all other established highways, zoning and other ordinances, any covenants of record and easements of record for public utilities, roads and highways.

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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 Criminal 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.

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

4.02 ENVIRONMENTAL VIOLATION. A municipal infraction which 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 \$500.00

B. Each Repeat Offense - Not to exceed \$750.00

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 one thousand dollars (\$1,000.00) for each day a violation exists or continues.

B. A municipal infraction classified as an environmental violation is punishable by a penalty of not more than one thousand dollars (\$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 twenty-four (24) hours from the time that the violation begins.
- (3) The violation does not continue in existence for more than eight (8) 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. The citation may be served by personal service as provided in Rule of Civil Procedure 56.1, 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 60 and subject to the conditions of Rule of Civil Procedure 60.1. A copy of the citation shall be retained by the issuing officer, and one copy 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.

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 CRIMINAL 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])

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CHAPTER 5

OPERATING PROCEDURES

5.01 Oaths	5.07 Conflict of Interest
5.02 Bonds	5.08 Resignations
5.03 Duties: General	5.09 Removal of Appointed Officers and Employees
5.04 Books and Records	5.10 Vacancies
5.05 Transfer to Successor	5.11 Gifts
5.06 Meetings	

5.01 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 being certified as elected but not later than noon of the first day which 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 Sanborn 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 office:

- 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 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 DUTIES: GENERAL. 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 which 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[1])

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[2])

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

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

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 contract is for professional services not customarily awarded by competitive bid, if the remuneration of employment will not be directly affected as a result of the contract, and if the duties of employment do not directly involve the procurement or preparation of any part of the contract.

(Code of Iowa, Sec. 362.5[5])

5. Newspaper. The designation of an official newspaper.

(Code of Iowa, Sec. 362.5[6])

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[7])

7. Volunteers. Contracts with volunteer fire fighters or civil defense volunteers.

(Code of Iowa, Sec. 362.5[8])

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 (5%) 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[9])

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

(Code of Iowa, Sec. 362.5[4])

10. Cumulative Purchases. Contracts not otherwise permitted by this section, for the purchase of goods or services which benefit a City officer or employee, if the purchases benefiting that officer or employee do not exceed a cumulative total purchase price of twenty-five hundred dollars (\$2500.00) in a fiscal year.

(Code of Iowa, Sec. 362.5[11])

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[12])

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 thirty (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 thirty (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, at the Council's option, by one of the two following procedures:

(Code of Iowa, Sec. 372.13 [2])

1. Appointment. By appointment following public notice by the remaining members of the Council within forty (40) days after the vacancy occurs, except that if the remaining members do not constitute a quorum of the full membership, or if a petition is filed requesting an election, the Council shall call a special election as provided by law.

(Code of Iowa, Sec. 372.13 [2a])

2. Election. By a special election held to fill the office for the remaining balance of the unexpired term as provided by law.

(Code of Iowa, Sec. 372.13 [2b])

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

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

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CHAPTER 6

CITY ELECTIONS

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

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

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

(Code of Iowa, Sec. 376.3)

6.02 NOMINATIONS BY PETITION. Nominations for elective municipal offices of the City may be made by nomination paper or papers signed by not less than ten (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. Each eligible elector who signs a nominating petition shall add to the signature the elector's residence address, and date of signing. The person whose nomination is proposed by the petition shall not sign it. Each candidate shall complete and file a signed, notarized affidavit of candidacy. The affidavit shall be filed at the same time as the nomination petition. The affidavit shall be in the form prescribed by the Secretary of State and shall include information required by the Code of Iowa.

(Code of Iowa, Sec. 45.3)

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

(Code of Iowa, Sec. 45.4)

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

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

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CHAPTER 7

FISCAL MANAGEMENT

7.01 Purpose
7.02 Finance Officer
7.03 Cash Control
7.04 Fund Control

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

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

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

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

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

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

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

3. Petty Cash Fund. The finance officer shall be custodian of a petty cash fund for the payment of small claims for minor purchases, collection-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 and Road Use Tax Funds, 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 retained earnings calculated in accordance with generally accepted accounting principles in excess of:

A. The amount of the expense of disbursements for operating and maintaining the utility or enterprise for the preceding three (3) months, and

B. The amount necessary to make all required transfers to restricted accounts for the succeeding three (3) 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 no later than February 15 of each year.

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

5. Notice of Hearing. Upon adopting a proposed budget the Council shall set a date for public hearing thereon to be held before March 15 and cause notice of such hearing and a summary of the proposed budget to be published not less than ten (10) nor more than twenty (20) days before the date established for the hearing. Proof of such publication must be filed with the County Auditor.

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

6. Copies of Budget on File. Not less than twenty (20) days before the date that the budget must be certified to the County Auditor and not less than ten (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])

7. 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. 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 motion 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 Clerk and Mayor 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 first of each year there shall be published an annual report containing a summary for the preceding fiscal year of all collections and receipts, all accounts due the City, and all expenditures, the current public debt of the City, and the legal debt limit of the City for the current fiscal year. A copy of the annual report must be filed with the Auditor of State not later than December 1 of each year.

(Code of Iowa, Sec. 384.22)

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CHAPTER 8

INDUSTRIAL PROPERTY TAX EXEMPTIONS

8.01 Purpose

8.02 Definitions

8.03 Period of Partial Exemption

8.04 Amounts Eligible for Exemption

8.05 Limitations

8.06 Applications

8.07 Approval

8.08 Exemption Repealed

8.09 Dual Exemptions Prohibited

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

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

1. “Actual value added” means the actual value added as of the first year for which the exemption is received, except that actual value added by improvements to machinery and equipment means the actual value as determined by the local assessor as of January 1 of each year for which the exemption is received.

2. “Distribution center” means a building or structure used primarily for the storage of goods which are intended for subsequent shipment to retail outlets. Distribution center does not mean a building or structure used primarily to store raw agricultural products, used primarily by a manufacturer to store goods to be used in the manufacturing process, used primarily for the storage of petroleum products, or used for the retail sale of goods.

3. “New construction” means new buildings and structures and includes new buildings and structures which are constructed as additions to existing buildings and structures. New construction does not include reconstruction of an existing building or structure which does not constitute complete replacement of an existing building or structure or refitting of an existing building or structure unless the reconstruction of an existing building or structure is required due to economic obsolescence and the reconstruction is necessary to implement recognized industry standards for the manufacturing and processing of specific products and the reconstruction is required for the owner of the building or structure to continue competitively to manufacture or process those products, which determination shall receive prior approval from the

City Council of the City upon the recommendation of the Iowa Department of Economic Development.

4. “New machinery and equipment assessed as real estate” means new machinery and equipment assessed as real estate pursuant to Section 427A.1, Subsection 1, Paragraph “e”, Code of Iowa, unless the machinery or equipment is part of the normal replacement or operating process to maintain or expand the existing operational status.

5. “Research-service facilities” means a building or group of buildings devoted primarily to research and development activities, including, but not limited to, the design and production or manufacture of prototype products for experimental use, and corporate research services which do not have a primary purpose of providing on-site services to the public.

6. “Warehouse” means a building or structure used as a public warehouse for the storage of goods pursuant to Chapter 554, Article 7, of the Code of Iowa, except that it does not mean a building or structure used primarily to store raw agricultural products or from which goods are sold at retail.

8.03 PERIOD OF PARTIAL EXEMPTION. The actual value added to industrial real estate by the new construction of industrial real estate, research-service facilities, warehouses, distribution centers, and the acquisition of or improvement to machinery and equipment assessed as real estate, is eligible to receive a partial exemption from taxation for a period of five (5) years.

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

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

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

1. For the first year, seventy-five percent (75%)
2. For the second year, sixty percent (60%)
3. For the third year, forty-five percent (45%)
4. For the fourth year, thirty percent (30%)
5. For the fifth year, fifteen percent (15%)

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

reduced below the assessed value of the industrial real estate before the start of the new construction added.

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

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

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

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

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

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

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

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

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

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

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CHAPTER 9

URBAN RENEWAL

EDITOR'S NOTE

The following ordinances not codified herein, and specifically saved from repeal, have been adopted establishing Urban Renewal Areas in the City and remain in full force and effect.

ORDINANCE NO.	ADOPTED	NAME OF AREA
131	October 28, 1991	Sanborn Northeast Urban Renewal Area
187	November 24, 2008	2008 Addition to the Sanborn Northeast Urban Renewal Area

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CHAPTER 10

URBAN REVITALIZATION

EDITOR'S NOTE		
The following ordinances not codified herein, and specifically saved from repeal, have been adopted establishing Urban Revitalization Areas in the City and remain in full force and effect.		
ORDINANCE NO.	ADOPTED	NAME OF AREA
164	October 25, 2004	Sanborn Urban Revitalization Area

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CHAPTER 15

MAYOR

15.01 Term of Office
15.02 Powers and Duties
15.03 Appointments

15.04 Compensation
15.05 Voting

15.01 TERM OF OFFICE. The Mayor is elected for a term of two (2) years.
(*Code of Iowa, Sec. 376.2*)

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

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

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

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

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

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

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

4. Mayor's Veto. Sign, veto or take no action on an ordinance, amendment or resolution passed by the Council. The Mayor may veto an ordinance, amendment or resolution within fourteen 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 the Code of Ordinances and the laws of the State.

9. Licenses and Permits. Sign all licenses and permits which 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. City Attorney
3. Police Chief
4. Peace Officers
5. Library Board of Trustees
6. Park and Recreation Board
7. Golf Course Board
8. Electric and Telecommunications Utility Board of Trustees
9. Zoning Board of Adjustment

15.04 COMPENSATION. The salary of the Mayor is one hundred dollars (\$100.00) per month.

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

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

(Code of Iowa, Sec. 372.4)

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CHAPTER 16

MAYOR PRO TEM

16.01 Vice President of Council
16.02 Powers and Duties

16.03 Voting Rights
16.04 Compensation

16.01 VICE PRESIDENT OF COUNCIL. The Mayor Pro Tem is 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 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 fifteen (15) days or more, the Mayor Pro Tem may be paid for that period the compensation as determined by the Council, based upon the Mayor Pro Tem's performance of the Mayor's duties and upon the compensation of the Mayor.

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

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CHAPTER 17

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 (5) Council members elected at large for overlapping terms of four (4) 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 which 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 adopted by resolution of the Council.

(Code of Iowa, Sec. 384.100)

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 one hundred thousand dollars (\$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 which fails to receive sufficient votes for passage shall be considered defeated. *(Ord. 177 – Apr. 08 Supp.)*

(Code of Iowa, Sec. 380.4)

2. Overriding Mayor's Veto. Within thirty (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 fourteen (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 fourteen (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. 380.4)

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 written request of a majority of the members of the Council submitted to the Clerk. Notice of a special meeting shall specify the date, time, place and subject of the meeting and such notice shall be given personally or left at the usual place of residence of each member of

the Council. A record of the service of notice shall be maintained by the Clerk.

(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 (3) 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/Administrator
2. Planning and Zoning Commission

17.06 COMPENSATION. The salary of each Council member is twenty dollars (\$20.00) for each meeting of the Council attended.

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

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CHAPTER 18

CITY CLERK

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

18.08 Records
18.09 Attendance at Meetings
18.10 Issue Licenses and Permits
18.11 Notify Appointees
18.12 Elections
18.13 City Seal
18.14 City Funds

18.01 APPOINTMENT AND COMPENSATION. The City Administrator is ex officio City Clerk and has the duties, powers and functions prescribed in this chapter, by State law and other ordinances of the City. The Council shall specify by resolution the compensation to be paid for such services.

(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. The Clerk shall attend all regular and special Council meetings and within fifteen (15) days following a regular or special meeting 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 claim.

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

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 (4) nor more than twenty (20) days before the date of the election, hearing or other action, unless otherwise provided by law.

(Code of Iowa, Sec. 362.3[1])

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.

(Code of Iowa, Sec. 362.3[2])

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 CERTIFY MEASURES. 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 (5) 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 eleven (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 which by ordinance and 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. 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 ISSUE 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 NOTIFY APPOINTEES. The Clerk shall inform all persons appointed by the Mayor or Council to offices in the City government of their position and the time at which they shall assume the duties of their office.

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

18.12 ELECTIONS. The Clerk shall perform the following duties relating to elections and nominations:

1. In the event of a change in the method of nomination process used by the City, certify to the Commissioner of Elections the type of nomination process to be used by the City no later than ninety (90) days before the date of the regular City election. *(Ord. 160 – Aug. 03 Supp.)*

(Code of Iowa, Sec. 376.6)

2. Accept the nomination petition of a candidate for a City office for filing if on its face it appears to have the requisite number of signatures and is timely filed.

(Code of Iowa, Sec. 376.4)

3. Designate other employees or officials of the City who are ordinarily available to accept nomination papers if the Clerk is not readily available during normal working hours.

(Code of Iowa, Sec. 376.4)

4. Note upon each petition and affidavit accepted for filing the date and time that the petition was filed.

(Code of Iowa, Sec. 376.4)

5. Deliver all nomination petitions, together with the text of any public measure being submitted by the Council to the electorate, to the County Commissioner of Elections not later than five o'clock (5:00) p.m. on the day following the last day on which nomination petitions can be filed.

(Code of Iowa, Sec. 376.4)

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 which it may be necessary or proper to authenticate. The City seal is circular in form, and contains the words "INCORPORATED 1880, CITY OF SANBORN, IOWA."

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

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

1. Custody of Funds. Be responsible for the safe custody of all funds of the City in the manner provided by law, and Council direction.

2. Record of Fund. Keep the record of each fund separate.

3. Record Receipts. Keep an accurate record of all money or securities received on behalf of the City and specify the date, from whom, and for what purpose received.

4. Record Disbursements. Keep an accurate account of all disbursements, money or property, specifying date, to whom, and from what fund paid.

5. Special Assessments. Keep a separate account of all money received from special assessments.

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

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CHAPTER 19

CITY ADMINISTRATOR

19.01 Creation of Office
19.02 Administrative Responsibility

19.03 Resignation
19.04 Powers and Duties
19.05 Compensation

19.01 CREATION OF OFFICE. There is hereby created the office of City Administrator, to be appointed by a majority vote of the City Council. He or she shall hold office at the discretion of the Council, and shall be subject to removal by majority vote of the Council.

19.02 ADMINISTRATIVE RESPONSIBILITY. The City Administrator is responsible for carrying out the directives and policies of the Mayor and Council, subject to statutory limits which may apply. It is the intent of this chapter that the City Administrator shall have clear authority to administer the day-to-day operations of the municipal government, subject only to the restrictions noted above.

19.03 RESIGNATION. The appointment may be terminated by the City Administrator upon sixty (60) days' written notice to the Mayor and Council.

19.04 POWERS AND DUTIES. In addition to the general duties and responsibilities previously set forth herein, the powers and duties of the City Administrator shall be as follows:

1. Administration. Carry out all directives of the Council which require administrative implementation, reporting promptly to the Mayor any difficulties encountered herein.
2. Annual Budget. Be responsible for preparation of the annual City budget in accordance with such guidelines as may be provided by the Council; and in coordination with all department heads, the committee on finance, and the Mayor.
3. Administrative Improvements. Keep informed concerning current developments in the field of municipal administration, and, from time to time, submit recommendations or suggestions to improve the municipal government.
4. Federal and State Legislation. Keep informed concerning current State and Federal legislation affecting the City, and submit appropriate reports and recommendations to the Council.

5. Federal and State Programs. Keep informed concerning the availability of State and Federal funds for local programs, and assist department heads and the Council in procuring such funds.
6. Supervision of Personnel. Be responsible for the training, direction and supervision of all personnel assigned to the municipal government; and for making recommendations to the Council on appointments and promotions of key personnel.
7. Personnel Officer. Serve as the personnel officer for the City. As such, the City Administrator shall see that complete and up-to-date personnel records, to include specific job descriptions for all City employees, are kept. The City Administrator, in conjunction with department heads, shall evaluate personnel performances on a regular basis; recommend salary and wage scales for City employees not covered by collective bargaining agreements; develop and enforce high standards of performance by City employees; assure that all City employees have proper working conditions; work closely with department heads to promptly resolve any personnel problems or grievances.
8. Training. Work closely with all department heads to assure that such personnel and other City employees receive adequate opportunities for training to improve their knowledge and skills; and act as the approving authority for all requests by City employees to attend conferences, meetings, training schools, etc. pertaining to their employment.
9. Attend Council Meetings and Assist Mayor. Attend all meetings of the Council, assisting the Mayor as required in the performance of the Mayor's duties.
10. Keep Mayor Informed. Meet regularly with the Mayor to keep the Mayor currently informed about the activities of the City Administrator's office.
11. Keep Council Informed. Keep the Council currently informed about the activities of the City Administrator's office, either by written report or oral briefings at regular meetings of the Council.
12. City Planning and Industrial Development Boards. Keep informed concerning current developments pertinent to the responsibilities of the City Planning and Zoning Commission and Industrial Development Commission, advise the Mayor and the Council on matters before those bodies; and serve as Secretary to both bodies.
13. Purchasing Agent. Serve as purchasing agent for the City, supervising all purchasing and contracting for supplies and services, and

instituting such procedures as may be required that whenever possible purchases are made using the services of the O'Brien County central purchasing organization, or by bid.

14. Citizen Communications. Establish procedures to facilitate communications between citizens and the municipal government to assure that complaints, grievances, recommendations, and other matters receive prompt attention by a responsible official; and to assure that all such matters are expeditiously resolved.

15. Press Officer. Act as press officer for the City. As such, the City Administrator shall be the principal spokesperson on all matters within the authority and responsibility of the City Administrator; and shall assure that the news media are kept fully informed about the operations of the City government.

19.05 COMPENSATION. The City Administrator shall be paid such compensation as specified by resolution of the Council.

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

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CHAPTER 20

CITY ATTORNEY

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

20.06 Provide Legal Opinion
20.07 Attendance at Council Meetings
20.08 Prepare Documents
20.09 Representation of City Employees

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

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

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

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

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

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

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

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

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

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

(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 which may be required for the use of the City.

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

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

(Code of Iowa, Sec. 670.8)

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CHAPTER 25

LIBRARY BOARD OF TRUSTEES

25.01 Public Library	25.07 Nonresident Use
25.02 Library Trustees	25.08 Expenditures
25.03 Qualifications of Trustees	25.09 Annual Report
25.04 Organization of the Board	25.10 Injury to Books or Property
25.05 Powers and Duties	25.11 Theft
25.06 Contracting with Other Libraries	25.12 Notice Posted

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

25.02 LIBRARY TRUSTEES. The Board of Trustees of the Library, hereinafter referred to as the Board, consists of seven (7) resident members. One of the members may be a nonresident with a Sanborn mailing address. All members are to be appointed by the Mayor with the approval of the Council.

25.03 QUALIFICATIONS OF TRUSTEES. All members of the Board shall be bona fide citizens and residents of the City, except that one member may be a nonresident who has a mailing address within the City. Members shall be over the age of eighteen (18) years.

25.04 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 (6) years, except to fill vacancies. Each term shall commence on July first. Appointments shall be made every two (2) years of one-third (1/3) 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 (6) 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.

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

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

the title to said property in the name of the Library; to execute deeds and bills of sale for the conveyance of said property; and to expend the funds received by them from such gifts, for the improvement of the Library.

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

(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.

25.06 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 (5%) 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 forty (40) days before the election. The proposition may be submitted at any election provided by law that is held in the territory of the party seeking to terminate the contract.

25.07 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.

25.08 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. The check-writing officer is the Clerk.

(Code of Iowa, Sec. 384.20 & 392.5)

25.09 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.

25.10 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)

25.11 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)

25.12 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 (2) months or more after the date the person agreed to return the Library materials, or failure to return Library equipment for one (1) month or more after the date the person agreed to return the Library equipment, is evidence of intent to deprive the owner, provided a reasonable attempt, including the mailing by restricted certified mail of notice that such

material or equipment is overdue and criminal actions will be taken, has been made to reclaim the materials or equipment.

(Code of Iowa, Sec. 714.5)

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

(Code of Iowa, Sec. 808.12)

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CHAPTER 26

PLANNING AND ZONING COMMISSION

26.01 Planning and Zoning Commission
26.02 Term of Office
26.03 Vacancies

26.04 Compensation
26.05 Powers and Duties

26.01 PLANNING AND ZONING COMMISSION. There shall be appointed by the Council a City Planning and Zoning Commission, hereinafter referred to as the Commission, consisting of seven (7) members, who shall be residents of the City and qualified by knowledge or experience to act in matters pertaining to the development of a City plan and who shall not hold any elective office in the City government.

(Code of Iowa, Sec. 414.6 & 392.1)

26.02 TERM OF OFFICE. The term of office of the members of the Commission shall be five (5) years. The terms of not more than one-third of the members will expire in any one year.

(Code of Iowa, Sec. 392.1)

26.03 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)

26.04 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)

26.05 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 of Improvements. No statuary, memorial or work of art in a public place, and no public building, bridge, viaduct, street fixtures, public structure or appurtenances, shall be located or erected, or site therefor obtained, nor shall any permit be issued by any department of the City for the erection or location thereof until and unless the design and proposed location of any such improvement shall have been submitted to the Commission and its recommendations thereon obtained, except such requirements and recommendations shall not act as a stay upon action for any such improvement when the Commission after thirty (30) days' written notice requesting such recommendations, shall have failed to file same.

(Code of Iowa, Sec. 392.1)

5. Review and Comment on Plats. All plans, plats, or re-plats of subdivision or re-subdivisions of land embraced 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. Review and Comment of Street and Park Improvements. No plan for any street, park, parkway, boulevard, traffic-way, river front, or other public improvement affecting the City plan shall be finally approved by the City or the character or location thereof determined, unless such proposal shall first have been submitted to the Commission and the Commission shall have had thirty (30) days within which to file its recommendations thereon.

(Code of Iowa, Sec. 392.1)

7. 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 whatsoever which are received by the City for City planning and zoning purposes.

(Code of Iowa, Sec. 392.1)

8. 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)

9. 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, disbursements and the progress of its work during the preceding fiscal year.

(Code of Iowa, Sec. 392.1)

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CHAPTER 27

PARK AND RECREATION BOARD

27.01 Park and Recreation Board Created
27.02 Organization

27.03 Powers and Duties
27.04 Open Meetings

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

27.02 ORGANIZATION. The Board shall consist of five (5) members, all residents of the City, appointed by the Mayor with the approval of the Council, for overlapping terms of five (5) years, each of which shall end on a December 31 and commence on a January 1. The Board shall choose its Chairperson and Vice Chairperson every two (2) years. Members shall serve without compensation, but may receive their actual expenses. Vacancies shall be filled in the same manner as the original appointment.

27.03 POWERS AND DUTIES. The Park and Recreation Board shall have the following powers and duties:

1. Advise the Council on park and recreation matters.
2. Plan and manage City recreation programs.
3. Have authority over personnel and property belonging to parks and recreation.
4. Be limited by the annual budget designated for parks and recreation by the Council.
5. Make written activity reports to the Council when requested and as the Board deems advisable. Its revenues and expenditures shall be reported monthly by the Clerk, and a copy is to be provided to each Board member and in the Clerk's report to the Council.
6. Make rules and regulations governing the use of park and other recreational facilities or for the conduct of recreation programs, with approval by the Council. The rules shall be posted or publicized for adequate public notice.

27.04 OPEN MEETINGS. All meetings of the Park and Recreation Board shall comply with the regulations stated in Chapter 21 of the Code of Iowa.

CHAPTER 28

ELECTRIC AND TELECOMMUNICATIONS UTILITY BOARD OF TRUSTEES

28.01 Purpose	28.07 Powers and Duties of the Board
28.02 Electric Utility Board Established	28.08 Control of Funds
28.03 Cable Communications System Utility Established	28.09 Accounting
28.04 Appointment of Trustees	28.10 Discriminatory Rates Illegal
28.05 Compensation	28.11 Discontinuance of Board
28.06 Vacancies	28.12 Rules and Regulations

28.01 PURPOSE. The purpose of this chapter is to provide for the operation of the municipally owned electric utility and the municipally owned broadband cable communications system utility by a board of trustees.

28.02 ELECTRIC UTILITY BOARD ESTABLISHED. Pursuant to an election held June 10, 1947, the management and control of the municipally owned electric utility were placed in the hands of a Board of Trustees.

28.03 CABLE COMMUNICATIONS SYSTEM UTILITY ESTABLISHED. Pursuant to an election held November 4, 1997, a municipally owned broadband cable communications system utility was formed. The Sanborn Cable Communications System Utility is hereby placed under the control of the Board of Trustees of the Sanborn Municipal Light and Power Plant, which shall operate the Cable Communications System Utility as a separate City utility. The municipal electric utility and the municipal cable communications system utility shall not be a combined utility system. The name of the Board of Trustees is the Board of Trustees, Sanborn Electric and Telecommunications Utility in order that it be appropriate to the City utilities administered by the Board. All provisions of this Code of Ordinances in regard to the municipally owned electric utility shall include the broadband cable communications system utility and the Board of Trustees shall have the same authority in regard to the cable communications system as it has over the electric utility.

(Code of Iowa, Sec. 388.2)

28.04 APPOINTMENT OF TRUSTEES. The Mayor shall appoint, subject to the approval of the Council, three (3) persons to serve as trustees for staggered six (6) year terms. No public officer or salaried employee of the City may serve on a utility board.

(Code of Iowa, Sec. 388.3)

28.05 COMPENSATION. The Council shall set the compensation of Board members by resolution.

(Code of Iowa, Sec. 388.3)

28.06 VACANCIES. An appointment to fill a vacancy on the Board shall be made in the same manner as an original appointment except that such appointment shall be for the balance of the unexpired term.

(Code of Iowa, Sec. 388.3)

28.07 POWERS AND DUTIES OF THE BOARD. The Board of Trustees may exercise all powers of the City in relation to the City utilities it administers, with the following exceptions:

(Code of Iowa, Sec. 388.4)

1. Taxes, Ordinances and Bonds. The Board may not certify taxes to be levied, pass ordinances or amendments, or issue general obligation or special assessment bonds.

(Code of Iowa, Sec. 388.4[1])

2. Property. Title to all property must be in the name of the City but the Board has full control of such property subject to limitations imposed by law.

(Code of Iowa, Sec. 388.4[2])

3. Reports to Council. The Board shall make a detailed annual report to the Council including a complete financial statement.

(Code of Iowa, Sec. 388.4[3])

4. Proceedings Published. Immediately following a regular or special meeting, the Board Secretary shall prepare and cause to be published in a newspaper of general circulation in the City a condensed statement of proceedings including a list of all claims.

(Code of Iowa, Sec. 388.4[4])

28.08 CONTROL OF FUNDS. The Board shall control tax revenues allocated to it as well as all moneys derived from operations.

(Code of Iowa, Sec. 388.5)

28.09 ACCOUNTING. Utility moneys must be held in a separate utility fund, with a separate account for each utility.

(Code of Iowa, Sec. 388.5)

28.10 DISCRIMINATORY RATES ILLEGAL. The utility may not provide use or service at a discriminatory rate, except to the City or its agencies, as provided in Section 384.91, Code of Iowa.

(Code of Iowa, Sec. 388.6)

28.11 DISCONTINUANCE OF BOARD. A proposal, on motion of the Council or upon receipt of a valid petition, to discontinue the Utility Board is subject to the approval of the voters of the City, except that the Board may be discontinued by resolution of the Council when the City utilities it administers are disposed of or leased for a period of over five (5) years.

(Code of Iowa, Sec. 388.2)

28.12 RULES AND REGULATIONS. The Board shall be empowered to make rules and regulations for the control of and governance of the utilities it controls, by resolution of the Board. Resolutions establishing, imposing, adjusting and providing for collection of rates, charges or connection fees shall be published in the same manner as an ordinance. The utilities board is empowered to adopt rules and regulations as stated above concerning Federal Energy Regulatory Commission (FERC) orders. *(Ord. 188 – Sep. 11 Supp.)*

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CHAPTER 29

GOLF COURSE BOARD

29.01 Sanborn Golf Course Board
29.02 Board Organization
29.03 Duties of the Board
29.04 Authority of Board Without Council Review
and Approval

29.05 Communication with Council
29.06 Course Open to Public; Rules Published
29.07 Use of Revenues
29.08 Arbitration Over Disputed Charges
29.09 Compensation

29.01 SANBORN GOLF COURSE BOARD. The Sanborn Golf Course Board is hereby created to administer and control the City's golf course, clubhouse, equipment, personnel and related facilities.

29.02 BOARD ORGANIZATION. The Board shall consist of seven (7) members, who shall all be annual members at the golf course under the bylaws of the Board contemplated in this chapter. It is not required that a Board member live within the City limits. Board members shall be nominated through a duly conducted election by the annual members at the golf course, which nominations shall be approved by the Mayor and the Council for overlapping three (3) year terms. The Council and Mayor are required by this chapter to approve the Board members so nominated. Vacancies shall be filled in the same manner as the original appointment.

29.03 DUTIES OF THE BOARD. The Board shall be required to perform the following duties.

1. Finance and Personnel. The Board shall have authority over the personnel, contracts, and real personal assets of the Sanborn Golf Course, subject to the limitation of expenditures for salaries, supplies, contracts, and capital outlays set forth in the annual budget approved by the Council and subject to the terms of this chapter.
2. Future Development. The Board shall plan for the future development of the golf course.
3. Budget. The Board shall prepare and submit annual budgets to the Council.
4. Disbursements. The Board shall review and approve all bills as required by law; and submit bills to the Clerk under procedures established for all departments of the City, for payment by warrant check in the usual fashion.

29.04 AUTHORITY OF BOARD WITHOUT COUNCIL REVIEW AND APPROVAL. Subject to the other provisions of this chapter, so long as financial obligations incurred remain within limits established by the annual budget previously approved by the Council, or the required procedures to amend said budget have been fulfilled, the Board shall have the authority without Council review and approval, to:

1. Approve contracts of employment with personnel, and approve related expenditures for salary, FICA, IPERS, insurance, or other employee benefits.
2. Establish and collect membership dues, green fees, and other charges related to golf course operations.
3. Approve for payment any bills related to the course operation.
4. Lease the clubhouse to a manager or other suitable person for a term not to exceed one year. However, no lease may contain an automatic renewal provision. Further, all leases shall contain provisions requiring proof of indemnity, liability, and dram shop insurance, indemnifying and holding harmless the Board, its members, and the City against claims, in such adequate amounts to protect the City as the Board may determine.
5. Elect officers of the Board, designate what offices will exist on the Board, and establish duties of officers consistent with this chapter.
6. Adopt bylaws establishing rules for meetings of the Board, rules for filling unexpired terms on the Board, qualifications for membership at the course, classification of members, annual dues, rules for meetings of members, committees, conduct of the election of Board members, and related matters.
7. Adopt rules and regulations for use of the golf course.
8. Schedule dates and times for tournaments or other similar activities to be held on the golf course and/or in the golf course.

Any other actions of the Board require Council review and approval. The Board may take action subject to later Council review and approval.

29.05 COMMUNICATION WITH COUNCIL. The Board shall file copies of its minutes with the Clerk and shall meet with the Council from time to time as it deems advisable or upon Council request. Its revenues and expenditures shall be reported monthly by the Clerk in the manner of other departmental expenditures, and a copy shall be provided to each member of the Board and in the Clerk's report to the Council.

29.06 COURSE OPEN TO PUBLIC; RULES PUBLISHED. The golf course shall be operated as a public course open to anyone, upon payment of a reasonable green fee, who is willing to abide by the rules of the course. In this regard, no distinction shall be made in user fees, rules or regulations between those who are or are not annual dues-paying members. All rules and regulations for use of the course shall be posted at the clubhouse or otherwise publicized in a manner to provide adequate notice to the using public.

29.07 USE OF REVENUES. All revenues from the golf course and gifts to the golf course shall be used only for operating expenses, debts, obligations, capital improvements, or other expenditures for recreational purposes which are related to the golf course. Such expenditures may include reasonable charges from other City departments for expenses directly attributable to irrigation of the golf course or for other expenses related to the golf course.

29.08 ARBITRATION OVER DISPUTED CHARGES. In the event that the Board and any other City department disagree about the reasonableness of proposed charges to the course by a City department, the matter shall be submitted to binding arbitration by three persons, one of whom shall be the Mayor, one being the Board President, and one mutually chosen by the Mayor and the Board President.

29.09 COMPENSATION. The Golf Course Board members shall serve without compensation but may receive their actual expenses.

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CHAPTER 30

POLICE DEPARTMENT

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

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

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

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

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

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

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

*(Code of Iowa, Sec. 80B.11 [2])
(IAC, 501-3 and 501-8)*

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

30.06 PEACE OFFICERS APPOINTED. The Mayor shall appoint and dismiss the Police Chief, subject to the consent of the majority of the Council. The Mayor shall appoint, subject to the approval of Council, the other members of the department.

(Ord. 160 – Aug. 03 Supp.)

(Code of Iowa, Sec. 372.4)

30.07 POLICE CHIEF: DUTIES. The Police Chief has the following powers and duties subject to the approval of the Council.

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

1. General. Perform all duties required of the police chief by law or ordinance.
2. Enforce Laws. Enforce all laws, ordinances and regulations and bring all persons committing any offense before the proper court.
3. Writs. Execute and return all writs and other processes directed to the Police Chief.
4. Accident Reports. Report all motor vehicle accidents investigated to the State Department of Transportation.
(Code of Iowa, Sec. 321.266)
5. Prisoners. Be responsible for the custody of prisoners, including conveyance to detention facilities as may be required.
6. Assist Officials. When requested, provide aid to other City officers, boards and commissions in the execution of their official duties.
7. Investigations. Provide for such investigation as may be necessary for the prosecution of any person alleged to have violated any law or ordinance.
8. Record of Arrests. Keep a record of all arrests made in the City by showing whether said arrests were made under provisions of State law or City ordinance, the offense charged, who made the arrest and the disposition of the charge.
9. Reports. Compile and submit to the Mayor and Council an annual report as well as such other reports as may be requested by the Mayor or Council.
10. Command. Be in command of all officers appointed for police work and be responsible for the care, maintenance and use of all vehicles, equipment and materials of the department.

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

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

(Code of Iowa, Sec. 804.17)

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

(Code of Iowa, Sec. 804.18)

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

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

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CHAPTER 31

RESERVE PEACE OFFICERS

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

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

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

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

(Ord. 178 – Apr. 08 Supp.)

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

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

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

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

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

31.08 COMPENSATION. While performing official duties, each reserve peace officer shall be considered an employee of the City and shall be paid at a minimum of \$1.00 per year. In addition to the above mentioned pay, the Police Chief may compensate reserve peace officers on an hourly basis, in the discretion of the Police Chief and subject to the approval of the Council. The hourly compensation shall be fixed from time to time by the Council.

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

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

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

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CHAPTER 35

FIRE DEPARTMENT

35.01 Establishment and Purpose
35.02 Organization
35.03 Approved by Council
35.04 Training
35.05 Compensation
35.06 Election of Officers
35.07 Fire Chief: Duties

35.08 Obedience to Fire Chief
35.09 Constitution
35.10 Accidental Injury Insurance
35.11 Liability Insurance
35.12 Calls Outside Fire District
35.13 Mutual Aid
35.14 Authority to Cite Violations

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

(Code of Iowa, Sec. 364.16)

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

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

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

35.04 TRAINING. All members of the department shall attend and actively participate in regular or special training drills or programs as directed by the Chief.

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

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

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

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

35.07 FIRE CHIEF: DUTIES. The Fire Chief shall perform all duties required of the Fire Chief by law or ordinance, including but not limited to the following:

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

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

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

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

(Code of Iowa, Sec. 102.2)

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

(Code of Iowa, Sec. 102.2)

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

(Code of Iowa, Sec. 102.3)

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

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

8. Notification. Whenever death, serious bodily injury, or property damage in excess of two hundred thousand dollars (\$200,000) has occurred as a result of a fire, or if arson is suspected, notify the State Fire

Marshal's Division immediately. For all other fires causing an estimated damage of fifty dollars (\$50.00) or more or emergency responses by the Fire Department, file a report with the Fire Marshal's Division within ten (10) days following the end of the month. The report shall indicate all fire incidents occurring and state the name of the owners and occupants of the property at the time of the fire, the value of the property, the estimated total loss to the property, origin of the fire as determined by investigation, and other facts, statistics, and circumstances concerning the fire incidents.

(Code of Iowa, Sec. 100.2 & 100.3)

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

(Code of Iowa, Sec. 100.12)

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

(Code of Iowa, Sec. 100.13)

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

(Code of Iowa, Sec. 100.4)

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

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

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

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 100.41)

CHAPTER 36

AMBULANCE SERVICE

36.01 Purpose	36.07 Ambulance Fees
36.02 Members	36.08 Insurance
36.03 Election of Officers	36.09 Ambulance Service
36.04 Duties of Clerk	36.10 Payment
36.05 Duties of Director	36.11 Enforcement
36.06 Compensation of Members	

36.01 PURPOSE. The purpose of this chapter is to establish the Sanborn Ambulance Department to provide ambulance service for Sanborn and the Sanborn-Melvin area, by use of equipment furnished by the City of Sanborn; to provide for the appointment of a Director of the department and an Assistant Director to act in the Director's absence; and to provide a method for administration of the department and its services; and to provide a method of enforcement of collection of fees.

36.02 MEMBERS. The department shall consist of no less than five (5) or more than twenty-five (25) members, who shall be appointed by the Director subject to approval of the Council.

36.03 ELECTION OF OFFICERS. The department shall elect a Director and an Assistant Director to act in the absence of the Director, but the election shall be subject to the approval of the Council.

36.04 DUTIES OF CLERK. The Clerk shall keep all records or logs necessary or as required by law; shall make all reports necessary or as required by law; and shall complete all Medicare or welfare claims as required by law.

36.05 DUTIES OF DIRECTOR. The Director shall cooperate with the authorized agents of the City, the City Administrator or the Clerk in the financial administration of the department. The Director shall also coordinate all departmental activities with the Council as may be required by the rules and regulations of the Council and perform the following duties:

1. Be presiding officer of departmental meetings;
2. Make records of all ambulance runs and provide the Clerk with copies;
3. Determine that the ambulance is properly dispatched and properly completes all runs;

4. Arrange for backup ambulance service in event the ambulance is out of service;
5. Be responsible for the training of all department personnel and the efficient operation of the department; and
6. Perform any other duties designated by the Council.

36.06 COMPENSATION OF MEMBERS. The members shall be compensated for their services by the City according to rates which will be established by the Council and which rates may be subject to adjustment by the Council from time to time at its discretion.

36.07 AMBULANCE FEES. The department shall charge such rates for services and provide such services to Sanborn and the Sanborn-Melvin area including contiguous counties, as may be fixed or required from time to time by the Council.

36.08 INSURANCE. Sufficient insurance shall be carried to protect the members and the City against loss from damages or public liability, in the amount determined by the Council.

36.09 AMBULANCE SERVICE. Emergency ambulance service or non-emergency ambulance service shall be given outside the City limits in accordance with rules and regulations as provided by the Council, provided, however, that emergency calls shall have priority over ambulance transfers of a non-emergency nature. The Director or the Assistant Director, acting in the absence of the Director, shall make the final determination as to priority of calls or whether a non-emergency transfer will be made.

36.10 PAYMENT. All ambulance fees and charges are due upon presentation of a statement by the City for said fees and charges and shall be paid to the City.

36.11 ENFORCEMENT. The City may cause a suit to be brought for the collection of any fees or charges due it for ambulance services provided in good faith.

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CHAPTER 40

PUBLIC PEACE

40.01 Assault
40.02 Harassment
40.03 Disorderly Conduct

40.04 Unlawful Assembly
40.05 Failure to Disperse
40.06 Window Peeping

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

1. Pain or Injury. Any act which is intended to cause pain or injury to, or which is intended to result in physical contact which 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 which 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])

However, where the person doing any of the above 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 or serious injury or breach of the peace, the act is not an assault. Provided, where the person doing any of the above 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, the act is not an assault, 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 which 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 which 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.

(Ord. 176 – Apr. 08 Supp.)

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])

40.04 UNLAWFUL ASSEMBLY. It is unlawful for three (3) 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)

40.06 WINDOW PEEPING. It is unlawful for any person to look, gaze or peer into the window of any room, house or apartment not occupied by the person so doing or by said person's immediate family while not in a position on a public street, alley or sidewalk.

CHAPTER 41

PUBLIC HEALTH AND SAFETY

41.01 Distributing Dangerous Substances	41.06 Antenna and Radio Wires
41.02 False Reports to or Communications with Public Safety Entities	41.07 Barbed Wire and Electric Fences
41.03 Refusing to Assist Officer	41.08 Discharging Weapons
41.04 Harassment of Public Officers and Employees	41.09 Throwing and Shooting
41.05 Abandoned or Unattended Refrigerators	41.10 Urinating and Defecating
	41.11 Fireworks Permit
	41.12 Pseudoephedrine Restrictions

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 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)

41.04 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)

41.05 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)

41.06 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])

41.07 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 ten (10) acres or more and is used as agricultural land.

41.08 DISCHARGING WEAPONS.

1. It is unlawful for a person to discharge rifles, shotguns, revolvers, pistols, guns, BB 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.

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

41.10 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.

41.11 FIREWORKS PERMIT. The City may, upon application in writing, grant a permit for the display of fireworks by a City agency, fair associations, amusement parks and other organizations or groups of individuals approved by City authorities when such fireworks display will be handled by a competent operator. No permit shall be granted hereunder unless the operator or sponsoring organization has filed with the City evidence of insurance in the following amounts:

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

(Code of Iowa, Sec. 727.2)

41.12 PSEUDOEPHEDRINE RESTRICTIONS. (Repealed by Ordinance No. 168 – Oct. 05 Supp.)

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CHAPTER 42

PUBLIC AND PRIVATE PROPERTY

42.01 Trespassing

42.02 Criminal Mischief

42.03 Defacing Proclamations or Notices

42.04 Unauthorized Entry

42.05 Fraud

42.06 Theft

42.07 Unauthorized Computer Access

42.01 TRESPASSING. It is unlawful for a person to knowingly trespass upon the property of another. As used in this section, the term “property” includes any land, dwelling, building, conveyance, vehicle or other temporary or permanent structure whether publicly or privately owned. The term “trespass” means one or more of the following acts:

(Code of Iowa Sec. 716.7 and 716.8)

1. **Entering Property Without Permission.** 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.

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

2. **Entering or Remaining on Property.** 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 by any peace officer, magistrate, or public employee whose duty it is to supervise the use or maintenance of the property.

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

3. **Interfering with Lawful Use of Property.** Entering upon or in property for the purpose or with the effect of unduly interfering with the lawful use of the property by others.

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

4. **Using Property Without Permission.** 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.

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

None of the above shall be construed to prohibit 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.

(Code of Iowa, Sec. 716.7(3))

42.02 CRIMINAL MISCHIEF. It is unlawful, for any person who has no right to do so, to intentionally damage, deface, alter or destroy tangible 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. A person commits theft when the person does any of the following:

(Code of Iowa, Sec. 714.1)

1. Takes possession or control of the property of another, or property in the possession of another, with the intent to deprive the other thereof.
2. Misappropriates property which the person has in trust, or property of another which the person has in the person's possession or control, whether such possession or control is lawful or unlawful, by using or disposing of it in a manner which is inconsistent with or a denial of the trust or of the owner's rights in such property, or conceals found

property, or appropriates such property to the person's own use, when the owner of such property is known to the person.

3. Obtains the labor or services of another, or a transfer of possession, control, or ownership of the property of another, or the beneficial use of property of another, by deception.

4. Exercises control over stolen property, knowing such property to have been stolen, or having reasonable cause to believe that such property has been stolen, unless the person's purpose is to promptly restore it to the owner or to deliver it to an appropriate public officer.

5. Takes, destroys, conceals or disposes of property in which someone else has a security interest, with intent to defraud the secured party.

6. Makes, utters, draws, delivers, or gives any check, share draft, draft, or written order on any bank, credit union, person or corporation, and obtains property or service in exchange therefor, if the person knows that such check, share draft, draft or written order will not be paid when presented.

7. Obtains gas, electricity or water from a public utility or obtains cable television or telephone service from an unauthorized connection to the supply or service line or by intentionally altering, adjusting, removing or tampering with the metering or service device so as to cause inaccurate readings.

8. Any act that is declared to be theft by any provision of the Code of Iowa.

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

(Code of Iowa, Sec. 716.6B)

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CHAPTER 43

DRUG PARAPHERNALIA

43.01 Purpose

43.02 Controlled Substance Defined

43.03 Drug Paraphernalia Defined

43.04 Determining Factors

43.05 Possession of Drug Paraphernalia

43.06 Manufacture, Delivery or Offering For Sale

43.07 Scheduled Fine

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 who, 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 which explain or depict 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.

43.07 SCHEDULED FINE. The scheduled fine for violation of this chapter is two hundred dollars (\$200.00).

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CHAPTER 44

RESIDENCY RESTRICTIONS FOR SEX OFFENDERS

44.01 Purpose

44.02 Definitions

44.03 Residency Restriction

44.04 Residency Exception

44.05 Violations

44.01 PURPOSE. This chapter is a regulatory measure aimed at protecting the health and safety of children in the City of Sanborn from the risk that convicted sex offenders may reoffend in locations close to their residences. As recognized by the Eighth Circuit United States Court of Appeals in its April 29, 2005 decision of Doe v. Miller, and recognized by the Iowa Supreme Court in State v. Seeing, decided on July 29, 2005, the City of Sanborn finds and declares that sex offenders are a serious threat to public safety. When convicted sex offenders reenter society, they are much more likely than any other type of offender to be re-arrested for a new rape or sexual assault. Given the high rate of recidivism for sex offenders and that reducing the opportunity and temptation is important to minimizing the risk of reoffense, there is a need to protect children where they congregate or play in public places in addition to the protection so afforded by State law near schools and day care centers, children congregate or play at child-oriented facilities identified in Section 44.03(1).

44.02 DEFINITIONS. As used in this chapter and unless the context otherwise requires:

1. “Aggravated offense” means a conviction for any of the following offenses:
 - A. Sexual abuse in the first degree in violation of Code of Iowa § 709.2.
 - B. Sexual abuse in the second degree in violation of Code of Iowa § 709.3.
 - C. Sexual abuse in the third degree in violation of Code of Iowa § 709.4(1).
 - D. Lascivious acts with a child in violation of Iowa Code Section 709.8(1).
 - E. Assault with intent to commit sexual abuse in violation of Code of Iowa § 709.11.
 - F. Burglary in the first degree in violation of Code of Iowa § 713.3(1)(d).

- G. Kidnapping, if sexual abuse as defined in Code of Iowa § 709.1 is committed during the offense.
 - H. Murder, if sexual abuse as defined in Code of Iowa § 709.1 is committed during the offense.
 - I. Criminal transmission of human immunodeficiency virus in violation of Code of Iowa § 709C.1(1)(a).
2. “Criminal offense against a minor” means any of the following criminal offenses or conduct:
- A. Kidnapping of a minor, except for the kidnapping of a minor in the third degree committed by a parent.
 - B. False imprisonment of a minor, except if committed by a parent.
 - C. Any indictable offense involving sexual conduct directed toward a minor.
 - D. Solicitation of a minor to engage in an illegal sex act.
 - E. Use of a minor in a sexual performance.
 - F. Solicitation of a minor to practice prostitution.
 - G. Any indictable offense against a minor involving sexual conduct with the minor.
 - H. An attempt to commit an offense enumerated in this subsection.
 - I. Incest committed against a minor.
 - J. Dissemination and exhibition of obscene material to minors in violation of Code of Iowa § 728.2.
 - K. Admitting minors to premises where obscene material is exhibited in violation of Code of Iowa § 728.3.
 - L. Stalking in violation of Code of Iowa § 708.11(3)(b)(3), if the fact-finder determines by clear and convincing evidence that the offense was sexually motivated.
 - M. Sexual exploitation of a minor in violation of Code of Iowa § 728.12.
 - N. Enticing away a minor in violation of Code of Iowa § 710.10(1).

- O. An indictable offense committed in another jurisdiction which would constitute an indictable offense under paragraphs A through N.
3. “Other relevant offense” means any of the following offenses:
- A. Telephone dissemination of obscene materials in violation of Code of Iowa § 728.15.
- B. Rental or sale of hard-core pornography in violation of Code of Iowa § 728.4.
- C. Indecent exposure in violation of Code of Iowa § 709.9.
- D. Incest committed against a dependent adult as defined in Code of Iowa § 235B.2 in violation of Code of Iowa § 726.2.
- E. A criminal offense committed in another jurisdiction which would constitute an indictable offense under paragraphs A through D if committed in this State.
4. “Person” means a person who has committed a criminal offense against a minor, or an aggravated offense, sexually violent offense, or other relevant offense that involved a minor.
5. “Residence” means the place where a person sleeps, which may include more than one location, and may be mobile or transitory.
6. “Sexually violent offense” means any of the following indictable offenses:
- A. Sexual abuse as defined under Code of Iowa § 709.1.
- B. Assault with intent to commit sexual abuse in violation of Code of Iowa § 709.11.
- C. Sexual misconduct with offenders in violation of Code of Iowa § 709.16.
- D. Any of the following offenses, if the offense involves sexual abuse or attempted sexual abuse: murder, attempted murder, kidnapping, burglary, or manslaughter.
- E. A criminal offense committed in another jurisdiction which would constitute an indictable offense under paragraphs A through D if committed in this State.

44.03 RESIDENCY RESTRICTION.

1. A person shall not reside within two thousand (2,000) feet of the real property comprising any of the following child oriented facilities:

- A. A public park;
 - B. A public swimming pool;
 - C. A public library; or
 - D. A multi-use recreational trail.
2. The distance shall be measured from the closest boundary line of the residence to the closest boundary line of the child oriented facilities identified in subsection 1.

44.04 RESIDENCY EXCEPTION. A person residing within two thousand (2,000) feet of the real property comprising a child oriented facility identified in Section 44.03(1) does not commit a violation of this chapter if any of the following apply:

1. The person is required to serve a sentence at a jail, prison, juvenile facility or other correctional institution or facility.
2. The person is subject to an order of commitment under Chapter 229A of the Iowa Code.
3. The person has established a residence prior to the effective date of this chapter (June 22, 2006), or a child oriented facility as identified in Section 44.03(1) is newly located on or after the effective date of this chapter and the person has established a residence prior to the date of the start of construction of such newly located child oriented facility.
4. The person is a minor or ward under a guardianship.

44.05 VIOLATIONS. Any person who resides within two thousand feet of a child-oriented facility identified in Section 44.03(1) in violation of this chapter shall be guilty of a simple misdemeanor punishable by fine or imprisonment as provided by Section 1.10 of this Code of Ordinances and the Code of Iowa or shall be guilty of a municipal infraction punishable by a civil penalty as provided by Section 4.03 of this Code of Ordinances.

(Ch. 44 – Ord. 172 – Jul. 06 Supp.)

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CHAPTER 45

ALCOHOL CONSUMPTION AND INTOXICATION

45.01 Persons Under Legal Age

45.03 Open Containers in Motor Vehicles

45.02 Public Consumption or Intoxication

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

1. A person or persons under legal age shall not purchase or attempt to purchase or individually or jointly have alcoholic liquor, wine or beer in their possession or control; except in the case of liquor, wine or beer 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, wine, and beer during the regular course of the person’s employment by a liquor control licensee, or wine or beer permittee under State laws.

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

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

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

45.02 PUBLIC CONSUMPTION OR INTOXICATION.

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

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

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

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

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

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

3. 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 62.08 of this Code of Ordinances.)*

CHAPTER 46

MINORS

46.01 Cigarettes and Tobacco

46.02 Contributing to Delinquency

46.03 Curfew

46.01 CIGARETTES AND TOBACCO. It is unlawful for any person under eighteen (18) years of age to smoke, use, possess, purchase or attempt to purchase any tobacco, tobacco products or cigarettes. Possession of cigarettes or tobacco products by a person under eighteen years of age shall not constitute a violation of this section if said person possesses the cigarettes or tobacco products 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 and lawfully offers for sale or sells cigarettes or tobacco products.

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

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

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

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

1. Definition. The term "minor" means any unemancipated person below the age of eighteen (18) years.

2. Time Limits.

A. It shall be a violation of this section for any minor who has not attained the age of sixteen (16) years to be or remain on the alleys, streets or public places of the City or within any business establishments of the City between the hours of eleven o'clock (11:00) p.m. and six o'clock (6:00) a.m. Sunday – Thursday and between the hours of twelve o'clock (12:00) midnight and six o'clock (6:00) a.m. Friday – Saturday, except as provided in Section 46.03(3).

B. It shall be a violation of this Code for any minor who has attained the age of sixteen (16) years, but has not attained the age of eighteen (18) years, to be or remain on the alleys, streets or public places of the City or within any business establishments of the City between the hours of twelve o'clock (12:00) midnight

and six o'clock (6:00) a.m. Sunday – Thursday and between the hours of one o'clock (1:00) a.m. and six o'clock (6:00) a.m. Friday – Saturday, except as provided in Section 46.03(3).

3. Exceptions. The prohibition of the preceding subsection shall not apply in the following circumstances:
 - A. To a minor who is under the supervision and control of a guardian or parent.
 - B. To a minor who is attending a church, municipal or school activity, or who is engaged in lawful employment activities, or who is participating in a meeting, gathering, or assembly for the purpose of exercising rights and privileges granted to all citizens, including minors, under the First Amendment of the United States Constitution.
 - C. To a minor who is traveling, by any means, from his or her place of employment or an activity described in the preceding sentence, to his or her place of residence.
4. Responsibility of Adults. It shall be a violation of this section for any parent or guardian charged with the care and custody of any minor to allow or permit such minor to violate the provisions of this section.
5. Responsibility of Business Establishments. It is a violation of this section for any person, firm or corporation operating a place of business to allow or permit any minor to be in or upon any such place of business in violation of the provisions of this section.
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.
7. Scheduled Fine. The scheduled fine for violation of this section is twenty-five dollars (\$25.00).

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CHAPTER 47

PARK REGULATIONS

47.01 Purpose	47.07 Littering
47.02 Use of Drives Required	47.08 Control of Animals
47.03 Parking	47.09 Removing Plants, Flowers or Fruit
47.04 Prohibited Areas	47.10 Parks Closed
47.05 Fires	47.11 Camping
47.06 Use of Firearms, Explosives, Weapons and Fireworks Prohibited	47.12 Swimming Pool

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

(Code of Iowa, Sec. 364.12)

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

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

47.04 PROHIBITED AREAS. No person shall enter upon portions of any City park in disregard of official signs forbidding same except by permission of the Park and Recreation Board or a Park and Recreation Board representative.

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

47.06 USE OF FIREARMS, EXPLOSIVES, WEAPONS AND FIREWORKS PROHIBITED. The use of firearms, explosives and weapons of all kinds by any person is prohibited in all City parks. The Park and Recreation Board may establish, by rule, the City parks or parts of City parks where firearms may be discharged during special events, festivals and educational programs. The use of fireworks in City parks is prohibited except as authorized by a permit issued by the Council.

47.07 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.

47.08 CONTROL OF ANIMALS. No privately owned animal shall be allowed to run at large in any City park or upon lands or in waters owned by or under the jurisdiction of the Park and Recreation Board except by permission of the Park and Recreation Board. Every such animal shall be deemed as running at large unless the owner carries such animal or leads it by a leash or chain not exceeding six feet in length or keeps it confined in or attached to a vehicle or has verbal control of the animal. No horse or other animal shall be hitched or tied to any tree or shrub or in such a manner as to result in injury to City property.

47.09 REMOVING PLANTS, FLOWERS OR FRUIT. No person shall in any manner remove, destroy, injure or deface any tree, shrub, plant or flower or the fruit thereof, or disturb or injure any structure or natural attraction, except upon written permission of the Park and Recreation Board certain specimens may be removed for scientific purposes. This section shall not apply to activities of the Park and Recreation Board or its officers or an employee when caring for and managing City-owned land and waters under the jurisdiction of the Park and Recreation Board.

47.10 PARKS CLOSED. No person, except those camping in designated areas, shall enter or remain within any park between the hours of twelve o'clock (12:00) midnight and five o'clock (5:00) a.m.

47.11 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 Park and Recreation Board is hereby authorized to fix fees for camping and other special privileges, which shall be in such amounts as may be determined by the Park and Recreation Board. Any person who camps in any City park shall register the person's name and address on the registration form provided at the camping registration booth.

**Sanborn Campground Rules
Miller Park**

1. Quiet Hours: 11:00 p.m. – 7:30 a.m. No excessive noise will be tolerated at any time. Violators will be asked to leave.
2. Site Rental: Sites must be paid for within 30 minutes of occupation. Camp in designated sites only. One family and one camping

unit per site (based on six people). Tents/carpets must be moved to new locations every seven days.

3. Vehicles: Limit 2 per campsite. Vehicles must be parked on campsite pad. No parking on grass or in adjoining campsites. Vehicles that do not fit on camping pad must be parked in the designated overflow parking area.

4. Speed Limit: 5 mph in campground area. All driving is confined to designated roadways and parking areas.

5. Pets: Must be leashed at all times. Owners are responsible for the sanitary disposal of pet waste. No pets allowed in buildings. Loud or vicious pets are not allowed. Violators will be asked to leave.

6. Garbage: Must be bagged or securely wrapped and deposited in provided dumpsters.

7. Fires: Allowed in fire rings only. Fires must be extinguished when site is vacated.

8. Trees and Shrubs: Defacing, damaging or destroying of any tree, shrub, flower or plant is prohibited. No gathering of live wood for fires. Violators will be assessed for damages and asked to leave.

9. Alcohol to be consumed at campsites only. No kegs.

10. No fireworks allowed.

11. No major repairing of RV's, trucks or cars. No washing of vehicles at campsites.

12. No propane tanks over 100 pounds are allowed.

13. No smoking in any building.

14. Campsites should be kept clean and tidy at all times. Littering is not allowed in any Sanborn park. Construction of permanent structures such as decks is not allowed.

The Park Board or designated representative reserves the right to evict any camper in violation of the above stated campground rules.

Liability: All facilities are used at your own risk. The equipment, apparatus and facilities are furnished solely for the convenience of the registered campers and guests only. All persons using the same will do so at their own risk. The City of Sanborn, Park Board members and designated representatives will not be responsible for accidents, injuries or loss of property by fire, theft, wind or act of God.

(Ord. 163 – Jun. 04 Supp.)

47.12 SWIMMING POOL. No person shall enter or remain in the swimming pool at any time other than when such pool is open for use and properly supervised.

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CHAPTER 50

NUISANCE ABATEMENT PROCEDURE

50.01 Definition of Nuisance
50.02 Nuisances Enumerated
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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 which 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, which, 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, which 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 62.09)**

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

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

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

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

11. Airport Air Space. Any object or structure hereafter erected within one thousand (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. Trash Piles. Accumulation of rubbish or trash tending to harbor vermin or rodents and creating the hazard of fire.

14. Septic Effluent. Effluent from a septic tank or drainage field running or ponding on the ground in the open, including in ditches.

15. Ponding Water. An accumulation of water until it becomes stagnant.

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

1. Junk and Junk Vehicles **(See Chapter 51)**
2. Dangerous Buildings **(See Chapter 145)**

3. Drug Paraphernalia (**See Chapter 52**)
4. Storage and Disposal of Solid Waste (**See Chapter 105**)
5. 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 the Mayor or other authorized municipal officer finds that a nuisance exists, such officer shall cause to be served upon the property owner a written notice to abate the nuisance within a reasonable time after notice. †

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

50.06 NOTICE TO ABATE: CONTENTS. The notice to abate shall contain:

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

1. Description of Nuisance. A description of what constitutes the nuisance.
2. Location of Nuisance. The location of the nuisance.
3. Acts Necessary to Abate. A statement of the act or acts necessary to abate the nuisance.
4. Reasonable Time. A reasonable time within which to complete the abatement.
5. 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 such person.

50.07 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])

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

50.08 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.

50.09 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 which may be required under this chapter without prior notice. The City shall assess the costs as provided in Section 50.11 after notice to the property owner under the applicable provisions of Sections 50.05, 50.06 and 50.07 and hearing as provided in Section 50.08.

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

50.10 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])

50.11 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 (1) 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])

50.12 INSTALLMENT PAYMENT OF COST OF ABATEMENT. If the amount expended to abate the nuisance or condition exceeds one hundred dollars (\$100.00), the City may permit the assessment to be paid in up to ten

(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)

50.13 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.

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CHAPTER 51

JUNK AND JUNK VEHICLES

51.01 Definitions

51.02 Junk and Junk Vehicles Prohibited

51.03 Junk and Junk Vehicles a Nuisance

51.04 Exceptions

51.05 Notice to Abate

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

1. “Junk” means all old or scrap copper, brass, lead, or any other non-ferrous metal; old or discarded rope, rags, batteries, paper, trash, rubber, debris, waste or used lumber, or salvaged wood; dismantled vehicles, machinery and appliances or parts of such vehicles, machinery or appliances, including, but not limited to, cargo boxes removed from trucks; 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 which has 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 which has become the habitat for rats, mice, or snakes, or any other vermin or insects.

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

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

F. Defective or Obsolete Condition. Any other vehicle which, 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, excepting devices moved by human power or used exclusively upon stationary rails or tracks, and includes without limitation a motor vehicle, automobile, truck, motorcycle, tractor, buggy, wagon, farm machinery, or any combination thereof.

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 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 the following:

1. A vehicle in an enclosed building.
2. A vehicle on the premises of a business enterprise operated in a district properly zoned therefor, as authorized under the Zoning Ordinance of the City, when necessary to the operation of said business enterprise, but not including dismantled vehicles, machinery and appliances, or parts of such vehicles, machinery or appliances, or cargo boxes removed from trucks.
3. A vehicle in an appropriate storage space or depository maintained in a lawful place and lawful manner by the City.
4. A display of an antique automobile, provided that all of the following conditions are met:
 - A. For purposes of this subsection, an "antique automobile" is one manufactured more than twenty (20) years prior to the date of display.

- B. The property owner shall apply for permission from the City Administrator for the display prior to putting up the display, and shall pay a one-time fee of one hundred dollars (\$100.00) if the display is approved. The City Administrator is authorized to require such documentation of intended display as deemed appropriate by the City Administrator and is also authorized to accept after-the-fact applications for any display which exists as of the date of the passage of the ordinance codified herein.
- C. The vehicle shall be displayed and maintained in an aesthetically pleasing manner, and continues to be so displayed.
- D. The vehicle shall be displayed together with a sign identifying the vehicle and providing suitable information about the vehicle for those viewing the display.
- E. The display shall be located in a commercially zoned district of the City (Districts AG, BGC, HSB, ML).
- F. No more than one such display shall exist on the property.
- G. All other applicable zoning requirements shall be met.

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 (5) days initiate abatement procedures as outlined in Chapter 50 of this Code of Ordinances.

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

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CHAPTER 55

ANIMAL PROTECTION AND CONTROL

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

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

1. "Animal" means a nonhuman vertebrate.
(Code of Iowa, Sec. 717B.1)
2. "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.
3. "Livestock" means an animal belonging to the bovine, caprine, equine, ovine or porcine species; farm deer, as defined in Section 481A.1 of the Code of Iowa; ostriches, rheas, emus or poultry.
(Code of Iowa, Sec. 717.1)
4. "Owner" means any person owning, keeping, sheltering or harboring an animal.

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

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

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

(Code of Iowa, Sec. 717.2)

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

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

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

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

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

55.08 ANNOYANCE OR DISTURBANCE. It is unlawful for the owner of a dog to allow or permit such dog to cause serious annoyance or disturbance to any person or persons 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. (Repealed by Ordinance No. 165 – Dec. 04 Supp.)

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

(Code of Iowa, Sec. 351.33)

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

(Code of Iowa, Sec. 351.38)

55.12 CONFINEMENT. When a local board of health receives information that any person has been bitten by an animal or that a dog or animal is suspected of having rabies, it 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 two weeks the board may humanely destroy the animal. If such animal is returned to its owner, the owner shall pay the cost of impoundment.

(Code of Iowa, Sec. 351.39)

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

55.14 DISPOSITION OF ANIMALS. When an animal has been apprehended and impounded, written notice shall be given in not less than two days to the owner, if known. 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 does not redeem the animal within seven days of the date of notice, or if the owner cannot be located within seven days, the animal may be humanely destroyed or otherwise disposed of in accordance with law.

(Code of Iowa, Sec. 351.37, 351.41)

55.15 IMPOUNDING COSTS. Impounding costs include a City impound fee of \$25.00 plus kennel costs that are charged directly by the clinic to the owner when the animal is claimed.

(Code of Iowa, Sec. 351.37)

55.16 RESTRICTIONS FOR FEEDING OF STRAY AND ABANDONED CATS AND DOGS. It shall be unlawful for a person to feed stray, feral, abandoned or uncontrolled cats and dogs. Any person violating this section shall be fined not less than \$50.00 and not more than \$150.00.

(Ord. 192 – Sep. 11 Supp.)

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CHAPTER 56

DANGEROUS AND VICIOUS ANIMALS

56.01 Definitions

56.02 Keeping of Dangerous Animals Prohibited

56.03 Keeping of Vicious Animals Prohibited

56.04 Seizure, Impoundment and Disposition

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

1. “Dangerous animal” means:
 - A. Badgers, wolverines, weasels, skunk and mink;
 - B. Raccoons;
 - C. Bats;
 - D. Scorpions;
 - E. Pit Bull Terriers, including the following:
 - (1) The Bull Terrier breed of dog;
 - (2) The Staffordshire Bull Terrier breed;
 - (3) The American Staffordshire Terrier breed;
 - (4) The American Pit Bull Terrier breed;
 - (5) Dogs of mixed breed or other breeds which are known as pit bulls, pit bulldogs or pit bull terriers;
 - (6) Any dog which has the appearance and characteristics of being predominantly of the breeds of Bull Terrier, Staffordshire Bull Terrier, American Pit Bull Terrier, American Staffordshire Terrier, any other breed commonly known as pit bulls, pit bull dogs or pit bull terriers or a combination of any of these breeds.
2. “Vicious animal” means any animal, except for a dangerous animal per se, as listed above, that has bitten or clawed a person or persons while running at large and the attack was unprovoked, or any animal that has exhibited vicious tendencies in present or past conduct, including such that said animal (a) has bitten or clawed a person or persons on two separate occasions within a twelve-month period; or (b) did bite or claw once causing injuries above the shoulders of a person; or (c) could not be controlled or restrained by the owner at the time of the

attack to prevent the occurrence; or (d) has attacked any domestic animal or fowl on three separate occasions within a twelve-month period.

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

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

1. Animals under the control of a law enforcement or military agency.
2. The Keeping of Guard Dogs. However, guard dogs, must be kept within a structure or fixed enclosure at all times, and any guard dog found at large may be processed as a vicious animal pursuant to the provisions of this chapter. Any premises guarded by a guard dog shall be prominently posted with a sign containing the wording "Guard Dog," "Vicious Dog" or words of similar import, and the owner of such premises shall inform the local law enforcement officers that a guard dog is on duty at said premises.

56.04 SEIZURE, IMPOUNDMENT AND DISPOSITION.

1. In the event that a dangerous animal or vicious animal is found at large and unattended upon public property, park property, public right-of-way or the property of someone other than its owner, thereby creating a hazard to persons or property, such animal may, in the discretion of the Mayor or peace officer, be destroyed if it cannot be confined or captured. The City shall be under no duty to attempt the confinement or capture of a dangerous animal or vicious animal found at large, nor shall it have a duty to notify the owner of such animal prior to its destruction.
2. Upon the complaint of any individual that a person is keeping, sheltering or harboring a dangerous animal or vicious animal on premises in the City, the Mayor shall cause the matter to be investigated and if after investigation, the facts indicate that the person named in the complaint is keeping, sheltering or harboring a dangerous or vicious animal in the City, the Mayor shall order the person named in the complaint to safely remove such animal from the City or destroy the animal within three (3) days of the receipt of such an order. Such order shall be contained in a notice to remove dangerous or vicious animal, which notice shall be given in writing to the person keeping, sheltering

or harboring the dangerous animal or vicious animal, and shall be served personally or by certified mail. Such order and notice to remove the dangerous animal or vicious animal shall not be required where such animal has previously caused serious physical harm or death to any person, in which case the Mayor shall cause the animal to be immediately seized and impounded or killed if seizure and impoundment are not possible without risk of serious physical harm or death to any person.

3. The order to remove a dangerous animal or vicious animal issued by the Mayor may be appealed to the Council. In order to appeal such order, written notice of appeal must be filed with the Clerk within three (3) days after receipt of the order contained in the notice to remove dangerous or vicious animal. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order of the Mayor.

4. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the Clerk. The hearing of such appeal shall be scheduled within seven (7) days of the receipt of notice of appeal. The hearing may be continued for good cause. After such hearing, the Council may affirm or reverse the order of the Mayor. Such determination shall be contained in a written decision and shall be filed with the Clerk within three (3) days after the hearing or any continued session thereof.

5. If the Council affirms the action of the Mayor, the Council shall order in its written decision that the person owning, sheltering, harboring or keeping such dangerous or vicious animal remove such animal from the City or destroy it. The decision and order shall immediately be served upon the person against whom rendered in the same manner as the notice of removal. If the original order of the Mayor is not appealed and is not complied with within three (3) days or the order of the Council after appeal is not complied with within three (3) days of its issuance, the Mayor is authorized to seize, impound or destroy such dangerous or vicious animal. Failure to comply with an order of the Mayor issued pursuant to this chapter and not appealed, or of the Council after appeal, constitutes a simple misdemeanor.

(Ch. 56 – Ord. 180 – Apr. 08 Supp.)

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CHAPTER 60

ADMINISTRATION OF TRAFFIC CODE

60.01 Title

60.02 Definitions

60.03 Administration and Enforcement

60.04 Power to Direct Traffic

60.05 Traffic Accidents: Reports

60.06 Peace Officer's Authority

60.07 Obedience to Peace Officers

60.01 TITLE. Chapters 60 through 70 of this Code of Ordinances may be known and cited as the “Sanborn Traffic Code.”

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

(Code of Iowa, Sec. 321.1)

1. “Business District” means the territory contiguous to and including the following designated streets:

Main Street between First Street and Seventh Street

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 forty percent (40%) or more of the frontage on such a highway for a distance of three hundred (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 two hundred (200) feet in either direction from a school house.

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

7. “Stop” means when required, the complete cessation of movement.
8. “Stop” or “stopping” means when prohibited, any halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control sign or signal.
9. “Suburban district” means all other parts of the City not included in the business, school or residence districts.
10. “Traffic control device” means all signs, signals, markings, and devices not inconsistent with this chapter, lawfully placed or erected for the purpose of regulating, warning, or guiding traffic.
11. “Vehicle” means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, street, or alley.

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

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

60.04 POWER TO DIRECT TRAFFIC. A peace officer, and, 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 TRAFFIC ACCIDENTS: REPORTS. 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 & 321.274)

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)

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CHAPTER 61

TRAFFIC CONTROL DEVICES

61.01 Installation
61.02 Crosswalks
61.03 Traffic Lanes

61.04 Standards
61.05 Compliance

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

(Code of Iowa, Sec. 321.255)

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

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

61.03 TRAFFIC LANES. The Police Chief is hereby authorized to mark lanes for traffic on street pavements at such places as traffic conditions require, consistent with the traffic code of the City. Where such traffic lanes have been marked, it shall be 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)

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 Funeral Processions

62.07 Tampering with Vehicle
62.08 Open Containers in Motor Vehicles
62.09 Obstructing View at Intersections
62.10 Reckless Driving
62.11 Careless Driving
62.12 Golf Carts

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 321.20B — Proof of security against liability.
2. Section 321.32 — Registration card, carried and exhibited.
3. Section 321.37 — Display of plates.
4. Section 321.38 — Plates, method of attaching, imitations prohibited.
5. Section 321.79 — Intent to injure.
6. Section 321.91 — Penalty for abandonment.
7. Section 321.98 — Operation without registration.
8. Section 321.99 — Fraudulent use of registration.
9. Section 321.174 — Operators licensed.
10. Section 321.174A — Operation of motor vehicles with expired license.
11. Section 321.180 — Instruction permits.
12. Section 321.180B — Graduated driver's licenses for persons aged fourteen through seventeen.
13. Section 321.193 — Restricted licenses.
14. Section 321.194 — Special minor's licenses.
15. Section 321.216 — Unlawful use of license and nonoperator's identification card.

16. Section 321.216B — Use of driver's license or nonoperator's identification card by underage person to obtain alcohol.
17. Section 321.216C — Use of driver's license or nonoperator's identification card by underage person to obtain cigarettes or tobacco products.
18. Section 321.219 — Permitting unauthorized minor to drive.
19. Section 321.220 — Permitting unauthorized person to drive.
20. Section 321.221 — Employing unlicensed chauffeur.
21. Section 321.222 — Renting motor vehicle to another.
22. Section 321.223 — License inspected.
23. Section 321.224 — Record kept.
24. Section 321.232 — Radar jamming devices; penalty.
25. Section 321.234A — All-terrain vehicles.
26. Section 321.247 — Golf cart operation on City streets.
27. Section 321.259 — Unauthorized signs, signals or markings.
28. Section 321.262 — Damage to vehicle.
29. Section 321.263 — Information and aid.
30. Section 321.264 — Striking unattended vehicle.
31. Section 321.265 — Striking fixtures upon a highway.
32. Section 321.275 — Operation of motorcycles and motorized bicycles.
33. Section 321.278 — Drag racing prohibited.
34. Section 321.288 — Control of vehicle; reduced speed.
35. Section 321.295 — Limitation on bridge or elevated structures.
36. Section 321.297 — Driving on right-hand side of roadways; exceptions.
37. Section 321.298 — Meeting and turning to right.
38. Section 321.299 — Overtaking a vehicle.
39. Section 321.302 — Overtaking on the right.
40. Section 321.303 — Limitations on overtaking on the left.
41. Section 321.304 — Prohibited passing.

42. Section 321.307 — Following too closely.
43. Section 321.308 — Motor trucks and towed vehicles; distance requirements.
44. Section 321.309 — Towing; convoys; drawbars.
45. Section 321.310 — Towing four-wheel trailers.
46. Section 321.312 — Turning on curve or crest of grade.
47. Section 321.313 — Starting parked vehicle.
48. Section 321.314 — When signal required.
49. Section 321.315 — Signal continuous.
50. Section 321.316 — Stopping.
51. Section 321.317 — Signals by hand and arm or signal device.
52. Section 321.319 — Entering intersections from different highways.
53. Section 321.320 — Left turns; yielding.
54. Section 321.321 — Entering through highways.
55. Section 321.322 — Vehicles entering stop or yield intersection.
56. Section 321.323 — Moving vehicle backward on highway.
57. Section 321.323A — Stationary authorized emergency vehicles.
(Ord. 160 – Aug. 03 Supp.)
58. Section 321.324 — Operation on approach of emergency vehicles.
59. Section 321.329 — Duty of driver — pedestrians crossing or working on highways.
60. Section 321.330 — Use of crosswalks.
61. Section 321.332 — White canes restricted to blind persons.
62. Section 321.333 — Duty of drivers.
63. Section 321.340 — Driving through safety zone.
64. Section 321.341 — Obedience to signal of train.
65. Section 321.342 — Stop at certain railroad crossings; posting warning.
66. Section 321.343 — Certain vehicles must stop.
67. Section 321.344 — Heavy equipment at crossing.

68. Section 321.344B — Immediate safety threat – penalty.
69. Section 321.354 — Stopping on traveled way.
70. Section 321.359 — Moving other vehicle.
71. Section 321.362 — Unattended motor vehicle.
72. Section 321.363 — Obstruction to driver’s view.
73. Section 321.364 — Preventing contamination of food by hazardous material.
74. Section 321.365 — Coasting prohibited.
75. Section 321.367 — Following fire apparatus.
76. Section 321.368 — Crossing fire hose.
77. Section 321.369 — Putting debris on highway.
78. Section 321.370 — Removing injurious material.
79. Section 321.371 — Clearing up wrecks.
80. Section 321.372 — School buses.
81. Section 321.381 — Movement of unsafe or improperly equipped vehicles.
82. Section 321.381A — Operation of low-speed vehicles.
83. Section 321.382 — Upgrade pulls; minimum speed.
84. Section 321.383 — Exceptions; slow vehicles identified.
85. Section 321.384 — When lighted lamps required.
86. Section 321.385 — Head lamps on motor vehicles.
87. Section 321.386 — Head lamps on motorcycles and motorized bicycles.
88. Section 321.387 — Rear lamps.
89. Section 321.388 — Illuminating plates.
90. Section 321.389 — Reflector requirement.
91. Section 321.390 — Reflector requirements.
92. Section 321.392 — Clearance and identification lights.
93. Section 321.393 — Color and mounting.
94. Section 321.394 — Lamp or flag on projecting load.
95. Section 321.395 — Lamps on parked vehicles.

96. Section 321.398 — Lamps on other vehicles and equipment.
97. Section 321.402 — Spot lamps.
98. Section 321.403 — Auxiliary driving lamps.
99. Section 321.404 — Signal lamps and signal devices.
100. Section 321.404A — Light-restricting devices prohibited.
101. Section 321.405 — Self-illumination.
102. Section 321.406 — Cowl lamps.
103. Section 321.408 — Back-up lamps.
104. Section 321.409 — Mandatory lighting equipment.
105. Section 321.415 — Required usage of lighting devices.
106. Section 321.417 — Single-beam road-lighting equipment.
107. Section 321.418 — Alternate road-lighting equipment.
108. Section 321.419 — Number of driving lamps required or permitted.
109. Section 321.420 — Number of lamps lighted.
110. Section 321.421 — Special restrictions on lamps.
111. Section 321.422 — Red light in front.
112. Section 321.423 — Flashing lights.
113. Section 321.430 — Brake, hitch and control requirements.
114. Section 321.431 — Performance ability.
115. Section 321.432 — Horns and warning devices.
116. Section 321.433 — Sirens, whistles, and bells prohibited.
117. Section 321.434 — Bicycle sirens or whistles.
118. Section 321.436 — Mufflers, prevention of noise.
119. Section 321.437 — Mirrors.
120. Section 321.438 — Windshields and windows.
121. Section 321.439 — Windshield wipers.
122. Section 321.440 — Restrictions as to tire equipment.
123. Section 321.441 — Metal tires prohibited.
124. Section 321.442 — Projections on wheels.

125. Section 321.444 — Safety glass.
126. Section 321.445 — Safety belts and safety harnesses — use required.
127. Section 321.446 — Child restraint devices.
128. Section 321.449 — Motor carrier safety regulations.
129. Section 321.450 — Hazardous materials transportation.
130. Section 321.454 — Width of vehicles.
131. Section 321.455 — Projecting loads on passenger vehicles.
132. Section 321.456 — Height of vehicles; permits.
133. Section 321.457 — Maximum length.
134. Section 321.458 — Loading beyond front.
135. Section 321.460 — Spilling loads on highways.
136. Section 321.461 — Trailers and towed vehicles.
137. Section 321.462 — Drawbars and safety chains.
138. Section 321.463 — Maximum gross weight.
139. Section 321.465 — Weighing vehicles and removal of excess.
140. Section 321.466 — Increased loading capacity - reregistration.

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

(Code of Iowa, Sec. 321.255)

62.03 VEHICLES ON SIDEWALKS. The driver of a vehicle shall not drive upon or within any sidewalk area except at a driveway.

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 FUNERAL PROCESSIONS. Upon the immediate approach of a funeral procession, the driver of every other vehicle, except an authorized emergency vehicle, shall yield the right-of-way. An operator of a motor vehicle which is part of a funeral procession shall not be charged with violating traffic rules and regulations relating to traffic signals and devices while participating in the procession unless the operation is reckless.

(Code of Iowa, Sec. 321.324A)

62.07 TAMPERING WITH VEHICLE. It is unlawful for any person, either individually or in association with one or more other persons, to willfully injure or tamper with any vehicle or break or remove any part or parts of or from a vehicle without the consent of the owner.

62.08 OPEN CONTAINERS IN MOTOR VEHICLES.

1. Drivers. A driver of a motor vehicle upon a public street or highway shall not possess in the passenger area of the motor vehicle an open or unsealed bottle, can, jar, or other receptacle containing an alcoholic beverage.

(Code of Iowa, Sec. 321.284)

2. Passengers. A passenger in a motor vehicle upon a public street or highway shall not possess in the passenger area of the motor vehicle an open or unsealed bottle, can, jar or other receptacle containing an alcoholic beverage.

(Code of Iowa, Sec. 321.284A)

As used in this section “passenger area” means the area of a motor vehicle designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in their seating positions, including the glove compartment. An open or unsealed receptacle containing an alcoholic beverage may be transported in the trunk of the motor vehicle. An unsealed receptacle containing an alcoholic beverage may be transported behind the last upright seat of the motor vehicle if the motor vehicle does not have a trunk.

62.09 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.

62.10 RECKLESS DRIVING. No person shall drive any vehicle in such manner as to indicate a willful or a wanton disregard for the safety of persons or property.

(Code of Iowa, Sec. 321.277)

62.11 CARELESS DRIVING. No person shall intentionally operate a motor vehicle on a street or highway in any one of the following ways:

(Code of Iowa, Sec. 321.277A)

1. Creating or causing unnecessary tire squealing, skidding or sliding upon acceleration or stopping.
2. Simulating a temporary race.
3. Causing any wheel or wheels to unnecessarily lose contact with the ground.
4. Causing the vehicle to unnecessarily turn abruptly or sway.

62.12 GOLF CARTS. Golf carts may be operated on City streets by persons possessing a valid motor vehicle operator's license. However, a golf cart shall not be operated upon a City street which is a primary road extension through the City but shall be allowed to cross a City street which is a primary road extension through the City. The most direct route to the golf course and back to the operator's residence must be used. The golf carts shall be equipped with a slow moving vehicle sign and a bicycle safety flag and shall be operated on streets only from sunrise to sunset. Golf carts operated on City streets shall be equipped with adequate brakes and shall meet any other safety requirements imposed by the Council. Golf carts are not subject to registration provisions.

(Code of Iowa, Sec. 321.247)

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CHAPTER 63

SPEED REGULATIONS

63.01 General

63.02 State Code Speed Limits

63.03 Parks, Cemeteries and Parking Lots

63.04 Special Speed Restrictions

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 – twenty (20) miles per hour.
2. Residence or School District – twenty-five (25) miles per hour.
3. Suburban District – forty-five (45) miles per hour.

63.03 PARKS, CEMETERIES AND PARKING LOTS. A speed in excess of fifteen (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 RESTRICTIONS. In accordance with requirements of the Iowa State 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 25 MPH Speed Zones. A speed in excess of twenty-five (25) miles per hour is unlawful on any of the following designated streets or parts thereof.
 - A. Western Street from south corporate line to a point 630 feet south of the centerline of Sanborn Street;
2. Special 35 MPH Speed Zones. A speed in excess of thirty-five (35) miles per hour is unlawful on any of the following designated streets or parts thereof.
 - A. U. S. Highway 18 (Seventh Street) between Western Street and 150 feet east of Carroll Street;
 - B. Eastern Avenue from south corporate line to the north corporate line;
3. Special 45 MPH Speed Zones. A speed in excess of forty-five (45) miles per hour is unlawful on any of the following designated streets or parts thereof.
 - A. U. S. Highway 18 (Seventh Street) from 50 feet east of Carroll Street to 50 feet west of Ida Street.

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

(Code of Iowa, Sec. 321.294)

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CHAPTER 64

TURNING REGULATIONS

64.01 Authority to Mark
64.02 U-turns

64.03 Left Turn for Parking

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

(Code of Iowa, Sec. 321.311)

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

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

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

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

1. Main Street and Second Street;
2. Main Street and Third Street;
3. Main Street and Fifth Street;

4. Main Street and Sixth Street;
5. Main Street and 320th Street (U.S. Highway 18);
6. Any intersection with Seventh Street (U.S. Highway 18).

64.03 LEFT TURN FOR PARKING. No person shall make a left hand turn, crossing the centerline of the street, for the purpose of parking on said street. The scheduled fine for violation of this section is twenty dollars (\$20.00).

CHAPTER 65

STOP OR YIELD REQUIRED

65.01 Vehicles Entering Stop Intersection
65.02 Through Streets – Stop
65.03 Stop Required
65.04 Vehicles Entering Yield Intersection
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

65.01 VEHICLES ENTERING STOP INTERSECTION. The driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop at the first opportunity at either the clearly marked stop line, or before entering the crosswalk, or before entering the intersection, or at the point nearest the intersecting roadway before entering the intersection. Before proceeding, the driver shall yield the right-of-way to any vehicle on the intersecting roadway which is approaching so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection.

(Code of Iowa, 321.322[1])

65.02 THROUGH STREETS - STOP. 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. Main Street, between First Street and 320th Street (U.S. Highway 18).
2. Prospect Street, between First Street and 320th Street (U.S. Highway 18).
3. East First Street, between Carroll Street and Main Street.
4. West First Street, between Main Street and Western Street.
5. 320th Street (U.S. Highway 18), between Western Street and Eastern Avenue.

65.03 STOP REQUIRED. Every driver of a vehicle shall stop before entering the following intersections from the directions indicated:

(Code of Iowa, Sec. 321.345)

1. O'Brien Street. Vehicles traveling north on O'Brien Street shall stop at West Second Street.
2. Angie Street. Vehicles traveling south on Angie Street shall stop at railroad crossing.

3. Walnut Street. Vehicles traveling west on Walnut Street shall stop at Western Street.
4. West Fifth Street. Vehicles traveling west on West Fifth Street shall stop at Western Street.
5. West Fourth Street. Vehicles traveling west on West Fourth Street shall stop at Western Street.
6. West Third Street. Vehicles traveling west on West Third Street shall stop at Western Street.
7. West Second Street. Vehicles traveling west on West Second Street shall stop at Western Street.
8. West First Street. Vehicles traveling west on West First Street shall stop at Western Street.
9. Miller Park Driveway. Vehicles traveling east on Miller Park Driveway shall stop at Western Street.
10. Walker Street. Vehicles traveling west on Walker Street shall stop at Western Street.
11. Valleau Street. Vehicles traveling west on Valleau Street shall stop at Western Street.
12. Sanborn Street. Vehicles traveling west on Sanborn Street shall stop at Western Street.
13. Sunrise Street. Vehicles traveling east on Sunrise Street shall stop at Eastern Avenue.
14. Petrich Street. Vehicles traveling east on Petrich Street shall stop at Eastern Avenue.
15. First Street. Vehicles traveling east on East First Street shall stop at Eastern Avenue.
16. First Street. Vehicles traveling west on West First Street shall stop at Western Street.
17. Sunrise Street. Vehicles traveling west on Sunrise Street shall stop at Eastern Avenue.
18. East Fourth Street. Vehicles traveling on East Fourth Street shall stop at Carroll Street.
19. O'Brien Street. Vehicles traveling on O'Brien Street shall stop at West Fifth Street.

20. West Fifth Street. Vehicles traveling on West Fifth Street shall stop at O'Brien Street.
21. Western Street. Vehicles traveling north on Western Street shall stop at the railroad crossing.
22. Westview Street. Vehicles traveling west on Westview Street shall stop at Western Street.
23. Prairie View Drive. Vehicles traveling on Prairie View Drive shall stop at Eastern Avenue.
24. Petrich Street. Vehicles traveling on Petrich Street shall stop at Willis Street.
25. East Third Street. Vehicles traveling on East Third Street shall stop at Eastern Avenue.
26. Petrich Street. Vehicles traveling west on Petrich Street shall stop at Joyce Street.
27. Sunrise Street. Vehicles traveling west on Sunrise Street shall stop at Joyce Street.
28. Summit Street. Vehicles traveling north and south on Summit Street shall stop at West Fourth Street. *(Ord. 157 – Jun. 03 Supp.)*
29. Main Street. Vehicles traveling north and south on Main Street shall stop at West Fifth Street. *(Ord. 161 – Jun. 04 Supp.)*

65.04 VEHICLES ENTERING YIELD INTERSECTION. The driver of a vehicle approaching a yield sign shall slow to a speed reasonable for the existing conditions and, if required for safety, shall stop at the first opportunity at either the clearly marked stop line, or before entering the crosswalk, or before entering the intersection, or at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. After slowing or stopping, the driver shall yield the right-of-way to any vehicle on the intersecting roadway which has entered the intersection or which is approaching so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection.

(Code of Iowa, 321.322[2])

65.05 YIELD REQUIRED. Every driver of a vehicle shall yield in accordance with the foregoing section, at the following intersections if approaching from the directions indicated:

(Code of Iowa, Sec. 321.345)

1. East Second Street. Vehicles traveling east on East Second Street shall yield at Carroll Street.
2. East Third Street. Vehicles traveling east on East Third Street shall yield at Carroll Street.
3. Franklin Street. Vehicles traveling north on Franklin Street shall yield at East Second Street.
4. Joyce Street. Vehicles traveling west on Joyce Street shall yield at Carroll Street.
5. Petrich Street. Vehicles traveling west on Petrich Street shall yield at Joyce Street.

65.06 SCHOOL STOPS. At the following school crossing zones approved by the Council, every driver of a vehicle approaching said zone shall bring his or her vehicle to a full stop at a point ten (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. Main Street at Fifth Street.
2. Prospect Street at West Second 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)

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CHAPTER 66

LOAD AND WEIGHT RESTRICTIONS

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

66.04 Load Limits on Bridges
66.05 Truck Route

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

(Code of Iowa, Sec. 321.471 & 472)

66.02 PERMITS FOR EXCESS SIZE AND WEIGHT. The Police Chief may, upon application and good cause being shown therefor, 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.1)

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)

1. 5 ton limit per axle on Walker Street from Angie Street to Western Street, excluding Angie/Walker intersection.
2. 5 ton limit per axle on Angie Street from Walker Street to Sanborn Street, excluding Angie/Walker intersection.
3. 5 ton limit per axle on Angie Street from Sanborn Street to Western Street.
4. 5 ton limit per axle on Angie Street from Valleu Street to Western Street.

(Ord. 186 – Feb. 09 Supp.)

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

(Code of Iowa, Sec. 321.471)

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

1. Truck Routes Designated. Every motor vehicle weighing six (6) tons or more per axle, 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. U.S. Highway 18. U.S. Highway 18 from west corporate limits.
 - B. Western Street. Western Street between Orange Street to south corporate limits.
 - C. First Street. First Street between Western Street and Eastern Avenue.
 - D. Eastern Avenue. Eastern Avenue from south corporate limits to north corporate limits.
 - E. 320th Street (U.S. Highway 18). 320th Street from Eastern Avenue to east corporate limits.
 - F. Alleyway. Alleyway between O'Brien Street and Main Street from First Street to Fourth Street.
 - G. Alleyway. Alleyway between Main Street and Franklin Street from First Street to Fourth Street.
2. Deliveries Off Truck Route. Any motor vehicle weighing six (6) tons or more per axle, when loaded or empty, having a fixed terminal, making a scheduled or definite stop within the City for the purpose of loading or unloading shall proceed over or upon the designated routes set out in this section to the nearest point of its scheduled or definite stop and shall proceed thereto, load or unload and return, by the most direct route to its point of departure from said designated route.

(Code of Iowa, Sec. 321.473)

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

(Code of Iowa, Sec. 321.473)

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CHAPTER 67

PEDESTRIANS

67.01 Walking in Street
67.02 Hitchhiking

67.03 Pedestrian Crossing
67.04 Use Sidewalks

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

(Code of Iowa, Sec. 321.326)

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

(Code of Iowa, Sec. 321.331)

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

(Code of Iowa, Sec. 321.328)

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

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CHAPTER 68

ONE-WAY TRAFFIC

68.01 ONE-WAY TRAFFIC REQUIRED. Upon the following streets and alleys vehicular traffic, other than permitted cross traffic, shall move only in the indicated direction when appropriate signs are in place.

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

- NONE -

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CHAPTER 69

PARKING REGULATIONS

69.01 Park Adjacent to Curb	69.09 All Night Parking Prohibited
69.02 Park Adjacent to Curb - One-way Street	69.10 Truck Parking Limited
69.03 Angle Parking	69.11 Parking Limited to Ten Minutes
69.04 Angle Parking – Manner	69.12 School Loading Zone
69.05 Parking for Certain Purposes Illegal	69.13 Snow Removal
69.06 Parking Prohibited	69.14 Snow Routes
69.07 Persons With Disabilities Parking	69.15 Fire Lanes
69.08 No Parking Zones	

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 eighteen (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 PARK ADJACENT TO CURB - ONE-WAY STREET. 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 eighteen (18) inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking.

(Code of Iowa, Sec. 321.361)

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

(Code of Iowa, Sec. 321.361)

1. Main Street, on both sides, between First Street and Fifth Street.
2. Main Street, on the east side, between Fifth Street and 320th Street (U.S. Highway 18).
3. East Second Street and West Second Street, on both sides, between Main Street to the alleyway east and west of Main Street.
4. East Third Street and West Third Street, on both sides, between Main Street to the alleyway east and west of Main Street.
5. East Fifth Street, on the north side, between Main Street and Franklin Street.

6. East First Street, on the south side, between Main Street and the alleyway east of Main Street.

69.04 ANGLE PARKING - MANNER. Upon those streets or portions of streets which have been signed or marked for angle parking, no person shall park or stand a vehicle other than at an angle to the curb or edge of the roadway or in the center of the roadway as indicated by such signs and markings. No part of any vehicle, or the load thereon, when parked within a diagonal parking district, shall extend into the roadway more than a distance of sixteen (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 seventy-two (72) hours 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 twenty (20) feet on either side of a mailbox which is so placed and so equipped as to permit the depositing of mail from vehicles on the roadway.
(Code of Iowa, Sec. 321.236 [1])
4. Sidewalks. On or across a sidewalk.
(Code of Iowa, Sec. 321.358 [1])

5. Driveway. In front of a public or private driveway.
(Code of Iowa, Sec. 321.358 [2])
6. Intersection. Within, or within ten (10) feet of an intersection of any street or alley.
(Code of Iowa, Sec. 321.358 [3])
7. Fire Hydrant. Within five (5) feet of a fire hydrant.
(Code of Iowa, Sec. 321.358 [4])
8. Stop Sign or Signal. Within ten (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 fifty (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 twenty (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 seventy-five (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 fifty (50) feet is hereby reserved at the side of the street in front of any theatre, auditorium, hotel having more than twenty-five (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 ten (10) feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property. The provisions of this subsection shall not apply to a vehicle parked in any alley which is eighteen (18) feet wide or less; provided said vehicle is parked to deliver goods or services.

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

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

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

17. 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. Nonresidential Off-street Facilities. Nonresidential off-street parking facilities shall set aside persons with disabilities parking spaces in accordance with the following:

A. Municipal off-street public parking facilities or an entity providing nonresidential parking in off-street public parking facilities shall provide not less than two percent (2%) of the total parking spaces in each parking facility as persons with disabilities parking spaces, rounded to the nearest whole number of persons with disabilities parking spaces. However, such parking facilities having ten (10) or more parking spaces shall set aside at least one persons with disabilities parking space.

(Code of Iowa, Sec. 321L.5[3a])

B. An entity providing off-street nonresidential public parking facilities shall review the utilization of existing persons with disabilities parking spaces for a one-month period not less than

once every twelve months. If upon review, the average occupancy rate for persons with disabilities parking spaces in a facility exceeds sixty percent (60%) during normal business hours, the entity shall provide additional persons with disabilities parking spaces as needed.

(Code of Iowa, Sec. 321L.5[3b])

C. An entity providing off-street nonresidential parking as a lessor shall provide a persons with disabilities parking space to an individual requesting to lease a parking space, if that individual possesses a persons with disabilities parking permit issued in accordance with Section 321L.2 of the Code of Iowa.

(Code of Iowa, Sec. 321L.5[3c])

D. A new nonresidential facility in which construction has been completed on or after July 1, 1991, providing parking to the general public shall provide persons with disabilities parking spaces as stipulated below:

TOTAL PARKING SPACES IN LOT	REQUIRED MINIMUM NUMBER OF PERSONS WITH DISABILITIES PARKING SPACES
10 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	†
1001 and over	‡
† Two percent (2%) of total	
‡ Twenty (20) spaces plus one for each 100 over 1000	

(Code of Iowa, Sec. 321L.5[3d])

2. Residential Buildings and Facilities. All public and private buildings and facilities, temporary and permanent, which are residences and which provide ten (10) or more tenant parking spaces, excluding extended health care facilities, shall designate at least one persons with disabilities parking space as needed for each individual dwelling unit in

which a person with a disability resides. Residential buildings and facilities which provide public visitor parking of ten (10) or more spaces shall designate persons with disabilities parking spaces in the visitors' parking area in accordance with the table contained in subsection (1)(D) of this section.

(IAC, 661-18.7[321L])

3. Business District. With respect to any on-street parking areas provided by the City within the business district, not less than two percent (2%) of the total parking spaces within each business district shall be designated as persons with disabilities parking spaces.

(Code of Iowa, Sec. 321L.5[4a])

4. Other Spaces. Any other person may set aside persons with disabilities parking spaces on the person's property provided each parking space is clearly and prominently designated as a persons with disabilities parking space. No unauthorized person shall establish any on-street persons with disabilities parking space without first obtaining Council approval.

(Code of Iowa, Sec. 321L.5[3e])

5. 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.

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

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

B. A person shall not interfere with a wheelchair parking cone which is properly placed under the provisions of Section 321L.2A (1) of the Code of Iowa.

69.08 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. West Fifth Street, on the north side, between Main Street and O'Brien Street.
2. Main Street, on the west side, between Seventh Street and Fifth Street.
3. On the east side of any street which runs north and south or on the north side of any street that runs east and west, except on O'Brien Street between 320th Street and Brady Street and except those areas listed in Section 69.03 of this chapter.
4. Any place on Western Street.
5. Any place on Eastern Avenue.

69.09 ALL NIGHT PARKING PROHIBITED. No person, except physicians or other persons on emergency calls, shall park a vehicle on any of the following designated areas between the hours of two o'clock (2:00) a.m. and six o'clock (6:00) a.m. of any day.

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

1. Main Street, between First Street and 320th Street (U.S. Highway 18).

69.10 TRUCK PARKING LIMITED. Excepting only when such vehicles are actually engaged in the delivery or receiving of merchandise or cargo within the prohibited area, no person shall park or leave standing a motor truck, semi-trailer, or other motor vehicle with trailer attached on any street, alley, public or private parking lot or drive of any service station between the hours of nine o'clock (9:00) p.m. and seven o'clock (7:00) a.m. with the engine, auxiliary engine, air compressor, refrigerating equipment or other device in operation giving off audible sounds excepting only the drive of a service station when actually being serviced and then in no event for more than thirty (30) minutes. The provisions of this section do not apply to pick-up, light delivery or panel delivery trucks.

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

69.11 PARKING LIMITED TO TEN MINUTES. It is unlawful to park any vehicle for a continuous period of more than ten (10) minutes between the hours of eight o'clock (8:00) a.m. and five o'clock (5:00) p.m. upon the following designated streets:

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

1. Main Street, on the east side, in front of City Hall.

69.12 SCHOOL LOADING ZONE. No person, except drivers of authorized school buses, shall park any vehicle on the north side of Fifth Street from Main Street to O'Brien Street. Drivers of authorized school buses shall not leave the buses unattended while parked in this zone.

69.13 SNOW REMOVAL. No person shall park or permit to be parked a vehicle, including nonself-propelled vehicles, on any street from November 1 through March 31 of the following year between the hours of two o'clock (2:00) a.m. and six o'clock (6:00) a.m. of each day and until the snow removal operations have been completed and the snow has been plowed from said street, alley or parking area, except that this provision shall not apply to vehicles parked immediately adjacent upon the place of employment of the operator thereof, and said operator is then engaged in such employment and except disabled vehicles and emergency vehicles.

(Code of Iowa, 321.236[1] & [1a] & Sec. 321.358[14])

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

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

69.15 FIRE LANES. No person shall stop, stand or park a vehicle in a fire lane that is either marked by an official sign or temporarily designated by the Fire Chief. This provision does not apply to authorized emergency vehicles.

(Code of Iowa, Sec. 321.236)

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CHAPTER 70

TRAFFIC CODE ENFORCEMENT PROCEDURES

70.01 Arrest or Citation

70.02 Scheduled Violations

70.03 Parking Violations: Alternate

70.04 Parking Violations: Vehicle Unattended

70.05 Presumption in Reference to Illegal Parking

70.06 Impounding Vehicles

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

1. Immediate Arrest. Immediately arrest such person and take such person before a local magistrate, or
2. Issue Citation. Without arresting the person, prepare in quintuplicate a combined traffic citation and complaint as adopted by the Iowa Commissioner of Public Safety and deliver the original and a copy to the court where the defendant is to appear, two copies to the defendant and retain the fifth copy for the records of the City.

(Code of Iowa, Sec. 805.6, 321.485)

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

(Code of Iowa, Sec. 805.6, 805.8)

70.03 PARKING VIOLATIONS: ALTERNATE. Admitted violations of parking restrictions imposed by this Code of Ordinances may be charged upon a simple notice of a fine payable at the office of the City Clerk. The simple notice of a fine shall be in the amount of five dollars (\$5.00) for all violations except snow route parking violations and improper use of a persons with disabilities parking permit. If such fine is not paid within thirty (30) days, it shall be increased to ten dollars (\$10.00). The simple notice of a fine for snow route parking violations[†] is twenty-five dollars (\$25.00), and the simple notice of a fine for improper use of a persons with disabilities parking permit is one hundred dollars (\$100.00). Failure to pay the simple notice of a fine shall be grounds for the filing of a complaint in District Court.

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

[†] **EDITOR'S NOTE:** A snow route parking violation occurs when the driver of a vehicle impedes or blocks traffic on a designated snow route. (See Section 69.14.)

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 Seventy-two Hour Period. When any vehicle is left parked for a continuous period of seventy-two (72) hours or more. If the owner is found, the owner shall be given an opportunity to remove the vehicle.

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

5. Costs. In addition to the standard penalties provided, the owner or driver of any vehicle impounded for the violation of any of the

provisions of this chapter shall be required to pay the reasonable cost of towing and storage.

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

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CHAPTER 75

ALL-TERRAIN VEHICLES AND SNOWMOBILES

75.01 Purpose

75.02 Definitions

75.03 General Regulations

75.04 Operation of Snowmobiles

75.05 Operation of All-Terrain Vehicles

75.06 Negligence

75.07 Accident Reports

75.08 Towing

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

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

1. “All-terrain vehicle” or “ATV” means a motorized flotation-tire vehicle, with not less than three (3) and not more than six (6) low pressure tires, that is limited in engine displacement to less than one thousand (1,000) cubic centimeters and in total dry weight to less than one thousand (1,000) pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.

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

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

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

3. “Off-road utility vehicle” means a motorized flotation-tire vehicle, with not less than four (4) and not more than six (6) low pressure tires, that is limited in engine displacement to less than one thousand five hundred (1,500) cubic centimeters and in total dry weight to not more than one thousand eight hundred (1,800) pounds and that has a seat that is of bench design, not intended to be straddled by the operator, and a steering wheel for control. An operator of an off-road utility vehicle is also subject to the provisions of this chapter governing the operation of all-terrain vehicles.

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

4. “Snowmobile” means a motorized vehicle weighing less than one thousand (1,000) pounds which uses sled-type runners or skis, endless belt-type tread with a width of forty-eight (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 which has been altered or equipped with runners, skis, belt-type tracks or treads.

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

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

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

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

1. Streets. Snowmobiles may be operated on any street within the City except the following designated streets:

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

A. Any street having a ditch parallel to either side thereof.

B. All streets immediately adjacent to any nursing home or home for the elderly.

C. All streets adjacent to the public and private schools of Sanborn during school days from eight o'clock (8:00) a.m. to five o'clock (5:00) p.m.

D. On 320th Street (U.S. Highway 18) within the City limits as prohibited by State law.

E. Any street immediately adjacent to any church on Sunday.

F. Main Street from First Street to 320th Street (U. S. Highway 18).

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 ninety degrees (90°) 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 which 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.

A. Snowmobiles may be operated on private property of the operator or owner of the snowmobile on any private property in the City with the consent of the property owner.

B. Snowmobiles may be operated in public areas specifically provided by the Council by resolution. Such resolutions shall limit snowmobile operation on such public areas to no more than thirty (30) days at one time, and shall designate the hours during which

snowmobiles may be operated in the area and shall provide that the areas be posted notifying the public of these requirements.

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

75.05 OPERATION OF ALL-TERRAIN VEHICLES. The operators of ATVs shall comply with the following restrictions as to where ATVs may be operated within the City:

1. Streets. ATVs may be operated on streets only in accordance with Section 321.234A of the Code of Iowa or on such streets as may be designated by resolution of the Council for the sport of driving ATVs.

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

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

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

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

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

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

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

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

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

75.07 ACCIDENT REPORTS. Whenever an ATV or snowmobile is involved in an accident resulting in injury or death to anyone or property damage amounting to one thousand dollars (\$1000.00) or more, either the operator or someone acting for the operator shall immediately notify a law enforcement officer and shall file an accident report, in accordance with State law.

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

75.08 TOWING. No item shall be towed by a snowmobile unless coupled to said snowmobile by a rigid tow bar.

(Ch. 75 – Ord. 175 – Apr. 08 Supp.)

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CHAPTER 76

BICYCLE REGULATIONS

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

76.01 SCOPE OF REGULATIONS. These regulations shall apply whenever a bicycle 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 which 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 (2) 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 BICYCLE PATHS. Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

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

76.06 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])

76.07 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])

76.08 CARRYING ARTICLES. No person operating a bicycle shall carry any package, bundle or article which prevents the rider from keeping at least one hand upon the handle bars.

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

76.09 RIDING ON SIDEWALKS. The following shall 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])

76.10 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.

76.11 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.

76.12 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])

76.13 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 which shall emit a white light visible from a distance of at least three hundred (300) feet to the front and with a lamp on the rear exhibiting a red light visible from a distance of three hundred (300) feet to the rear except that a red reflector on the rear, of a type which shall be visible from all distances from fifty (50) feet to three hundred (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 which will enable the operator to make the braked wheel skid on dry, level, clean pavement.

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

76.14 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 the Code of Ordinances, allow the person's bicycle to be impounded by the City for not less than five (5) days for the first offense, ten (10) days for a second offense and thirty (30) days for a third offense.

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CHAPTER 80

ABANDONED VEHICLES

80.01 Definitions

80.02 Authority to Take Possession of Abandoned Vehicles

80.03 Notice by Mail

80.04 Notification in Newspaper

80.05 Fees for Impoundment

80.06 Disposal of Abandoned Vehicles

80.07 Disposal of Totally Inoperable Vehicles

80.08 Proceeds from Sales

80.09 Duties of Demolisher

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

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

1. “Abandoned vehicle” means any of the following:
 - A. A vehicle that has been left unattended on public property for more than twenty-four (24) hours and lacks current registration plates or two (2) 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 twenty-four (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 twenty-four (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 ten (10) days. However, a police authority may declare the vehicle abandoned within the ten-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. “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. 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 twenty (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 ten (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. 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 the notice do not ask for a hearing or exercise their right to reclaim the vehicle or personal property within the ten-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 ten-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 three dollars (\$3.00) if claimed within five (5) days of impounding, plus one dollar (\$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 (2) 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 ninety (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])

(Ch. 80 – Ord. 169 – Oct. 05 Supp.)

CHAPTER 81

RAILROAD REGULATIONS

81.01 Definitions

81.02 Warning Signals

81.03 Obstructing Streets

81.04 Crossing Maintenance

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

1. “Railroad train” means an engine or locomotive, with or without cars coupled thereto, operated upon rails.

(Code of Iowa, Sec. 321.1)

2. “Operator” means any individual, partnership, corporation or other association which owns, operates, drives or controls a railroad train.

81.02 WARNING SIGNALS. Operators shall sound a horn at least one thousand (1,000) feet before a street crossing is reached and after sounding the horn, shall ring the bell continuously until the crossing is passed.

(Code of Iowa, Sec. 327G.13)

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

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

1. Comply with Signals. When necessary to comply with signals affecting the safety of the movement of trains.

2. Avoid Striking. When necessary to avoid striking any object or person on the track.

3. Disabled. When the train is disabled.

4. Safety Regulations. When necessary to comply with governmental safety regulations including, but not limited to, speed ordinances and speed regulations.

5. In Motion. When the train is in motion except while engaged in switching operations.

6. No Traffic. When there is no vehicular traffic waiting to use the crossing.

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

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

(Bourett vs. Chicago & N.W. Ry. 152 Iowa 579, 132 N.W. 973 [1943])
(Code of Iowa, Sec. 364.11)

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CHAPTER 90

WATER SERVICE SYSTEM

90.01 Definitions	90.11 Installation of Water Service Pipe
90.02 Superintendent's Duties	90.12 Responsibility for Water Service Pipe
90.03 Mandatory Connections	90.13 Failure to Maintain
90.04 Abandoned Connections	90.14 Curb Valve
90.05 Permit	90.15 Interior Valve
90.06 Fee for Permit and Connection Charge	90.16 Inspection and Approval
90.07 Compliance with Plumbing Code	90.17 Completion by the City
90.08 Plumber Required	90.18 Shutting off Water Supply
90.09 Excavations	90.19 Operation of Curb Valve and Hydrants
90.10 Tapping Mains	

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

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

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

In the event of an emergency the Superintendent may make temporary rules for the protection of the system until due consideration by the Council may be had.

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

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

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

90.05 PERMIT. Before any person makes a connection with the public water system, a written permit must be obtained from the City. The application for the permit shall include a legal description of the property, the name of the property owner, the name and address of the person who will do the work, and the general uses of the water. If the proposed work meets all the requirements of this chapter and if all fees required under this chapter have been paid, the permit shall be issued. Work under any permit must be completed within sixty (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 ten dollars (\$10.00) to the Clerk to cover the cost of issuing the permit and supervising, regulating, and inspecting the work. In addition there shall be a connection charge in the amount of one hundred fifty dollars (\$150.00) paid before issuance of a permit to reimburse the City for costs borne by the City in making water service available to the property served.

(Code of Iowa, Sec. 384.84)

90.07 COMPLIANCE WITH PLUMBING CODE. The installation of any water service pipe and any connection with the water system shall comply with all pertinent and applicable provisions, whether regulatory, procedural or enforcement provisions, of Division 4, Plumbing Rules and Regulations, of the State Building Code.

90.08 PLUMBER REQUIRED. All installations of water service pipes and connections to the water system shall be made by a plumber approved by the City. The Superintendent shall have the power to suspend the approval of any plumber for violation of any of the provisions of this chapter. A suspension, unless revoked, shall continue until the next regular meeting of the City Council. The Superintendent shall notify the plumber immediately by personal written notice of the suspension, the reasons for the suspension and the time and place of the Council meeting at which the plumber will be granted a hearing. At this Council meeting the Superintendent shall make a written report to the Council stating the reasons for the suspension, and the Council, after fair hearing, shall affirm or revoke the suspension or take any further action that is necessary and proper. The plumber shall provide a surety bond in the sum of one thousand dollars (\$1,000.00) secured by a responsible surety bonding company authorized to operate within the State, conditioned to indemnify and save the City harmless against all losses or damages that may arise from or be occasioned by the making of connections to the water system or excavations therefor or by carelessness, negligence or unskillfulness in making the same. Such bond shall remain in force and must be executed for a period of one year except that on such expiration it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration. In lieu of a surety bond, a cash deposit of one thousand dollars (\$1,000.00) may be filed with the City.

90.09 EXCAVATIONS. All trench work, excavation and backfilling required in making a connection shall be performed in accordance with applicable excavation provisions as provided for installation of building sewers and/or the provisions of Chapter 135.

90.10 TAPPING MAINS. All taps into water mains shall be made by or under the direct supervision of the Superintendent and in accord 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 (6) inches or less in diameter shall receive no larger than a three-fourths (3/4) inch tap. All mains of over six (6) inches in diameter shall receive no larger than a one inch tap. Where a larger connection than a one inch tap is desired, two

(2) 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 eighteen (18) inches apart. No main shall be tapped nearer than two (2) feet of the joint in the main.

3. Corporation Stop. A brass corporation stop, of the pattern and weight approved by the Superintendent, shall be inserted in every tap in the main. The corporation stop in the main shall be of the same size as the service pipe.

4. Location Record. An accurate and dimensional sketch showing the exact location of the tap shall be filed with the Superintendent in such form as the Superintendent shall require.

90.11 INSTALLATION OF WATER SERVICE PIPE. Water service pipes from the main to the meter setting shall be Type K copper. The use of any other pipe material for the service line shall first be approved by the Superintendent. Pipe must be laid sufficiently waving, and to such depth, as to prevent rupture from settlement or freezing.

90.12 RESPONSIBILITY FOR WATER SERVICE PIPE. All costs and expenses incident to the installation, connection and maintenance of the water service pipe from the main to the building served shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation or maintenance of said water service pipe.

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

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

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

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

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

90.17 COMPLETION BY THE CITY. Should any excavation be left open or only partly refilled for twenty-four (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, and the plumber's bond or cash deposit shall be security for the assessment. If the property owner is assessed, such assessment may be collected with and in the same manner as general property taxes.

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

90.18 SHUTTING OFF WATER SUPPLY. The Superintendent may shut off the supply of water to any customer because of any violation of the regulations contained in these Water Service System chapters that is not being contested in good faith. The supply shall not be turned on again until all violations have been corrected and the Superintendent has ordered the water to be turned on.

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

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CHAPTER 91

WATER METERS

91.01 Purpose	91.06 Meter Costs
91.02 Water Use Metered	91.07 Meter Repairs
91.03 Fire Sprinkler Systems- Exception	91.08 Right of Entry
91.04 Location of Meters	91.09 Meter Installation Fee
91.05 Meter Setting	91.10 Meter Accuracy and Tests

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

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

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

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

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

91.06 METER COSTS. The City will furnish and install up to one and one-half inch diameter water meters for all new installations where City water service is provided. All water meters exceeding that diameter shall be owned by the property owners and not by the City and repaired and replaced at the owner's expense at the direction of the Superintendent.

91.07 METER REPAIRS. Whenever a water meter for a water line of up to one and one-half inch (1½") diameter 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, then the property owner shall be liable for the cost of repairs. The repair of water meters or replacement of water meters of a size greater than 1½-inch water line diameter shall be subject to the rules set forth in Section 91.06.

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 INSTALLATION FEE. The property owner shall pay an installation fee, in an amount set by resolution of the Council, for each new installation of a water meter.

91.10 METER ACCURACY AND TESTS. All water shall be supplied through meters that accurately measure the amount of water supplied to any building. The Superintendent shall make a test of the accuracy of any water meter when requested in writing. If it is found that such meter overruns to the extent of two percent (2%) or more, the cost of the tests shall be paid by the City, and the City will credit on the next bill the overcharges collected since the last known date of accuracy, not to exceed thirty (30) months. If the meter is found to be slow, the customer shall pay the reasonable costs of the tests.

CHAPTER 92

WATER RATES

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

- 92.06 Lien for Nonpayment
- 92.07 Lien Exemption
- 92.08 Lien Notice
- 92.09 Customer Deposits
- 92.10 Temporary Vacancy

92.01 SERVICE CHARGES. Each customer shall pay for water service provided by the City based upon use of water as determined by meters provided for in Chapter 91. Each location, building, premises or connection shall be considered a separate and distinct customer whether owned or controlled by the same person or not.

(Code of Iowa, Sec. 384.84)

92.02 RATES FOR SERVICE. Water service shall be furnished at the following monthly rates within the City, in addition to a monthly service charge of \$10.82 per month:

(Code of Iowa, Sec. 384.84)

Irrigation	Rate
Meter Charge: \$6.00	\$2.75 per 1,000 gallons

Gallons Used Per Month	Rate
First 100,000	\$2.25 per 1,000 gallons
Over 100,000	\$1.49 per 1,000 gallons

However, rates shall not be charged to a customer in excess of the allowable rates under any written contract, which legally obligates the City to charge rates different than those provided in this chapter.

No such customer, however, will be served unless he/she shall have signed a service contract agreeing to be bound by the ordinances, rules and regulations applying to water service established by the Council.

(Ord. 201– Mar. 14 Supp.)

92.03 RATES OUTSIDE THE CITY. Water service shall be provided to any customer located outside the corporate limits of the City which the City has agreed to serve at the following rates, in addition to a service charge of \$17.00 per month (which includes 2,000 gallons):

Gallons Used Per Month	Rate
Next 8,000	\$4.46 per 1,000 gallons
Next 5,000	\$3.95 per 1,000 gallons
Next 5,000	\$3.40 per 1,000 gallons
Next 5,000	\$2.88 per 1,000 gallons
Over 25,000	\$2.20 per 1,000 gallons

However, rates shall not be charged to a customer in excess of the allowable rates under any written contract, which legally obligates the City to charge rates different than those provided in this chapter. No such customer, however, will be served unless the customer shall have signed a service contract agreeing to be bound by the ordinances, rules and regulations applying to water service established by the Council.

(Code of Iowa, Sec. 364.4 & 384.84)

(Ord. 156 – Sep. 01 Supp.)

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 five (5) days before the end of the month.
2. Bills Payable. Bills for combined service accounts shall be due and payable at the office of the Clerk by the fifteenth (15th) day of the following month.
3. Late Payment Penalty. Bills not paid when due shall be considered delinquent and a late penalty charge of eighteen percent (18%) per annum shall be added to the delinquent amount.

92.05 SERVICE DISCONTINUED. Water service to delinquent customers shall be discontinued in accordance with the following:

(Code of Iowa, Sec. 384.84)

1. Notice. The City Administrator shall notify each delinquent customer that service will be discontinued 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 and shall inform the customer of the nature of the delinquency and afford the customer the opportunity for a hearing prior to the discontinuance.

2. Notice to Landlords. If the customer is a tenant, and if the owner or landlord of the property has made a written request for notice, the notice of delinquency shall also be given to the owner or landlord.

3. Hearing. If a hearing is requested by noon of the day preceding the shut off, the City Administrator shall conduct an informal hearing and shall make a determination as to whether the disconnection is justified. The customer has the right to appeal the City Administrator's decision to the Council, and if the Council finds that disconnection is justified, then such disconnection shall be made, unless payment has been received.

4. Fees. A fee of twenty dollars (\$20.00) during regular working hours or thirty-five dollars (\$35.00) during non-working hours shall be charged before service is restored to a delinquent customer. No fee shall be charged for the usual or customary trips in the regular changes in occupancies of property.

92.06 LIEN FOR NONPAYMENT. The owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for water service charges to the premises. Water service charges remaining unpaid and delinquent shall constitute a lien upon the 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. The lien for nonpayment shall not apply to a residential 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 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 ninety (90) days of water service be paid to the City. The landlord's written notice shall contain the name of the tenant responsible for charges, the address of the rental property and the date of occupancy. A change in tenant shall require a new written notice to be given to the City within ten (10) business days of the change in tenant. When the tenant moves from the rental property, the City shall refund the deposit if the water service charges are paid in full. A change in the ownership of the residential rental property shall require written notice of such change to be

given to the City within ten (10) business days of the completion of the change of ownership. The lien exemption does not apply to delinquent charges for repairs to a water service.

(Code of Iowa, Sec. 384.84)

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. If the customer is a tenant and if the owner or landlord of the property 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 thirty (30) days prior to certification of the lien to the County Treasurer.

(Code of Iowa, Sec. 384.84)

92.09 CUSTOMER DEPOSITS. There shall be required from every customer a five dollar (\$5.00) deposit and from every renter a deposit in an amount equal to an estimated typical month's water bill (not less than \$5.00) intended to guarantee the payment of bills for service.

(Code of Iowa, Sec. 384.84)

92.10 TEMPORARY VACANCY. A property owner may request water service be temporarily discontinued and shut off at the curb valve when the property is expected to be vacant for an extended period of time. There shall be a fee of twenty dollars (\$20.00) for restoring service during regular working hours and a fee of thirty-five dollars (\$35.00) for restoring service during non-working hours. During a period when service is temporarily discontinued as provided herein there shall be no minimum service charge. The City will not drain pipes or pull meters for temporary vacancies.

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CHAPTER 93

WATER MAIN EXTENSIONS

93.01 Purpose

93.02 Definitions

93.03 Construction by City

93.04 Construction by Owner

93.05 Connection Charge

93.06 Rights of City

93.01 PURPOSE. The purpose of this chapter is to provide a means and method for the extension of water mains to serve property not served by an existing water line so as to preserve and improve the peace, safety, health, welfare, comfort and convenience of the residents of the City.

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

1. “Builder” means the owner of land who causes a water main to be installed under the provisions of this chapter. Such term includes the heirs, successors or assigns of such owner.
2. “Estimated cost” means a cost estimate prepared by a registered professional engineer or qualified contractor experienced in the installation of water main pipe and appurtenances. All such estimates are subject to the approval of the Council and in the event of any disagreement as to the amount of estimated costs, the materials to be used or installation methods, the determination of the Council shall be final and conclusive.

93.03 CONSTRUCTION BY CITY. An owner of land abutting or adjoining a property or a public street where no water main has been installed may make application to the Council for the installation of a water main along such property and in the street for the purpose of serving the property in accordance with the following:

1. Application and Deposit. A written request for such installation, and a sum equal to the total estimated cost of the installation from the point where the water main is presently installed and terminates to the point where the most distance boundary of the owner’s lot abuts an adjoining property or the public street, shall be submitted to the Council.
2. Construction. Upon receipt of the deposit, the City shall construct the water main for the purpose of serving the property of the applicant (builder), as soon as such construction can reasonably be accomplished.

3. **Additional Costs.** In the event the actual cost to the City of installation of the water main is in excess of the estimated cost, the builder agrees to reimburse the City for the actual additional cost within thirty (30) days after the presentation of a bill for such additional cost.
4. **Lien Authorized.** In the event of the failure of the builder to reimburse the City, as specified in subsection 3 above, the total of the additional cost shall be certified to the County Treasurer as a special assessment lien against the builder's real estate. In the written request for installation of the water main, the landowner shall waive all objections to jurisdiction and rights to notice and consent to the entry of such a special assessment lien against the real estate.
5. **Maximum Cost.** The additional cost of installation, as contemplated in subsections 3 and 4 above, shall not exceed one hundred ten percent (110%) of the estimated cost.
6. **Connecting Property.** The expense of connecting the property of the builder to the water main shall be borne by the builder, in addition to the cost of constructing said water main, but such connection shall be under the supervision of the City.

93.04 CONSTRUCTION BY OWNER. In the event an owner of land abutting or adjoining a property or public street in which no water main has been previously installed desires to construct said water main at the owner's own expense, the owner may do so, after making proper application to the City and receiving a permit to install such a water main, in accordance with the following:

1. **City Supervision.** The installation of such a water main by a landowner at the owner's expense shall be under the strict supervision of the City and shall, in all ways, conform to the requirements and specifications of the City.
2. **Surety Bond.** When making application to the City for a permit to install such a water main, the applicant shall post with the City a surety bond, in an amount to be set by the Council and made a matter of record in the minutes of the Council, which shall be in an amount equal to but not less than one hundred ten percent (110%) of the total estimated cost of the installation for the full distance from the termination point of the presently existing water main to the point where the farthest boundary of the applicant's land abuts the property or street, and the bond shall guarantee the installation of the water main in as short a time as reasonably possible and shall further indemnify the City for the cost of completing the project in the event the applicant fails to complete the

project within a reasonable time, and shall further indemnify the City for all damages to public property incurred in the installation, and shall further hold the City harmless for any and all other damages arising from the installation of the water main.

3. Ownership of Water Main. After the water main has been installed, it shall become the property of the City.

4. Cost Approval. For purposes of determining connection charges under Section 93.05 below, costs incurred by the owner shall be certified by the City and only so much of said costs as are approved by the City shall be used in determining connection charges as provided hereafter.

93.05 CONNECTION CHARGE. Following the installation of an extension to the water system under the provisions of this chapter, there shall be paid to the City a connection charge in an amount equal to one-half (1/2) the lineal construction cost for the full width of any lot, tract or parcel of ground to be served by a connection to such water main. Such connection charge shall be paid to the City prior to making any connection to said water main.

93.06 RIGHTS OF CITY. 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.

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CHAPTER 94

WATER CONSERVATION

94.01 Water Shortages
94.02 Conditions
94.03 Water Watch
94.04 Water Warning — Tier I
94.05 Water Warning — Tier II
94.06 Water Emergency
94.07 Penalties

94.08 Base Allocation
94.09 Appeal and Adjustment of the Base Allocation
94.10 Premium Rate for Imprudent Consumption
94.11 Adjustment of Premium Rate Charges
94.12 Water Appeal Board
94.13 Reduction in Flow of Water to Any Person

94.01 WATER SHORTAGES. A water shortage exists whenever, for reasons of drought conditions, consumer demand or treatment plant or distribution systems operation or maintenance, water quantity and quality cannot be maintained at a level sufficient to meet the demands of the customers using the system. Whenever, in the opinion of the Public Works Director, conditions exist which create a water shortage, the Public Works Director or designee shall have the authority to declare a public Water Watch, Water Warning or Water Emergency, during which time the following measures and provisions shall be in effect to produce an orderly and equitable reduction of water consumption. Whenever the Public Works Director finds that the conditions which gave rise to the Water Emergency no longer exist, said officer is authorized to either declare the termination of the Water Emergency or reduce the type of emergency conditions as set forth in Section 94.02 hereof. The City Manager shall, at the next meeting of the Council following the declaration of Water Emergency, present a resolution to the Council for its affirmation of such declaration and the conditions thereunder.

94.02 CONDITIONS.

1. Water Watch. A Water Watch may be declared when a water shortage or equipment failure poses a potential threat to the ability of the water system to meet the needs of its customers currently or in the foreseeable future. Indicators of the need to impose a Water Watch include:

- A. System operating at seventy-five percent (75%) of pumping capacity;
- B. Moderate decrease in the pumping water level of wells or moderate decrease in recovery rate of water level in wells;
- C. Moderate decrease in reservoir levels measured in number of feet below spillway or number of feet above intake.

2. Water Warning. A Tier I or Tier II Water Warning may be declared when a water shortage or equipment failure poses a serious threat to the ability of the water system to meet the needs of its customers currently and in the foreseeable future. Indicators of the need to impose a Tier I Water Warning include:

- A. System operating at eighty-five percent (85%) of pumping capacity;
- B. Significant decrease in the pumping water level of wells or significant decrease in recovery rate of water level in wells;
- C. Significant decrease in reservoir levels measured in number of feet below spillway or number of feet above intake.

Indicators of the need to impose a Tier II Water Warning include severe system emergencies such as a chemical spill or major system failure in feeder mains or treatment plant.

3. Water Emergency. A Water Emergency may be declared when a water shortage or equipment failure poses a severe and immediate threat to the ability of the water system to meet the needs of its customers. Indicators of the need to impose a Water Emergency include:

- A. System operating at ninety-five percent (95%) of pumping capacity;
- B. Serious decrease in the recovery rate of water level in wells;
- C. Serious decrease in reservoir levels measured in number of feet below spillway or number of feet above intake.

94.03 WATER WATCH. Under a Water Watch, all customers of the municipal water service are encouraged to limit or curtail all nonessential uses of water in order to conserve precious water resources during the time of shortage. Customers may be encouraged to comply with the following voluntary standards:

- 1. No watering of lawns, shrubs or gardens between the hours of eight o'clock (8:00) a.m. and eight-thirty o'clock (8:30) p.m.
- 2. No water should be used to fill private swimming pools, children's wading pools, reflecting pools or any other outdoor pool or pond.
- 3. No water should be used to wash streets, parking lots, driveways, sidewalks or building exteriors.

4. No water should be used for nonessential cleaning of commercial and industrial equipment, machinery and interior spaces.
5. Water should be served at restaurants only upon the request of the customer.

94.04 WATER WARNING — TIER I. Under a Tier I Water Warning, no person shall use potable processed water of the municipal water service in any manner contrary to the following:

1. Outdoor watering or irrigation of lawn is prohibited.
2. Outdoor watering of any kind is prohibited between the hours of eight o'clock (8:00) a.m. and eight o'clock (8:00) p.m. daily.
3. Watering or irrigation of flower and vegetable gardens, trees and shrubs less than four (4) years old and new seedling or sod is permitted once per week with an application not to exceed one (1) inch.
4. Car washing is prohibited except in commercial establishments that provide that service.
5. No water shall be used to fill private swimming pools, children's wading pools, reflecting pools or any other outdoor pool or pond.
6. No water shall be used to wash streets, parking lots, driveways, sidewalks or building exteriors.
7. No water shall be used for nonessential cleaning of commercial and industrial equipment, machinery and interior spaces.
8. Water shall be served in restaurants only upon the request of the customer.
9. Use of water-consuming comfort air conditioning equipment which consumes in excess of five percent (5%) of the water circulating in such equipment is prohibited.
10. Tankload water sales may be curtailed or eliminated.

Water reclaimed or recycled after some other primary use, such as water that has been used for washing or cooling, may be used without restriction. Additionally, water derived from sources other than the City water utility, such as water condensed from the atmosphere by air conditioners or collected from rain or snow, may be used without restriction.

94.05 WATER WARNING — TIER II. Under a Tier II Water Warning, no person shall use potable processed water of the municipal water service in any manner contrary to the following:

1. All outside water use, except for domestic, sanitation and fire, is prohibited.
2. All commercial and industrial uses of water not essential in providing products or services is prohibited.
3. Irrigation of agricultural crops is prohibited.
4. Recreational and leisure water use, including lawn and golf course watering and other incidental or recreational uses, is prohibited.
5. Water use not necessary for the preservation of life or the general welfare of the community is prohibited.

94.06 WATER EMERGENCY. Under a Water Emergency, Tier II Water Warning use restrictions shall be in effect and, in addition, each customer will be limited to a monthly base allocation of water.

94.07 PENALTIES. The following penalties shall apply for violation of Water Warning or Water Emergency use restrictions imposed under this chapter.

1. **First Violation.** For a first violation, the utility shall issue a written notice of violation to the water user violating the water use restrictions imposed during a Water Warning or Water Emergency.
2. **Second Violation.** For a second violation within a 12-month period, a surcharge shall be imposed in an amount equal to 16.7 percent of the customer's highest monthly bill during the last twelve (12) months.
3. **Subsequent Violations.** For any subsequent violations within a 12-month period, a surcharge shall be imposed in an amount equal to 33.4 percent of the customer's highest monthly bill during the last twelve (12) months.

Any customer charged with a violation of the Water Warning or Water Emergency use restrictions may request a hearing before the Water Appeal Board. The Water Appeal Board may conclude that a violation did not occur or that the circumstances under which the violation occurred warrant a complete or partial mitigation of the penalty.

94.08 BASE ALLOCATION. The base allocation of water for residential use shall be 3,000 gallons per household per month. For commercial, industrial or institutional use, the base allocation shall be established by resolution as a percentage of the average water used during the previous winter (November through April).

94.09 APPEAL AND ADJUSTMENT OF THE BASE ALLOCATION.

Any person may file an appeal with the Water Appeal Board to adjust the base allocation amount. The Water Appeal Board may grant an adjustment to the appellant based upon the following criteria:

1. For single-family residential use, the base allocation may be increased by 1,000 gallons per person per month for all individuals residing at the appellant's residence for a period of more than thirty (30) days.
2. For commercial, industrial, institutional or other residential uses, the base allocation may be increased based on factors appropriate to the individual customer; such as usage, production, service and occupancy data provided by the customer.

94.10 PREMIUM RATE FOR IMPRUDENT CONSUMPTION. In addition to the water rates duly enacted by the Council, all persons shall pay a premium rate of \$1.00 per 100 gallons of water consumed in excess of the base allocation.

94.11 ADJUSTMENT OF PREMIUM RATE CHARGES. Any person may file for adjustment of the premium rate charges for imprudent water consumption with the Water Appeal Board. The Water Appeal Board may grant an adjustment of the premium rate charges in accordance with the following criteria:

1. Adjustments may be granted for overconsumption due to mechanical failures such as broken or leaky pipes or fixtures but not for overconsumption due to human carelessness.
2. The applicant shall furnish proof that the mechanical failure was repaired promptly. This should be in the form of a licensed plumber's invoice or statement or a materials receipt.
3. The adjustment shall be granted only for the month prior to the correction of the failure.
4. For those accounts granted an adjustment of the premium rate charges, the minimum adjusted rate shall be forty percent (40%) of the actual bill which shall include the premium rate charges and sales tax.

94.12 WATER APPEAL BOARD. A Water Appeal Board shall be appointed during any Water Warning or Water Emergency. The Water Appeal Board shall consist of the Mayor, the Superintendent of the Water System and three representatives of the community who shall be appointed by the Mayor with the approval of the Council. The Water Appeal Board shall hear appeals of any action taken pursuant to a Water Warning or Water Emergency, except that, if a customer is charged with a municipal infraction relating to this chapter, that proceeding shall be conducted pursuant to Section 364.22 of the Code of Iowa.

94.13 REDUCTION IN FLOW OF WATER TO ANY PERSON. The Superintendent is authorized, after giving notice and opportunity for hearing before the Water Appeal Board, to reduce the flow of water to any person determined to be using water in any manner not in accordance with this chapter during a Water Warning or Water Emergency.

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 (5) days at twenty (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.
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 which 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 fifteen persons (1500 gpd) or less.
11. “pH” means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
12. “Public sewer” means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
13. “Sanitary sewage” means sewage discharging from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories or institutions, and free from storm, surface water, and industrial waste.
14. “Sanitary sewer” means a sewer which carries sewage and to which storm, surface, and groundwaters 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 which in concentration of any given constituent or in quantity of flow

exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

21. “Storm drain” or “storm sewer” means a sewer which 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 which 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 which 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 which in turn 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 sixty (60) days after date of official notice from the City to do so provided that said public sewer is located within one hundred (100) feet of the property line of such owner and is of such design as to receive and convey by gravity such sewage as may be conveyed to it. Billing for sanitary sewer service will begin the date of official notice to connect to the public sewer.

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

(IAC, 567-69.1[3])

95.06 SERVICE OUTSIDE THE CITY. The owners of property outside the corporate limits of the City so situated that it may be served by the City

sewer system may apply to the Council for permission to connect to the public sewer upon the terms and conditions stipulated by resolution of the Council.

(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.

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CHAPTER 96

BUILDING SEWERS AND CONNECTIONS

96.01 Permit

96.02 Permit Fee and Connection Charge

96.03 Plumber Required

96.04 Excavations

96.05 Connection Requirements

96.06 Interceptors Required

96.07 Sewer Tap

96.08 Inspection Required

96.09 Property Owner's Responsibility

96.10 Abatement of Violations

96.01 PERMIT. No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City. The application for the permit shall set forth the 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 sixty (60) days after the issuance of the permit, except that when a property owner makes sufficient showing that due to conditions beyond the owner's control or peculiar hardship, such time period is inequitable or unfair, an extension of time within which to comply with the provisions herein may be granted. Any sewer connection permit may be revoked at any time for a violation of these chapters.

96.02 PERMIT FEE AND CONNECTION CHARGE. The person who makes the application shall pay a fee in the amount of ten dollars (\$10.00) to the Clerk to cover the cost of issuing the permit and supervising, regulating, and inspecting the work. In addition, there shall be a connection charge in the amount of one hundred fifty dollars (\$150.00) paid to reimburse the City for costs borne by the City in making sewer service available to the property served.

96.03 PLUMBER REQUIRED. All installations of building sewers and connections to the public sewer shall be made by a plumber having a current license in the State of Iowa. The plumber shall provide a surety bond in the minimum sum of one thousand dollars (\$1,000.00) secured by a responsible surety bonding company authorized to operate within the State, conditioned to indemnify and save the City harmless against all losses or damages that may arise from or be occasioned by the making of connections with the public sewers or excavations therefor or by carelessness, negligence or unskillfulness in making the same. Such bond shall remain in force and must be executed for a period of one year except that on such expiration it shall remain in force as to

all penalties, claims and demands that may have accrued thereunder prior to such expiration. In lieu of a surety bond, a cash deposit of one thousand dollars (\$1,000.00) may be filed with the City. *(Ord. 190 – Sep. 11 Supp.)*

96.04 EXCAVATIONS. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the City. Pipe laying and backfill shall be performed in accordance with A.S.T.M. Specification C-12, except that no backfill shall be placed until the work has been inspected. The excavations shall be made in accordance with the provisions of Chapter 135 where applicable.

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 connection of the building sewer into the public sewer shall conform to the requirements of Division 4, Plumbing Rules and Regulations, of the State Building Code, applicable rules and regulations of the City, or the procedures set forth in A.S.T.M. Specification C-12. 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 ten (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 twelve (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 (4) 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 ($\frac{1}{4}$) inch per foot.
 - B. Minimum grade of one-eighth ($\frac{1}{8}$) inch per foot.
 - C. Minimum velocity of 2.00 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 Division 4 of the State Building 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 (3) feet of any bearing wall, which 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 (6) inches on all sides of the pipe. The cast iron pipe or encased clay pipe shall rest on firm, solid material at either end.

13. Preparation of Basement or Crawl Space. No connection for any residence, business or other structure with any sanitary sewer shall be made unless the basement floor is poured, or in the case of a building with a slab or crawl space, unless the ground floor is installed with the area adjacent to the foundation of such building cleared of debris and backfilled. The backfill shall be well compacted and graded so that the drainage is away from the foundation. Prior to the time the basement floor is poured, or the first floor is installed in buildings without basements, the sewer shall be plugged and the plug shall be sealed by the Superintendent. Any accumulation of water in any excavation or basement during construction and prior to connection to the sanitary sewer shall be removed by means other than draining into the sanitary sewer.

96.06 INTERCEPTORS REQUIRED. Grease, oil, sludge and sand interceptors shall be provided by gas and service stations, convenience stores, car washes, garages, and other facilities when, in the opinion of the Superintendent, they are necessary for the proper handling of such wastes that contain grease in excessive amounts or any flammable waste, sand or other harmful ingredients. Such interceptors shall not be required for private living quarters or dwelling units. When required, such interceptors shall be installed in accordance with the following:

1. Design and Location. All interceptors shall be of a type and capacity as provided by the Iowa Public Health Bulletin and Division 4 of the State Building 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 under ground 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 thirty (30) days after date of official notice from the Council of such violation. If not made within such time the Council shall, in addition to the other penalties herein provided, have the right to finish and correct the work and assess the cost thereof to the property owner. Such assessment shall be collected with and in the same manner as general property taxes.

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

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CHAPTER 97

USE OF PUBLIC SEWERS

97.01 Storm Water

97.02 Surface Waters Exception

97.03 Prohibited Discharges

97.04 Restricted Discharges

97.05 Restricted Discharges - Powers

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 as 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 (2) 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. Any waters or wastes having (a) a five (5) day biochemical oxygen demand greater than three hundred (300) parts per million by weight, or (b) containing more than three hundred fifty (350) parts per million by weight of suspended solids, or (c) having an average daily flow greater than two percent (2%) of the average sewage flow of the City, shall be subject to the review of the Superintendent. 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 (a) reduce the biochemical oxygen demand to three hundred (300) parts per million by weight, or (b) reduce the suspended solids to three hundred fifty (350) parts per million by weight, or (c) 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 one hundred fifty (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 one hundred (100) milligrams per liter or six hundred (600) milligrams per liter of dispersed or other soluble matter.
3. Viscous Substances. Water or wastes containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees F (0 and 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 ($\frac{1}{2}$) 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 which 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 which 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 which 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 which 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 which 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. 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 twenty-four (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 twenty-four (24) hour composites of all outfalls whereas pH's are determined from periodic grab samples).

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CHAPTER 98

ON-SITE WASTEWATER SYSTEMS

98.01 When Prohibited
98.02 When Required
98.03 Compliance with Regulations
98.04 Permit Required
98.05 Discharge Restrictions

98.06 Maintenance of System
98.07 Systems Abandoned
98.08 Disposal of Septage
98.09 Minimum Lot Area

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.

98.09 MINIMUM LOT AREA. No permit shall be issued for any on-site wastewater treatment and disposal system employing sub-surface soil absorption facilities where the area of the lot is less than fifteen hundred (1500) square feet.

CHAPTER 99

SEWER USE CHARGES

99.01 Purpose	99.08 Special Rates
99.02 Definitions	99.09 Responsibility for Increased Costs
99.03 Use of Funds	99.10 Application
99.04 Accounts Designated	99.11 Payment of Bills
99.05 Year-end Balances	99.12 Lien for Nonpayment
99.06 Charges Based on Usage	99.13 Review of User Charge System
99.07 Minimum Charge	99.14 Notification of Rate Change

99.01 PURPOSE. It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare and convenience of the City to collect charges from all users who contribute wastewater to the City's treatment works. The proceeds of such charges so derived will be used for the purpose of operating, maintaining and retiring the debt for such public wastewater treatment works.

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

1. "BOD" (Biochemical Oxygen Demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20°C, expressed in milligrams per liter (mg/l).
2. "Normal domestic wastewater" means wastewater that has a BOD concentration of not more than 240 mg/l, a suspended solids concentration of not more than 320 mg/l.
3. "Operation and maintenance" means all expenditures during the useful life of the wastewater treatment works for materials, labor, utilities and other items which are necessary for the management and maintenance of the sewer works to achieve the capacity and performance for which such works were designed and constructed.
4. "Replacement" means expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement.
5. "Residential contributor" means any contributor to the City's treatment works whose lot, parcel of real estate or building is used for domestic dwelling purposes only.

6. “SS” (suspended solids) means solids that either float on the surface of or are in suspension in water, sewage or other liquids; and which are removable by laboratory filtering.
7. “Treatment works” means any devices and systems used for the storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or liquid industrial wastes. These include intercepting sewers, outfall sewers, sewage collection systems, individual systems, pumping, power and other equipment and their appurtenances; extensions, improvement, remodeling, additions and alterations thereof; elements essential to provide a reliable recycled supply system such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or used for ultimate disposal of residues resulting from such treatment (including land for composting sludge, temporary storage of such compost and land used for the storage of treated wastewater in land treatment systems before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.
8. “Useful life” means the estimated period during which the wastewater treatment works will be operated.
9. “User charge” means that portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the wastewater treatment works.
10. “Water meter” means a water volume measuring and recording device, furnished and/or installed by the City or furnished and/or installed by a user and approved by the City.

99.03 USE OF FUNDS. The user charge system shall generate adequate annual revenues to pay costs of annual operation and maintenance including replacement and costs associated with debt retirement of bonded capital associated with financing the treatment works which the City may by ordinance designate to be paid by the user charge system. That portion of the total user charge which is designated for operation and maintenance including replacement of the treatment works shall be established by this chapter.

99.04 ACCOUNTS DESIGNATED. That portion of the total user charge collected which is designated for operation and maintenance including replacement purposes as established in this chapter shall be deposited in a separate non-lapsing fund known as the *Operation, Maintenance and Replacement Fund* and will be kept in three primary accounts as follows:

1. **Operation and Maintenance Account.** An account designated for the specific purpose of defraying operation and maintenance costs (excluding replacement) of the treatment works.
2. **Replacement Account.** An account designated for the specific purpose of ensuring replacement needs over the useful life of the treatment works. Deposits in the Replacement Account shall be made at least annually, from the sewer Operation, Maintenance and Replacement Fund in the amount of \$11,340 annually.
3. **Debt Service Account.** An account designated for ensuring the retirement of bonded indebtedness of the treatment works. Deposits in the debt service account shall be made monthly in an amount designated by the bond covenants.

99.05 YEAR-END BALANCES. Fiscal year-end balances in the Operation and Maintenance Account, the Replacement Account and Debt Service Account shall be carried over to the same accounts in the subsequent fiscal year, and shall be used for no other purposes than those designated for these accounts. Moneys which have been transferred from other sources to meet temporary shortages in the Operation, Maintenance and Replacement Fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates for operation, maintenance and replacement. The user charge rate shall be adjusted such that the transferred moneys will be returned to their respective accounts within one year of the fiscal year in which the moneys were borrowed.

99.06 CHARGES BASED ON USAGE. Each user shall pay for the services provided by the City based on said user's use of the treatment works as determined by water meters acceptable to the City, as follows:

1. **Normal Domestic Users.** For residential contributors and other "normal domestic users" monthly user charges shall be based on water used during the current month, beginning with the month of August, 1987.
2. **Industrial and Commercial Use.** For industrial and commercial contributors, user charges shall be based on water used during the current

month. If a commercial or industrial contributor has a consumptive use of water, or in some other manner uses water which is not returned to the wastewater collection system, the user charge for that contributor may be based on a wastewater meter installed and maintained at the contributor's expense, and in a manner acceptable to the City.

99.07 MINIMUM CHARGE. The minimum charge per month per user shall be \$6.37. In addition, each contributor shall pay a user charge rate for operation and maintenance including replacement and debt service of \$2.79 per 1000 gallons of wastewater as determined in the preceding section.

(Ord. 199 – Mar. 14 Supp.)

99.08 SPECIAL RATES. For those customers who contribute wastewater, the strength of which is greater than normal domestic sewage, a surcharge in addition to the normal user charge will be collected. The minimum charge/meter charge of \$15.00 will be collected. The surcharge for operation and maintenance including replacement and debt retirement is \$.1404 per pound BOD and \$.2201 per pound SS/suspended solids. In the event that an extra-strength contributor, whose waste discharge is regulated by a treatment agreement between that contributor and the City, discharge effluent in excess of the parameters established in the agreement, the fine/penalty will be set out in the treatment agreement between the City of Sanborn and the contributor.

(Ord. 200 – Mar. 14 Supp.)

99.09 RESPONSIBILITY FOR INCREASED COSTS. Any user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge from the City's treatment works or any user which discharges any substance which singly or by interaction with other substances causes identifiable increases in the cost of operation, maintenance or replacement of the treatment works 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.

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

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

99.12 LIEN FOR NONPAYMENT. 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 premises served and shall be certified to the County Treasurer for collection in the same manner as property taxes.

(Code of Iowa, Sec. 384.84 [1])

99.13 REVIEW OF USER CHARGE SYSTEM. The City shall review the user charge system at least every two (2) years and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of operation and maintenance including replacement, and debt service, if any, and that the system continues to provide for the proportional distribution of operation and maintenance including replacement costs and debt service among users and user classes.

99.14 NOTIFICATION OF RATE CHANGE. The City will notify each user initially and when there is a change in the amount of rates being charged for operation, maintenance, including replacement of the treatment works, and debt retirement.

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CHAPTER 100

SEWER EXTENSIONS

100.01 Purpose

100.02 Definition

100.03 Construction by City

100.04 Construction by Owner

100.05 Others Required to Connect

100.06 Building Sewers Installed

100.01 PURPOSE. The purpose of this chapter is to provide a means and method for the extension of sewers to serve property not served by an existing sewer line so as to preserve and improve the peace, safety, health, welfare, comfort and convenience of the residents of the City.

100.02 DEFINITION. For the purpose of this chapter, “builder” means the owner of land who causes a sanitary sewer to be installed under the provisions of this chapter. Such term includes the heirs, successors or assigns of such owner.

100.03 CONSTRUCTION BY CITY. An owner of land abutting or adjoining a public street where no sanitary sewer has been installed may make application to the Council for the installation of a sanitary sewer in said street for the purpose of serving the property in accordance with the following:

1. **Application and Deposit.** A written request for such installation, and a sum equal to the cost as estimated by the City of construction from the point where the sanitary sewer is presently installed and terminates to the point where the most distant boundary of the owner’s lot abuts the said public street, shall be submitted to the Council.
2. **Construction.** Upon receipt of the deposit, the City shall construct the sanitary sewer for the purpose of serving the property of the applicant (builder), as soon as such construction can reasonably be accomplished.
3. **Additional Costs.** In the event the actual cost to the City of installation of the sanitary sewer is in excess of the estimated cost, the builder agrees to reimburse the City for the actual additional cost within thirty (30) days after the presentation of a bill for such additional cost.
4. **Lien Authorized.** In the event of the failure of the builder to reimburse the City, as specified in subsection 3 above, the total of the additional cost shall be certified to the County Treasurer as a special assessment lien against the builder’s real estate. In the written request for installation of the sanitary sewer, the landowner shall waive all

objections to jurisdiction and rights to notice and consent to the entry of such a special assessment lien against the real estate.

5. Connecting Property. The expense of connecting the property of the builder to the sanitary sewer laid in the public street shall be borne by the builder, in addition to the cost of constructing said sewer, but such connection shall be under the supervision of the City.

100.04 CONSTRUCTION BY OWNER. In the event an owner of land abutting or adjoining a public street in which no sewer has been previously installed desires to construct said sewer at the owner's own expense, the owner may do so, after making proper application to the City and receiving a permit to install such a sewer, in accordance with the following:

1. City Supervision. The installation of such a sewer by a landowner at the owner's expense shall be under the strict supervision of the City and shall, in all ways, conform to the requirements and specifications of the City.

2. Surety Bond. When making application to the City for a permit to install such a sewer, the applicant shall post with the City a surety bond, in an amount to be set by the Council and made a matter of record in the minutes of the Council, which shall be in an amount equal to but not less than one hundred ten percent (110%) of the total estimated cost of the installation for the full distance from the termination point of the presently existing sewer to the point where the farthest boundary of the applicant's land abuts the public street, and the bond shall guarantee the installation of the sewer in as short a time as reasonably possible and shall further indemnify the City for the cost of completing the project in the event the applicant fails to complete the project within a reasonable time, and shall further indemnify the City for all damages to the public street incurred in the installation, and shall further hold the City harmless for any and all other damages arising from the installation of the sanitary sewer.

3. Ownership of Sewer Line. After the sewer has been installed, it shall become the property of the City.

100.05 OTHERS REQUIRED TO CONNECT. Following the installation of a sanitary sewer under the provisions of this chapter, owners of land abutting or adjoining a public street in which such sewer has been installed, being persons other than the builder, shall be obliged to connect any sewage generating facilities into said sanitary sewer, as required by Chapter 95.

100.06 BUILDING SEWERS INSTALLED. Each sanitary sewer constructed in a public street or right-of-way, whether constructed by the City or by a private party, shall include a stub to each abutting or adjoining lot line of the street or right-of-way on which the sewer is installed. Each party responsible for installing such sewer shall provide the City with an accurate map showing the location of each of such stubs within thirty (30) days of the completion of the installation.

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CHAPTER 105

SOLID WASTE CONTROL

105.01 Purpose	105.07 Littering Prohibited
105.02 Definitions	105.08 Open Dumping Prohibited
105.03 Sanitary Disposal Required	105.09 Toxic and Hazardous Waste
105.04 Health and Fire Hazard	105.10 Waste Storage Containers
105.05 Open Burning Restricted	105.11 Prohibited Practices
105.06 Separation of Yard Waste Required	105.12 Sanitary Disposal Project Designated

105.01 PURPOSE. The purpose of the chapters in this Code of Ordinances pertaining to Solid Waste Control 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. “Director” means the director of the State Department of Natural Resources or any designee.
(Code of Iowa, Sec. 455B.101[2b])
3. “Discard” means to place, cause to be placed, throw, deposit or drop.
(Code of Iowa, Sec. 455B.361[2])
4. “Dwelling unit” means any room or group of rooms located within a structure and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking and eating.
5. “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)

6. “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])

7. “Litter” means any garbage, rubbish, trash, refuse, waste materials or debris.

(Code of Iowa, Sec. 455B.361[1])

8. “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.

9. “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)

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

11. “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])

12. “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)

13. “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)

14. “Sanitary disposal project” means all facilities and appurtenances including all real and personal property connected with such facilities, which 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.

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

15. "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 subsection one of Section 321.1 of the Code of Iowa.

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

105.03 SANITARY DISPOSAL REQUIRED. It is the duty of each owner to provide for the sanitary disposal of all refuse accumulating on the owner's premises before it becomes a nuisance. Any such accumulation remaining on any premises for a period of more than thirty (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 circumstances listed in the following subsections, provided that no premises fire shall be kindled or maintained on any private land unless (i) the location is not less than 50 feet from any structure and adequate provision is made to prevent the fire from spreading to within 50 feet of any structure, or (ii) the fire is contained in an approved waste burner located safely not less than 15 feet from any structure. Such fires shall be constantly attended by a competent person until such fire is extinguished. The person shall have a garden hose connected to the water supply or shall have other fire extinguishing equipment readily available for use. The Fire Chief is permitted to prohibit any or all bonfires and outdoor rubbish fires when atmospheric conditions or local circumstances make such fires hazardous.

(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.

(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 or deposited thereon by the elements shall only be permitted during the months of April and October. However, the burning of landscape waste produced in clearing, grubbing and construction operations shall be limited to areas located at least one-fourth (1/4) mile from any building inhabited by other than the landowner or tenant conducting the open burning. No person shall burn landscape waste on any street, alley or City-owned property. 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. Back Yard Burning. Back yard burning is prohibited unless the burning is landscape waste and being burned during the months of April and October.

7. Training Fires. Fires set for the purpose of bona fide training of public or industrial employees in fire fighting 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. Paper or plastic pesticide containers 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. Variance. Any person wishing to conduct open burning of materials not permitted herein may make application for a variance to the Director.

(IAC, 567-23.2[2])

11. Burning Prohibited. The City Fire Marshal is permitted to prohibit any or all bonfires and outdoor rubbish fires during the permitted months of April and October, when atmospheric conditions or local circumstances make such fires hazardous. During this period, dumping of landscape waste may be permitted at the City tree dump.

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, burned on the premises in accordance with subsection 105.05, or hauled (except for grass clippings) to the City's tree dump site. As used in this section, "yard waste" means any debris such as grass clippings, leaves, garden waste, brush and trees. Yard waste does not include tree stumps.

105.07 LITTERING PROHIBITED. No person shall discard any litter onto or in any water or land, except that nothing in this section shall be construed to affect the authorized collection and discarding of such litter in or on areas or receptacles provided for such purpose. When litter is discarded from a motor vehicle, the driver of the motor vehicle shall be responsible for the act in any case where doubt exists as to which occupant of the motor vehicle actually discarded the litter.

(Code of Iowa, Sec. 455B.363)

105.08 OPEN DUMPING PROHIBITED. No person shall dump or deposit or permit the dumping or depositing of any solid waste on the surface of the ground or into a body or stream of water at any place other than a sanitary disposal project approved by the Director, unless a special permit to dump or deposit solid waste on land owned or leased by such person has been obtained from the Director. However, this section does not prohibit the use of dirt, stone, brick or similar inorganic material for fill, landscaping, excavation, or grading at places other than a sanitary disposal project.

(Code of Iowa, Sec. 455B.307 and IAC, 567-100.2)

105.09 TOXIC AND HAZARDOUS WASTE. No person shall deposit in a solid waste container or otherwise offer for collection any toxic or hazardous waste. Such materials shall be transported and disposed of as prescribed by the Director. As used in this section, “toxic and hazardous waste” means waste materials, including but not limited to, poisons, pesticides, herbicides, acids, caustics, pathological waste, flammable or explosive materials and similar harmful waste which requires special handling and which must be disposed of in such a manner as to conserve the environment and protect the public health and safety.

(IAC, 567-100.2)

(IAC, 567-102.14[2] and 400-27.14[2])

105.10 WASTE STORAGE CONTAINERS. Every person owning, managing, operating, leasing or renting any premises, dwelling unit or any place where refuse accumulates shall provide and at all times maintain in good order and repair portable containers for refuse in accordance with the following:

1. Container Specifications. Waste storage containers shall comply with the following specifications:

A. Residential. Residential waste containers, whether they be reusable, portable containers or heavy-duty disposable garbage bags, shall be of not less than five (5) gallons or more than thirty (30) gallons in nominal capacity, and shall be leakproof and waterproof. The total weight of any container and contents shall not exceed sixty-five (65) pounds. Disposable containers shall be kept securely fastened and shall be of sufficient strength to maintain integrity when lifted, and reusable containers shall be in conformity with the following:

- (1) Be fitted with a fly-tight lid which shall be kept in place except when depositing or removing the contents of the container;
- (2) Have handles, bails or other suitable lifting devices or features;
- (3) Be of a type originally manufactured for the storage of residential waste with tapered sides for easy emptying;
- (4) Be of lightweight and sturdy construction.

Galvanized metal containers, rubber or fiberglass containers and plastic containers which do not become brittle in cold weather may be used.

- 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; fully accessible to collection equipment, public health personnel and fire inspection personnel. All owners of residential and commercial premises shall be responsible for proper storage of all garbage and yard waste to prevent materials from being blown or scattered around neighboring yards and streets.
3. Location of Containers for Collection. Containers for the storage of solid waste awaiting collection shall be placed outdoors at some easily accessible place by the owner or occupant of the premises served.
4. Nonconforming Containers. Solid waste containers which are not adequate will be collected together with their contents and disposed of after due notice to the owner.

105.11 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 which has been placed out for collection on any premises, unless such person is an authorized solid waste collector.

105.12 SANITARY DISPOSAL PROJECT DESIGNATED. The sanitary landfill facilities operated by the Northwest Iowa Solid Waste Association are hereby designated as the official “Public Sanitary Disposal Project” for the disposal of solid waste produced or originating within the City.

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CHAPTER 106

COLLECTION OF SOLID WASTE

106.01 Collection Service
106.02 Collection Vehicles
106.03 Loading
106.04 Frequency of Collection
106.05 Bulky Rubbish

106.06 Right of Entry
106.07 Contract Requirements
106.08 Collection Fees
106.09 Lien for Nonpayment

106.01 COLLECTION SERVICE. The City shall provide by contract for the collection of all solid waste except bulky rubbish as provided in Section 106.05 within the City.

106.02 COLLECTION VEHICLES. Vehicles or containers used for the collection and transportation of garbage and similar putrescible waste or solid waste containing such materials shall be leakproof, durable and of easily cleanable construction. They shall be cleaned to prevent nuisances, pollution or insect breeding and shall be maintained in good repair.

(IAC, 567-104.9[455B])

106.03 LOADING. Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak, or spill therefrom, and shall be covered to prevent blowing or loss of material. Where spillage does occur, the material shall be picked up immediately by the collector or transporter and returned to the vehicle or container and the area properly cleaned.

106.04 FREQUENCY OF COLLECTION. All solid waste shall be collected from residential premises at least once each week and from commercial, industrial and institutional premises as frequently as may be necessary, but not less than once each week.

106.05 BULKY RUBBISH. Bulky rubbish which is too large or heavy to be collected in the normal manner of other solid waste may be collected by the collector upon request; however, if it exceeds the volume specified in the schedule of fees, the City shall determine the fair and reasonable amount of the fee and shall bill the resident for the same, all as provided in the schedule of fees provisions in this Code of Ordinances. *(Ord. 155 – Jul. 01 Supp.)*

106.06 RIGHT OF ENTRY. Solid waste collectors are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom

as required by this chapter; however, solid waste collectors shall not enter dwelling units or other residential buildings.

106.07 CONTRACT REQUIREMENTS. No person shall engage in the business of collecting, transporting, processing or disposing of solid waste for the City without first entering into a contract with the City. This section does not prohibit an owner from transporting solid waste accumulating upon premises owned, occupied or used by such owner, provided such refuse is disposed of properly in an approved sanitary disposal project. Furthermore, a contract is not required for the removal, hauling, or disposal of earth and rock material from grading or excavation activities, provided that all such materials are conveyed in tight vehicles, trucks or receptacles so constructed and maintained that none of the material being transported is spilled upon any public right-of-way.

106.08 COLLECTION FEES. The collection and disposal of solid waste as provided by this chapter are declared to be beneficial to the property served and therefore, a mandatory fee shall be levied and collected in accordance to the following:

(Code of Iowa, Sec. 384.84)

1. Schedule of Fees. The fees for refuse collection and disposal services, used or available, are:

A. For each single-family residence – Base fee \$12.00 per month.

(1) The base fee identified above for residential premises shall cover the collection of two (2) 32-gallon containers per week, of not more than 50 pounds each.

(2) An additional fee of \$4.50 is hereby imposed for each additional 32-gallon container, or portion thereof, per week or a specific item that won't fit in a 32-gallon container.

B. For commercial, industrial or institutional establishment, the fee shall be set by the Council following a study of the amounts of garbage set out by each establishment. This shall be reviewed by the Solid Waste Committee of the Council periodically. Fees for this service shall be:

Commercial I.....	\$ 16.50
Commercial II	\$ 22.00
Commercial III.....	\$ 38.50
Commercial IV.....	\$ 88.00
Industrial	\$ 200.00

C. The Council reserves the right to adjust commercial, industrial or institutional establishments fees based on the weight of garbage and an individual fee charged based on a per customer basis based on weight. These fees will be different than for other commercial, industrial or institutional establishments fees. The fee will be decided by the Council or their appointee based on weight and the landfill fees.

D. For each dwelling unit of a multiple-family dwelling - \$12.00 per month if apartments have individual billings. When apartments do not have individual billings for other utility services, the owner will be billed as follows, based on commercial classifications:

1 to 2 Units.....	C-I
3 to 8 Units.....	C-II
9 to 12 Units.....	C-III
over 12 Units.....	C-IV

E. Construction dumpsters will be charged at \$30.00 per week and \$30.00 per dump.

F. The City Council reserves the right to add a Fuel Surcharge in addition to the monthly base fee for solid waste removal. This is to address the fluctuations in fuel costs for providing the solid waste service. The Council proposes the following fuel surcharge rates:

FUEL PRICE	CUSTOMER CHARGE
\$2.49 and below	\$0.00 surcharge
\$2.50 - \$3.00	\$0.50 surcharge
\$3.01 - \$3.50	\$0.75 surcharge
\$3.51 - \$4.00	\$1.00 surcharge
\$4.01 - \$4.50	\$1.25 surcharge
\$4.51 - \$5.00	\$1.50 surcharge
\$5.01 - \$5.50	\$1.75 surcharge

(Ord. 193 – Sep. 11 Supp.)

2. Payment of Bills. All fees are due and payable under the same terms and conditions provided for payment of a combined service account as contained in Section 92.04 of this Code of Ordinances. Solid waste collection service may be discontinued in accordance with the provisions contained in Section 92.05 if the combined service account becomes delinquent, and the provisions contained in Section 92.08 relating to lien notices shall also apply in the event of a delinquent account.

(Ord. 197 – Sep. 13 Supp.)

106.09 LIEN FOR NONPAYMENT. 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 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)

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CHAPTER 110

NATURAL GAS UTILITY

110.01 Purpose
110.02 Rates

110.03 Service Rules and Regulations
110.04 Tariff on File

110.01 PURPOSE. The purpose of this chapter is to provide for the terms and conditions of natural gas service provided by the municipally owned gas utility.

110.02 RATES. The gas service rates including purchased gas adjustment shall be established and adopted by resolution of the Council.

110.03 SERVICE RULES AND REGULATIONS. The rules and regulations for service to be rendered by the Municipal Gas Utility are contained in the Gas Tariff on file with the Utilities Division of the Iowa Department of Commerce.

110.04 TARIFF ON FILE. An official copy of the City's Municipal Gas Tariff is on file in the office of the Clerk and with the Utilities Division of the Iowa Department of Commerce.

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CHAPTER 111

FRANCHISE REQUIRED

111.01 Franchise

111.02 User Fee

111.03 Grant of Franchise

111.04 Prohibited Acts

111.05 City's Right of Action

111.01 FRANCHISE. No person or other entity shall erect, maintain, and operate plants and systems for electric light and power, heating, telephone, telegraph, cable television, district telegraph and alarm, cable communication system of any type, motor bus, trolley bus, street railway or other public transit, waterworks or gasworks within the City without a franchise from the City.

111.02 USER FEE. Any person or other entity operating in violation of Section 111.01 shall pay a user fee to the City based on the gross revenue derived from any sales through the distribution system within the City. Said payment is a form of rent and grants no rights to any person or other entity. Any person or other entity, whether paying a user fee or not, may be ejected from public property if operating without a franchise, and in addition, the City reserves to itself all rights and remedies it may have at law, in equity, or otherwise against such persons or other entities.

111.03 GRANT OF FRANCHISE. A city ordinance is required to give any person the right or privilege to erect, construct, operate or maintain or use any natural gas pipeline, plant or system or gasworks, or electric light and power system or works or water or telephone or cable communications systems of any type within the City in order to sell or distribute or provide non-municipal natural gas or electrical power and energy to any user or consumer within the City or to use the streets or alleys of the City for such purpose or to interconnect any building, structure or facility of any kind to any natural gas pipeline or system, or electrical line or system other than to the natural gas or electrical system of the City. No such ordinance shall be considered until after the question of the granting of the franchise necessary for such purpose shall be submitted to and approved by a majority of the qualified electors of the City at an election held for such purposes at the expense of the applicant for such franchise.

111.04 PROHIBITED ACTS. Unless a franchise has been granted under provisions of Section 111.03 above, no person shall erect, construct, operate or maintain or use any natural gas pipeline, plant or system or gasworks, or electric light and power system or works within the City in order to sell or distribute or

provide non-municipal natural gas or electrical power and energy to any user or consumer within the City or use the streets or alleys of the City for such purpose or interconnect any building, structure or facility of any kind to any natural gas pipeline or system or electrical line or system other than to the natural gas or electrical system of the City.

111.05 CITY'S RIGHT OF ACTION. If any person, firm or corporation constructs, operates or maintains any natural gas pipeline, plant or system or gasworks, or electric light and power system or works or sells or distributes any natural gas or electricity within the City, or makes any connections with gas or electric lines or systems contrary to the provisions of this chapter, the City may commence an action for suitable and appropriate legal, equitable, or other relief.

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CHAPTER 112

USE OF PUBLIC PROPERTY AND RIGHT OF WAY

112.01 Purpose and Rule of Interpretation
112.02 Definitions
112.03 License Required
112.04 Compensation Required
112.05 Limit on Term
112.06 Placement of Facilities
112.07 Indemnification
112.08 Regulation by the City

112.09 Construction and Excavation by Holders of a License
112.10 City Construction and Paving
112.11 Design Notice to City
112.12 Assignment
112.13 Forfeiture
112.14 Application
112.15 Home Rule

112.01 PURPOSE AND RULE OF INTERPRETATION. The City Council finds it necessary for the City to establish uniform rules and controls to ensure public safety and provide efficient delivery of services by the City and others wishing to utilize streets and other public property for the delivery of utility services. This is necessary in order to protect public and private investment, ensure orderly use of public property and ensure the health, safety and welfare of the population; to provide for the regulation and administration of public streets and other public property; and to secure the rights of the City to a return on its investment in public property. This chapter is to be interpreted in light of these findings for the benefit of the public and users of the streets and other public property.

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

1. “Operator” means the person or entity who owns a relevant utility service.
2. “Utility Service” means the distribution, transmission or sale of television, electricity, internet, video, audio, telephone, telecommunications and/or gas services via any material or non-material medium, where some portion of City right of way or other public property is physically involved at some point in the delivery process.

112.03 LICENSE REQUIRED. No operator shall use the public right of way or other public property for utility service without first obtaining a license from the City. Licenses shall be issued per utility service. That is, a separate license is required for each utility service even though the same medium or public property is used to transmit more than one service. Each license issued shall designate the service to which it relates. An application for a license shall be filed with the City Manager on a form provided by the City and shall include at a minimum the following information: the name, address and telephone

number of a person whom the City may notify or contact at any time concerning the license; an acceptable site plan showing the proposed location of the utilities including any manholes, the size, type and proposed depth of any conduit or other enclosures; the type of utility service to which the license pertains; and any additional information the City may require. All licenses required by this section shall be approved by the City Council.

112.04 COMPENSATION REQUIRED. All licensees shall pay reasonable and competitively neutral compensation for the non-exclusive use of public right of way or other public property. Therefore, a one-time license charge will be assessed on all licenses for the term of the license. Payment is due when the license is issued; however, a payment schedule may be agreed upon between the City and the licensee. If the license is renewed, a new license charge shall be assessed and paid. The fee is based on administrative and development costs for issuing licenses, and costs for the use and maintenance of public grounds, and is established at \$500.

112.05 LIMIT ON TERM. No license or lease for use of the public right of way or other public property shall be granted for a term exceeding five years.

112.06 PLACEMENT OF FACILITIES. The facilities, fixtures and equipment for the distribution, transmission or sale of any utility service shall be placed and maintained so as not to unnecessarily or unreasonably interfere with travel on the streets, highways, avenues, alleys, bridges and public places in the City, nor shall such facilities, fixtures and equipment interfere with the proper use of the same, including, but not limited to, ordinary drainage, or the functioning of sewers, underground pipe or other property of the City. In the event that facilities, fixtures and equipment of any person or other entity located within a public right of way must be relocated because of paving, road construction or road reconstruction, sewer construction or sewer reconstruction, or the construction or reconstruction of public drainage systems or similar public works or the construction or reconstruction of the facilities of any City-owned utility, such relocation, at the written request of the City shall be completed by the owner of such facilities at the owner's cost. The City shall upon request of any person or other entity holding a license review any plans for the construction of facilities, fixtures and equipment within the public right of way and advise the person or other entity of any conflict such construction may have with planned or anticipated public improvements, but failure of the City to so advise such person or other entity will not relieve the operator of its obligations under this chapter. Notwithstanding the foregoing, the City Manager or designee may require that placement of equipment or utilities belonging to any operator be limited to locations designated by the City

Manager, if such limitation is deemed to be necessary to protect the integrity of use of present and future users of the public rights of way or other public property. In addition, all excavation or areas disturbed shall be brought back to original condition or better as determined by the City representative.

112.07 INDEMNIFICATION. The operator shall indemnify, defend, and hold the City harmless at all times during the term of the license from and against all claims for injury or damage to any person or property, including payments under workers' compensation laws, caused by the construction, erection, operation or maintenance of facilities, fixtures or equipment, or the negligence of its contractors or its employees. In case of any suit or action at law being commenced against the City, upon any claim arising out of any loss, injury or damage claimed to have been caused by any installation, improvement, obstruction or excavation made or left in, under or upon such street, sidewalk, alley or public place by the operator, or by its agents, contractors or employees, then the holder, upon being notified in writing by the City of such action or proceeding, shall undertake its defense at its cost. If any judgment or decree shall in any such case be rendered against the City, the operator shall assume, pay and satisfy such judgment or decree, with the cost thereof. Immediately upon issuance of the license, the operator shall purchase general liability insurance. The amount of insurance shall be a minimum of \$500,000 with a maximum deductible of \$5,000 and provide the City with a 30-day notice of cancellation of this policy. The operator shall file with the City Manager a certificate of insurance which clearly discloses on its face coverage in conformity with these requirements. Upon request of the City, the holder of the license shall submit a certified copy of the policy.

112.08 REGULATION BY THE CITY. The City reserves the right to make reasonable general regulations for the use of streets and other public property which unless otherwise specifically provided shall apply to any operator.

112.09 CONSTRUCTION AND EXCAVATION BY HOLDERS OF A LICENSE. In making excavations in the streets, right of way or public grounds, the operator shall properly protect according to safety standards generally accepted at the time of placement, as may be determined from time to time by the City representative, all excavations and obstructions by proper placement of shoring, surface plates, barricades, warning lights and such other or additional devices as circumstances may warrant. If in the opinion of the City representative such excavation or obstruction is not properly and safely protected, the City representative shall notify such operator who shall immediately comply with such reasonable instructions. Immediately after use, any trenches for excavations which the operator has opened shall be filled.

However, no trench or excavation in the streets, right of way, or public grounds shall be filled or covered without giving the City the right and opportunity to inspect it. If excavation is in a grassed area, sod replacement will be required unless seeding is acceptable as determined by the City representative. All backfilling in streets/sidewalks will be according to City specifications of at least 95% compaction. Temporary street surfacing will be placed in such excavations as soon as the same has been backfilled. Pavements, sidewalks, curbs and gutters or other portions of streets and right of ways or public places opened, disturbed or damaged shall be promptly restored by saw cutting the edges of the existing surfaces and replaced with like materials at the expense of the operator and left in as good condition or better than before the opening, disturbance or damage occurred. In the event like replacement materials are not available, the operator shall notify the City representative who must approve the use of any alternate materials. In the event that the operator fails to comply with the provisions of this section, after having been given reasonable notice, the City may do such works as may be needed to properly repair such pavements, sidewalk, curbs and gutters or other portions of streets and public places and the cost thereof shall be repaid to the City by the operator. In cases where a cut or disturbance is made in a section of street paving or sidewalk but causes greater disturbance than to just the area cut, then, rather than replace only the area cut, the operator shall replace that area within thirty days, which in no event shall exceed the panel or panels disturbed.

112.10 CITY CONSTRUCTION AND PAVING. Whenever the City shall pave or repave any street or sidewalk or shall change the grade line of any street or public place or shall construct or reconstruct any conduit, water main service or water connection, sanitary sewer, storm sewer, or other City-owned public works or City-owned utility, it shall be the duty of the operator when so ordered by the City, to relocate its service lines and other property in the streets or other public places at its own expense so as to conform to the established grade or line of such street or public place and so as not to interfere with the public improvements so constructed or reconstructed. In the case of other public improvements, including but not limited to urban renewal projects, the City may require the operator to relocate its service lines and appurtenances in the streets at the operator's expense. The City may at its discretion assign personnel for inspection of excavation and related work being performed by the operator. Should the operator fail or refuse to perform the requirements of this section, the City may, after reasonable notice, perform the work and charge the expense thereof to the operator and the operator shall promptly pay said charges.

112.11 DESIGN NOTICE TO CITY. The operator shall promptly, upon request, furnish the City representative a detailed map or maps including but not

limited to dimensions of its distribution system and facilities both within the City limits and the area within two miles surrounding the City, unless that area is within another city. The operator shall thereafter update the map or maps at least annually or upon request, showing all subsequent additions or deletions to the distribution system. Prior to any excavation by the City or its agents, a representative must contact the operator regarding current information on the location of underground lines or facilities in the area concerned. The obligation to contact the operator under this section shall be satisfied if contact is made with a corporation organized pursuant to Code of Iowa Chapter 480 or an entity with a similar function utilized by both the City and the company, currently the Iowa One-Call System.

112.12 ASSIGNMENT. No sale or assignment of any license shall be effective until it is approved by the City Council and until the holder thereof has filed in the office of the City Clerk written notice of the proposed sale, transfer, disposition, or assignment. Such notice shall clearly summarize the proposed procedure and the terms and conditions thereof. Such approval by the City shall not be unreasonably withheld. The proposed vendee, assignee or lessee shall similarly file a duly executed document, reciting such proposal, accepting the terms of the license and agreeing to perform all of the conditions thereof.

112.13 FORFEITURE. The violation of any material portion of a license by the operator or its successors or assigns, or its failure promptly to perform any of the provisions of this chapter shall be cause for forfeiture of the license and the termination of all rights thereunder. Such forfeiture shall be accomplished by ordinance of the City after written notice to the operator and a continuation of the violation, failure or default specified on the notice for at least thirty (30) days from the date the notice was served.

112.14 APPLICATION. This chapter shall apply to all operators who currently have a utility service or in the future establish a utility service.

112.15 HOME RULE. This chapter is intended to be and shall be construed as consistent with the reservation of local authority contained in the 25th Amendment to the Iowa Constitution granting cities Home Rule powers. To such end any limitations on the power of the City contained herein is to be liberally construed and the City reserves to itself the right to exercise all power and authority to regulate and control its local affairs and all ordinances and regulations of the City shall be enforceable against any operator.

(Ch. 112 – Ord. 170 – Oct. 05 Supp.)

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CHAPTER 113

CABLE TELEVISION FRANCHISE

113.01 Definitions	113.15 Books and Records
113.02 Grant	113.16 Insurance Requirements
113.03 Right-of-Way Ordinance	113.17 Indemnification
113.04 Conditions of Occupancy	113.18 Notice of Violation
113.05 Restoration of Public Ways	113.19 Grantee's Right to Cure or Respond
113.06 Relocation for the City	113.20 Public Hearing
113.07 Relocation for a Third Party	113.21 Enforcement
113.08 Trimming of Trees and Shrubbery	113.22 Revocation
113.09 Safety Requirements	113.23 Force Majeure
113.10 Underground Construction	113.24 Actions of Parties
113.11 Access to Open Trenches	113.25 Entire Agreement
113.12 Franchise Fee	113.26 Reservation of Rights
113.13 Rates	113.27 Notice
113.14 Transfer of Franchise	113.28 Term and Effective Date

113.01 DEFINITIONS. The following words and phrases, when used herein, shall, for the purposes of this chapter, have the meanings ascribed to them in this section:

1. "Cable service" means the delivery by the Grantee to television receivers (or any other suitable type of audio video communications receivers) of the signals of over the air television broadcast stations, satellite programming services and other video programming sources authorized for transmission over cable television systems by the FCC; and additional closed circuit channels at the option of the Grantee.
2. "Cable system" means system used and/or operated by Grantee for the provision of cable service. It may utilize fiber optic cable, coaxial cable, twisted-pair cable and other media and electronic and other components as Grantee shall determine.
3. "City" means the City of Sanborn, Iowa.
4. "Council" means the City Council of the City.
5. "FCC" means Federal Communications Commission or successor agency of the United States government having jurisdiction over the operations of Grantee in the City.
6. "Grantee" means Premier Communications, Inc.
7. "Gross franchise fee revenue" means any revenues received from the operation of the cable system to provide cable services in the service area received by Grantee from subscribers, provided, however, that gross franchise fee revenue shall not include franchise fees, the FCC user fee

or any tax, fee or assessment of general applicability collected by the Grantee from subscribers for pass-through to a government agency.

8. "Person" means any person, firm, partnership, association, corporation, company or organization of any kind and any other legally recognized entity.

9. "Public way" means the surface of, and the space above and below any public street, highway, freeway, bridge, alley, court, boulevard, sidewalk, parkway, way, lane, public way, drive, circle or other public right-of-way, including public utility easements and dedicated utility strips, held by the City in the service area which shall entitle the Grantee to the use thereof for the purpose of installing, operating, repairing and maintaining the cable system.

10. "Service area" means the present boundaries of the City and includes any additions thereto by annexation or other legal means.

11. "Subscribers" means those persons contracting with Grantee to receive any type of cable service that Grantee may offer.

113.02 GRANT. The City hereby grants to the Grantee a nonexclusive franchise which authorizes the Grantee to construct and operate a cable system in, along, among, upon, across, above, over, under or in any manner connected with public ways within the service area and for that purpose to erect, install, construct, repair, replace, reconstruct, maintain or retain in, on, over, under, upon, across or along any public way such facilities and equipment as may be necessary or appurtenant to the cable system for the transmission and distribution of cable service. In accepting this franchise, Grantee acknowledges that its rights hereunder are subject to the police powers of the City to adopt and enforce general ordinances necessary for the health, safety and welfare of the public and it agrees to comply with all applicable general laws and ordinance enacted by the City pursuant to such powers. Such ordinances include, but are not limited to, ordinances of a general nature that place reasonable restrictions upon the right of persons to use public ways, provided, however that such restrictions shall not be inconsistent with the rights granted to Grantee by this franchise.

113.03 RIGHT OF WAY ORDINANCE. Nothing in this chapter shall affect the collection of fees lawfully assessed to Grantee under the City's right-of-way ordinance (Chapter 112).

113.04 CONDITIONS OF OCCUPANCY. The cable system installed by the Grantee pursuant to the terms hereof shall be located so as to cause a minimum of interference with the proper use of public ways and with the rights

and reasonable convenience of property owners who own property that adjoins any such public ways and in accord with City authority to manage and control the public ways.

113.05 RESTORATION OF PUBLIC WAYS. If during the course of Grantee's construction, operation or maintenance of the cable system there occurs a disturbance of any public way by the Grantee, the Grantee shall replace and restore such public way to a condition reasonably comparable to the condition of the public way existing immediately prior to such disturbance.

113.06 RELOCATION FOR THE CITY. Upon its receipt of reasonable advance written notice, to be not less than ten (10) business days, the Grantee shall protect, support, raise, lower, temporarily disconnect, relocate in or remove from the public way any property of the Grantee when lawfully required by the City by reason of traffic conditions, public safety, street abandonment, freeway and street construction, change or establishment of street grade, installation of sewers, drains, gas or water pipes or any other type of public structures or improvements.

113.07 RELOCATION FOR A THIRD PARTY. The Grantee shall, on the request of any person holding a lawful permit issued by the City, protect, support, raise, lower, temporarily disconnect, relocate in or remove from the public way as necessary any property of the Grantee, provided: (i) the expense of such is paid by the person benefiting from the relocation, including, if required by the Grantee, making such payment in advance; and (ii) the Grantee is given reasonable advance written notice to prepare for such changes. For purposes of this subsection, "reasonable advance written notice" shall be no less than thirty (30) business days in the event of a temporary relocation, and no less than one hundred twenty (120) days for a permanent relocation.

113.08 TRIMMING OF TREES AND SHRUBBERY. The Grantee shall have the authority to trim trees or other natural growth in order to access and maintain the cable system or in accord with any City tree trimming ordinance which may hereafter be adopted.

113.09 SAFETY REQUIREMENTS. Construction, operation and maintenance of the cable system shall be performed in an orderly and workmanlike manner. All such work shall be performed in substantial accordance with generally applicable Federal, State and local regulations and the *National Electric Safety Code*.

113.10 UNDERGROUND CONSTRUCTION. In those areas of the service area where all of the transmission or distribution facilities of the respective

public utilities providing telephone communications and electric services are underground, the Grantee likewise shall construct, operate and maintain all of its cable system underground. Any remaining overhead lines, in areas where the respective public utilities are underground, shall be buried within seven (7) years from the date of this franchise. Nothing contained in this section shall require the Grantee to construct, operate and maintain underground any ground-mounted appurtenances.

113.11 ACCESS TO OPEN TRENCHES. The City agrees to include the Grantee in the platting process for any new subdivision. At a minimum, the City agrees to require as a condition of issuing a permit for open trenching to any utility or developer that (1) the utility or developer give the Grantee at least ten (10) days advance written notice of the availability of the open trench, and (2) that the utility or developer provide the Grantee with reasonable access to the open trench. Notwithstanding the foregoing, the Grantee shall not be required to utilize any open trench. In the event compliance with this section causes the City extra expenses for either, or both, the required notices or costs for delay in any project or public work, Grantee shall reimburse such expenses to the City.

113.12 FRANCHISE FEE. The Grantee shall pay to the City a franchise fee of five percent (5%) of annual gross revenues (as defined in Section 113.01 of this chapter). The twelve (12) month period applicable under the franchise for the computation of the franchise fee shall be a calendar year. The franchise fee payment shall be due annually and payable within 90 days after the close of the preceding calendar year. Each payment shall be accompanied by a brief report prepared by a representative of the Grantee showing the basis for the computation.

113.13 RATES. The City may regulate rates for the provision of services if and to the extent permitted by law.

113.14 TRANSFER OF FRANCHISE. Grantee shall not transfer this franchise without the approval of the City, which approval shall not be unreasonably withheld.

113.15 BOOKS AND RECORDS. The Grantee agrees that the City, upon thirty (30) days written notice to the Grantee and no more than once annually, may review such of its books and records at the Grantee's business office, during normal business hours and on a nondisruptive basis, as is reasonably necessary to ensure the correctness of Grantee's calculation and payment of the franchise fee. If the books and records are not easily accessible at the local office of the Grantee, the Grantee may, at its sole option, choose to pay the

reasonable travel costs of the City's representative to view the books and records at the appropriate location. The Grantee shall not be required to maintain any books and records for this purpose longer than three (3) years. Notwithstanding anything to the contrary set forth herein, the Grantee shall not be required to disclose information which it reasonably deems to be proprietary or confidential in nature, nor disclose books and records of any affiliate which is not providing cable service in the service area. The City agrees to treat any information disclosed by the Grantee as confidential and only to disclose it to employees, representatives and agents thereof that have a need to know, or in order to enforce the provisions hereof. However, the Grantee shall not be required to provide subscriber information in violation of State or Federal law.

113.16 INSURANCE REQUIREMENTS. The Grantee shall maintain insurance in full force and effect, at its own cost and expense, during the term of the franchise, Commercial General Liability Insurance in the amount of \$1,000,000 combined single limit for bodily injury and property damage. The City shall be designated as an additional insured. Such insurance shall be noncancellable except upon thirty (30) days' prior written notice to the City. Upon written request, the Grantee shall provide a Certificate of Insurance showing evidence of the coverage required by this section.

113.17 INDEMNIFICATION. The Grantee agrees to indemnify, save and hold harmless and defend the City, its officers, boards and employees, from and against any liability for damages and for any liability or claims resulting from property damage or bodily injury (including accidental death) which arise out of the Grantee's construction, operation or maintenance of its cable system in the service area.

113.18 NOTICE OF VIOLATION. In the event that the City believes that the Grantee has not complied with the terms of the franchise, the City shall informally discuss the matter with Grantee. If these discussions do not lead to resolution of the problem, the City shall notify the Grantee in writing of the exact nature of the alleged noncompliance.

113.19 GRANTEE'S RIGHT TO CURE OR RESPOND. The Grantee shall have thirty (30) days from receipt of the notice described in Section 113.18 to: (i) respond to the City contesting the assertion of noncompliance; or (ii) to cure such default; or (iii) in the event that, by the nature of the default, such default cannot be cured within the thirty-day period, initiate reasonable steps to remedy such default and notify the City of the steps being taken and the projected date that they will be completed.

113.20 PUBLIC HEARING. In the event that the Grantee fails to respond to the notice as described in Section 113.18 pursuant to the procedures set forth in Section 113.19, or in the event that the alleged default is not remedied within thirty (30) days or the date projected pursuant to Section 113.19(iii) above, if it intends to continue its investigation into the default, then the City shall schedule a public hearing. The City shall provide the Grantee at least ten (10) days' prior written notice of such hearing, which specifies the time, place and purpose of such hearing and provide the Grantee the opportunity to be heard.

113.21 ENFORCEMENT. Subject to applicable Federal and State law, in the event the City, after the hearing set forth in Section 113.20, determines that the Grantee is in material default of any provision of the franchise, the City may:

1. Seek specific performance of any provision, which reasonably lends itself to such remedy, as an alternative to damages; or
2. Commence an action at law for monetary damages or other or additional relief, with or without equitable relief; or
3. In the case of a substantial default of a material provision of the franchise, seek to revoke the franchise in accordance with Section 113.22.

113.22 REVOCATION. Should the City seek to revoke the franchise after following the procedures set forth in Sections 113.18 – 113.21, the City shall give written notice to the Grantee of its intent. The notice shall set forth the exact nature of the noncompliance. The Grantee shall have ninety (90) days from such notice to object in writing and to state its reasons for such objection. In the event the City has not received a satisfactory response from the Grantee, it may then seek termination of the franchise at a public hearing. The City shall cause to be served upon the Grantee, at least thirty (30) days prior to such public meeting, a written notice specifying the time and place of such hearing and stating its intent to revoke the franchise. At the designated hearing, Grantee shall be provided a fair opportunity for full participation, including the right to be represented by legal counsel, to introduce relevant evidence, to require the production of evidence, to compel the relevant testimony of the officials, agents, employees or consultants of the City, to compel the testimony of other persons as permitted by law, and to question witnesses. A complete verbatim record and transcript shall be made of such hearing. Following the hearing, the City shall determine whether or not the franchise shall be revoked. If the City determines that the franchise shall be revoked, the City shall promptly provide Grantee with its decision in writing. The Grantee may appeal such determination of the City to an appropriate court, which shall have the power to review the decision of the

City de novo. Grantee shall be entitled to such relief as the court finds appropriate. Such appeal must be taken within sixty (60) days of the Grantee's receipt of the determination of the City. Until the merits of the appeal have been determined in a final judgment of such court, the franchise shall remain in force. The City may, at its sole discretion, take any lawful action which it deems appropriate to enforce the City's rights under the franchise in lieu of revocation of the franchise.

113.23 FORCE MAJEURE. The Grantee shall not be held in default under or in noncompliance with the provisions of the franchise or suffer any enforcement or penalty relating to noncompliance or default, where such noncompliance or alleged defaults occurred or were caused by circumstances reasonably beyond the ability of the Grantee to anticipate and control. This provision includes work delays caused by waiting for utility providers to service or monitor their utility poles to which Grantee's cable system is attached, as well as unavailability of materials and/or qualified labor to perform the work necessary. Furthermore, the parties hereby agree that it is not the City's intention to subject the Grantee to penalties, fines, forfeitures or revocation of the franchise for violations of the franchise where the violation was a good faith error that resulted in no or minimal negative impact on the subscribers within the service area, or where strict performance would result in practical difficulties and hardship to the Grantee which outweigh the benefit to be derived by the City and/or subscribers.

113.24 ACTIONS OF PARTIES. In any action by the City or the Grantee that is mandated or permitted under the terms hereof, such party shall act in a reasonable, expeditious and timely manner. Furthermore, in any instance where approval or consent is required under the terms hereof, such approval or consent shall not be unreasonably withheld.

113.25 ENTIRE AGREEMENT. This franchise constitutes the entire agreement between the Grantee and the City and supersedes all other prior understandings and agreements oral or written. Any amendments to this franchise shall be mutually agreed to in writing by the parties.

113.26 RESERVATION OF RIGHTS. Acceptance of the terms and conditions of this franchise will not constitute, or be deemed to constitute, a waiver, either expressly or impliedly, by Grantee of any constitutional or legal right which it may have or may be determined to have, either by subsequent legislation or court decisions. The City acknowledges that Grantee reserves all of its rights under applicable Federal and State Constitutions and laws.

113.27 NOTICE. Unless expressly otherwise agreed between the parties, every notice or response required by this franchise to be served upon the City or the Grantee shall be in writing, and shall be deemed to have been duly given to the required party when placed in a properly sealed and correctly addressed envelope: a) upon receipt when hand delivered with receipt/acknowledgment, b) upon receipt when sent certified, registered mail, c) within five (5) business days after having been posted in the regular mail, or d) the next business day if sent by express mail or overnight air courier.

The notices or responses to the City shall be addressed as follows:

City of Sanborn
102 Main Street
P.O. Box 548
Sanborn, IA 51248-0548

The notice of responses to the Grantee shall be addressed as follows:

Premier Communications, Inc.
339 First Avenue NE
P.O. Box 200
Sioux Center, IA 51250
Attn: Chief Executive Officer

The City and the Grantee may designate such other address or addresses from time to time by giving notice to the other in the manner provided for in this section.

113.28 TERM AND EFFECTIVE DATE. The effective date of this franchise is the latest of a) the date of final adoption by the City; b) approval of the franchise at an election of the voters pursuant to Iowa law; and c) the acceptance of the franchise by Grantee. As of the effective date of this franchise, all inconsistent legislative enactments of the City are repealed. The term of the franchise is ten (10) years from its effective date.

EDITOR'S NOTE

Ordinance No. 171 adopting a cable television franchise for the City was passed and adopted on October 31, 2005. Voters approved the franchise at an election held on January 10, 2006, and the Grantee accepted the franchise on January 16, 2006.

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CHAPTER 115

CEMETERY

115.01 Definition

115.02 Trusteeship

115.03 Operation of the Cemetery

115.04 Records

115.05 Sale of Interment Rights

115.06 Rules and Regulations

115.01 DEFINITION. The term “cemetery” means the Roseland Cemetery, which is a municipal cemetery under the provisions of Chapter 523I of the Code of Iowa and which shall be operated under the provisions of Chapter 523I of the Code of Iowa and this chapter.

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

115.02 TRUSTEESHIP. Pursuant to Section 523I.502 of the Code of Iowa, the City Council hereby states its willingness and intention to act as the trustee for the perpetual maintenance of the cemetery property.

(Code of Iowa, Sec. 523I.502)

115.03 OPERATION OF THE CEMETERY. The Council shall operate the cemetery in accordance with the rules and regulations therefor.

115.04 RECORDS. It is the duty of the Clerk to make and keep complete records identifying the owners of all interment rights sold by the cemetery and historical information regarding any transfers of ownership. The records shall include all of the following:

(Code of Iowa, Sec. 523I.311)

1. Sales or Transfers of Interment Rights.
 - A. The name and last known address of each owner or previous owner of interment rights.
 - B. The date of each purchase or transfer of interment rights.
 - C. A unique numeric or alphanumeric identifier that identifies the location of each interment space sold by the cemetery.
2. Interments.
 - A. The date the remains are interred.
 - B. The name, date of birth and date of death of the decedent interred, if those facts can be conveniently obtained.

C. A unique numeric or alphanumeric identifier that identifies the location of each interment space where the remains are interred.

115.05 SALE OF INTERMENT RIGHTS. The sale or transfer of interment rights in the cemetery shall be evidenced by a certificate of interment rights or other instrument evidencing the conveyance of exclusive rights of interment upon payment in full of the purchase price. The agreement for interment rights shall disclose all information required by Chapter 523I of the Code of Iowa. The payment of all fees and charges shall be made at the office of the Clerk where receipts will be issued for all amounts paid. Said fees and charges shall be based upon the charges as established by the Council.

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

115.06 RULES AND REGULATIONS. Rules and regulations for the cemetery may be adopted, and may be amended from time to time, by resolution of the Council and may cover such things as the use, care, control, management, restrictions and protection of the cemetery as necessary for the proper conduct of the business of the cemetery. The rules shall specify the cemetery's obligations in the event that interment spaces, memorials or memorializations are damaged or defaced by acts of vandalism. Any veteran, as defined in Section 35.1 of the Code of Iowa, or a resident of the State who served in the armed forces of the United States, completed a minimum aggregate of ninety days of active Federal service and was discharged under honorable conditions, who is a landowner or who lives within the City shall be allowed to purchase an interment space and to be interred within the cemetery.

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

(Ch. 115 – Ord. 179 – Apr. 08 Supp.)

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CHAPTER 120

LIQUOR LICENSES AND WINE AND BEER PERMITS

120.01 License or Permit Required
120.02 General Prohibition
120.03 Investigation

120.04 Action by Council
120.05 Prohibited Sales and Acts
120.06 Amusement Devices

120.01 LICENSE OR PERMIT REQUIRED. No person shall manufacture for sale, import, sell, or offer or keep for sale, alcoholic liquor, wine, or beer without first securing a liquor control license, wine permit or beer permit in accordance with the provisions of Chapter 123 of the Code of Iowa.

(Code of Iowa, Sec. 123.22, 123.122 & 123.171)

120.02 GENERAL PROHIBITION. It is unlawful to manufacture for sale, sell, offer or keep for sale, possess or transport alcoholic liquor, wine or beer except upon the terms, conditions, limitations and restrictions enumerated in Chapter 123 of the Code of Iowa, and a license or permit may be suspended or revoked or a civil penalty may be imposed for a violation thereof.

(Code of Iowa, Sec. 123.2, 123.39 & 123.50)

120.03 INVESTIGATION. Upon receipt of an application for a liquor license, wine or beer permit, the Clerk may forward it to the Police Chief, who shall then conduct an investigation and submit a written report as to the truth of the facts averred in the application. The Fire Chief may also inspect the premises to determine if they conform to the requirements of the City. The Council shall not approve an application for a license or permit for any premises which does not conform to the applicable law and ordinances, resolutions and regulations of the City.

(Code of Iowa, Sec. 123.30)

120.04 ACTION BY COUNCIL. The Council shall either approve or disapprove the issuance of the liquor control license or retail wine or beer permit and shall endorse its approval or disapproval on the application, and thereafter the application, necessary fee and bond, if required, shall be forwarded to the Alcoholic Beverages Division of the State Department of Commerce for such further action as is provided by law.

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

120.05 PROHIBITED SALES AND ACTS. A person or club holding a liquor license or retail wine or beer permit and the person's or club's agents or employees shall not do any of the following:

1. Sell, dispense or give to any intoxicated person, or one simulating intoxication, any alcoholic liquor, wine or beer.

(Code of Iowa, Sec. 123.49 [1])

2. Sell or dispense any alcoholic beverage, wine or beer on the premises covered by the license or permit, or permit its consumption thereon between the hours of two o'clock (2:00) a.m. and six o'clock (6:00) a.m. on a weekday, and between the hours of two o'clock (2:00) a.m. on Sunday and six o'clock (6:00) a.m. on the following Monday; however, a holder of a license or permit granted the privilege of selling alcoholic liquor, beer or wine on Sunday may sell or dispense alcoholic liquor, beer or wine between the hours of eight o'clock (8:00) a.m. on Sunday and two o'clock (2:00) a.m. of the following Monday, and further provided that a holder of any class of liquor control license or the holder of a class "B" beer permit may sell or dispense alcoholic liquor, wine or beer for consumption on the premises between the hours of eight o'clock (8:00) a.m. on Sunday and two o'clock (2:00) a.m. on Monday when that Monday is New Year's Day and beer for consumption off the premises between the hours of eight o'clock (8:00) a.m. on Sunday and two o'clock (2:00) a.m. on the following Monday when that Sunday is the day before New Year's Day.

(Code of Iowa, Sec. 123.49 [2b and 2k] & 123.150)

3. Sell alcoholic beverages, wine or beer to any person on credit, except with bona fide credit card. This provision does not apply to sales by a club to its members nor to sales by a hotel or motel to bona fide registered guests.

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

4. Employ a person under eighteen (18) years of age in the sale or serving of alcoholic liquor, wine or beer for consumption on the premises where sold.

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

5. In the case of a retail beer or wine permittee, knowingly allow the mixing or adding of alcohol or any alcoholic beverage to beer, wine or any other beverage in or about the permittee's place of business.

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

6. Knowingly permit any gambling, except in accordance with Iowa law, or knowingly permit any solicitation for immoral purposes, or

immoral or disorderly conduct on the premises covered by the license or permit.

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

7. Knowingly permit or engage in any criminal activity on the premises covered by the license or permit.

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

8. Keep on premises covered by a liquor control license any alcoholic liquor in any container except the original package purchased from the Alcoholic Beverages Division of the State Department of Commerce and except mixed drinks or cocktails mixed on the premises for immediate consumption.

(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 which has been reused or adulterated.

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

10. Allow any person other than the licensee, permittee or employees of the licensee or permittee to use or keep on the licensed premises any alcoholic liquor in any bottle or other container which is designed for the transporting of such beverages, except as allowed by State law.

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

120.06 AMUSEMENT DEVICES.

(Code of Iowa, Sec. 99B.10C)

1. As used in this section an “electronic or mechanical amusement device” means a device that awards a prize redeemable for merchandise on the premises where the device is located and which is required to be registered with the Iowa Department of Inspection and Appeals.

2. It is unlawful for any person under the age of twenty-one (21) to participate in the operation of an electrical or mechanical amusement device.

3. It is unlawful for any person owning or leasing an electrical or mechanical amusement device, or an employee of a person owning or leasing an electrical or mechanical amusement device, to knowingly allow a person under the age of 21 to participate in the operation of an electrical or mechanical amusement device.

4. It is unlawful for any person to knowingly participate in the operation of an electrical or mechanical amusement device with a person under the age of 21.

(Ord. 182 – Apr. 08 Supp.)

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. “Carton” means a box or container of any kind in which ten or more packages or packs of cigarettes or tobacco products are offered for sale, sold or otherwise distributed to consumers.
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, this definition is not to be construed to include cigars.
3. “Package” or “pack” means a container of any kind in which cigarettes or tobacco products are offered for sale, sold or otherwise distributed to consumers.
4. “Place of business” means any place where cigarettes or tobacco products are sold, stored or kept for the purpose of sale or consumption by a retailer.
5. “Retailer” means every person who sells, distributes or offers for sale for consumption, or possesses for the purpose of sale for consumption, cigarettes, irrespective of the quantity or amount or the number of sales or who engages in the business of selling tobacco products to ultimate consumers.
6. “Self-service display” means any manner of product display, placement or storage from which a person purchasing the product may take possession of the product, prior to purchase, without assistance from the retailer or employee of the retailer, in removing the product from a restricted access location.

7. "Tobacco products" means the following: cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco; snuff; cavendish; plug and twist tobacco; fine-cut and other chewing tobaccos; shorts or refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or for both chewing and smoking, but does not mean cigarettes.

121.02 PERMIT REQUIRED.

1. Cigarette Permits. It is unlawful for any person, other than a holder of a retail permit, to sell cigarettes at retail and no retailer shall distribute, sell or solicit the sale of any cigarettes 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. Tobacco Permits. It is unlawful for any person to engage in the business of a retailer of tobacco products at any place of business without first having received a permit as a tobacco products retailer for each place of business owned or operated by the retailer.

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

A retailer who holds a cigarette permit is not required to also obtain a tobacco permit. However, if a retailer only holds a cigarette permit and that permit is suspended, revoked or expired, the retailer shall not sell any cigarettes or tobacco 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 (5) days prior to the last regular meeting of the Council in June. If a renewal application is not timely filed, and a special Council meeting is called to act on the application, the costs of such special meeting shall be paid by the applicant.

(Code of Iowa, Sec. 453A.13 & 453A.47A)

121.04 FEES. The fee for a retail cigarette or tobacco permit shall be as follows:

(Code of Iowa, Sec. 453A.13 & 453A.47A)

FOR PERMITS GRANTED DURING:	FEE:
July, August or September	\$ 75.00
October, November or December	\$ 56.25
January, February or March	\$ 37.50
April, May or June	\$ 18.75

121.05 ISSUANCE AND EXPIRATION. Upon proper application and payment of the required fee, a permit shall be issued. Each permit issued shall describe clsanborn 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, and any permit issued, to the Iowa Department of Public Health within thirty (30) days of issuance.

121.06 REFUNDS. A retailer may surrender an unrevoked permit and receive a refund from the City, except during April, May or June, in accordance with the schedule of refunds as provided in Section 453A.13 or 453A.47A of the Code of Iowa.

(Code of Iowa, 453A.13 & 453A.47A)

121.07 PERSONS UNDER LEGAL AGE. No person shall sell, give or otherwise supply any tobacco, tobacco products or cigarettes to any person under eighteen (18) years of age. The provision of this section includes prohibiting a minor from purchasing cigarettes or tobacco products 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 three hundred dollars (\$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 fourteen (14) days.
2. For a second violation within a period of two (2) years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars (\$1,500.00) or the retailer’s permit shall be suspended for a period of thirty (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 (3) years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars (\$1,500.00) and the retailer’s permit shall be suspended for a period of thirty (30) days.

4. For a fourth violation within a period of three (3) years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars (\$1,500.00) and the retailer's permit shall be suspended for a period of sixty (60) days.

5. For a fifth violation with a period of four (4) years, the retailer's permit shall be revoked.

The Clerk shall give ten (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. Beginning January 1, 1999, 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 cigarettes or tobacco products, in a quantity of less than a carton, 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 Iowa Department of Public Health within thirty (30) days of the revocation or suspension.

(Code of Iowa, Sec. 453A.22)

(Ch. 121 – Ord. 181 – Apr. 08 Supp.)

CHAPTER 122

PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

122.01 Purpose	122.11 Revocation of License
122.02 Definitions	122.12 Notice
122.03 License Required	122.13 Hearing
122.04 Application for License	122.14 Record and Determination
122.05 License Fees	122.15 Appeal
122.06 Bond Required	122.16 Effect of Revocation
122.07 License Issued	122.17 Rebates
122.08 Display of License	122.18 License Exemptions
122.09 License Not Transferable	122.19 Charitable and Nonprofit Organizations
122.10 Time Restriction	

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 which is parked anywhere within the City limits. Temporary association with a local merchant, dealer, trader or auctioneer, or conduct of such transient business in connection with, as a part of, or in the name of any local merchant, dealer, trader or auctioneer does not exempt any person from being considered a transient merchant.

122.03 LICENSE REQUIRED. Any person engaging in peddling, soliciting or in the business of a transient merchant in the City without first obtaining a license as herein provided is in violation of this chapter.

122.04 APPLICATION FOR LICENSE. An application in writing shall be filed with the Clerk for a license under this chapter. Such application shall set forth the applicant's name, permanent and local address and business address if any. The application shall also set forth the applicant's employer, if any, and the employer's address, the nature of the applicant's business, the last three places of such business and the length of time sought to be covered by the license. An application fee of two dollars (\$2.00) shall be paid at the time of filing such application to cover the cost of investigating the facts stated therein.

122.05 LICENSE FEES. The following license fees shall be paid to the Clerk prior to the issuance of any license.

1. Solicitors. In addition to the application fee for each person actually soliciting (principal or agent), a fee for the principal of ten dollars (\$10.00) per year.
2. Peddlers or Transient Merchants.
 - A. For one day \$ 5.00
 - B. For one week..... \$ 10.00
 - C. For up to six (6) months..... \$ 20.00
 - D. For one year or major part thereof .. \$ 25.00

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 eight o'clock (8:00) a.m. and six o'clock (6:00) p.m.

122.11 REVOCATION OF LICENSE. After notice and hearing, the Clerk may revoke any license issued under 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.

122.12 NOTICE. The Clerk shall send a notice to the licensee at the licensee's local address, not less than ten (10) days before the date set for a hearing on the possible revocation of a license. Such 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.

122.13 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.

122.14 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.

122.15 APPEAL. If the Clerk revokes or refuses to issue a license, the Clerk shall make a part of the record the reasons therefor. 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.

122.16 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.

122.17 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 five dollars (\$5.00) of the original fee shall be retained by the City to cover administrative costs.

122.18 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 Hartley-Melvin-Sanborn Community School District and Sanborn Christian School 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.

122.19 CHARITABLE AND NONPROFIT ORGANIZATIONS.

Authorized representatives of charitable or nonprofit organizations operating under the provisions of Chapter 504A 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 122.15 of this chapter.

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CHAPTER 123

HOUSE MOVERS

123.01 House Mover Defined
123.02 Permit Required
123.03 Application
123.04 Bond Required
123.05 Insurance Required
123.06 Permit Fee

123.07 Permit Issued
123.08 Public Safety
123.09 Time Limit
123.10 Removal by City
123.11 Protect Pavement
123.12 Overhead Wires

123.01 HOUSE MOVER DEFINED. A “house mover” means any person who undertakes to move a building or similar structure upon, over or across public streets or property when the building or structure is of such size that it requires the use of skids, jacks, dollies or any other specialized moving equipment.

123.02 PERMIT REQUIRED. It is unlawful for any person to engage in the activity of house mover as herein defined without a valid permit from the City for each house, building or similar structure to be moved. Buildings of less than one hundred (100) square feet are exempt from the provisions of this chapter.

123.03 APPLICATION. Application for a house mover’s permit shall be made in writing to the Clerk. The application shall include:

1. Name and Address. The applicant’s full name and address and if a corporation the names and addresses of its principal officers.
2. Building Location. An accurate description of the present location and future site of the building or similar structure to be moved.
3. Routing Plan. A routing plan approved by the Police Chief, street superintendent, and public utility officials. The route approved shall be the shortest route compatible with the greatest public convenience and safety.

123.04 BOND REQUIRED. The applicant shall post with the Clerk a penal bond in the minimum sum of five thousand dollars (\$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 per person; \$100,000 per accident.
2. Property Damage - \$50,000 per accident.

123.06 PERMIT FEE. A permit fee of twenty-five dollars (\$25.00) shall be payable at the time of filing the application with the Clerk. A separate permit shall be required for each house, building or similar structure to be moved.

123.07 PERMIT ISSUED. Upon approval of the application, filing of bond and insurance certificate, and payment of the required fee, the Clerk shall issue a permit.

123.08 PUBLIC SAFETY. At all times when a building or similar structure is in motion upon any street, alley, sidewalk or public property, the permittee shall maintain flagmen 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 twelve (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 (1) inch in width for each one thousand (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.

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CHAPTER 124

JUNKYARDS AND JUNK DEALERS

124.01 Purpose	124.08 Screening Requirements
124.02 Definitions	124.09 General Operating Requirements
124.03 License Required	124.10 Requirements
124.04 License Application	124.11 License Renewal
124.05 Processing of Licensing Application	124.12 License Suspension or Revocation
124.06 License Fee	124.13 Appeals
124.07 License Issuance and Terms	

124.01 PURPOSE. The purpose of this chapter is to protect the health, safety, and welfare of the citizens and safety of property of the City by providing for the licensing and inspection of junkyards and the elimination of the open storage of junk except in authorized places.

124.02 DEFINITIONS. Except where otherwise indicated by the context, the following definitions shall apply in the interpretation and enforcement of this chapter:

1. “Business premises” or “premises” means the area of a junkyard as described in a junk dealer’s license or application for license, as provided in this chapter.
2. “Inoperable motor vehicle” means any motor vehicle which lacks (i) current registration; or (ii) two or more wheels or other component parts, the absence of which renders the vehicle totally unfit for legal use on the highways.
3. “Junk” means old or scrap copper, brass; rope, rags; batteries; paper; trash; rubber debris; waste; or junked, dismantled or wrecked automobiles, or parts of automobiles; or iron, steel or other old or scrap ferrous or nonferrous material; old bottles or other glass; bones, tinware, plastic, or discarded household goods, or hardware; and other waste or discarded material that might be prepared to be used again in some form; but “junk” does not include materials or objects accumulated by a person as by-products, waste or scraps from the operation of the person’s own business or materials or objects held and used by a manufacturer as an integral part of its own manufacturing processes.
4. “Junk dealer” means any person who buys, sells, transfers, delivers, or stores junk, including all persons who carry on such business at the junk shop or junkyard or as a peddler, and any person who by advertisement, sign, or otherwise holds himself or herself out as a junk

dealer, or dealer in the articles described in subsection 3 of this section, including a person engaged in the activity known as “auto salvage,” but “junk dealer” does not include businesses engaged in the towing, repairing, or storing of wrecked motor vehicles where sales of such wrecked motor vehicles is only incidental to the collection of repair and storage charges.

5. “Junkyard” means a yard, lot, or place, covered or uncovered, outdoors or in an enclosed building, containing junk as defined above, upon which occurs one or more acts of buying, keeping, dismantling, processing, selling, or offering for sale any such junk, in whole units or by parts, for a business or commercial purpose, whether or not the proceeds from such act or acts are to be used for charity, or any place where more than two inoperable motor vehicles, or used parts and materials thereof, when taken together equal the bulk of two motor vehicles are stored or deposited, and the term includes garbage dumps, sanitary fills, and automobile graveyards.

124.03 LICENSE REQUIRED. It is unlawful for any person to act as a junk dealer in the City, whether personally, by agents or employees, singly, or in connection with some other business or enterprise, without first having obtained a license in accordance with the provisions of this chapter.

124.04 LICENSE APPLICATION. An applicant for a license under this chapter shall file with the Clerk a written application signed by the applicant, if an individual; by all partners, if a partnership; or by the president or chief officer of a corporation or other organization; together with four (4) copies of such application and a fee as hereinafter prescribed. The application shall include the following:

1. Name, residence address, and telephone number of each individual owner, partner, or, if a corporation or other organization, each officer and director.
2. Trade names used during the previous five years by the applicant and each person signing the application, and the locations of prior establishments.
3. The trade name and address of the business on behalf of which application is made and its telephone number.
4. Exact address or location of the place where the business is or is proposed to be carried on, and a sketch of the actual premises to be used in connection with the business, showing adjoining roads, property lines, buildings, and uses.

124.05 PROCESSING OF LICENSING APPLICATION. Upon receipt of a completed application for license, the Clerk shall forward one copy to each of the following City officials: City Administrator, Fire Chief, Police Chief and Zoning Officer.

1. Upon receipt of said copy, the Fire Chief shall cause an inspection to be made of the premises described in the application where the activities of the junk dealer are proposed to be conducted to determine whether or not said premises meet the requirements of all City and State fire regulations and whether or not any conditions exist thereon that would constitute a fire hazard or public nuisance.
2. Upon receipt of a copy of said application, the Zoning Officer shall cause an inspection to be made of the premises described in the application to determine whether or not the premises meet the requirements of the building code then in effect in the City, and whether or not the activities of the junk dealer are permitted by and are proposed to be conducted in compliance with all zoning ordinances then in effect and whether or not said premises meet all other requirements of this chapter.
3. Each inspector, after examination of the premises, shall submit an inspection report to the Clerk indicating whether or not the premises inspected is approved. If the premises is disapproved, the inspector shall set forth in the report the reasons for disapproval. If the premises is disapproved and the unlawful conditions reported can be corrected, the inspector shall so state in the report and grant the applicant a reasonable but specific time to correct the condition. Final action on the application shall then be postponed until receipt of a supplementary report from the inspector after the specified date.

124.06 LICENSE FEE. The application for a junk dealer's license shall be accompanied by an annual license fee of one hundred dollars (\$100.00) to be paid to the Clerk. All licenses issued hereunder shall be effective from the date of issuance to and including the thirtieth (30th) day of June next succeeding the date of issuance. The license fee set forth above shall be prorated on a quarterly basis from the date of issuance to the time of expiration. If an application for license or renewal of license is denied, the license fee shall be refunded to the applicant.

124.07 LICENSE ISSUANCE AND TERMS. After approval of said application by the Fire Chief and Zoning Officer and receipt of the required license fee, the Clerk shall issue to the applicant a junk dealer's license and the Clerk shall also notify the Police Chief, Fire Chief, Zoning Officer and City

Administrator of the issuance of the license, the person to whom the same was issued, the effective dates thereof, and the address of the licensed premises. All licenses issued hereunder shall be numbered serially in the order issued, and they shall set forth the following information:

1. The name of the licensee.
2. The street address and an accurate description of the business premises or proposed business premises where junk dealer's activities will be conducted.
3. The fee paid.
4. The expiration date.

The licensee shall post the license in a conspicuous place on the licensed premises. No license issued hereunder shall be transferable, and a separate license shall be required for each business premises.

124.08 SCREENING REQUIREMENT. Except in those instances described in subsection 1 through 3 below, a junkyard as defined in this chapter must be surrounded by a solid opaque fence or wall, of uniform design and color, and not less than six feet high, which substantially screens the area in which junk is stored or deposited. The fence must be kept in good repair and shall not be used for advertising displays or signs. Suitable gates, likewise opaque, are required, which shall be closed and locked after business hours or when the junkyard is unattended. A portion of any gate, not to exceed ten feet in length, may be constructed of a non-opaque material to permit observation of the fenced premises. No junk shall be permitted to be stored or deposited outside the fence, nor may junk be stacked higher than the fence within thirty (30) feet of the fence. The Zoning Officer shall inspect the fences and gates of all junkyards on an annual basis. Variations from the requirements of this section may be granted as follows:

1. If the perimeter of the junkyard is effectively blocked from public view by natural terrain features or is substantially lower in elevation than the surrounding terrain in a manner which renders the opacity requirements hereof ineffective, the Zoning Officer may, upon application, allow the substitution of a suitable fence in place of the solid opaque fence required herein.
2. If two or more junkyards which otherwise meet the standards of this chapter abut each other, the fencing requirement of this chapter shall be waived by the Zoning Officer for such common boundary so long as the common boundary continues to exist.

3. If the junkyard that is the subject of the application abuts against an opaque fence which meets the fencing requirements, or an opaque structure which is not less than six feet high, the fencing requirement of this section shall be waived by the Zoning Officer for such common boundary.

124.09 GENERAL OPERATING REQUIREMENTS. The following general operating requirements apply to all junk dealers in the City limits:

1. The junkyard, and all things kept therein, shall be maintained in a sanitary condition.
2. No water shall be allowed to stand in any place on the premises in such manner as to afford a breeding place for mosquitoes.
3. No garbage or other waste liable to give off a foul odor or attract vermin shall be kept on the premises, nor shall any refuse of any kind be kept on the premises, unless such refuse is junk as defined herein and is in use in the licensed business.
4. No junk shall be allowed to rest upon or protrude over any public street, walkway, or curb or become scattered or blown off the business premises.
5. Junk shall be stored and arranged so as to permit easy access to all such junk for fire-fighting purposes.
6. No combustible material of any kind not necessary to the licensed business shall be kept on the premises; nor shall the premises be allowed to become a fire hazard.
7. Gasoline and oil shall be removed from any scrapped engines or vehicles on the premises.
8. No noisy processing of junk or other noisy activity shall be carried on in connection with the licensed business on a Sunday, any legal holiday, or at any time between the hours of six o'clock (6:00) p.m. and seven o'clock (7:00) a.m.
9. No automobile or part thereof shall be burned for wrecking or salvage purposes in or on premises occupied as a junkyard unless the same is burned in a manner that has been approved by the Fire Chief, and all motor vehicle gasoline and fuel tanks shall be separated and removed from motor vehicles intended for salvage purposes prior to cutting, stacking, or burning such vehicles.

124.10 REQUIREMENTS. The following shall apply to the license for junk dealers:

1. Record Book. Every junk dealer shall maintain a permanent record book that shows a description of each item received, the name and address of the person from whom it was received, the quantity or weight of each item, the amount paid, and the time and date of the transaction.
2. Segregate Collection. Upon written order of the Police Chief or the designated representative, each junk dealer shall segregate specific items or categories of items and hold such items until authorized to dispose of the items by the police department. The holding period shall not exceed forty-five (45) days.
3. Receive Junk From Minor. A junk dealer shall not purchase or receive junk from a minor unless said junk dealer first receives the written consent of the minor's parent or guardian. Such consent shall be attached to the record book as a part of the permanent record.
4. Inspection. Health officers and peace officers shall be permitted at all times to inspect the junk dealer's premises for the existence of materials or conditions dangerous to the public health. No person shall prevent, hinder, or obstruct or attempt to prevent, hinder or obstruct any City inspector or police officer in the performance of duties set forth in this chapter.
5. Not Conceal Articles. No junk dealer shall conceal, secrete, or destroy for the purpose of concealing any article purchased or received by the dealer for the purposes of preventing identification thereof by any officer or any person claiming the same. No junk dealer shall sell, melt up, break up, or otherwise dispose of any article the dealer has reason to believe has been stolen, or which is adversely claimed by any person, or which the dealer has been notified not to sell or otherwise dispose of by any sheriff, deputy sheriff, or police officer, without first obtaining a permit in writing from the Police Chief.

124.11 LICENSE RENEWAL. Licenses may be renewed in the same manner and under the same conditions as originally issued hereunder. Applications for renewal of junk dealer's licenses shall be submitted to the Clerk at least thirty (30) days prior to the expiration of the license then in effect. Applications for renewal of junk dealer's licenses shall be processed in accordance with the provisions of Section 124.05 of this chapter. When renewal of a license is denied, the junk dealer previously licensed under the provisions of this chapter shall have a period of six months immediately after such denial in which to conclude the business and dispose of the junk during which time the junk dealer shall be required to comply with all the terms and conditions of the ordinances of the City except the licensing requirements of

this chapter. If litigation is pending contesting the denial or revocation of a license, the Clerk may grant an extension of time during which the junk dealer may operate pending the final outcome of such litigation.

124.12 LICENSE SUSPENSION OR REVOCATION. The Clerk may suspend or revoke any license issued hereunder for any of the following reasons:

1. The licensee, an agent, or employee has been convicted of a violation of any of the provisions of this chapter.
2. The Fire Chief, the Zoning Officer, or the Police Chief has found that the licensee has failed to comply with one or more of the provisions of this chapter or the licensed premises fail to comply with one or more of the provisions of this chapter or of some other regulation, ordinance, or statute, and the licensee has failed to correct such condition within the reasonable time specified by the inspector in accordance with the report the inspector has submitted under Section 124.05(3) of this chapter.

124.13 APPEALS. Any applicant who has been denied a license or renewal under this chapter or any licensee under this chapter whose license has been suspended or revoked may appeal to the Council by filing with the Clerk, within seven (7) days after the aggrieved party receives notice of the adverse administrative decision, a written notice of appeal setting forth the grounds upon which the appeal is based. The Council shall, within fifteen (15) days after the filing of said notice of appeal, fix a time and place of hearing on the appeal. The hearing shall be commenced within thirty (30) days of the filing of the appeal. If the Council finds from the evidence presented at the hearing that the appellant has been denied a license without just cause, or that the appellant's license has been suspended or revoked without just cause, it may reverse or modify the administrative decision.

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CHAPTER 135

STREET USE AND MAINTENANCE

135.01 Removal of Warning Devices

135.02 Obstructing or Defacing

135.03 Placing Debris On

135.04 Playing In

135.05 Traveling on Barricaded Street or Alley

135.06 Use for Business Purposes

135.07 Washing Vehicles

135.08 Burning Prohibited

135.09 Excavations

135.10 Maintenance of Parking or Terrace

135.11 Failure to Maintain Parking or Terrace

135.12 Dumping of Snow

135.13 Driveway Culverts

135.01 REMOVAL OF WARNING DEVICES. It is unlawful for a person to willfully remove, throw down, destroy or carry away from any street or alley any lamp, obstruction, guard or other article or things, or extinguish any lamp or other light, erected or placed thereupon for the purpose of guarding or enclosing unsafe or dangerous places in said street or alley without the consent of the person in control thereof.

(Code of Iowa, Sec. 716.1)

135.02 OBSTRUCTING OR DEFACING. It is unlawful for any person to obstruct, deface, or injure any street or alley in any manner.

(Code of Iowa, Sec. 716.1)

135.03 PLACING DEBRIS ON. It is unlawful for any person to throw or deposit on any street or alley any glass, glass bottle, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, leaves, grass or any other debris likely to be washed into the storm sewer and clog the storm sewer, or any substance likely to injure any person, animal or vehicle.

(Code of Iowa, Sec. 321.369)

135.04 PLAYING IN. It is unlawful for any person to coast, sled or play games on streets or alleys, except in the areas blocked off by the City for such purposes.

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

135.05 TRAVELING ON BARRICADED STREET OR ALLEY. It is unlawful for any person to travel or operate any vehicle on any street or alley temporarily closed by barricades, lights, signs, or flares placed thereon by the authority or permission of any City official, police officer or member of the fire department.

135.06 USE FOR BUSINESS PURPOSES. It is unlawful to park, store or place, temporarily or permanently, any machinery or junk or any other goods,

wares, and merchandise of any kind upon any street or alley for the purpose of storage, exhibition, sale or offering same for sale, without permission of the Council.

135.07 WASHING VEHICLES. It is unlawful for any person to use any public sidewalk, street or alley for the purpose of washing or cleaning any automobile, truck equipment, or any vehicle of any kind when such work is done for hire or as a business. This does not prevent any person from washing or cleaning his or her own vehicle or equipment when it is lawfully parked in the street or alley.

135.08 BURNING PROHIBITED. No person shall burn any trash, leaves, rubbish or other combustible material in any curb and gutter or on any paved or surfaced street or alley.

135.09 EXCAVATIONS. No person shall dig, excavate or in any manner disturb any street, parking or alley except in accordance with the following:

1. Permit Required. No excavation shall be commenced without first obtaining a permit therefor. 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 which 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 one thousand dollars (\$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 one thousand dollars (\$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, nor resurfacing of any improved street or alley surface begun, until such backfill is inspected and approved by the City. The permit holder/property owner shall provide the City with notice at least twenty-four (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 twenty-four (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 therefor 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 forty-eight (48) hours prior to the commencement of the excavation, excluding Saturdays, Sundays and legal holidays, the person performing the excavation shall contact the Statewide Notification Center and provide the center with the information required under Section 480.4 of the Code of Iowa.

11. Permit Issued. Upon approval of the application and filing of bond and insurance certificate, a permit shall be issued. A separate permit shall be required for each excavation.

12. Permit Exemption. Utility companies are exempt from the permit application requirement of this section. They shall, however, comply with all other pertinent provisions.

135.10 MAINTENANCE OF PARKING OR TERRACE. It shall be the responsibility of the abutting property owner to maintain all property outside the lot and property lines and inside the curb lines upon the public streets, except that 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 timely mowing, trimming trees and shrubs and picking up litter.

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

135.11 FAILURE TO MAINTAIN PARKING OR TERRACE. If the abutting property owner does not perform an action required under the above section within a reasonable time, the City may perform the required action and assess the cost against the abutting property for collection in the same manner as a property tax.

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

135.12 DUMPING OF SNOW. It is unlawful for any person to throw, push, or place or cause to be thrown, pushed or placed, any ice or snow from private property, sidewalks, or driveways onto the traveled way of a street or alley so as to obstruct gutters, or impede the passage of vehicles upon the street or alley or to create a hazardous condition therein; except where, in the cleaning of large commercial drives in the business district it is absolutely necessary to move the snow onto the street or alley temporarily, such accumulation shall be removed promptly by the property owner or agent. Arrangements for the prompt removal of such accumulations shall be made prior to moving the snow.

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

135.13 DRIVEWAY CULVERTS. The property owner shall, at the owner's expense, install any culvert deemed necessary under any driveway or any other access to the owner's property, and before installing a culvert, permission must first be obtained from the City. In the event repairs are needed at any time with respect to culverts, it shall be the responsibility of the property owner to make such repairs, and, in the event the owner fails to do so, the City shall have the

right to make the repairs. If the property owner fails to reimburse the City for the cost of said repairs, the cost shall be certified to the County Treasurer and specially assessed against the property as by law provided.

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CHAPTER 136

SIDEWALK REGULATIONS

136.01 Purpose	136.10 Failure to Repair or Barricade
136.02 Definitions	136.11 Interference with Sidewalk Improvements
136.03 Removal of Snow, Ice and Accumulations	136.12 Awnings
136.04 Responsibility for Maintenance	136.13 Encroaching Steps
136.05 City May Order Repairs	136.14 Openings and Enclosures
136.06 Sidewalk Construction Ordered	136.15 Fires or Fuel on Sidewalks
136.07 Permit Required	136.16 Defacing
136.08 Sidewalk Standards	136.17 Debris on Sidewalks
136.09 Barricades and Warning Lights	136.18 Merchandise Display
	136.19 Sales Stands

136.01 PURPOSE. The purpose of this chapter is to enhance safe passage by citizens on sidewalks, to place the responsibility for the maintenance, repair, replacement or reconstruction of sidewalks upon the abutting property owner and to minimize the liability of the City.

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

1. “Broom finish” means a sidewalk finish that is made by sweeping the sidewalk when it is hardening.
2. “Established grade” means that grade established by the City for the particular area in which a sidewalk is to be constructed.
3. “One-course construction” means that the full thickness of the concrete is placed at one time, using the same mixture throughout.
4. “Owner” means the person owning the fee title to property abutting any sidewalk and includes any contract purchaser for purposes of notification required herein. For all other purposes, “owner” includes the lessee, if any.
5. “Portland cement” means any type of cement except bituminous cement.
6. “Sidewalk” means all permanent public walks in business, residential or suburban areas.
7. “Sidewalk improvements” means the construction, reconstruction, repair, replacement or removal, of a public sidewalk and/or the excavating, filling or depositing of material in the public right-of-way in connection therewith.

8. “Wood float finish” means a sidewalk finish that is made by smoothing the surface of the sidewalk with a wooden trowel.

136.03 REMOVAL OF SNOW, ICE AND ACCUMULATIONS. It is the responsibility of the abutting property owners to remove snow, ice and accumulations promptly from sidewalks. If a property owner does not remove snow, ice or accumulations within a reasonable time, the City may do so and assess the costs against the property owner for collection in the same manner as a property tax.

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

136.04 RESPONSIBILITY FOR MAINTENANCE. It is the responsibility of the abutting property owners to maintain in a safe and hazard-free condition any sidewalk outside the lot and property lines and inside the curb lines or traveled portion of the public street.

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

136.05 CITY MAY ORDER REPAIRS. If the abutting property owner does not maintain sidewalks as required, the Council may serve notice on such owner, by certified mail, requiring the owner to repair, replace or reconstruct sidewalks within a reasonable time and if such action is not completed within the time stated in the notice, the Council may require the work to be done and assess the costs against the abutting property for collection in the same manner as a property tax.

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

136.06 SIDEWALK CONSTRUCTION ORDERED. The Council may order the construction of permanent sidewalks upon any street or court in the City and may specially assess the cost of such improvement to abutting property owners in accordance with the provisions of Chapter 384 of the Code of Iowa.

(Code of Iowa, Sec. 384.38)

136.07 PERMIT REQUIRED. No person shall remove, reconstruct or install a sidewalk unless such person has obtained a permit from the City and has agreed in writing that said removal, reconstruction or installation will comply with all ordinances and requirements of the City for such work.

136.08 SIDEWALK STANDARDS. Sidewalks repaired, replaced or constructed under the provisions of this chapter shall be constructed in accordance with the City’s standard specifications. An official copy of the specifications is on file in the Clerk’s office and the Public Works Department. All such work shall be done under the direction and supervision of and subject to inspection and approval of the Superintendent of Public Works. If such work

does not comply with the provisions of this chapter, the Superintendent of Public Works, after notice to the property owner, shall cause the sidewalks to be constructed in the proper manner and assess the cost for such work against the abutting property for collection in the same manner as a property tax.

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 (8) 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 (6) feet of any sidewalk.

136.15 FIRES OR FUELS 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 (3) feet of the sidewalk next to the building be occupied for such purposes.

136.19 SALES STANDS. It is unlawful for a person to erect or keep any vending machine or stand for the sale of fruit, vegetables or other substances or commodities on any sidewalk without first obtaining a written permit from the Council.

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CHAPTER 137

VACATION AND DISPOSAL OF STREETS

137.01 Power to Vacate

137.02 Planning and Zoning Commission

137.03 Notice of Vacation Hearing

137.04 Findings Required

137.05 Disposal of Vacated Streets or Alleys

137.06 Disposal by Gift Limited

137.01 POWER TO VACATE. When, in the judgment of the Council, it would be in the best interest of the City to vacate a street, alley, portion thereof or any public grounds, the Council may do so by ordinance in accordance with the provisions of this chapter.

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

137.02 PLANNING AND ZONING COMMISSION. Any proposal to vacate a street, alley, portion thereof or any public grounds shall be referred by the Council to the Planning and Zoning Commission for its study and recommendation prior to further consideration by the Council. The Commission shall submit a written report including recommendations to the Council within thirty (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)

CHAPTER 138

STREET GRADES

138.01 Established Grades

138.02 Record Maintained

138.01 ESTABLISHED GRADES. The grades of all streets, alleys and sidewalks, which have been heretofore established by ordinance are hereby confirmed, ratified and established as official grades.

138.02 RECORD MAINTAINED. The Clerk shall maintain a record of all established grades and furnish information concerning such grades upon request.

EDITOR’S NOTE			
The following ordinances not codified herein, and specifically saved from repeal, have been adopted establishing street and/or sidewalk grades and remain in full force and effect.			
ORDINANCE NO.	ADOPTED	ORDINANCE NO.	ADOPTED
53	April 5, 1948		
73	March 11, 1965		
74	March 11, 1965		
103	December 12, 1978		
104	June 25, 1979		

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CHAPTER 139

NAMING OF STREETS

139.01 Naming New Streets
139.02 Changing Name of Street
139.03 Recording Street Names

139.04 Official Street Name Map
139.05 Revision of Street Name Map

139.01 NAMING NEW STREETS. New streets shall be assigned names in accordance with the following:

1. Extension of Existing Street. Streets added to the City that are natural extensions of existing streets shall be assigned the name of the existing street.
2. Resolution. All street names, except streets named as a part of a subdivision or platting procedure, shall be named by resolution.
3. Planning and Zoning Commission. Proposed street names shall be referred to the Planning and Zoning Commission for review and recommendation.

139.02 CHANGING NAME OF STREET. The Council may, by resolution, change the name of a street.

139.03 RECORDING STREET NAMES. Following official action naming or changing the name of a street, the Clerk shall file a copy thereof with the County Recorder, County Auditor and County Assessor.

(Code of Iowa, Sec. 354.26)

139.04 OFFICIAL STREET NAME MAP. Streets within the City are named as shown on the Official Street Name Map which is hereby adopted by reference and declared to be a part of this chapter. The Official Street Name Map shall be identified by the signature of the Mayor, and bearing the seal of the City under the following words: "This is to certify that this is the Official Street Name Map referred to in Section 139.04 of the Code of Ordinances of Sanborn, Iowa."

139.05 REVISION OF STREET NAME MAP. If in accordance with the provisions of this chapter, changes are made in street names, such changes shall be entered on the Official Street Name Map promptly after the change has been approved by the Council with an entry on the Official Street Name Map as follows: "On (date), by official action of the City Council, the following

changes were made in the Official Street Name Map: (brief description),”
which entry shall be signed by the Mayor and attested by the Clerk.

CHAPTER 140

CONTROLLED ACCESS FACILITIES

140.01 Exercise of Police Power
140.02 Definition
140.03 Right of Access Limited

140.04 Access Controls Imposed
140.05 Unlawful Use of Controlled Access Facility
140.06 Permitted Access Points

140.01 EXERCISE OF POLICE POWER. This chapter shall be deemed an exercise of the police power of the City under Chapter 306A, Code of Iowa, for the preservation of the public peace, health, safety and for the promotion of the general welfare.

(Code of Iowa, Sec. 306A.1)

140.02 DEFINITION. The term “controlled access facility” means a highway or street especially designed for through traffic, and over, from or to which owners or occupants of abutting land or other persons have no right or easement or only a controlled right or easement of access, light, air or view by reason of the fact that their property abuts upon such controlled access facility or for any other reason.

(Code of Iowa, Sec. 306A.2)

140.03 RIGHT OF ACCESS LIMITED. No person has any right of ingress or egress to or from abutting lands onto or across any controlled access facility, except at such designated points at which access is permitted.

(Code of Iowa, Sec. 306A.4)

140.04 ACCESS CONTROLS IMPOSED. There are hereby fixed and established controlled access facilities within the City, described as follows:

(Code of Iowa, Sec. 306A.3)

1. Projects No. FN-43(2) and FN-43(3). On the Primary Road System extension improvement, Projects No. FN-43(2) and FN-43(3), Primary Road No. U.S. 18, within the City, described as follows: Seventh Street, regulating access to and from abutting properties along said highway all in accordance with the plans for such improvement identified as Projects No. FN-43(2) and FN-43(3), on file in the office of the Clerk.

140.05 UNLAWFUL USE OF CONTROLLED ACCESS FACILITY. It is unlawful for any person to:

(Code of Iowa, Sec. 306A.3 and 321.366)

1. Cross Dividing Line. Drive a vehicle over, upon or across any curb, central dividing section, or other separation or dividing line on such controlled access facilities.
2. Turns. Make a left turn or a semicircular or U-turn except through an opening provided for that purpose in the dividing curb section, separation or line.
3. Use of Lanes. Drive any vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation, section or line.
4. Enter Facility. Drive any vehicle into the controlled access facility from a local service road except through an opening provided for that purpose in the dividing curb or dividing section or dividing line which separates such service road from the controlled access facility property.

140.06 PERMITTED ACCESS POINTS. Points of access are hereby permitted as follows:

(Code of Iowa, Sec. 306A.4)

1. Projects No. FN-43(2) and FN-43(3). The compiled list furnished by the Iowa Highway Commission of drives and entrances provided for access under the improvement specified as Projects No. FN-43(2) and FN-43(3) is hereby recorded as follows:

Station	Side of Street	Curb Opening Width	Drive or Entrance Width	Use of Drive or Entrance
541+54	south (right)	18 feet		Residential
542+89	south (right)	18 feet		Vacant Lot
544+04	south (right)	18 feet		Vacant Lot
544+33	north (left)	24 feet		Commercial
544+55	south (right)	18 feet		Residential
547+05	north (left)	26 feet		Commercial
547+51	south (right)	35 feet		Commercial
547+80	north (left)	35 feet		Commercial
548+89	north (left)	24 feet		Joint Residential
550+19	north (left)	18 feet		Residential
551+49	north (left)	18 feet		Residential
551+73	north (left)	18 feet		Residential
553+15	north (left)	18 feet		Residential
554+47	south (left)	18 feet		Commercial
555+02	south (right)	35 feet		Commercial
555+90	south (right)	34 feet		Joint Residential and Commercial
556+56	north (left)	35 feet		Commercial
		Curb	Drive or	

Station	Side of Street	Opening Width	Entrance Width	Use of Drive or Entrance
558+48	north (left)	35 feet		Commercial
559+17	south (right)	18 feet		Commercial
559+48	north (left)	45 feet		Joint Commercial and Alley
559+85	south (right)	18 feet		Commercial
560+55	south (right)	35 feet		Joint Commercial
563+43	north (left)	24 feet		Joint Residential
566+74	north (left)	18 feet		Residential
567+39	south (right)	35 feet		Commercial
567+64	north (left)	18 feet		Residential
569+80	north (left)	18 feet		Residential
570+96	south (right)	18 feet		Residential
573+69	south (right)		42 feet	Commercial
577+45	south (right)		16 feet	Residential
578+77	south (right)		18 feet	Residential
579+72	south (right)		14 feet	Residential
579+90	north (left)		16 feet	Field Entrance
580+69	south (right)		16 feet	Residential
590+04	south (right)		20 feet	Residential
591+82	south (right)		18 feet	Commercial

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CHAPTER 141

DRIVEWAYS

141.01 Definitions

141.02 Driveway Specifications

141.03 Permit to Construct Driveway

141.04 Inspection of Driveways

141.05 Sidewalks

141.06 Excavations

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

1. “Driveway” means that part of any approach for motor vehicles to private property that lies between the property line and the roadway of the public street.
2. “Paving” includes any kind of hard surfacing including, but not limited to, portland cement concrete, bituminous concrete, brick, stabilized gravel, or combinations of such materials, with the necessary base. “Paving” does not include surfacing with oil, unstabilized gravel, oil and gravel, or chloride.

141.02 DRIVEWAY SPECIFICATIONS. All driveway improvements in public property, whether performed by the owner of abutting property or by the City, shall be performed under the supervision and inspection of the City Engineer and in accordance with the plans and specifications prepared by office of the same and approved by the Council. No permanent driveway improvements shall be performed until the bed for the same shall have been graded so that when completed such driveway will be at the location and grade established by the City Engineer.

141.03 PERMIT TO CONSTRUCT DRIVEWAY. No person shall make any driveway improvements whether ordered by the Council or not, unless such person shall obtain a permit from the City Engineer and agree in writing that the owner, in making the driveway improvements, shall comply with the ordinances of the City and with the specifications for driveways as prepared by the engineering department and approved by the Council, and that the work shall be done under the direction and supervision of the City Engineer and subject to the approval of the City Engineer or the City Engineer’s duly authorized agent. The owner shall file a bond in the proper amount and shall also agree to hold the City free from all liability for damages on account of injuries received by anyone through the negligence of such person or that person’s agent or servants in making the driveway improvements, or by reason of such person’s failure to properly guard the premises. All such permits shall be issued without charge

and a copy thereof, together with the written agreement above referred to, shall be filed and preserved in the office of the City Engineer. Before granting any permit to make driveway improvements, the City Engineer shall determine the propriety of the same and shall state in all permits issued when the work is to be commenced if not upon issuance of the permit and when the sidewalk work is to be completed. The time of completion for the driveway improvements may be extended when in the City Engineer's judgment the same is deemed necessary. All permits for driveway improvements not ordered by the resolution of the Council shall be issued in compliance with this chapter. The City Engineer may withhold the issuance of any permit for any driveway improvements for a sufficient period to determine the necessity for the proposed improvements or when weather conditions will adversely affect the driveway improvements. All driveway improvements in areas where areaways exist or are proposed and in areas specially designated by the City Engineer shall include the construction, reconstruction, or repair of the abutting curb and sidewalk, in accordance with plans and/or specifications on file in the City Engineering department.

141.04 INSPECTION OF DRIVEWAYS. All driveway improvements shall be done under the direction and supervision of the City Engineer or the City Engineer's duly authorized agent, and subject to the inspection and approval of the Engineer or duly authorized agent. Whenever any driveway improvements are made which do not conform to the provisions of this chapter and with the specifications herein referred to, or where any driveway improvements are made without obtaining a permit therefor as in this chapter provided, or the work is not performed within the time provided for and stated in the permit obtained, the City Engineer or duly authorized agent may serve upon the property owner or property owner's agent, and upon the contractor or party interested and performing the work, a written notice to obtain a permit therefor, if not already obtained, or if the driveway is in the course of construction, to stop the work, and if the driveway work has been completed, to obtain a permit therefor, perform necessary driveway improvements within five days from receipt of said notice as the case may be, in the proper manner and of proper materials as required by this chapter and specifications herein referred to, and in case they, or any one of them, shall fail to do so, the City Engineer or duly authorized agent may cause the driveway to be removed, constructed, reconstructed, repaired in a proper manner and of the proper materials, and the cost thereof shall be assessed to the property fronting thereon. There shall be returned to the Council an itemized and verified statement of the expenditures of material and of the labor used in doing such work, and the legal description of the lot, part of lot, or parcel of ground abutting the driveway on which such work has been performed.

141.05 SIDEWALKS. The grade of any sidewalk already at proper grade shall not be altered by the work done. The driveway shall be at the same level as any existing sidewalk, except as expressly permitted by the Council upon recommendation of the City Administrator.

141.06 EXCAVATIONS. Excavations to do work under this chapter shall be dug so as to occasion the least possible inconvenience to the public and to provide for the passage of water along the gutter. All such excavations shall have proper barricades at all times, and warning lights placed from one-half hour before sunset to one-half hour after sunrise. In refilling the excavation, the earth must be placed in layers and each layer tamped thoroughly. Any street, sidewalk or other public property that is affected by the work shall be restored to as good a condition as it was previous to the excavation. The affected area shall be maintained in good repair to the satisfaction of the Council for three months after refilling.

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CHAPTER 145

DANGEROUS BUILDINGS

145.01 Enforcement Officer
145.02 General Definition of Unsafe
145.03 Unsafe Building
145.04 Notice to Owner

145.05 Conduct of Hearing
145.06 Posting of Signs
145.07 Right to Demolish
145.08 Costs

145.01 ENFORCEMENT OFFICER. The Building Official is responsible for the enforcement of this chapter.

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

(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 (a) dilapidation, deterioration, or decay; (b) faulty construction; (c) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (d) the deterioration, decay or inadequacy of its foundation; or (e) any other cause, is likely to partially or completely collapse.
2. Manifestly Unsafe. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
3. Inadequate Maintenance. Whenever a building or structure, used or intended to be used for dwelling purposes, because of dilapidation, decay, damage, faulty construction, or otherwise, is determined by any health officer to be unsanitary, unfit for human habitation or in such condition that it is likely to cause sickness or disease.

4. Fire Hazard. Whenever any building or structure, because of dilapidated 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 (6) 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 forty-eight (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 ninety (90) days from date of notice, unless otherwise stipulated by the enforcement officer. If necessary, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected and approved by the enforcement officer.

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

1. Notice Served. Such notice shall be served by sending by certified mail to the owner of record, according to Section 364.12[3h] of the Code of Iowa, if the owner is found within the City limits. If the owner is not found within the City limits such service may be made upon the owner by registered mail or certified mail. The designated period within which said owner or person in charge is required to comply with the order of the enforcement officer shall begin as of the date the owner receives such notice.

2. Hearing. Such notice shall also advise the owner that he or she may request a hearing before the Council on the notice by filing a written request for hearing within the time provided in the notice.

145.05 CONDUCT OF HEARING. If requested, the Council shall conduct a hearing in accordance with the following:

1. Notice. The owner shall be served with written notice specifying the date, time and place of hearing.

2. Owner's Rights. At the hearing, the owner may appear and show cause why the alleged nuisance shall not be abated.
3. Determination. The Council shall make and record findings of fact and may issue such order as it deems appropriate.[†]

145.06 POSTING OF SIGNS. The enforcement officer shall cause to be posted at each entrance to such building a notice to read: "DO NOT ENTER. UNSAFE TO OCCUPY. CITY OF SANBORN, IOWA." Such notice shall remain posted until the required repairs, demolition, or removal are completed. Such notice shall not be removed without written permission of the enforcement 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. 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.

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

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.

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

[†] **EDITOR'S NOTE:** Suggested forms of notice and of a resolution and order of the Council for the administration of this chapter are provided in the APPENDIX to this Code of Ordinances. Caution is urged in the use of this procedure. We recommend you review the situation with your attorney before initiating procedures and follow his or her recommendation carefully.

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CHAPTER 146

MANUFACTURED AND MOBILE HOMES

146.01 Definitions

146.02 Conversion to Real Property

146.03 Foundation Requirements

146.04 Manufactured Home Community or Mobile
Home Park Area and Yard 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. “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.
3. “Mobile home park” means any site, lot, field or tract of land upon which three (3) 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. *(Ord. 160 – Aug. 03 Supp.)*
4. “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. *(Ord. 160 – Aug. 03 Supp.)*

The terms “manufactured home community” or “mobile home park” are not to be construed to include mobile homes, buildings, tents or other structures temporarily maintained by any individual, educational institution or company on their own premises and used exclusively to house their own labor or students.

The manufactured home community or mobile home park shall meet the requirements of any zoning regulations that are in effect.

(Code of Iowa, Sec. 435.1)

(Ord. 160 – Aug. 03 Supp.)

146.02 CONVERSION TO REAL PROPERTY. A manufactured or mobile home which is located outside a manufactured home community or a 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. Dealer's Stock. Manufactured or mobile homes on private property as part of a dealer's or a manufacturer's stock not used as a place for human habitation.
2. Existing Homes. A taxable manufactured or mobile home which is located outside of a manufactured home community or a 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.

(Ord. 160 – Aug. 03 Supp.)

146.03 FOUNDATION REQUIREMENTS. A manufactured or mobile home located outside of a manufactured home community or a mobile home park shall be placed on a permanent frost-free foundation system which 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.

(Ord. 160 – Aug. 03 Supp.)

(Code of Iowa, Sec. 103A.10)

146.04 MANUFACTURED HOME COMMUNITY OR MOBILE HOME PARK AREA AND YARD REQUIREMENTS. Manufactured home communities or mobile home parks shall be designed and maintained in accordance with the following requirements:

1. Minimum Requirements for Manufactured Home Communities or Mobile Home Parks.
 - A. Park area — 8 acres;
 - B. Front yard (to be measured from all streets on which park abuts) — 50 feet;

- C. Side yard — 35 feet;
- D. Rear yard — 35 feet;
- E. Sanitary facilities — connection with the municipal sewer system or adequate private sewage disposal facilities;
- F. Streets — Each manufactured or mobile home lot shall have direct access to a park street. The minimum roadway width of interior park streets shall be as follows:
 - (1) One-way, no parking 11 feet
 - (2) One-way, parking one side 18 feet
 - (3) One-way, parking both sides 24 feet
 - (4) Two-way, no parking 24 feet
 - (5) Two-way, parking one side 27 feet
 - (6) Two-way, parking both sides 34 feet

Such streets shall be surfaced with asphalt or concrete according to City specifications for residential streets and be maintained in good condition and lighted at night.

2. Minimum Requirements for Manufactured or Mobile Home Spaces.

- A. Area — 50 feet by 80 feet;
- B. Size — 4,000 square feet;
- C. Off drive parking — one parking space for each manufactured or mobile home space;
- D. Off-street or on-street parking — one for each two such manufactured or mobile home lots, to accommodate guests;
- E. Front yard — 15 feet;
- F. Rear yard — 10 feet;
- G. Side yard — 5 feet each side, with a minimum of 20 feet between any two manufactured or mobile homes.

3. Sidewalks. Sidewalks shall be provided from the entrance of each manufactured or mobile home to the service facilities. The walks shall be constructed of concrete.

4. Landscaping. All areas not used for access, parking, circulation, buildings and service shall be completely and permanently landscaped and the entire site maintained in good condition. A landscaped strip of

land, not less than ten (10) feet in width, shall be established and maintained within the manufactured home community or mobile home park along its exterior boundaries.

5. Concrete Slab. Each manufactured or mobile home unit lot shall be equipped with a concrete slab of sufficient size to support the wheels and the front parking jack. Said slab shall have a minimum horizontal dimension of eight (8) feet by ten (10) feet and a minimum thickness of four (4) inches.

6. Recreation Areas. There shall be provided within each manufactured home community or mobile home park an adequate site or sites for recreational use by residents. The minimum area provided for such recreation site or sites shall consist of an aggregate of one hundred (100) square feet for each manufactured or mobile home space in said park. The recreation sites shall be of appropriate design and provided with appropriate equipment.

7. Length of Occupancy. No manufactured or mobile home shall remain in a manufactured home community or a mobile home park for a period exceeding fifteen (15) days without connection to the permanent sanitary sewer system of the park.

(Ord. 160 – Aug. 03 Supp.)

CHAPTER 147

FIRE ZONE

147.01 Fire Zone Established
147.02 Plans Submitted
147.03 Buildings Prohibited
147.04 Construction Standards

147.05 Reconstruction Prohibited
147.06 Special Permit
147.07 Removal of Buildings
147.08 Storage of Materials Restricted

147.01 FIRE ZONE ESTABLISHED. A Fire Zone is established to include all of the following territory:

All territory within the City zoned for Central Business use

147.02 PLANS SUBMITTED. It is unlawful to build, enlarge or alter any structure, building or part thereof, within the Fire Zone until a plan of the proposed work, together with a statement of materials to be used has been submitted to the Council, who shall, if in accordance with the provisions of this chapter, issue a permit for the proposed work.

147.03 BUILDINGS PROHIBITED. The erection of any building or structure of any kind, or additions thereto, or substantial alterations thereof, involving partial rebuilding, are prohibited in the Fire Zone, unless constructed in strict compliance with the provisions of this chapter.

147.04 CONSTRUCTION STANDARDS. The construction standards for all buildings, structures, or parts thereof within the Fire Zone shall be of Type I, Type II, or, at a minimum, Type III - 1 hour fire resistant - construction, as specified in the Uniform Building Code.

147.05 RECONSTRUCTION PROHIBITED. Any building within the Fire Zone not constructed in accordance with the provisions of this chapter, which may hereafter be damaged by fire, decay, or otherwise, shall not be rebuilt, altered, or reconstructed except in accordance with the provisions of this chapter.

147.06 SPECIAL PERMIT. The Council may, by four-fifths (4/5) vote, issue a special permit to improve any property within the Fire Zone contrary to the provisions of this chapter, on condition that such improvement shall not increase the rates for fire insurance or the fire hazard potential of the area, or to allow any person to erect or move in any building or structure for temporary

purposes for a period of time not exceeding six (6) months from the date of such permission.

147.07 REMOVAL OF BUILDINGS. Any person who erects any building in the Fire Zone, contrary to the provisions of this chapter, shall be given written notice by the Mayor to remove or tear down the same, and if such removal or taking down is not completed within thirty (30) days from the time of the service of such notice, the Mayor shall cause the same to be removed or taken down. The Mayor shall report an itemized bill of the expense to the Clerk, and the same shall be charged to the person owning such building. The Clerk shall present the bill to the owner of the property and if the bill is not paid within ten (10) days from the date it is presented, the amount of the bill shall be certified, by the Clerk, to the County Treasurer, as a lien against the property and collected the same as other taxes.

147.08 STORAGE OF MATERIALS RESTRICTED. No person shall have or deposit any grain stack, pile of rubbish, explosives, hazardous chemicals or other flammable substance within the Fire Zone, nor shall any person have or deposit any cord wood or fire wood, within the Fire Zone without written permission from the Mayor, specifying the maximum amount of such cord wood or fire wood, that may be kept, stored, or deposited on any lot or part of a lot within the Fire Zone, unless the same be within one of the buildings allowed by this chapter. No person shall build or allow any fires, whether trash fires or otherwise, within the Fire Zone as described in this chapter.

CHAPTER 148

SEPARATION DISTANCES FROM WELLS

148.01 State Administrative Code
148.02 Designation

148.03 Existing Facilities

148.01 STATE ADMINISTRATIVE CODE. The City shall comply with Environmental Protection Agency State of Iowa Administrative Code, Chapter 41, page 38, *Separation Distances from Wells*, a copy of which is set out below, in regard to their real estate within distances applicable to Table C as said well has been located upon City's property. Said limited compliance to Table C shall continue for so long as the City maintains the well for the City water distribution system. Proscriptions as set forth in this chapter shall apply to all public water wells existing within the City, except public water wells formerly abandoned for use by resolution of the Council.

Iowa Administrative Code – 567 Environmental Protection		
Chapter 41.5(1)c.(5) 9 (formerly titled Table C)		
Sources of Contamination	Shallow Wells as defined in 567-40.2 (455B)	Deep Wells as defined in 567-40.2 (455B)
Sanitary and industrial point discharges	400 feet	400 feet
Mechanical waste treatment plants	400 feet	200 feet
Lagoons	1,000 feet	400 feet
Chemical and storage (above ground)	200 feet	100 feet
Chemical and mineral storage including underground storage tanks on or below ground	400 feet	200 feet
Solid waste disposal site	1,000 feet	1,000 feet

148.02 DESIGNATION. The City Administrator shall designate each water well within the City as being a “shallow well” or “deep well” for the purposes of this chapter.

148.03 EXISTING FACILITIES. The use of structures or facilities existing on April 13, 1992, may be continued even though such use may not conform with the regulations of this chapter. However, such structure or facility may not be enlarged, extended, reconstructed or substituted subsequent to such date.

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CHAPTER 150

BUILDING NUMBERING

150.01 Definitions

150.02 Owner Requirements

150.03 Building Numbering Map

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 four (4) 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 thirty (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 MAP. The Clerk shall be responsible for preparing and maintaining a building numbering map.

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CHAPTER 151

TREES

151.01 Definition

151.02 Planting Restrictions

151.03 Duty to Trim Trees

151.04 Trimming Trees to be Supervised

151.05 Disease Control

151.06 Inspection and Removal

151.01 DEFINITION. For use in this chapter, “parking” means that part of the street, avenue or highway in the City not covered by sidewalk and lying between the lot line and the curb line; or, on unpaved streets, that part of the street, avenue or highway lying between the lot line and that portion of the street usually traveled by vehicular traffic.

151.02 PLANTING RESTRICTIONS. No tree shall be planted in any parking or street except in accordance with the following:

1. Alignment. All trees planted in any street shall be planted in the parking midway between the outer line of the sidewalk and the curb. In the event a curb line is not established, trees shall be planted on a line ten (10) feet from the property line.
2. Spacing. Trees shall not be planted on any parking which is less than nine (9) feet in width, or contains less than eighty-one (81) square feet of exposed soil surface per tree. Trees shall not be planted closer than twenty (20) feet from street intersections (property lines extended) and ten (10) feet from driveways. If it is at all possible trees should be planted inside the property lines and not between the sidewalk and the curb.
3. Prohibited Trees. No person shall plant in any street any fruit-bearing tree or any tree of the kinds commonly known as cottonwood, poplar, box elder, Chinese elm, evergreen, willow or black walnut.

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 fifteen (15) feet above the surface of the street and eight (8) 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 (5) 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 which 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 fourteen (14) days of said notification. If such owner, occupant or person in charge of said property fails to comply within fourteen (14) days of receipt of notice, the Council may cause the condition to be corrected and the cost assessed against the property.

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

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CHAPTER 152

HEIGHT OF GRASS RESTRICTED

152.01 Purpose

152.02 Height of Grass

152.03 Violation

152.04 Notice

152.05 Failure to Cut Grass

152.06 Additional Violation

152.07 Exceptions

152.01 PURPOSE. The purpose of this chapter is to establish a maximum height that grass on lands within the City may be grown before it must be cut.

152.02 HEIGHT OF GRASS. Grass growing on lands within the City shall be cut on a periodic basis so that the height of such grass is never greater than eight (8) inches in height.

152.03 VIOLATION. Upon a determination, by visual observation and measurement, that a violation of this chapter has occurred the City will send written notice by certified mail to the landowner informing said owner of the problem and the action that is to be taken.

152.04 NOTICE. The notice will set forth that the property owner has seven (7) days from the date of the notice to have the grass cut so that the height conforms with this chapter. The notice will set forth the address of the property in question and will instruct the landowner that this notice constitutes notice for the balance of the summer and that further action will be taken by the City to remedy the problem if it occurs again on the same property without additional written notice being given.

152.05 FAILURE TO CUT GRASS. If any such owner, who has been sent notice, fails to cut the grass on said owner's property as set forth in the notice so that it conforms with this chapter within the time period set forth in the notice, the designated municipal officer will instruct the City Staff or a private contractor to mow the grass so that the property conforms with this chapter. The cost of this action will be assessed against the property. The fee for this service will be set by the City Administrator on a case-by-case basis and will be based on actual costs associated with mowing of the property.

152.06 ADDITIONAL VIOLATION. Any landowner who violates this chapter will be given one notice per summer and the City will be authorized to respond to additional violations without additional written notice being given.

152.07 EXCEPTIONS. This chapter pertains to all residential, commercial and industrial land within the City limits, but excludes agricultural land within the City.

(Ch. 152 – Ord. 185 – Aug. 08 Supp.)

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CHAPTER 165

SUBDIVISION REGULATIONS

165.01 Purpose	165.27 Inspection of Improvements
165.02 Policy	165.28 Release or Reduction of Performance Bond
165.03 Definitions	165.29 Maintenance of Improvements
165.04 Application and Jurisdiction	165.30 Deferral or Waiver of Required Improvements
165.05 Interpretation	165.31 Improvements Required
165.06 Action Under Prior Provisions	165.32 Design Standards Are Minimum
165.07 Procedure	165.33 Conformance to Applicable Rules and Regulations
165.08 Pre-submission Consultations	165.34 Subdivision Name
165.09 Requirements of Preliminary Plat	165.35 Monumentation
165.10 Submission of Preliminary Plat	165.36 Character of the Land
165.11 Referral of Preliminary Plat	165.37 Lots
165.12 Review of Preliminary Plat	165.38 Blocks
165.13 Action by the Commission	165.39 Streets — General Requirements
165.14 Action by Council	165.40 Streets — Design Standards
165.15 Effective Period of Tentative Approval	165.41 Storm Sewers and Drainage
165.16 Completion of Improvements	165.42 Water Facilities
165.17 Performance Bond	165.43 Sewage Facilities
165.18 Final Plat	165.44 Sidewalks
165.19 Requirements of the Final Plat	165.45 Utilities
165.20 Submission of Final Plat	165.46 Preservation of Natural Features and Amenities
165.21 Referral of Final Plat	165.47 Nonresidential Subdivisions
165.22 Action by the Commission	165.48 School and Park Reservations
165.23 Action by the Council	165.49 Improvements within Unincorporated Jurisdiction
165.24 Resubdivision of Land	165.50 Variations and Exceptions
165.25 Completion of Improvements	165.51 Changes and Amendments
165.26 Performance Bond	165.52 Enforcement, Violations and Penalties

165.01 PURPOSE. The purpose of this chapter is to establish minimum standards for the design, development and improvement of all new subdivisions and resubdivisions so that existing developments will be protected and so that adequate provisions are made for public services and to promote the health, safety and general welfare in the City.

165.02 POLICY. It is hereby declared to be the policy of the City to consider the subdivision of land and the subsequent development of the subdivided land as subject to the control of the City to provide for the orderly, efficient and economical development of the City. And further:

1. Character of Land. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace.
2. Regulations to Supplement and Facilitate. It is intended that these subdivision regulations shall supplement and facilitate the enforcement of provisions and standards, ordinances or regulations of the City.

165.03 DEFINITIONS. For use in this chapter, the following terms or words are defined.

1. "Alley" means a public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.
2. "Applicant" means the owner of land to be subdivided or said owner's representative.
3. "Block" means a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways or corporate boundaries.
4. "Bond" means any form of security including a cash deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the Council.
5. "Building" means any structure built for support, shelter or enclosure of persons, animals, chattel or movable property of any kind, and includes any structure.
6. "Central sewage system" means a private sewer system including collection and treatment facilities established by the developer to serve a new subdivision or resubdivision.
7. "Central water system" means a private water system established by the developer to serve a new subdivision or resubdivision. It includes water treatment and distribution facilities.
8. "City Engineer" means the person designated by the Council to furnish engineering assistance for the administration of these regulations.
9. "Commission" means the Planning and Zoning Commission of the City.
10. "Cul-de-sac" means a municipal service street with only one outlet and having an appropriate terminal for safe and convenient reversal of traffic movement.
11. "Developer" means the owner of land proposed to be subdivided (or said owner's representative).
12. "Easement" means an authorization by a property owner for the use by another, and for a specified purpose, of any designated part of said person's property.
13. "Frontage" means that portion of a lot abutting on a street or way and complying with the setback and front yard requirements as they may exist, but it is not to be considered as the side of a corner lot.

14. “Individual sewage disposal system” means a private septic tank, seepage tile sewage disposal system or any other approved sewage treatment device.
15. “Local board of health” means a County, City or District Board of Health.
16. “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.
17. “Municipal arterial streets” means those streets which connect principal traffic generating areas or connect such areas with other street systems.
18. “Municipal collector streets” mean those streets that collect traffic from municipal service streets and connect to other street systems.
19. “Municipal service streets” means those streets that primarily provide access to property.
20. “Owner” means any person having legal title to or sufficient proprietary interest in the land to be sought to be subdivided under these regulations.
21. “Plat” means a map, drawing or chart on which the developer’s plan of the subdivision of land is presented and which the developer submits for approval and intends, in final form, to record.
22. “Public improvement” means any drainage ditch, roadway, parkway, sidewalk, pedestrian crosswalk, tree, lawn, off-street parking area, lot improvement or other facility for which the City may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which City responsibility is established.
23. “Right-of-way” means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees or for another special use. The usage of the term “right-of-way” for land platting purposes means that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

24. “Roadway” means that portion of the street available for vehicular traffic and where curbs are laid, the portion from back to back of curbs.
25. “Street” means and includes any public way, highway, street, avenue, boulevard, parkway or other public thoroughfare, and each of such words includes every other of them, and also includes the entire width between property lines.
26. “Subdivider” means the person undertaking the subdivision or resubdivision of a tract or parcel of land.
27. “Subdivision” means the division of land into three (3) or more lots or other division of land for the purpose, whether immediate or future, of transfer of ownership or building development. The term, when appropriate to the context, relates to the process of subdividing or to the land subdivided, or the resubdivision of land heretofore divided or platted into lots or other divisions of land, or, if a new street is involved, any division of land.
28. “Surveyor” means a land surveyor licensed and registered under the provisions of Chapter 542B of the Code of Iowa.

165.04 APPLICATION AND JURISDICTION. Every owner (or agent) of any tract or parcel of land lying within the City or, pursuant to Section 354.9 of the Code of Iowa, within two (2) miles of the corporate limits of the City who has subdivided or shall hereafter subdivide the same into three (3) or more parts for the purpose of laying out an addition, subdivision, building lot or lots, or acreage lots, shall cause plats of such area to be made in the form, and containing the information, as hereinafter set forth before selling any lots therein contained or placing the plat on record.

165.05 INTERPRETATION. In their interpretation or application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. Specifically:

1. Relationship to Other Public Provisions. These regulations are not intended to interfere with or to abrogate or annul any other ordinance, rule or regulation, statute or other provision of law. Where any provision of these regulations imposes a restriction different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.
2. Relationship to Private Provisions. These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these

regulations are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement or restriction, the requirements of these regulations shall govern.

165.06 ACTION UNDER PRIOR PROVISIONS. These regulations do not abate any action now pending under or by virtue of prior existing subdivision regulations. Nor do they discontinue, abate, modify or alter any penalty accrued or about to accrue or affect the liability of any person or waive any right of the City under any section or provision existing at the time of adoption of these regulations. Nor do they vacate or annul any rights obtained by any person by lawful action of the City except as expressed in these regulations.

165.07 PROCEDURE. Before seeking approval of a proposed subdivision by the Council, the subdivider shall submit a preliminary plat in accordance with the requirements of this chapter and install the required improvements or provide a performance bond.

165.08 PRE-SUBMISSION CONSULTATIONS. Prior to the submission of the preliminary plat of any subdivision, the subdivider is encouraged to meet with the City Engineer and other City officials responsible for the administration of these regulations to be advised of the procedural steps, design standards, required improvements and platting requirements. During such meetings, no commitments shall be made which will be binding upon the City.

165.09 REQUIREMENTS OF PRELIMINARY PLAT. Every proposed subdivision shall be submitted for tentative approval in the form of a preliminary plat prior to the submission of a final record plat. The purpose of the preliminary plat and accompanying material is to provide all facts needed for the Commission and Council to determine whether the proposed subdivision is satisfactory from the standpoint of the public interest. The following graphic and descriptive material is required to be provided on the preliminary plat and on the accompanying material.

1. Contents of Preliminary Plat. The preliminary plat shall be prepared by a registered land surveyor at a convenient scale of not more than one inch equals one hundred feet (1" = 100'), may be prepared in pen or pencil, and the sheets shall be numbered in sequence if more than one sheet is used. The following information shall be shown on the preliminary plat:

- A. Title, scale, north point and date.

- B. Subdivision boundary lines, showing dimensions, bearings, angles, and references to section, townships and range lines or corners. Exterior boundaries are to be indicated with a solid heavy line.
- C. Present and proposed streets, alleys and sidewalks, with their rights-of-way, in or adjoining the subdivision, including dedicated widths, approximate gradients, types and widths of surfaces, curbs, and planting strips, and location of street lights, fire hydrants and street signs.
- D. Proposed layout of blocks and lots, showing dimensions, radii, chords and the square foot areas of lots that are not rectangular, and the lot and block numbers in numerical order.
- E. Building setback or front yard lines.
- F. Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds, or other public, semi-public or community purposes.
- G. Present and proposed easements, showing locations, widths, purposes and limitations.
- H. Location and names of adjoining parcels of unsubdivided and subdivided land.
- I. Boundaries of the highest known flood of record affecting the subdivision and the source of information.
- J. If the proposed subdivision borders on a lake or stream, the distances and bearings of meander lines established not less than twenty (20) feet back from the mean high water mark of the lake or stream.
- K. Existing blocks, lots and buildings.
- L. Present and proposed utility systems, including sanitary and storm sewers, other drainage facilities, water lines, gas mains, electric utilities, and other facilities, with the size, capacity, invert elevation and location of each. If the subdivision is within one mile of public sewer or water or both, notation shall be made of the direction and distance to such facilities.
- M. Proposed name of the subdivision.
- N. Names and addresses of the owner, subdivider, builder and surveyor who prepared the preliminary plat, and the surveyor who will prepare the final plat.
- O. Official legal description of the property being platted.
- P. Contours at vertical intervals of not more than two (2) feet if the general slope of the site is less than ten percent (10%) and at vertical

intervals of not more than five (5) feet if the general slope is ten percent (10%) or greater.

Q. Existing and proposed zoning of the proposed subdivision and adjoining property.

R. Location of all proposed monuments.

2. Information to Be Provided in Accompanying Material. The following information shall accompany a plat when filing:

A. A complete listing of all existing covenants which apply to the land to be subdivided, and a complete listing of all covenants which are proposed by the developer to apply to the subdivided land.

B. A table of the following information:

(1) Total acreage of the subdivision.

(2) Total number of lots.

(3) Minimum, average and maximum lot area.

(4) Acreage of public lands to be dedicated or reserved other than streets.

C. An attorney's opinion showing that the fee title to the property proposed for subdividing is in the owner's name as shown on the plat and showing any encumbrances that may exist against the land.

D. If any portion of the subdivision is to have access on a State or County jurisdictional street, a written and signed statement acknowledging and permitting the access by the duly authorized official of the appropriate jurisdiction.

E. Specifications and engineering construction drawings including profiles, cross-sections, and details of all public improvements. Elevations shall be referred to mean sea level as exhibited in standard U.S. Geological Survey Maps. Specifications and references shall meet those required by the City's construction and specification standards, including a site grading plan for the entire subdivision.

165.10 SUBMISSION OF PRELIMINARY PLAT. The subdivider shall prepare a preliminary plat in accordance with the provisions of Section 165.09 and shall file with the Clerk an application in triplicate for the tentative approval of the plat. The application shall:

1. Forms and Fees. Be made on forms available from the Clerk together with a fee to be set by the Council.
2. Number of Plats. Be accompanied by a minimum of ten (10) copies of the preliminary plat.
3. Time of Submission. Be presented to the Clerk at least four (4) weeks prior to the meeting of the Commission.

165.11 REFERRAL OF PRELIMINARY PLAT. The Clerk shall immediately refer two (2) copies of the preliminary plat to the City Engineer and seven (7) copies to the Commission. In the case of a subdivision outside the corporate limits of the City, the Clerk shall refer one copy of the preliminary plat to the County Board of Supervisors.

165.12 REVIEW OF PRELIMINARY PLAT. The preliminary plat shall be reviewed by the Commission to determine its conformity with these regulations and all other ordinances and regulations in force affecting subdivisions. Copies of the preliminary plat may be transmitted to other City or school officials, as the Commission deems necessary, for their recommendations concerning matters within their jurisdiction. Their recommendations, along with those of the City Engineer, shall be transmitted to the Commission within three (3) weeks after the date the plat is filed. The Commission may confer with the subdivider on changes deemed advisable and the kind and extent of such improvements to be made.

165.13 ACTION BY THE COMMISSION. The Commission, as soon as possible, but not more than thirty (30) days thereafter, shall pass upon the preliminary plat as originally submitted or modified. If the Commission does not act within thirty (30) days, the preliminary plat shall be deemed to be approved; provided, however, the subdivider may agree to an extension of the time period, not to exceed an additional sixty (60) days. It shall then set forth its recommendations in writing, whether of approval, modification or disapproval.

1. Reasons for Changes or Disapproval. In the event that substantial changes or modifications are made by the Commission or the Commission recommends disapproval of the plat, it shall give its reasons therefor and it may request and cause the revised preliminary plat to be resubmitted in the same manner as the original plat.
2. Tentative Approval. If the Commission recommends approval, it shall express its approval as "Tentative Approval" and state the conditions of such approval, if any.

3. Documenting Approval. The action of the Commission shall be documented on seven (7) copies of the preliminary plat, referenced and attached to any conditions determined. One copy shall be returned to the subdivider, one copy shall be retained by the Commission, and five (5) copies shall be referred to the Council.

165.14 ACTION BY COUNCIL. Within thirty (30) days of its receipt of the preliminary plat, the Council shall, by resolution, tentatively approve or disapprove the plat. If the preliminary plat is disapproved, objections to it shall be returned to the Commission for further review and the Clerk shall notify the subdivider of such action. If approved, the Clerk shall affix his or her signature to five (5) copies of the preliminary plat with the notation of the date the preliminary plat received the Council's tentative approval. One copy shall be returned to the Commission and three (3) copies shall be returned to the subdivider. The tentative approval by the Council shall not constitute final acceptance of the addition or subdivision by the City but an authorization to proceed with preparation of the final plat.

165.15 EFFECTIVE PERIOD OF TENTATIVE APPROVAL. The tentative approval of a preliminary plat shall be effective for a period of one year at the end of which time final approval must have been obtained. Any plat not receiving final approval within this period of time shall be void, and the subdivider shall be required to resubmit a new plat for tentative approval subject to all new zoning restrictions and subdivision regulations.

165.16 COMPLETION OF IMPROVEMENTS. Before the Council will approve the final plat, all of the required improvements shall be constructed and either accepted by formal resolution of the Council. Before passage of said resolution of acceptance, the City Engineer shall report that said improvements meet all City specifications and ordinances or other City requirements, and the agreements between subdivider and the City.

165.17 PERFORMANCE BOND. The completion requirement for improvements may be waived in whole or in part if the subdivider will post a performance bond with the Council guaranteeing that improvements not completed will be constructed within a period of one (1) year from final acceptance of the plat; but final acceptance of the plat will not constitute final acceptance by the City of any improvements to be constructed. Improvements will be accepted only after their construction has been completed. Such performance bond shall be satisfactory to the City Attorney as to form, sufficiency and manner of execution. Upon recommendation of the Commission, the Council may extend the completion date set forth in the bond for a maximum period of one additional year.

165.18 FINAL PLAT. The final plat shall conform substantially to the preliminary plat as approved, and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time, provided, however, that such portion conforms to all requirements of these regulations.

165.19 REQUIREMENTS OF THE FINAL PLAT. The following graphic and descriptive material is required to be provided on the final plat and in the accompanying material.

1. Contents of the Final Plat. Every plat of a subdivision offered for record shall conform to all of the following provisions where applicable:

A. The plat shall be a permanent copy or a photographic print made on a stable plastic film. Exact copies of the plat to be recorded shall be provided to and filed with the County Recorder, Assessor and Auditor. The original plat drawing shall remain the property of the registered land surveyor.

B. The size of each sheet showing any portion of the subdivided lands shall not be greater than eighteen (18) inches by twenty-four (24) inches nor less than eight and one-half (8½) by eleven (11) inches.

C. Whenever more than one sheet is used to accurately portray the lands subdivided, each sheet shall display the number of the sheet and the total number of sheets included in the plat, as well as clearly labeled match lines indicating where the other sheets adjoin. An index sheet shall be provided to show the relationship between the sheets.

D. A maximum scale of one hundred feet to one inch (100' = 1") shall be used. The scale used shall be clearly stated and graphically illustrated by a bar scale drawn on every sheet showing any portion of the lands subdivided.

E. Subdivisions shall be designated, by name or as otherwise prescribed, in bold letters inside the margin at the top of each sheet included in the plat.

F. An arrow indicating the northern direction shall be drawn in a prominent place on each sheet included in the plat, as well as the scale and date.

G. All monuments to be of record shall be adequately described and clearly identified on the plat. When additional monuments are to be established subsequent to the recording of

the plat, the location of the additional monuments shall be shown on the plat.

H. Sufficient survey data shall be shown to positively describe the bounds of every lot, block, street, easement or other areas shown on the plat, as well as the outer boundaries of the subdivided lands.

I. All distances shall be shown in feet to the nearest one-hundredth of a foot, and in accordance with the definition of a foot adopted by the United States Bureau of Standards. All measurements shall refer to the horizontal plane.

J. The course of every boundary line shown on the plat shall be indicated by a direct bearing reference or by an angle between the boundary line and an intersecting line having a shown bearing, except when the boundary line has an irregular or constantly changing course, as along a body of water, or when a description of the boundary line is better achieved by measurements shown at points or intervals along a meander line having a shown course. All bearings and angles shown shall be given to at least the nearest minute of arc.

K. Curve data shall be stated in terms of radius, central angle and tangent, or length of curve. In all cases, the curve data must be shown for the line affected.

L. The minimum unadjusted acceptable error of closure for all subdivision boundaries shall be 1:10,000 and shall be 1:5,000 for any individual lot.

M. When any lot or portion of the subdivision is bounded by an irregular line, the major portion of that lot or subdivision shall be enclosed by a meander line showing complete data with distances along all lines extending beyond the enclosure to the irregular boundary shown with as much certainty as can be determined or as "more or less," if variable. In all cases, the true boundary shall be clearly indicated on the plat.

N. All interior excepted parcels shall be clearly indicated and labeled, "not a part of this plat."

O. All adjoining properties shall be identified and where such adjoining properties are a part of a recorded subdivision, the name of that subdivision shall be shown. If the subdivision platted is a resubdivision of a part or the whole of a previously recorded subdivision, sufficient ties shall be shown to controlling lines

appearing on the earlier plat to permit an overlay to be made. Re-subdivisions shall be labeled as such in a subtitle following the name of the subdivision wherever the name appears on the plat.

P. The purpose of any easement shown on the plat shall be clearly stated and shall be confined to only those easements pertaining to public utilities including gas, power, telephone, water, sewer and such drainage easements as are deemed necessary for the orderly development of the land encompassed within the plat.

Q. A strip of land shall not be reserved by the subdivider unless the land is of sufficient size and shape to be of some practical use or service as determined by the Council.

R. The purpose of all areas dedicated to the public must be clearly indicated on the plat.

S. Street names and clear designation of public alleys.

T. Block and lot numbers.

U. Name and address of owner and subdivider.

V. Accurate dimensions for any property to be dedicated or reserved for public use.

W. The plat shall be signed and acknowledged by the subdivision land owner and his or her spouse.

X. A sealed certification of the accuracy of the plat by the registered land surveyor who drew the plat.

2. Information to be Provided in Accompanying Material. The following material shall be submitted with the final plat:

A. A correct legal description of the subdivision land;

B. A statement by the proprietors and their spouses, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgments of deeds. The statement by the proprietors may also include a dedication to the public of all lands within the plat that are designated for streets, alleys, parks, open areas, school property, or other public use, if the dedication is approved by the Council;

C. A statement from the mortgage holders or lienholders, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an

officer authorized to take the acknowledgment of deeds. An affidavit and bond as provided for in Section 354.12 of the Code of Iowa may be recorded in lieu of the consent of the mortgage or lienholder. When a mortgage or lienholder consents to the subdivision, a release of mortgage or lien shall be recorded for any areas conveyed to the City or dedicated to the public.

D. An opinion by an attorney-at-law who has examined the abstract of title of the land being platted. The opinion shall state the names of the proprietors and holders of mortgages, liens or other encumbrances on the land being platted and shall note the encumbrances, along with any bonds securing the encumbrances. Utility easements shall not be construed to be encumbrances for the purpose of this section.

E. A certificate of the County Treasurer that the land is free from certified taxes and certified special assessments or that the land is free from certified taxes and that the certified special assessments are secured by bond in compliance with Section 354.12 of the Code of Iowa.

F. A resolution and certificate for approval by the Council and for signatures of the Mayor and Clerk.

G. A certificate by the City Engineer that all required improvements and installations have been completed according to the construction plans submitted to the City prior to construction or with the final plat if not constructed, or that a performance bond guaranteeing completion has been approved by the City Attorney and filed with the Clerk, or that the Council has agreed that the City will provide the necessary improvements and installations and assess the costs against the subdivider or future property owners in the subdivision.

H. The encumbrance bond, if any.

165.20 SUBMISSION OF FINAL PLAT. The subdivider shall prepare a final plat in accordance with the provisions of Section 165.19 and shall file with the Clerk an application in triplicate for the final approval of the plat. The application shall:

1. Forms and Fees. Be made on forms available from the Clerk together with a fee to be set by the Council.
2. Number of Copies of Plat. Be accompanied by a minimum of ten (10) copies of the final plat.

3. Offers of Dedication. Be accompanied by all formal irrevocable offers of dedication to the public of all streets, City uses, utilities and easements, in a form approved by the City Attorney.
4. Time of Submission. Be presented to the Clerk at least four (4) weeks prior to the regular meeting of the Council.

165.21 REFERRAL OF FINAL PLAT. The Clerk shall immediately refer two (2) copies of the final plat to the City Engineer and seven (7) copies to the Commission. In the case of a subdivision outside the corporate limits of the City, the Clerk shall refer one copy of the final plat to the County Board of Supervisors.

165.22 ACTION BY THE COMMISSION. The Commission shall, upon receiving the final plat, as soon as possible, but within thirty (30) days of receiving the final plat, consider the final plat, and if the same is recommended for approval, shall submit its recommendation of approval to the Council together with a certified copy of its resolution showing the action of the Commission. If the Commission recommends approval of the final plat, such approval and the date thereof shall be noted on the plat over the signature of both the Chairperson and Secretary of the Commission and the plat and five (5) copies shall be transmitted to the Council, and one copy shall be returned to the subdivider.

165.23 ACTION BY THE COUNCIL. Upon receipt of the certification by the Commission, the Council shall, within sixty (60) days, either approve or disapprove the final plat.

1. Disapproval of Plat. In the event that said plat is disapproved by the Council, such disapproval shall be expressed in writing and shall point out wherein said proposed plat is objectionable.
2. Acceptance of Plat. In the event that said plat is found to be acceptable and in accordance with this chapter, the Council shall accept the same.
3. Final Approval and Recording of Plat. The passage of a resolution by the Council accepting the plat shall constitute final approval of the platting of the area shown on the final plat, but the subdivider or owner shall cause such plat to be recorded in the office of the County Recorder, and shall file satisfactory evidence of such recording in the office of the Clerk before the City shall recognize the plat as being in full force and effect.

165.24 RESUBDIVISION OF LAND. The following requirements shall govern the resubdividing of land.

1. Procedure for Resubdividing. For any change in a map of an approved or recorded subdivision plat, if such change affects any street layout shown on such map, or area reserved for public use indicated on the map, or any lot line, or if it affects any map or plan legally established prior to the adoption of any regulations controlling subdivisions, such parcel shall be approved by the same procedure, rules and regulations as for a subdivision.
2. Acreage Lots. Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one acre of land and there are indications that such lots will eventually be resubdivided into smaller building sites, the Commission and Council may require that such parcel of land allow for future opening of streets and the ultimate extension of adjacent streets. Easements providing for the future opening and extension of such streets may be made a requirement of the plat.

165.25 COMPLETION OF IMPROVEMENTS. Before the final plat is approved by the Council, all applicants shall be required to complete, in accordance with the Council's decision and to the satisfaction of the City Engineer, all the street, sanitary sewer, water and other improvements as required in these regulations, specified in the final plat, and as approved by the Council, and to dedicate the same to the City, free and clear of all liens and encumbrances on the property and public improvements thus dedicated.

165.26 PERFORMANCE BOND. The Council in its discretion may waive the requirement that the applicant complete and dedicate all public improvements prior to approving the final plat, and that, as an alternative, the applicant post a bond at the time of application for final plat approval in an amount estimated by the Council as sufficient to secure to the City the satisfactory construction, installation and dedication of the incomplete portion of required improvements. In addition:

1. Approved by City Attorney. Such performance bond shall comply with all statutory requirements and shall be satisfactory to the City Attorney as to form, sufficiency, and manner of execution as set forth in these regulations.
2. Completion Period. The period within which required improvements must be completed shall be specified by the Council in the resolution approving the final plat shall be incorporated in the bond, and shall not exceed one year from date of final approval.

3. Extension of Completion Period. The performance bond shall be approved by the Council as to the amount and surety and conditions satisfactory to the Council. The Commission may, upon proof of difficulty, recommend to the Council an extension of the completion date set forth in such bond for a maximum period of one additional year. The Council may at any time during the period of such bond accept a substitution of principal or sureties on the bond.

4. Temporary Improvements. The applicant shall build and pay for all costs of temporary improvements required by the Council and shall maintain same for the period specified by the Council. Prior to the construction of any temporary facility or improvement, the developer shall file with the City a separate suitable bond for temporary facilities, which bond shall insure that the temporary facilities will be properly constructed, maintained and removed.

5. Failure to Complete Improvement. For subdivisions for which no performance bond has been posted, if the improvements are not completed within the period specified by the Council in the resolution approving the plat, the approval shall be deemed to have expired. In those cases where a performance bond has been posted and required improvements have not been installed within the terms of such performance bond, the City may declare the bond to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the bond is declared to be in default.

165.27 INSPECTION OF IMPROVEMENTS. The Council shall provide for inspection of required improvements during construction and insure their satisfactory completion. The applicant shall pay to the City an inspection fee equal to the actual cost of inspection. These fees shall be due and payable upon demand of the City and no building permits shall be issued until all fees are paid. The subdivider shall furnish the Council with a construction schedule prior to the commencement of any and all construction, and notify the City not less than twenty-four (24) hours in advance of readiness for required inspections.

165.28 RELEASE OR REDUCTION OF PERFORMANCE BOND. The performance bond may not be released or reduced except as follows:

1. Certificate of Satisfactory Completion. The Council will not accept dedication of required improvements, nor release or reduce a performance bond, until the City Engineer has submitted a certificate stating that all required improvements have been satisfactorily completed and until the applicant's engineer has certified to the City through submission of detailed "as built" plans of the subdivision indicating

location, dimensions, materials and other information required by the City, that all public improvements are in accordance with construction plans for the subdivision.

2. Reduction of Performance Bond. A performance bond may be reduced upon actual dedication of public improvements and then only to the ratio that the public improvement dedicated bears to the total public improvements for the plat.

165.29 MAINTENANCE OF IMPROVEMENTS. Improvements shall be maintained and a maintenance bond provided as follows:

1. Maintenance of Improvements Before Acceptance. The applicant shall be required to maintain all improvements on the individual subdivided lots and provide for snow removal on streets and sidewalks, if required, until acceptance of said improvements by the Council.

2. Maintenance Bond. The applicant shall be required to file a maintenance bond with the Council, prior to dedication, in an amount considered adequate by the Council and in a form satisfactory to the City Attorney, in order to assure the satisfactory condition of the required improvements for a period of two (2) years after the date of their acceptance by the Council and dedication of same to the Council.

165.30 DEFERRAL OR WAIVER OF REQUIRED IMPROVEMENTS. Required improvements may be deferred or waived as follows:

1. Waiver of Required Improvements. The Council may defer or waive at the time of final approval, subject to appropriate conditions, the provision of any or all such improvements as in its judgment are not requisite in the interests of the public health, safety and general welfare, or which are inappropriate because of inadequacy or lack of connecting facilities.

2. Deferral of Required Improvements. Whenever it is deemed necessary by the Council to defer the construction of any improvement required herein because of incompatible grades, future planning, inadequate or lack of connecting facilities, or for other reasons, the applicant shall pay his or her share of the costs of the future improvements to the City prior to the approval of the final plat, or the applicant may post a bond insuring completion of said improvements upon demand of the City.

165.31 IMPROVEMENTS REQUIRED. The subdivider shall install and construct all improvements required by these regulations in accordance with the specifications and under the supervision of the Council and to its satisfaction.

165.32 DESIGN STANDARDS ARE MINIMUM. 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 the subdivision, the subdivider shall use standards consistent with the site conditions so as to assure an economical, pleasant and durable neighborhood.

165.33 CONFORMANCE TO APPLICABLE RULES AND REGULATIONS. In addition to the requirements established herein, all subdividers shall comply with the following laws, rules and regulations.

1. State Statutes. All applicable statutes of the State of Iowa.
2. City Plans. Any comprehensive plan, public utilities plan and capital improvements program of the City.
3. State Agency Rules. The requirements and rules of State agencies such as the State Department of Natural Resources, State Department of Health and the State Department of Transportation, where applicable.
4. County Standards and Regulations. The standards and regulations of the County Board of Supervisors and County commissions, boards and agencies where applicable.
5. City Standards and Regulations. The standards and regulations adopted by the Council, boards, commissions and agencies of the City.
6. Plat Approval and Conformity. Plat approval may be withheld if a subdivision is not in conformance with the above guides or policy and purposes of these regulations.

165.34 SUBDIVISION NAME. The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area covered by these regulations. The Council, after consultation with the Commission, shall have the final authority to designate the name of the subdivision which shall be determined at preliminary plat approval.

165.35 MONUMENTATION. Monuments shall be in conformance with the following requirements:

1. Establishment of Permanent Control Monuments. Prior to the offering of the plat of any subdivision for record, the surveyor shall confirm the prior establishment of permanent control monuments at each

controlling corner on the boundaries of the parcel or tract of land being subdivided. If no permanent control monuments exist, the surveyor shall establish at least two (2) permanent control monuments for each block created, or if the area subdivided into lots is less than a block in size, at least two (2) permanent control monuments shall be established for the subdivision. Permanent control monuments shall be constructed of reasonably permanent material solidly embedded in the ground and capable of being detected by commonly used magnetic or electronic equipment. The surveyor shall affix a cap of reasonably inert material bearing an embossed or stencil cut marking of the Iowa registration number of the surveyor to the top of the monument.

2. Other Monuments of Record. Other monuments established prior to the recording of the plat of the subdivision and described on the plat shall be considered monuments of record and shall be given the same weight as original permanent control monuments if the monuments remain undisturbed in their original positions. The additional monuments shall be constructed and embedded according to the provisions for permanent control monuments according to the provisions for permanent control monuments prescribed in subsection 1 of this section.

3. Establishment and Recording of Other Monuments. Monuments other than the permanent control monuments required in subsection 1 of this section shall not be required to be established before the recording of the plat or the conveyancing of lands by reference to the plat if the registered land surveyor includes in the surveyor's statement on the plat that the additional monuments required by these regulations shall be established before a specified future date.

4. Additional Monuments Required. Additional monuments shall be constructed and embedded according to the provisions for permanent control monuments prescribed in subsection 1 of this section, and shall be set in all of the following locations whether set prior to the recording of the plat, or subsequent to such recording:

A. At every corner and angle point of every lot, block or parcel of land created.

B. At every point of intersection of the outer boundary of the subdivision with an existing or created right-of-way line of any street, railroad or other way.

C. At every point of curve, tangency, reversed curve or compounded curve on every right-of-way line established.

5. Placement of Monument. When the placement of a monument required by this chapter at the prescribed location is impractical, it is permissible to establish a reference monument in close proximity to the prescribed location. If the reference monument is established prior to the recording of the plat and its location properly shown on the plat, the reference monument shall have the same status as other monuments of record. Where any point requiring monumentation has been previously monumented, the existence of the monument shall be confirmed by the surveyor. The existing monument shall be considered a monument of record when properly shown and described on the recorded plat.

165.36 CHARACTER OF THE LAND. Land which the City finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements or other features which will reasonably be harmful to the safety, health and general welfare of the present or future inhabitants of the subdivision or its surrounding areas or both, shall not be subdivided or developed unless adequate methods are formulated by the subdivider and approved by the Council, upon recommendation of the Commission, to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses as shall not involve such a danger.

165.37 LOTS. The lot size, width, depth, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

1. Lot Size. Minimum lot dimensions and sizes shall conform to the requirements of the zoning regulations where applicable, but in no case shall a lot contain less than five thousand (5,000) square feet of area or be less than fifty (50) feet wide measured at the building line.

A. Residential lots where not served by public sewer shall be of sufficient size, as determined by the City and subject to any applicable State or County rules or regulations, to accommodate the type of private sewage disposal system proposed by the developer.

B. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

C. Corner lots for residential use shall have an extra twenty (20) feet of width to permit appropriate building setback from and orientation to both streets.

2. Street Access. Each lot shall be provided with satisfactory access to a public street.
3. Double Frontage and Reverse Frontage Lots. Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet, and across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.
4. Side Lot Lines. Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines.
5. Lot Drainage. Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.
6. Building Lines. Building lines conforming with zoning standards shall be shown on all lots within the platted area. Where the subdivided area is not under zoning control, the Council may require building lines in accordance with the needs of each subdivision.

165.38 BLOCKS. Blocks shall conform to the following requirements:

1. Provision for Lots. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions shall be permitted in blocks adjacent to arterial streets, railroads or waterways.
2. Design Considerations. The lengths, widths and shapes of blocks shall be determined with due regard to:
 - A. Provision for adequate building sites.
 - B. Zoning requirements where applicable.
 - C. Topography.
 - D. Needs for convenient access, circulation, control and safety of street traffic.
3. Block Lengths. The lengths of blocks shall be appropriate to the type of development contemplated, but block lengths in residential developments shall not exceed two thousand (2,000) feet, or be less than five hundred (500) feet. Wherever practicable, blocks along arterials and collector streets shall not be less than one thousand (1,000) feet in length.

4. Easement Reservation. In blocks over eight hundred (800) feet in length, the Council may require the reservation of an easement to accommodate utilities, drainage facilities or pedestrian traffic.
5. Pedestrian Crosswalks. Pedestrian crosswalks, not less than ten (10) feet wide, may be required by the Council through the center of blocks more than eight hundred (800) feet in length. Pedestrian crosswalks shall not exceed twelve percent (12%) in grade unless steps of an approved design are to be constructed.

165.39 STREETS – GENERAL REQUIREMENTS. Streets shall conform with the following general requirements:

1. Frontage on Improved Roads. No subdivision shall be approved unless the area to be subdivided shall have frontage on and access from an existing street.
2. Grading and Improvement Plan. Streets shall be graded and improved and conform to the City construction standards and specifications and shall be approved as to design and specifications by the City Engineer, in accordance with the construction plans required to be submitted.
3. Topography and Arrangement. Streets shall be in conformance with the following requirements related to topography and arrangement:
 - A. Streets shall be related appropriately to the topography. All streets shall be arranged so as to obtain as many as possible of the building sites at or above the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided. Specific standards are contained in the design standards of these regulations.
 - B. All streets shall be properly integrated with the existing and proposed system of streets and dedicated right-of-way.
 - C. All arterials shall be properly related to special traffic generators such as industries, business districts, schools, churches and shopping centers; to population densities; and to the pattern of existing and proposed land uses.
 - D. Municipal service streets shall be laid out to conform as much as possible to the topography to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.

E. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Council such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.

F. In business and industrial developments, the streets and other accessways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.

4. Access to State or County Jurisdictional Roads. Whenever any part of a subdivision is designed with access to a road under State or County jurisdiction, permission for access to such roads shall be obtained from the appropriate jurisdiction and such access shall be designed according to the standards of the appropriate jurisdiction.

5. Access to Arterial Streets. Where a subdivision borders on or contains an existing or proposed arterial street, the Council may require that lot access to such streets be limited by one of the following means:

A. Lots shall be designed so as to back onto the primary arterial and front onto a parallel municipal service street; no access shall be provided from the arterial street, and screening shall be provided in a strip of land along the rear property line of such lots.

B. A series of cul-de-sacs entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the arterial street.

C. A frontage or service road, separated from the primary arterial by a planting or grass strip and having access thereto at suitable points.

6. Street Names. Streets that are in alignment with others already existing shall bear the name of the existing streets. The proposed names of new streets shall not duplicate or sound similar to existing street names. Street names shall be subject to the approval of the Council and Commission.

7. Street Name Signs. Street name signs are to be placed at all intersections within or abutting the subdivision, the type and location of which to be approved by the Council. The City shall install all street

name signs. The applicant shall deposit with the City at the time of final subdivision approval the estimated cost of installation of each street sign required by the Council.

8. Street Lights. Installation of street lights shall be required in accordance with design and specification standards approved by the Council.

9. Construction of Streets and Dead-end Streets. Streets and dead-end streets shall be in conformance with the following requirements:

A. Construction of Streets. The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective fire protection, and for efficient provision of utilities. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way shall be extended to the property line. A temporary T or L shaped turnabout shall be provided on all temporary dead-end streets, with the notation on the subdivision plat that land outside the normal street right-of-way shall revert to abutters whenever the street is continued. The Council may limit the length of temporary dead-end streets in accordance with the design standards of these regulations.

B. Permanent Dead-end Streets. Where a road does not extend to the boundary of the subdivision and its continuation is not required by the Council for access to adjoining property, its terminus shall normally not be nearer to such boundary than one hundred fifty (150) feet. However, the Council may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic or utilities. A cul-de-sac turnaround shall be provided at the end of a permanent dead-end street in accordance with City construction standards and specifications. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall, in general, be limited in length in accordance with the design standards of these regulations.

165.40 STREETS – DESIGN STANDARDS. The following design standards shall apply to the design of streets:

1. General. In order to provide for streets of suitable location, width and improvement to accommodate prospective traffic and afford satisfactory access to police, fire fighting, snow removal, sanitation and street maintenance equipment, and to coordinate streets so as to compose a convenient system and avoid undue hardships to adjoining properties, the following design standards for streets are hereby required:

A. A tangent of at least one hundred (100) feet long shall be introduced between reverse curves on municipal arterial and municipal collector streets, and seventy-five (75) feet on municipal service streets.

B. When connecting street lines deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a radius adequate to insure a sight distance of not less than one hundred (100) feet for municipal service and municipal collector streets, and of such greater radii as the Council shall determine for special cases.

C. Minimum Roadway and Right-of-way Standards:

(1) Municipal arterial streets shall have a right-of-way width of not less than eighty (80) feet and a roadway width of not less than forty-four (44) feet.

(2) Municipal collector streets shall have a right-of-way width of not less than sixty (60) feet and a roadway width of not less than thirty-six (36) feet.

(3) Municipal service streets shall have a right-of-way width of not less than fifty (50) feet and a roadway width of not less than twenty-six (26) feet.

(4) Frontage streets shall have a right-of-way width of not less than forty (40) feet and a roadway width of not less than twenty-six (26) feet.

(5) Cul-de-sacs shall meet all the requirements for a municipal service street and, in addition, shall provide a turnaround with a right-of-way radius of fifty (50) feet and a roadway radius of forty (40) feet. No cul-de-sac shall exceed five hundred (500) feet in length.

D. Street grades, wherever feasible, shall not exceed the following:

(1) Municipal arterial streets - six percent (6%);

(2) Municipal collector streets - eight percent (8%);

(3) Municipal service streets - ten percent (10%);

(4) Frontage streets - six percent (6%).

E. All changes in street grade shall be connected by vertical curves of minimum length in feet equal to twenty (20) times the algebraic difference in percents of grade.

F. No street grade shall be less than one-half ($\frac{1}{2}$) of one percent.

2. Street Surfacing and Improvements. After sewer, water and other utilities to be located underground within the right-of-way have been installed by the applicant, the applicant shall construct curbs and gutters and shall surface or cause to be surfaced roadways to the widths prescribed in these regulations. Said surfacing shall be of Portland concrete cement. Adequate provisions shall be made for culverts, drains and bridges. All road pavement, shoulders, drainage improvements and structures, curbs, turnarounds and sidewalks shall conform to all construction standards and specifications adopted by the City, and shall be incorporated into the construction plans required to be submitted by the developer for plat approval.

3. Excess Right-of-way. Right-of-way widths in excess of the standards designated in these regulations shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be in excess of three (3) to one.

4. Railroads and Limited Access Highways. Railroad rights-of-way and limited access highways were so located as to affect the subdivision of adjoining lands shall be treated as follows:

A. In residential districts, a buffer strip at least twenty-five (25) feet in depth in addition to the normal depth of the lot required in the district shall be provided adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the platted lots and shall be designated on the plat: "This strip is reserved for screening. The placement of structures hereon is prohibited."

B. In districts zoned for business, commercial or industrial uses, the nearest street extending parallel or approximately parallel to the railroad shall, wherever practicable, be at a sufficient distance therefrom to ensure suitable depth for commercial or industrial sites.

C. Streets parallel to the railroad when intersecting a street which crosses the railroad at grade shall, to the extent practicable, be at a distance of at least one hundred fifty (150) feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

5. Intersections. The following standards shall apply to the design of intersections:

A. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than seventy-five (75) degrees shall not be acceptable. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet therefrom. No more than two (2) streets shall intersect at any one point unless specifically approved by the Council.

B. Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with centerline offsets of less than one hundred fifty (150) feet shall not be permitted, except where the intersected street has separated dual drives without median breaks at either intersection. Where streets intersect major streets, their alignment shall be continuous. Intersection of major streets shall be at least eight hundred (800) feet apart.

C. Minimum curb radius at the intersection of two (2) municipal service streets shall be at least twenty (20) feet; and minimum curb radius at an intersection involving a municipal collector street shall be at least twenty-five (25) feet. Abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.

D. Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having not greater than a two percent (2%) rate at a distance of sixty (60) feet, measured from the nearest right-of-way line of the intersecting street.

E. Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation, including trees, in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance.

- F. The cross-slopes on all streets, including intersections, shall be three percent (3%) or less.
6. Bridges. Bridges of primary benefit to the applicant, as determined by the Council, shall be constructed at the full expense of the applicant without reimbursement from the City. The sharing expense for the construction of bridges not of primary benefit to the applicant as determined by the Council, will be fixed by special agreement between the Council and the applicant. Said cost shall be charged to the applicant pro rata as the percentage of his or her land developed and so served.
7. Alleys. The following design standards for alleys shall be required of all subdividers:
- A. Alleys may be prohibited in residential districts.
 - B. Alleys shall be provided in commercial and industrial districts, except that the Council may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading and parking consistent with and adequate for the uses proposed.
 - C. Alleys shall have a right-of-way of not less than thirty (30) feet and a roadway width of not less than twenty (20) feet.
 - D. Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.
 - E. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turnaround facilities at the dead end, as determined by the Council.
8. Street Dedications and Reservations. The following provisions shall apply to street dedications and reservations:
- A. Street systems in new subdivisions shall be laid out so as to eliminate or avoid new perimeter half streets. Where an existing half street is adjacent to a new subdivision, the other half of the street shall be improved and dedicated by the subdivider. The Council may authorize a new perimeter street where the subdivider improves and dedicates the entire required street right-of-way width within his or her own subdivision boundaries.
 - B. Where a subdivision borders an existing narrow street or when City plans or zoning setback regulations indicate plans for realignment or widening a road that would require use of some of the land in the subdivision, the applicant shall be required to

improve and dedicate at his or her expense such areas for widening or realignment of such roads. Such frontage roads and streets shall be improved and dedicated by the applicant at his or her own expense to the full width as required by these subdivision regulations. Land reserved for any street purposes may not be counted in satisfying yard or area requirements of the zoning regulations whether the land is to be dedicated to the City in fee simple or an easement is granted to the City.

165.41 STORM SEWERS AND DRAINAGE. The following requirements shall apply to the provision of storm sewers and drainage:

1. General Requirements. The Commission shall not recommend for approval any plat of a subdivision which does not make adequate provision for storm or flood water run-off channels or basins. The storm water drainage system shall be separate and independent of any sanitary sewer system. Storm sewers, where required, shall be designed by methods as approved by the Council, and a copy of design computations shall be submitted along with plans. Inlets shall be provided so that surface water is not carried across or around any intersection, or for a distance of more than six hundred (600) feet in the gutter. When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point, and basins shall be used to intercept flow at that point. Surface water drainage patterns shall be shown for each and every lot and block.

2. Nature of Storm Water Facilities. The applicant may be required by the Council to carry away by pipe or open ditch any spring or surface water that may exist either previously to or as a result of the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the construction standards and specifications.

A. Where a public storm sewer is accessible, the applicant shall install storm sewer facilities, or if no outlets are within a reasonable distance, adequate provision shall be made for the disposal of storm waters, subject to the specifications of the Council. However, in subdivisions containing lots less than fifteen thousand (15,000) square feet in area and in business and industrial districts, underground storm sewer systems shall be constructed throughout the subdivisions and be conducted to an approved outfall.

B. If a connection to a public storm sewer will be provided eventually, as determined by the Council, the subdivider shall make arrangement for future storm water disposal by a public storm sewer system at the time the plat receives final approval. Provision for such connection shall be incorporated by inclusion in the performance bond required for the subdivision plat.

C. A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The Council shall determine the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of maximum potential watershed development permitted by applicable zoning regulations.

D. The Council shall also study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. City drainage studies together with such other studies as shall be appropriate shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Council may withhold approval of the subdivision until provision has been made for the recovery of the cost for the improvement of said potential condition in such sum as the Council shall determine. No subdivision shall be approved unless adequate drainage will be provided to an adequate drainage watercourse or facility.

E. The Council may, when it deems it necessary for the health, safety or welfare of the present and future population of the area and necessary to the conservation of water, drainage and sanitary facilities, prohibit the subdivision of any portion of the property which lies within the flood plain of any stream or drainage course.

3. Dedication of Drainage Easements. The following shall apply to the dedication of drainage easements.

A. Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction or both as will be adequate for the purpose. Wherever possible, it is desirable that the drainage be maintained

by an open channel with landscaped banks and adequate width for maximum potential volume of flow.

B. Drainage easements:

(1) Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within street rights-of-way, perpetual unobstructed easements at least fifteen (15) feet in width for such drainage facilities shall be provided across property outside the street lines and with satisfactory access to the road. Easements shall be indicated on the plat. Drainage easements shall be carried from the street to a natural watercourse or to other drainage facilities.

(2) When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat.

(3) The applicant shall dedicate, either in fee or by drainage or conservation easement of land on both sides of existing watercourses, to a distance to be determined by the Council.

(4) Low-lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in areas for dedication, shall be preserved and retained in their natural state as drainage ways. Such land or lands subject to periodic flooding shall not be computed in determining the area requirement of any lot.

165.42 WATER FACILITIES. Water facilities shall be provided as follows:

1. General Requirements. The following general requirements shall apply to the provision of water facilities:

A. Where a public water main is accessible the subdivider shall install adequate water facilities, including fire hydrants, subject to City specifications. All water mains shall be at least six (6) inches in diameter.

B. Water main extensions shall be approved by the City.

C. To facilitate the above, the location of all fire hydrants and all water supply improvements shall be shown on the preliminary plat and final plat.

2. Individual Wells and Central Water Systems. The following requirements shall apply to the provision of individual wells and central water systems:

A. In the discretion of the Council, if a public water system is not available, individual wells may be used or a central water system provided in such a manner that an adequate supply of potable water will be available to every lot in the subdivision. Water samples shall be submitted to the appropriate County or State agency for testing, and individual wells and central water systems shall be approved by the appropriate County or State health authorities. Orders of approval shall be submitted to the Council.

B. If the Council requires that a connection to a public water main be eventually provided as a condition to approval of an individual well or central water system, the applicant shall make arrangements for future water service at the time the plat receives final approval. Performance or cash bonds may be required to insure compliance.

3. Fire Hydrants. Fire hydrants shall be required for all subdivisions except those coming under subsection 2 of this section. Fire hydrants shall be located no more than one thousand (1,000) feet apart and within five hundred (500) feet of any structures and shall be approved by the City.

165.43 SEWAGE FACILITIES. Sewage facilities shall be provided as follows:

1. General Requirements. The applicant shall install sanitary sewer facilities in a manner prescribed by the City construction standards and specifications. All plans shall be designed in accordance with the rules, regulations and standards of the City and the State Department of Natural Resources or State Department of Health. Plans shall be approved by the above agencies.

2. Construction of Sanitary Sewage Systems. Sanitary sewage systems shall be constructed as follows:

A. Where a public sanitary sewage system is reasonably accessible, the applicant shall connect with the same and provide sewers accessible to each lot in the subdivision.

B. Where public sanitary sewer systems are not reasonably accessible and will not become available within a reasonable time,

not to exceed fifteen (15) years, the applicant may choose one of the following alternatives:

(1) Install a central sewage system, operated and maintained by the benefited property owners. Where plans for future public sanitary sewage systems exist, the applicant shall install the sewer lines, laterals and mains to be in permanent conformance with such plans and ready for connection to such public sewer mains.

(2) Individual disposal systems, provided the applicant shall install sanitary sewer lines, laterals and mains from the street curb to a point in the subdivision boundary where a future connection with the public sewer main shall be made. Sewer lines shall be laid from the house to the street line, and a connection shall be available in the home to connect from the individual disposal system to the sewer system when the public sewers become available. Such sewer systems shall be capped until ready to use and shall conform to all plans for installation of the public sewer system, where such exist, and shall be ready for connection to such public sewer main.

C. Where sanitary sewer systems are not reasonably accessible and will not become available for a period in excess of fifteen (15) years, the applicant shall install individual disposal systems or central sewage systems.

3. Individual Disposal System Requirements. If public sewer facilities are not available and individual disposal systems are proposed, minimum lot areas shall conform to the requirements of applicable zoning regulations and these regulations. Percolation tests and test holes shall be made as directed by the City and the results submitted to the local board of health.

4. Water Supply Interconnections. There shall be no physical connection between a public or private potable water supply system and a sewer which will permit the passage of any sewage or polluted water into the potable supply. Sewers shall be kept removed from water supply wells or other water supply sources and structures.

165.44 SIDEWALKS. The following requirements shall apply to the provision of sidewalks:

1. Location. Sidewalks, if provided in the plat, shall be included within the dedicated non-pavement right-of-way of all streets.

2. Construction. Sidewalks shall be improved as required in subsection 2 of Section 165.40 of these regulations.

165.45 UTILITIES. The following shall apply to the provision of utilities:

1. Location. The Council may require that all utility facilities, including, but not limited to, gas, electric power, telephone and CATV cables, be located underground throughout the subdivision. All utility facilities existing and proposed throughout the subdivision shall be shown on the preliminary plat. Underground service connections to the street property line of each platted lot shall be installed at the subdivider's expense. At the discretion of the Council, the requirement for service connections to each lot may be waived in the case of adjoining lots to be retained in single ownership and intended to be developed for the same primary use.
2. Easements. Easements shall be provided as follows:
 - A. Easements centered on rear lot lines shall be provided for utilities. Such easements shall be at least ten (10) feet wide. Proper coordination shall be established between the subdivider and the applicable utility companies for the establishment of utility easements established in adjoining properties.
 - B. Where topographical or other conditions are such as to make impractical the inclusion of utilities within the rear lot lines, perpetual unobstructed easements at least ten (10) feet in width shall be provided along side lot lines with satisfactory access to the street or rear lot lines. Easements shall be indicated on the plat.

165.46 PRESERVATION OF NATURAL FEATURES AND AMENITIES.

Existing features which would add value to residential development or to the City as a whole, such as trees, watercourses and falls, beaches, historic spots and similar irreplaceable assets, shall be preserved in the design of the subdivision. No trees shall be removed from any subdivision nor any change of grade of the land effected until approval of the preliminary plat has been granted. All trees on the plat required to be retained shall be preserved, and all trees where required shall be protected against change of grade.

165.47 NONRESIDENTIAL SUBDIVISIONS. The following provisions shall apply to nonresidential subdivisions:

1. General. If a proposed subdivision includes land that is used for commercial or industrial purposes, the layout of the subdivision with

respect to such land shall make such provision as the Council may require. A nonresidential subdivision shall be subject to all the requirements of these regulations, as well as such additional standards required by the Council, and shall conform to the proposed land use and standards established in City plans and regulations.

2. Standards. In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the City that the street, parcel and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

A. Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.

B. Streets rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.

C. Special requirements may be imposed by the City with respect to street, curb, gutter and sidewalk design and construction.

D. Special requirements may be imposed by the City with respect to the installation of public utilities, including water, sewer and storm water drainage.

E. Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for a permanently landscaped buffer strip when necessary.

F. Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

165.48 SCHOOL AND PARK RESERVATIONS. If land to be subdivided contains sites that are designated in City plans or plans of other public bodies to be used for schools or parks, the developer shall reserve such site for such use. If sites which have been reserved are not acquired by the City or other public body within two (2) years of the date of the preliminary plat approval, then such sites may be subdivided by the developer. The appropriate public body may

release the reserved site sooner by certifying to the Council that it does not intend to acquire such site within the two (2) year period.

165.49 IMPROVEMENTS WITHIN UNINCORPORATED JURISDICTION.

Improvements in the two (2) mile unincorporated area under the jurisdiction of these regulations shall be the same as required herein, provided they are not less than that required by the applicable County subdivision regulations, and provided further that all construction plans shall be approved by the County, and completed public roads shall be accepted by the Board of Supervisors for public maintenance.

165.50 VARIATIONS AND EXCEPTIONS. The following shall apply to the granting of variations and exceptions:

1. Hardships. Where the Council finds that extraordinary hardships or particular difficulties regarding the physical development of land may result from strict compliance with these regulations, it may make variations or exceptions to the regulations so that substantial justice may be done and the public interest secured, provided that such variation or exception shall not have the effect of nullifying the intent and purpose of these regulations; and further provided, the Council shall not grant variations or exceptions to these regulations unless it shall make findings based upon the evidence presented to it in each specific case that:
 - A. The granting of the variation will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located.
 - B. The conditions upon which the request for a variation is based are unique to the property for which the variation is sought, and are not applicable, generally, to other property.
 - C. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.
 - D. The purpose of the variation is not based exclusively upon a desire to make more money out of the property.
2. Conditions. In granting variations and exceptions the Council may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.

3. Procedure for a Variance. A petition for any such variance shall be submitted in writing by the developer at the time when the preliminary plat is filed. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

165.51 CHANGES AND AMENDMENTS. Any provisions of these regulations may be changed and amended from time to time by the Council; provided, however, that such changes or amendments shall not become effective until after a public hearing has been held, public notice of which shall have been given as required by law. Such proposed amendments shall first be submitted to the Commission for study and recommendation before the hearing is held. The Commission shall forward its recommendations to the Council within thirty (30) days, after which the Council shall give notice of and hold a public hearing on the proposed amendment.

165.52 ENFORCEMENT, VIOLATIONS AND PENALTIES. No plat or subdivision within the City or within two (2) miles thereof shall be filed or recorded with the County, nor shall any plat or subdivision have any validity until it complies with the provision of these regulations, has been approved by the Council as herein set forth, and further:

1. Issuance of Building Permits. No more than two (2) building permits for each separate tract existing at the time of the effective date of these regulations shall be issued unless the tract has been platted in accordance with these regulations; except that this provision shall not limit the number of building permits that may be issued for accessory buildings as defined by applicable land use regulations such as zoning and restricted residence regulations or additions or improvements to a main or accessory building already legally located upon said tract.

2. Sale or Lease Without Plat. Any person who shall dispose of or offer for sale or lease any lots in the City or addition to the City, until the plat thereof has been acknowledged and recorded as provided in these regulations, shall forfeit and pay fifty dollars (\$50.00) for each lot and part of lot sold or disposed of, leased or offered for sale.

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CHAPTER 170

ZONING REGULATIONS

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GENERAL PROVISIONS AND DEFINITIONS

170.01 PLAN ADOPTED. There is hereby established a new comprehensive zoning plan for the City of Sanborn, Iowa, which plan is set forth in the text, maps and descriptions which constitute this chapter. Said plan is adopted by the authority of and for the purposes set forth in the Code of Iowa, Chapter 414, and amendments thereto. This chapter shall be known and referred to as the “Zoning Ordinance.”

170.02 ESTABLISHMENT OF ZONES. In carrying out the provisions of the Code of Iowa, Chapter 414, the Planning and Zoning Commission and the City Council of Sanborn, Iowa, have divided the City into districts and have prepared regulations pertaining to such districts in accordance with the Comprehensive Plan and designed to lessen congestion on the streets; to secure safety from fire, panic and other dangers; to promote health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision

of transportation, water, sewerage, schools, parks, and other public requirements.

170.03 ZONES LISTED. Symbols, titles, and a description of each of the zones hereby established by this chapter are as follows:

1. Residential Zones:

AG – Agricultural District. Provides for agriculture, very low density residential development, and interim uses under specific conditions.

RS-90 – Single Family Residence, 9000 square foot Zone. Provides for medium density residential uses.

RD-60 – Duplex Residential, 6000 square foot Zone. Provides for dwellings containing one and two family dwelling areas on moderate sized lots.

RG-20 – General Residence, 2000 square foot Zone. Provides for multiple dwellings and compatible office buildings.

ER – Existing Residential. Provides for minimum development regulations for already developed areas of the City.

M – Modified Residential Zone. A combining zone designation to provide for mobile home parks.

2. Business Zones:

CGB – Central General Business Zone. Provides a general business zone which will take into account the special characteristics of the Central Business District, including the orientation of pedestrian traffic rather than vehicular traffic.

HSB – Highway Service Business Zone. Provides for efficient use of business land near major highways and highway interchanges.

3. Industrial Zones:

ML – Light Manufacturing Zone. Provides for most uses which can meet rigid specifications but prohibiting residences.

HI – Heavy Industrial District. Provides for activities and uses of a heavy industrial character but prohibits residences.

170.04 OFFICIAL ZONING MAP. The location, size, shape, and boundaries of the zones to which the provisions of the text of this chapter are applicable, shall be indicated on the atlas of maps which is entitled “Official

Zoning Map” incorporated herein and by this reference made a part hereof and such maps, after being adopted by reference as a part of this chapter, and so certified by the City Clerk and such atlas shall be the Official Zoning Map, for the purpose of enforcement of these zoning regulations. Any amendment to the zoning classifications on Official Zoning Map shall include the legal description of the land involved, including appropriate adjacent public rights-of-way on public property. Such amendments shall be promptly and permanently noted on the face of the maps in the custody of the City Clerk.

170.05 INTERPRETATION OF MAP. The following rules shall govern interpreting the boundaries of zones as portrayed on the Official Zoning Map.

1. The boundaries of the zones, except where otherwise referenced, are intended to follow the lines of platted lots, center lines of streets and alleys, and when lines appear to be not more than ten (10) feet from the line of a platted lot, the boundary shall be interpreted as being coincidental therewith.
2. When boundaries cross unplatted property or platted lots otherwise than set forth above, and their distances are not clearly marked, their location shall be determined by use of the scale of the map and every such line shall be interpreted to fall on the nearest multiple of ten (10) feet.
3. Boundaries indicated as approximately following City limits shall be construed as following City limits.
4. Boundaries indicated as following railroad tracks shall be construed to be midway between the rails of the main tracks.
5. In case of doubt or dispute, the boundary lines shall be determined by the Board of Adjustment upon receiving an appeal from a ruling of the Zoning Officer.

170.06 ANNEXATION. The Planning and Zoning Commission shall review the zoning classification of any annexed land and shall report thereon to the City Council giving their recommendations as to the proper classification. Said report shall be submitted within six (6) months of the effective date of the annexation.

170.07 ZONING LOTS TO BE DESIGNATED. In order to facilitate the enforcement of this chapter, the device of zoning lots as defined herein shall be used. A parcel of land shall be designated and suitably recorded by the Zoning Officer as forming the site of each new building, structure or use of land or the site of any building, structure or use of land designated for any alteration or

modification requiring a building permit or certificate of occupancy. Said parcel shall conform in dimensions and area to the provisions of this chapter. A zoning lot may or may not coincide with platted lot lines. Each zoning lot shall front on a public street of not less than twenty-five (25) feet in width for a distance of not less than twenty (20) feet or shall have an exclusive, unobstructed, permanent access to such a public street by an unobstructed easement of not less than twenty (20) feet in width and not to exceed one hundred fifty (150) feet in length.

170.08 APPLICATION TO LAND AND BUILDINGS. No building, structure, or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

170.09 APPLICABILITY; OPEN SPACE.

1. No open space surrounding any building shall be encroached upon or reduced in any manner, except in conformity with the yard, lot area, and building location regulations herein designated for the zone in which such building or open space is located. No yard, off-street parking space, off-street loading space, or other open space surrounding any building for the purpose of complying with the provisions of this chapter, except as otherwise specified herein, shall be considered as providing a yard or open space for any other building, and no yard or other open space on one platted lot shall be considered as the required open space on another platted lot unless the other platted lot is in the same ownership and is declared as a single zoning lot in applying for a building permit, and provided no land so considered has previously been issued a building permit for an existing building. The required yard or open space for any use, building or structure shall be contained in the same zone as required for the principal use, its buildings or accessory buildings.

2. No lot, yard, off-street parking space or other open space required for an existing building by the regulations contained herein shall hereafter be reduced in dimension or area below the minimum requirements set forth herein for said building or structure, except to provide for the extension, establishment or widening of a public street or highway.

170.10 INTERPRETATION; PRIORITY OF CONTRACTS. It is not the intention of this chapter to defeat the purpose of any contract, deed restriction or protective covenant when such instrument is not inconsistent with this chapter or contains stricter requirements. In the event this chapter, rules, and

regulations adopted pursuant to law are inconsistent with such contracts, deed restrictions, covenants, or State or Federal law, then the more strict provisions apply.

170.11 GENERAL INTERPRETATION. Any use that is not specifically permitted in a district as a principal use, an accessory use or a special exception, is hereby specifically prohibited. In the regulations for some zones, specifically excluded uses are enumerated for clarification of intent, but such lists of excluded uses are not to be interpreted as including all excluded uses.

170.12 DEFINITIONS. For the purpose of this chapter certain words and terms used herein shall be defined and interpreted as follows.

All words in the present tense include the future tense, words in the plural include the singular number, and all words in the singular number include the plural number, unless the natural construction of the wording indicated otherwise.

The word “shall” is mandatory and not discretionary.

The word “used” shall be deemed to include “designed, intended or arranged to be used.”

1. Alley – A minor way, dedicated to public use, which is used primarily for vehicular access to the back or side of properties otherwise abutting on a street.
2. Apartment Hotel – An apartment house which furnishes services for the use of its tenants which are ordinarily furnished by hotels, but the privilege of which are not primarily available to the public.
3. Auto Wrecking – The collecting, burning out, dismantling or wrecking of used motor vehicles, wheeled or track laying equipment, or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked motor vehicles, wheeled or track laying equipment, or trailers or their parts. The dismantling and rebuilding, other than custom repair, of more than one motor vehicle, piece of wheeled or track laying equipment, or trailer at a time even though not for profit or a principal use of a parcel of land shall be defined as auto wrecking. The storage of a partially dismantled motor vehicle, piece of wheeled or track laying equipment or trailer shall be considered auto wrecking.
4. Billboard – Any structure or portion thereof, situated on private premises, on which lettered, figured, or pictorial matter is displayed for

advertising purposes, except the name and occupation of the user of the premises, the nature of the business conducted on the premises and having an area of one hundred (100) square feet or more shall be considered a billboard. This definition shall not include any board, sign or surface used to display any official notices issued by a court or public duty, or bulletin boards used to display announcements of meetings to be held on the premises on which such bulletin boards are located, nor shall it include a real estate sign advertising for sale or rent the property upon which it stands when such sign does not exceed one hundred (100) square feet.

5. Block – A piece or parcel of land entirely surrounded by public highways, streets, streams, railroad right-of-way, parks, or a combination thereof. There may be more than one numbered block shown on a plat, falling within a single block as herein defined.

6. Board – The Board of Adjustment of the City of Sanborn, Iowa.

7. Building – Any structure having a roof or partial roof supported by columns, posts or walls for the enclosure of persons, animals, equipment or chattel of any kind. A residential building within the meaning of this chapter shall include a building enclosed by a continuous wall, regardless of the existence of platted lot lines through the area occupied by such building. A commercial or industrial structure may, within the meaning of this chapter, consist of separate buildings where party walls or ownership lines exist in such a manner as to indicate the intent that they be separate buildings. A tent shall be defined as a building for the purposes of this chapter.

8. Building Accessory – Any structure erected or constructed, including buildings as herein defined, the use of which requires location on the ground or attachment to something located on the ground and which is incidental and customarily appurtenant to a principal use permitted on the zoning lot, but not including fences of less than six (6) feet in height, or bank protection structures regardless of height provided they do not project more than one (1) foot above the surface of the ground on high side.

9. Building Height – The distance measured from the mean elevation of the grade at the front face of the building to the highest point on the roof or parapet of said building.

10. Building Principal – A building in which is conducted the primary use of the site on which it is situated. In any residential district any

dwelling shall be deemed to be the principal building of the site on which it is located.

11. Certificate of Occupancy – A permit issued by the Zoning Officer indicating that the use of the building or land in question is in conformity with this chapter or that there has been a legal variance therefrom as provided by this chapter.

12. Clinic, Medical – A building or portion thereof containing the offices and associated facilities of one or more practitioners providing medical, dental, psychiatric, osteopathic, chiropractic, physical therapy or similar services for out-patients only with or without shared or common spaces and equipment. A common area pharmacy or drug dispensary available to persons other than patients treated therein or making charges separate from bills for professional services of said practitioners shall not be considered as a medical clinic use.

13. Club – Club shall include clubhouse and shall mean a voluntary association of persons organized for cultural, recreational, fraternal, civic, charitable or similar purposes, but shall not include an organization or premises the chief activity of which is a service or activity customarily carried on as a business, even though it may be chartered and named for purposes herein defined as a club.

14. Commission – The Planning and Zoning Commission of the City of Sanborn, Iowa.

15. Council – The City Council of the City of Sanborn, Iowa.

16. Country Club – For the purposes of this chapter, country clubs shall include golf courses, par-3 golf courses, swimming pools, tennis clubs and neighborhood clubhouses, any and each of which shall be located on a site of not less than one (1) acre and open only to membership subscribing for the use of all facilities for a term of not less than one (1) year and members' non-paying guests. Sleeping facilities, other than quarters for one (1) caretaker or manager and his/her family, shall be prohibited. Clubs operated as restaurants, cocktail lounges, card rooms, beer taverns, bowling alleys, pool and billiard parlors and similar activities normally carried on as a business shall be excluded from the definition of a country club. Nothing herein shall be construed to limit the method of operation of such facilities enumerated in this definition when owned and operated by governmental agency.

17. Drive-in – May be used as a noun or adjective and shall refer to a business which is designed to serve patrons while they are reposed in vehicles or by means of service windows with the intent that products be

consumed in automobiles. This shall not be construed to include places for making deposits from automobiles such as drive-in bank windows, post office drop boxes or laundry or cleaning drop boxes.

18. Dwellings – A building or portion thereof, designed or used exclusively for residential occupancy, including single-family dwellings, two-family dwellings, multi-family dwellings and group dwellings; provided however, that the following are not dwellings:

A. Hotels, motels, tourist courts and cabins.

B. In a building that contains one (1) or more dwelling units or lodging rooms in addition to one (1) or more non-residential uses, the portion of such building that is devoted to such non-residential uses, except when accessory to the residential use.

C. Used for the institutional care of people such as hospitals, rest homes, orphanages, and homes for the aged.

19. Dwelling, Attached – A multi-family dwelling in which each dwelling unit has a separate outdoor entrance and is either:

A. Joined to one (1) other dwelling unit at one (1) side by one (1) party wall.

B. Joined by two (2) other dwelling units by one (1) party wall on each side.

20. Dwelling, Detached – A dwelling that is completely surrounded by open space on the same lot.

21. Dwelling, Group – A structure other than a hotel or motel inhabited by more or less permanent occupants in excess of four (4), living independently in quarters other than dwelling units.

22. Dwelling, Mobile – A vehicle used or so constructed as to permit its being used as a conveyance upon a public street or highway and duly licensable as such, and shall include self-propelled vehicles so designed, constructed, reconstructed, or added to by means, in such a manner as will permit the occupancy thereof as a dwelling or sleeping place of one (1) or more persons and supported by wheels, jacks, or similar supports. Transportable dwellings not meeting building code requirements for dwellings shall be treated as mobile dwellings.

23. Dwelling, Multi-Family – A building or portion thereof containing three (3) or more dwelling units.

24. Dwelling, Single-Family – A building containing one (1) dwelling unit only.

25. Dwelling, Two-Family – A building containing two (2) dwelling units only.

26. Dwelling Unit – One (1) or more rooms that are (a) located in a dwelling and that are, (b) arranged, designed, or used as living quarters for one (1) family only. Each dwelling unit contains one (1), and only one (1), complete set of kitchen facilities permanently installed. Solely for the purpose of determining compliance with lot area per dwelling unit requirements, each lodging room in a group dwelling shall be considered as one-half (1/2) a dwelling unit. No lodging room in a group dwelling shall be included as part of a dwelling unit.

27. Family – One (1) or more persons related by blood, marriage or adoption living together in one (1) dwelling unit and maintaining a common household, including domestic servants, gratuitous guests, boarders, roomers or lodgers, but not to exceed ten (10) persons when all are not related by blood, marriage, or adoption.

28. Flammable Liquids – Any liquid which gives off flammable vapors, as determined by the flash point from an open cup tester as used for test of burning oils, at or below a temperature of eighty (80) degrees Fahrenheit, is flammable.

29. Floor Area – The floor area of a building as used in calculating the gross floor area ratio as otherwise used in this chapter shall include all areas having headroom of seven (7) feet or more, including basement areas where they are used as a dwelling unit for sleeping accommodations, or other family eating or living purposes, but not including basement floor areas used for storage and utility purposes. Floor area for business and industrial buildings shall include all useable floor space above grade and that portion of basements used for the conduct of business or industry, but not including utility areas of said basements. Measurements shall be made at the outside of outside walls. An area may be surfaced with natural earth and still be considered a floor.

30. Garage, Private – An attached or detached accessory building for the storage of private passenger vehicles or recreational equipment, where no repair facilities are maintained and no for-profit business is conducted. Each single-family dwelling unit may have no more than three single-stall (single-vehicle) units; however, the Board of Adjustment may grant a special exception for additional units in suitable cases. Multi-family dwellings may have no more than two single-stall (single-vehicle) units; however, the Board of Adjustment may grant a special exception for additional units in suitable cases.

31. Golf Course – Golf courses as used herein shall mean standard sized layouts of at least nine (9) holes and shall not include miniature golf courses, pitch and putt courses or driving ranges.
32. Grade – The mean elevation of the ground, measured along the wall of a building, or a lot line, or the top of a street curb or official grade of a street curb not yet constructed, or an official grade of an alley surface, as appropriate to the context in which the term is used.
33. Gross Floor Area Ratio (G.F.A.R.) – The floor area of a building divided by the area of the zoning lot as defined herein. (For example, a building one (1) story high covering an entire lot would have a G.F.A.R. of 1.0, whereas a building two (2) stories high covering an entire lot would have a G.F.A.R. of 2.0, while a one (1) story high building covering half a lot would have a G.F.A.R. of 0.5.) Both principal and accessory buildings shall be considered in calculating gross floor area.
34. Ground Coverage – The area of a zoning lot occupied by all buildings expressed as a percentage of the gross floor area of the zoning lot.
35. Height, Building – (See Building Height).
36. Home Occupation, General – A business, occupation or profession carried on within a residential dwelling by the resident thereof, and which shall have the following characteristics:
- A. There shall be no external evidence of the occupation with the exception of one (1) unlighted nameplate of not more than two (2) square feet in area attached flat against the building. Advertising displays and advertising devices displayed through a window of the building shall not be permitted.
 - B. There shall be no emission of smoke, dust, odor, fumes, glare, noise, vibration, electrical or electronic disturbances detectable at the zoning line.
 - C. The activity shall employ only members of the immediate family of the resident of the dwelling.
 - D. The maximum allowable stock of goods shall be thirty (30) cubic feet, none of which shall be flammable in nature.
 - E. There shall be no signs, radio, television, newspaper, handbill or similar types of advertising linking the address of the premises with the home occupation.

F. Said home occupation shall not involve continual visits by the general public, except that music lessons may be given to one (1) pupil at a time; dance and art lessons may be given to four (4) pupils at a time; a dressmaker may have two (2) customers at a time; a beauty parlor may have two (2) customers at a time; and a professional person may have one client or patient at a time. A barber shop shall not be considered a home occupation.

G. The above listed characteristics of a home occupation shall not be construed to restrict the sale of garden produce grown on the premises, provided this exception shall not extend to allow the operation of a commercial greenhouse or nursery, or the existence of stands or booths for the display of produce grown on the premises.

H. Said occupation may include the caring for not more than eight (8) children at one time for compensation.

I. Room or board for hire, but not for more than (2) persons.

Any business, occupation or profession, the operation of which does not meet the aforesaid characteristics, shall not be interpreted to be a home occupation despite the fact that it may attempt to operate in a residential building.

37. Home Occupation, Limited – A business, occupation or profession carried on within a residential dwelling by the resident thereof, and which shall have the following characteristics:

A. There shall be no external or externally visible evidence of the occupation, business or profession whatsoever.

B. There shall be no emission of smoke, dust, odor, fumes, glare, noise, vibration, electrical or electronic disturbance detectable at the zoning lot line.

C. The activity shall employ only members of the immediate family of the resident of the dwelling.

D. There shall be no stack of goods on the premises.

E. There shall be no machinery other than that normally found in a home.

F. There shall be no contact at the premises with customers or clients other than by telephone or mail, except that music lessons may be given to one (1) pupil at a time and cultural, art or dance instruction may be given to four (4) pupils at a time.

G. Said occupation may include the caring for of not more than four (4) children at one time for compensation.

H. There shall be no signs, radio, television, newspaper, handbill or similar types of advertising linking the address of the premises with the home occupation.

I. Room or board for hire, but not for more than two (2) persons.

The above listed characteristics of a limited home occupation shall not be construed to restrict the sale of garden produce grown on the premises, provided that exception shall not extent to allow the operation of a commercial greenhouse or nursery or the existence of stands or booths for display of said produce.

Any business, occupation, or profession, the operation of which does not meet the aforesaid characteristics of a limited home occupation, shall not be interpreted to be a limited home occupation despite the fact that it may attempt to operate in a residential building.

38. Junk or Salvage Yard – A place where waste, discarded or salvaged metals, building materials, paper, textiles, used plumbing fixtures, and other used materials are bought, sold, exchanged, stored, baled or cleaned; and places or yards for the storage of salvaged metal, materials, and equipment; but not including pawn shops and establishments for sale, purchase or storage of used cars or trucks in operable condition, boats or trailers in operable condition, salvaged machinery in operable condition and used furniture and household equipment in useable condition and not including the processing of used, discarded or salvaged materials as part of manufacturing operations.

39. Lot – A zoning lot unless the context shall clearly indicate a lot of record, in which such case a “lot” is a lot of record.

40. Lot of Record – Land designated as a separate and distinct parcel in a subdivision, the plat of which has been recorded in the office of the County Recorder of O'Brien County, Iowa, or a parcel of land, the deed to which was recorded in the office of said recorder prior to the adoption of these zoning regulations.

41. Lot, Corner – A zoning lot situated at the intersection of two (2) streets, or bounded on two (2) sides, by street right-of-way lines or in the case of curved right-of-way lines, the extension of tangents at the side lot lines does not exceed one hundred thirty-five (135) degrees.

42. Lot, Interior – A zoning lot other than a corner lot.

43. Lot, Line – A boundary of a zoning lot. Lot line is synonymous with property line.
44. Lot, Reverse Corner – A corner zoning lot, the side street line of which is substantially a continuation of the front lot line of the zoning lot to its rear.
45. Lot, Through – A zoning lot having frontage on two (2) parallel, approximately parallel diverging, or converging streets, but not including a corner lot as defined herein.
46. Lot, Width – The distance between side lot lines measured at the rear of the required front yard on a line parallel with a line tangent to the street right-of-way line.
47. Lot, Zoning – (See Zoning Lot).
48. Minor Repair, Automobile – The replacement of minor assemblies or parts and tune-up of automobiles, or trucks of less than fifteen thousand (15,000) pounds gross license weight, but not including body and fender work, painting, engine overhaul or similar type of work.
49. Mobile Home – See Chapter 146 of this Code of Ordinances.
50. Mobile Home Park – See Chapter 146 of this Code of Ordinances.
51. Modifying Zone – A zone which is dependent upon a primary zone and which is designed to add to the primary zone a specific restriction or liberalization to meet specific locational needs which if accomplished by an additional series of primary zones would make these zoning regulations unnecessarily lengthy and complicated.
52. Motel – A group of attached or detached living units with individual toilet facilities operated for transient guests and so constructed that guest's automobiles may be parked at or near the living unit.
53. Nonconforming Building – A building or structure or portion thereof, lawfully existing at the effective date of these zoning regulations or an amendment thereto becomes effective, which does not meet the requirements of these regulations or any amendments thereto.
54. Nonconforming Use – A use which lawfully occupies a building or land at the time these zoning regulations or an amendment thereto becomes effective but does not meet the requirements of this chapter or any amendment thereto.
55. Par-3 Golf Course – A golf course other than a miniature golf course and other than a golf course defined herein, and having greens similar to a golf course and fairways of not less than fifty (50) yards in

length. A par-3 golf course may not be lighted unless so specified as permitted in the text of this chapter.

56. Primary Zone – A zoning classification which can stand alone as a classification of a parcel of property.

57. Principal Permitted Use – That use of a zoning lot which is among the uses allowed as a matter of right under the zoning classification.

58. Rooming House – A dwelling containing one (1) or more lodging rooms that accommodate one (1) or more persons who are not members of the keeper's family; provided however, that the letting of rooms for hire, to the extent permitted by this chapter as a home occupation, shall not in itself cause a dwelling to be a rooming house. In a rooming house, lodging or meals are provided for compensation on a weekly or monthly basis. Rooming house includes boarding houses.

59. Setback Line – A line within a lot, parallel to and measured from a corresponding lot line, forming the boundary of a required yard and defining that minimum distance between a building and property line in which structures may not be placed.

60. Special Exception – A use which is not allowed in the zone as a matter of right, but which is permitted upon findings of the Board that under the particular circumstances present such use is in harmony with the principal permitted uses of the zone. Moveable conditional uses are specifically listed under the district regulations. Uses not so listed shall not be allowed as special exception uses.

61. Street – The entire width between property line of a way or place dedicated or acquired for the purpose of public use for vehicular traffic or access other than an alley. Where a way or place exists by virtue of consent agreement or an established public right, then for the purposes of this chapter the way or place shall be considered to be sixty (60) feet in width, falling half on each side of the center line of the traveled way. Where the dimensions set out in a consent agreement exceeds sixty (60) feet, then the larger dimension shall govern.

62. Structural Alteration – Any change in the structural members of a building, such as walls, columns, beams or girders. Vehicles duly licensed for operation upon public streets or highways shall not be considered structures.

63. Structure – Anything constructed or erected with a fixed location on the ground or attached or resting on something having a fixed location on the ground. Moreover, the following shall always be considered structures: buildings, walls, signs, and billboards.

64. Use – The purpose or purposes for which land or building is designed, arranged or intended, or to which said land or building is occupied, maintained or leased.
65. Use, Accessory – A use customarily incidental to the principal permitted use or building and located on the same zoning lot with such principal use or building.
66. Use, Specifically Excluded – A use of land or a structure which is excluded from a zone by the operation of the other regulations of the zone, but which is specifically enumerated as excluded for purposes of clarity of intent and ease of reference.
67. Yard, Front – An open space extending the full width of the zoning lot, between the main building and the front lot line. In the case of a corner lot, the front yard shall be determined by the Zoning Administrator. His/her determination shall be made without regard to the orientation of the building on the lot.
68. Yard, Rear – An open space extending the full width of the zoning lot, between the main building and the rear lot line.
69. Yard, Side – An open space extending from the front yard to the rear yard, between the main building and the side lot line.
70. Zoning Lot – A single tract of land, located within a single block, which at the time of filing for a building permit or a certificate of occupancy, is designed by the owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control, and assigned to the particular use, building or structure, for which the building permit or the certificate of occupancy is issued and including such area of land as may be required by the provisions of this chapter for such use, building or structure.
71. Zoning Officer – The official appointed by the City Council of Sanborn, Iowa, and charged with the responsibility of enforcing these regulations.

170.13 RESIDENTIAL DWELLING STANDARDS. All residential dwelling units shall meet the following minimum standards:

1. The dwelling unit must have a minimum width of twenty-two (22) feet for at least sixty-five percent of the length of the dwelling unit, said dimension to be exclusive of attached garages, porches or other accessory structures.

2. All dwelling units including attached garages shall be placed on a permanent frost-free foundation.
3. All dwelling units shall provide for a minimum of nine hundred (900) square feet of floor space.
4. All dwelling units shall have a minimum roof pitch of 3:12. This requirement shall not apply to manufactured housing if the housing otherwise complies with 42 U.S.C. Sec. 5403.

EXCEPTIONS AND ENCROACHMENTS

170.20 HEIGHT EXCEPTIONS; GENERAL RULE. Any structure hereafter erected or altered shall comply with the height limitations of the zone in which it is located except as specified below. However, no exception listed below shall exceed the height restrictions of an aircraft approach and turning zone.

170.21 HEIGHT EXCEPTIONS; APPURTENANCES. The following appurtenances may exceed the prescribed height limit except when they would violate the height restrictions of an aircraft approach and turning zone, provided they are normally required for a use permitted in the zone in which they are erected or constructed: flagpoles, chimneys, cooling towers, elevator bulkheads, belfries, penthouses (for other than living purposes), grain elevators, stacks, silos, storage towers, observation towers, ornamental towers, monuments, cupolas, domes, spires, standpipes, and other necessary mechanical appurtenances and their protective housing, provided however, that any of the above except flagpoles and chimneys when located in any zone with a height limit of forty (40) feet or less, shall be allowed only upon finding of the Board of Adjustment that such appurtenances will not be unduly detrimental to the surrounding property.

170.22 HEIGHT EXCEPTIONS; ELECTRONIC TOWERS. Radio, television, microwave, and other electronic transmission or receiving towers in excess of height limits may be allowed in any zone as a special exception upon the finding by the Board of Adjustment that topographic or other considerations make it necessary that they be located outside a zone where they are permitted as a matter of right and that the proposed tower or towers will not be unduly detrimental to surrounding property. Exceptions to height restrictions shall not be granted in cases where they would violate height restrictions of an aircraft approach and turning zone.

170.23 YARD SPACE; GENERAL RULE. Any building, structure or use hereafter erected, altered or established shall comply with the yard space requirements of the zone in which it is located except as specified below. The required yard space for any building or structure or use shall be contained on the same zoning lot as the building or structure or use, and such required yard space shall fall entirely upon land in a zone or zones where the principal use is permitted. Any required yard space, as determined at the setback line, shall be open from thirty (30) inches above the ground for the sky except as specified herein.

170.24 YARD SPACE ENCROACHMENTS; EAVES. Cornices and similar features may extend one (1) foot into a required yard space. Eaves may extend three (3) feet into a yard space when such yard space is ten (10) feet or more in width.

170.25 YARD SPACE ENCROACHMENTS; CHIMNEYS. Chimneys may extend two (2) feet into any yard space when such yard is ten (10) feet or more in width, but shall not encroach upon a yard space of a lesser width.

170.26 YARD SPACE ENCROACHMENT; PORCHES AND TERRACES. Open, uncovered porches or terraces, no higher than thirty (30) inches above grade of the lot on the side of the building where such porch or terrace is located, may extend into any required yard. No railing or other barrier higher than thirty-six (36) inches shall be placed around such porch or terrace and no such barrier which interferes appreciably with the passage of light or air shall be within five (5) feet of any property line, except as otherwise provided in this chapter. Any such porch or terrace when located on a lot at the intersection of two (2) streets or a street and an alley shall comply with the provisions designed to insure proper sight distances as set forth in this chapter for fences and hedges.

170.27 YARD SPACE ENCROACHMENTS; REAR YARD. Accessory buildings or structures shall be permitted to occupy a required yard with the following restrictions:

1. No such accessory structure shall be greater than fifteen (15) feet in height nor be closer than twenty (20) feet from any street or alley line.
2. An accessory structure may be constructed within two (2) feet of an inside lot line when the entire structure is within forty (40) feet of the rear property line.

170.28 LOT AREA EXCEPTION; EXISTING PLATTING. A single-family dwelling may be built on any platted lot of record containing seventy-five (75) percent of the required lot area for the district in which the lot is located if said lot was in separate ownership and separate control at the effective date of these regulations, provided the front, side and rear yard requirements for the district in which the lot is located are met. It is not the intention of this exception to allow building as a matter of right on a platted parcel which was never intended as a building site, but rather was numbered on a plat for identification purposes under a scheme in which multiple lots were intended to provide one building site.

If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of these regulations, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of these regulations, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this chapter, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this chapter.

FENCES AND HEDGES

170.30 FENCE NOT A STRUCTURE. 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 located.

170.31 CORNER VISIBILITY. Except in a Central General Business Zone, there shall be provided an unobstructed view across a triangle formed by joining points measured twenty (20) feet distant along the property line from the intersection of two (2) streets, or fifteen (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 thirty (30) inches above grade or in the case of trees, foliage lower than five (5) feet.

170.32 OTHER THAN CORNER. 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 (5) feet or more shall be limited to forty-two (42) inches on any street line and the front fifty (50) 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 eighty (80) inches.

170.33 MEASUREMENT RULE. 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, whichever is the highest. On inside lot lines the measurement shall be from the average grade thereof, whichever 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.

170.34 EXCEPTION; BOARD OF ADJUSTMENT. The Board of Adjustment may approve, or may direct as a condition for granting an appeal, that fences or 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.

170.35 FENCES; LOCATION OF. 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 Section 170.31, nor the height

restrictions of Section 170.32. A fence or hedge may be built closer to the property line than the distance specified in Section 170.36 if a written agreement is signed by the adjacent property owners and presented to the Zoning Officer. Such agreement must state provisions for the maintenance and erection of any fence or hedge located within the distance specified in Section 170.36.

170.36 FENCES; REQUIRED DISTANCE FROM PROPERTY LINE.

1. Residential Districts:

Front Yard: (with sidewalk)	2 feet
Front Yard: (no sidewalk)	20 feet
Side Yard: (interior)	2 feet
Street Side Yard: (with sidewalk)	2 feet
Street Side Yard: (no sidewalk)	20 feet
Rear Yard:	2 feet
2. Business Districts:

All Yards:	No Requirement
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3. Industrial Districts:

All Yards:	No Requirement
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DISTRICTS

170.40 AG – AGRICULTURAL DISTRICT.

1. Intent. This district is designed to preserve lands best suited for agricultural use from encroachment of incompatible uses, and to preserve in agricultural use land suited to eventual development in other uses pending proper timing for practical and economical provisions of utilities, major streets, schools and other facilities so that reasonably compact development will occur and the fiscal integrity of the City preserved. A change of zoning from AG to any other classification shall be in accordance with planning practices established by the Commission.

2. Permitted Uses. The following uses are permitted in the AG District:

- A. Agriculture including the raising of field crops, horticulture.
- B. Ranch and farm dwellings pertaining to agricultural operations.
- C. Parks and recreational areas operated by the City of Sanborn or other political subdivision.
- D. Riding academies.
- E. Country clubs, as defined herein, when located on a lot of at least five (5) acres.
- F. Recreational camps operated by public, charitable or religious organizations.
- G. Buildings and installations geographically necessary to operate a public utility, but not including general offices, material yards or repair shops. Such facilities shall observe yard space rules, but shall not be required to provide the full lot size and lot width requirements.
- H. Railroad through or spur tracks, but no siding or other terminal type facilities and no service repair or administrative facilities.
- I. Greenhouses and nurseries.
- J. Kennels.

3. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the AG District including, but not limited to, the following:

- A. Living quarters for persons regularly employed on the premises, but not including labor camps or dwellings for transient labor.
- B. Guest houses, not rented or otherwise conducted as a business.
- C. General home occupations.
- D. Offices incidental to and necessary for conducting a permitted use.
- E. Private garages, stables and barns.
- F. Roadside stands, not exceeding four hundred (400) square feet in floor area, for the sale of agricultural products grown on the premises.
- G. Nameplates and non-illuminated signs, not to exceed twenty (20) square feet in area, identifying the premises but not containing over twenty (20) percent brand advertising.
- H. The keeping of not more than two (2) roomers or boarders.
- I. Other accessory uses and buildings customarily appurtenant to a permitted use.

4. Special Exceptions. Certain uses may be permitted in the AG District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses:

- A. Quarters for transient labor.
- B. Cemeteries, crematories, mausoleums or columbariums.
- C. Commercial mines, quarries and sand and gravel pits.
- D. Par-3 golf courses.
- E. Public and quasi-public buildings and structures and uses of an administrative, educational, religious, cultural or public service type including colleges.
- F. Local utility services.
- G. Railroad through and spur tracks.
- H. Animal husbandry, feedlots and poultry operations.

5. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in the AG District:

Min. Lot Area (acres)	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Side Yard, Street Side of Cor.	Min. Rear Yard (feet)	Max. Ground Coverage	Max. Height (feet)
10	150	35	20	25	35	10 percent (including accessory buildings)	35

6. Miscellaneous Provisions.

A. Off-street parking space shall be provided for all uses established in this zone.

B. Only one (1) building for living purposes shall be permitted on one (1) zoning lot except as otherwise provided herein.

170.42 RS-90 – SINGLE-FAMILY RESIDENCE DISTRICT (9,000 SQUARE FOOT ZONE)

1. Intent. This zone is designed to stabilize and protect the residential characteristics of the district and to encourage a suitable family life on medium size lots. More uses are allowed as a matter of right throughout the zone than in the larger lot size zones.
2. Permitted Uses. The following uses are permitted in the RS-90 District:
 - A. Single-family detached dwellings.
 - B. Public, parochial and private schools and colleges offering courses of general instruction when located on sites of at least five (5) acres, and including convents, monasteries, dormitories, and other related living structures when located on the same site as the school or college.
 - C. Parks and recreation areas operated by the City or other political subdivision.
 - D. Public and quasi-public buildings for cultural uses.
 - E. Country clubs as defined herein.
3. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the RS-90 District including, but not limited to, the following:
 - A. Private garages and private parking areas.
 - B. Limited home occupations.
 - C. Private swimming pools exclusively for the use of residents of the premises and their non-paying guests and subject to any other regulations or ordinances of the City.
 - D. The parking of one unoccupied trailer or self-propelled camper designed for recreational use and not to exceed thirty-six (36) feet in length within a building, or in the open in a rear yard but subject to any permits required by law or ordinance.
 - E. The storage of one pleasure boat on a trailer within a building, or in the open in the rear yard.
 - F. Other accessory uses and structures customarily appurtenant to a permitted use.

4. Special Exceptions. Certain uses may be permitted in the RS-90 District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses:

- A. Local utility service.
- B. Churches, synagogues, chapels and similar places of worship and instruction.
- C. Utility substations.
- D. Railroad through and spur tracks, but no sidings or other terminal type facilities and no service, repair, or administrative facilities and only after a showing before the Board that such facilities are necessary in the location proposed.
- E. The growing of field crops.

5. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in the RS-90 District:

Min. Lot Area (sq. ft.)	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Side Yard, Street Side of Cor.	Min. Rear Yard (feet)	Max. Ground Coverage	Max. Height (feet)
9,000	75	30	10	20	30*	25 percent (including accessory buildings)	35

*Except those lots with an alley as the rear property line may have a garage or an accessory building not exceeding 680 sq. ft. for garages or 144 sq. ft. for accessory buildings located within two feet of the rear property line. Those lots without an alley as the rear property line may have a garage not exceeding 680 sq. ft. or an accessory building not exceeding 144 sq. ft. located within 10 feet of the rear property line.

6. Miscellaneous Provisions.

- A. Off-street parking shall be provided for all uses established in the residential zone.
- B. Only one (1) building for living purposes shall be permitted on one (1) zoning lot, except as otherwise provided herein.

170.44 RD-60 – DUPLEX RESIDENCE DISTRICT (6,000 SQUARE FOOT ZONE)

1. Intent. This zone is designed to provide for one (1) and two (2) dwelling areas on lots of moderate size.
2. Permitted Uses. The following uses are permitted in the RD-60 District:
 - A. Single-family detached dwellings.
 - B. Residential buildings containing not more than two (2) dwelling units.
 - C. Public, parochial and private schools and colleges offering courses of general instruction when located on sites of at least five (5) acres, and including convents, monasteries, dormitories, and other related living structures when located on the same lot as the school or college.
 - E. Parks and recreation areas operated by the City or other political subdivision.
 - F. Public and quasi-public buildings for cultural uses.
 - G. Country clubs.
3. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the RD-60 District including, but not limited to, the following:
 - A. General home occupations.
 - B. Private garages and parking areas.
 - C. Private swimming pools exclusively for the use of residents of the premises and their non-paying guests and subject to any other regulations or ordinances of the City.
 - D. The parking of one unoccupied trailer or self-propelled camper designed for recreational use and not to exceed thirty-six (36) feet in length within a building, or in the open in a rear yard but subject to any permits required by law or ordinance.
 - E. The storage of one pleasure boat on a trailer within a building.
 - F. Other accessory uses and structures customarily appurtenant to a permitted use.

4. Special Exceptions. Certain uses may be permitted in the RD-60 District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses:

- A. Utility substations.
- B. Railroad through and spur tracks, but no sidings or other terminal type facilities and no service, repair, or administrative facilities and only after a showing before the Board that such facilities are necessary in the location proposed.
- C. Fraternity and sorority houses when directly associated with a college or university.
- D. Buildings of non-profit community organizations and social welfare establishments other than those providing living accommodations.
- E. Churches, synagogues, chapels, and similar places of religious worship and instruction of a quiet nature when located in a substantial structure.
- F. The growing of field crops.

5. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in the RD-60 District:

Minimum Lot Area	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Minimum Side Yard, Street Side of Corner	Min. Rear Yard (feet)	Max. Ground Coverage	Max. Height (feet)
6,000 sq. ft. for single-family dwellings; 4,000 sq. ft. for each dwelling unit in excess of one	50	30	5	15	25*	40 percent	35

*Except those lots with an alley as the rear property line may have a garage or an accessory building not exceeding 680 sq. ft. for garages and 144 sq. ft. for accessory buildings located within two feet of the rear property line. Those lots without an alley as the rear property line may have a garage not exceeding 680 sq. ft. or an accessory building not exceeding 144 sq. ft. located within 10 feet of the rear property line.

170.46 RG-20 – GENERAL RESIDENCE DISTRICT (2,000 SQUARE FOOT ZONE)

1. Intent. This zone is designed to provide for moderately high density apartment development and other uses which have characteristics similar to those found in the operation of apartment houses.
2. Permitted Uses. The following uses are permitted in the RG-20 District:
 - A. Single-family detached dwellings.
 - B. Multiple dwellings containing not more than 12 dwelling units.
 - C. Parks and recreation areas operated by the City or other political subdivisions.
 - D. Public and quasi-public buildings for cultural uses.
 - E. Country clubs.
 - F. Hospitals and rest homes, nursing homes.
 - G. Rooming houses and boarding houses.
 - H. Apartment hotels.
 - I. Private clubs, fraternity houses, sorority houses, lodges and similar establishments, but specifically excluding those establishments which have a name or legal basis as the aforesaid, but are in fact operated as a business enterprise, and also excluding concessions associated with the aforesaid which are operated as a business enterprise.
 - J. The offices of one or more professional persons engaged in the activities which generate a limited amount of contact with the general public, but including medical clinics, offices of lawyers, accountants, architects, planners, engineers and similar professions.
 - K. Buildings of non-profit community organizations and social welfare establishments.
3. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the RG-20 District including, but not limited to, the following:
 - A. Private garages and private parking areas.

- B. Private swimming pools exclusively for the use of residents of the premises and their non-paying guests and subject to any other regulations or ordinances of the City.
 - C. The parking of one unoccupied trailer or self-propelled camper designed for recreational use and not to exceed thirty-six (36) feet in length within a building, or in the open in a rear yard but subject to any permits required by law or ordinance.
4. Special Exceptions. Certain uses may be permitted in the RG-20 District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses:
- A. Utility substations.
 - B. Railroad through and spur tracks, but no sidings or other terminal type facilities and no service, repair, or administrative facilities and only after a showing before the Board that such facilities are necessary in the location proposed.
 - C. Office buildings for the conduct of the administrative business of a single company when such business does not deal with the public directly from the site of such office building.
 - D. Mortuaries, funeral homes and funeral chapels.
 - E. Public, parochial and private schools and colleges offering courses of general instruction when located on sites of at least five (5) acres, and including convents, monasteries, dormitories and other living structures when located on the same site as the school or college.
 - F. Churches, synagogues, chapels and similar places of religious worship and instruction of a quiet nature when located in a substantial structure.
 - G. The growing of field crops.

5. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in the RG-20 District:

Min. Lot Area Per Dwelling Unit (sq. ft.)	Min. Zoning Lot (sq. ft.)	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Minimum Side Yard, Street Side of Corner	Min. Rear Yard (feet)	Max. Ground Coverage	Max. Height (feet)
2,000*	6,000	50	30	5	10	10**	80 percent (including accessory buildings)	75

*Except that residential buildings containing one dwelling unit shall have a minimum lot area of 6,000 sq. ft. and residential buildings containing 2, 3 or 4 dwelling units shall have a minimum lot area of 2,500 sq. ft. per dwelling unit.

**Except those lots with an alley as the rear property line may have a garage or an accessory building not exceeding 680 sq. ft. for a garage or 144 sq. ft. for an accessory building located within two feet of the rear property line. Those lots without an alley as the rear property line may have a garage not exceeding 680 sq. ft. or an accessory building not exceeding 144 sq. ft. located within 10 feet of the rear property line.

170.48 ER – EXISTING RESIDENTIAL DISTRICT.

1. Intent. This district is intended to provide for an area of City with minimum development regulations. This district is to be located in portions of the City which have been developed prior to the adoption of these zoning regulations.
2. Permitted Uses. The following uses are permitted in the ER District:
 - A. Single-family detached dwellings.
 - B. Multiple dwellings containing not more than 12 dwelling units.
 - C. Parks and recreation areas operated by the City or other political subdivisions.
 - D. Public and quasi-public buildings for cultural uses.
 - E. Country clubs.
 - F. Hospitals and rest homes, nursing homes.
 - G. Rooming houses and boarding houses.
 - H. Apartment hotels.
 - I. Private clubs, fraternity houses, sorority houses, lodges and similar establishments, but specifically excluding those establishments which have a name or legal basis as the aforesaid, but are in fact operated as a business enterprise, and also excluding concessions associated with the aforesaid which are operated as a business enterprise.
 - J. The offices of one or more professional persons engaged in the activities which generate a limited amount of contact with the general public, but including medical clinics, offices of lawyers, accountants, architects, planners, engineers and similar professions.
 - K. Buildings of non-profit community organizations and social welfare establishments.
3. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the ER District including, but not limited to, the following:
 - A. Private garages and private parking areas.

- B. Private swimming pools exclusively for the use of residents of the premises and their non-paying guests and subject to any other regulations or ordinances of the City.
 - C. The parking of one unoccupied trailer or self-propelled camper designed for recreational use and not to exceed thirty-six (36) feet in length within a building, or in the open in a rear yard but subject to any permits required by law or ordinance.
4. Special Exceptions. Certain uses may be permitted in the ER District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses:
- A. Utility substations.
 - B. Railroad through and spur tracks, but no sidings or other terminal type facilities and no service, repair, or administrative facilities and only after a showing before the Board that such facilities are necessary in the location proposed.
 - C. Office buildings for the conduct of the administrative business of a single company when such business does not deal with the public directly from the site of such office building.
 - D. Mortuaries, funeral homes and funeral chapels.
 - E. Public, parochial and private schools and colleges offering courses of general instruction when located on sites of at least five (5) acres, and including convents, monasteries, dormitories and other living structures when located on the same site as the school or college.
 - F. Churches, synagogues, chapels and similar places of religious worship and instruction of a quiet nature when located in a substantial structure.
 - G. The growing of field crops.

5. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in the ER District:

Min. Lot Area (sq. ft.)	Min. Zoning Lot (sq. ft.)	Min. Lot Width (feet)	Minimum Front Yard	Min. Side Yard (feet)	Minimum Side Yard, Street Side of Corner	Min. Rear Yard (feet)	Max. Ground Coverage	Max. Height (feet)
6,000	6,000	50	15 feet or in line with the two immediately adjacent, developed lots, whichever is the greater	5	12	25*	40 percent (including accessory buildings)	35

*Except those lots with an alley as the rear property line may have a garage or an accessory building not exceeding 680 sq. ft. for a garage or 144 sq. ft. for an accessory building located within two feet of the rear property line. Those lots without an alley as the rear property line may have a garage not exceeding 680 sq. ft. or an accessory building not exceeding 144 sq. ft. located within 10 feet of the rear property line.

170.50 BGC – CENTRAL GENERAL BUSINESS DISTRICT.

1. Intent. To provide a general business district which will take into account the special characteristics of the Central Business District including the orientation to pedestrian traffic rather than vehicular traffic.

2. Permitted Uses. The following uses are permitted in the BGC District:

A. Bakery or pastry shops employing not more than five (5) persons on the premises, exclusive of drivers; bicycle sales and repair shops, but not including sales and repair of motor-driven vehicles; billboards and general advertising signs; bowling alley, trampoline or rebound equipment center, miniature golf, pool hall, dance hall, kiddy parks, skating rinks; building other than heavy storage and maintenance shops for municipal or governmental purposes; business and commercial schools; clinics for people only; dancing schools including group instruction; feed and seed store; frozen food lockers for individual or family trade, but no slaughtering, killing, eviscerating, skinning, plucking or smoking on the premises; furniture and antique homes and stores including used furniture stores; garages for the storage of automobiles, but not including major repair, body and fender work or painting; greenhouses, commercial; nursery stock sales yards; loan office; extremely light, professional type manufacturing and repair of such items as eyeglasses, custom jewelry, prosthetic devices and other similar services and manufacture; mortuaries, funeral homes and funeral chapels; motel, hotel; general office buildings; commercial parking lots; pawn shops; pet shops; printing job when mechanical operation is not visible from a street and employing not over four (4) persons; radio and television stations, except transmission towers over thirty-five (35) feet high; stationary and office machine sales and service; tavern, cocktail lounge, club operated as a tavern or cocktail lounge; theater other than drive-in; upholstery shops; automatic vending structures when located on that portion of a lot in which a principal building is permitted.

B. Other retail and service establishments which may be determined by the Board of Adjustment to be similar to the above listed principal permitted uses and which are in harmony with the purpose of this district. Excluded is any use not listed as a permitted use in this district but is specifically listed as a permitted use in another district.

- C. Residential structures and other structures and uses permitted in the RG-20 District when not in conformity with the space limits of the RG-20 District.
3. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the BGC District including, but not limited to, the following:
- A. Accessory uses for residential development shall include those listed under the RG-20 District and shall be established and conducted in accordance with the regulations of that district.
 - B. Signs including illuminated signs.
 - C. Other accessories normally appurtenant to uses permitted in this district.
4. Special Exceptions. Certain uses may be permitted in the BGC District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses:
- A. The Board of Adjustment may allow residential and mixed business and residential structures to conform with the space limits of the RG-20 District or any other district requiring more lot area per dwelling unit, upon a finding that the proposed density of residential use will be in harmony with nearby residential zoning, and when said mixed occupancy building is specifically designed and constructed for such mixed occupancy, but shall not include the construction of a business building in the yard of a residence or within an existing residence.

5. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in the BGC District:

Min. Lot Area for Business	Min. Lot Area for Residences	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard	Minimum Side Yard, Street Side of Corner	Min. Rear Yard (feet)	*Max. Ground Coverage	Max. Height (feet)
None	Structures shall conform with the provisions of the RG-20 District, except as may be modified by the Board of Adjustment in accordance with the special exception provisions of this district.	None for business	None for business	5 feet when abutting any district requiring a side yard	None	10	95 percent	35

*Including accessory buildings, loading docks, incinerators and vending devices

6. Miscellaneous Provisions.

A. Off-street loading shall be provided for all new buildings. Off-street parking may be provided by governmental or group action. It is not desired that each building supply parking space to meet its full demands on or adjacent to its site in that such an arrangement would tend to spread the BGC district over too large an area to make pedestrian communication and interchange inconvenient.

B. Only one (1) building for living purposes shall be permitted on one (1) zoning lot except as otherwise provided herein.

170.52 HSB – HIGHWAY SERVICE BUSINESS DISTRICT.

1. Intent. This district is designed to provide for the effective use of land situated in relationship to major highways and highway interchanges so efficient grouping of activities can develop to serve the traveling public. Front yard requirements are designed to provide for the safety of the traveling public by provision for adequate off-highway maneuvering and parking space.

2. Permitted Uses. The following uses are permitted in the HSB District:

A. Motels and motor hotels designed for accommodation of the traveling public, and including swimming pools, children's play yards, golf putting greens and similar uses when they are a part of said motel or motor hotel developments.

B. Restaurants and eating places, provided however, that no such establishment shall be operated as a restaurant or eating place in which more beer or other intoxicating beverages are sold than food. Taverns, bars, cocktail lounges and similar establishments which require licensing for the dispensing of beverages shall be prohibited except as a part of and located in the same building as a restaurant or eating place specified above.

C. Gasoline service stations which do not conduct major automotive repairs, body or fender work or automobile painting, and at which all used and waste materials are kept within a solid enclosure so that the contents are not visible from a street, highway, interstate highway or other properties, gasoline pumps and other facilities shall be considered as structures and shall not be located within a required yard space.

D. Self-operated vending devices, provided such devices shall be placed for operation and stored behind the building line specified herein for conventional structures.

E. Drive-in configurations of any business otherwise permitted in this district, provided that any such establishment shall provide adequate off-street space for the maneuvering and storage of patrons' vehicles, and further provided that there be a sturdy, close-woven or solid fence suitable for the retaining of any discarded paper or other material on all sides of the parking area except the front, and provided no music or loud speaker system shall be installed or operated that can be heard at neighboring residential motel or motor hotel properties, and providing all

lighting shall be directed and shielded so as to light only the property of such establishments.

F. Light retail establishments such as: apparel, drug, variety, florist, gift, grocery, jewelry, small appliances, bakery and dairy, provided however that these uses do not exceed five hundred (500) square feet of gross floor area and are incidental to the primary uses listed under sections A, B and C above, of principal permitted uses.

G. Light service establishments such as: tailor, dressmaker, barber, beauty operator, dance studio (but excluding dance halls), real estate, insurance, photographer, professional offices (but excluding veterinary hospitals), self-service laundry and dry cleaning.

H. Other light retail and service establishments which may be determined by the Board of Adjustment to be similar to the above listed uses and which are in harmony with the purposes of the district.

I. Single family residences, when not in a business building or on the same zoning lot as a business building or on the same zoning lot as a business building, and when in conformity with the space limits of the RD-60 District.

3. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the HSB District including, but not limited to, the following:

A. Accessory uses for residential development shall include those listed under the RD-60 District and shall be established and conducted in accordance with the regulations of that district.

B. Accessory uses for commercial development shall include those normally appurtenant to such development, except as further specified herein, and shall be located in accordance with the space limits of this district.

4. Special Exceptions. Certain uses may be permitted in the HSB District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses:

A. Local utility service.

B. Churches, synagogues, chapels, and similar places of worship and instruction.

- C. Utility substations.
 - D. Railroad through and spur tracks, but no sidings or other terminal type facilities and not service, repair or administrative facilities and only after a showing before the Board of Adjustment that such facilities are necessary in the location proposed.
5. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in the HSB District:

Min. Lot Area for Business or Industry	Min. Lot Area for Residences	Min. Lot Width (feet)	Minimum Front Yard	Minimum Side Yard	Min. Rear Yard	Max. Ground Coverage	Max. Height (feet)
10,000 sq.ft.	Conform to the provisions of the RD-60 District	None for business	25 feet from a street or highway right-of-way, except that one sign or decorative pylon may be placed at a property line or within the required yard space.	None, except that no building shall be located closer than 25 feet from any street or highway right-of-way line except as provided herein.	None	40 percent for business or industry	55

6. Miscellaneous Provisions.
- A. Off-street parking and loading shall be provided for all uses established in this district.
 - B. Only one (1) building for living purposes shall be permitted on one (1) zoning lot except as otherwise provided herein.

170.54 ML – LIGHT MANUFACTURING DISTRICT.

1. Intent. This district provides for a wide range of commercial and industrial uses, all of which shall be able to meet comparatively rigid specifications as to nuisance-free performance. The district specifically excludes residences on the theory that the mixture of residential use, and the public service and facilities for residences with those for industry is contrary to the purposes of these regulations irrespective of whether the industry is encroaching on a living area or a living area is encroaching on an industrial area.
2. Permitted Uses. The following uses are permitted in the ML District:
 - A. Any use allowed in the BGC District, except that all dwellings and other types of living accommodations shall be prohibited save that one quarters for a guard or caretaker shall be permitted as an accessory use for any permitted use occupying more than twenty thousand (20,000) square feet of lot area.
 - B. Any business, commercial, or industrial use which can meet the performance standards set forth for this district but not specifically excluded or specifically mentioned as belonging in another less restrictive district.
 - C. Agriculture, including the raising of field crops, horticulture and animal husbandry. Feed lots, poultry farms, fur farms and kennels shall be allowed when such activities shall meet the performance standards set forth for this district.
3. Excluded Uses. The following uses are prohibited within the ML District:
 - A. Dwellings, except caretaker and guard quarters as set forth herein.
 - B. Public, parochial and private schools and colleges, except trade schools.
 - C. Hospitals, clinics, rest homes and other institutions for housing or care of human beings.
 - D. Motels, hotels and mobile home parks.
 - E. Any use not enumerated as permitted in this district but which is specifically provided for in another district or districts.
4. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the ML District:

- A. Any accessory use normally appurtenant to a permitted use shall be allowed provided such use shall conform with all performance standards set forth for this district.
5. Special Exceptions. Certain uses may be permitted in the ML District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses.
- A. Recreation uses which are temporary in nature and do not involve any appreciable amount of fixed construction and which will not interfere with the efficient functioning of the district for its primary purpose of providing for manufacturing and heavy commercial establishments, may be allowed only upon appeal to the Board of Adjustment.
6. Performance Standards. The following performance standards shall apply in the ML District:
- A. Physical Appearance. All operations shall be carried on within an enclosed building except that new materials or equipment in operable condition may be stored in the open. Normal daily wastes of an inorganic nature may be stored in containers not in a building when such containers are not readily visible from the street. The provisions of this paragraph shall not be construed to prohibit the display of merchandise or vehicles for sale or the storage of vehicles, boats, farm machinery, trailers, mobile homes or similar equipment when in operable condition.
- B. Fire Hazard. No operation shall involve the use of highly flammable gases, acid, liquors, grinding processes or other inherent fire hazards. This provision shall not be construed to prohibit the use of normal heating fuels and welding gases when handled in accordance with other ordinances of the City of Sanborn.
- C. Noise. No operation shall be carried on which involves noise in excess of the normal traffic noise of the adjacent street at the time of the daily peak hour of traffic volume. Noise shall be measured at the property line. When the level of such noise cannot be determined by observation with the natural senses, a suitable instrument may be used and measurement may include breakdown into a reasonable number of frequency ranges. All noises shall be muffled so as to not be objectionable due to intermittence, beat, frequency or shrillness.

D. Sewage and Liquid Wastes. No operation shall be carried on which involves the discharge into a sewer, water course or the ground of liquid wastes of any radioactive nature, or liquid wastes of a chemical nature which are detrimental to normal sewage plant operation or corrosive and damaging to sewer pipes and installations.

E. Air Contaminants.

(1) Air contaminants and smoke shall be less dark than designated Number One on the Ringleman Chart as published by the U.S. Bureau of Mines, except that smoke of a density designated as Number One shall be permitted for one four (4) minute period in each one-half ($\frac{1}{2}$) hour. Light-colored contaminants of such an opacity as to obscure an observer's view to a degree equal to or greater than the aforesaid shall not be permitted.

(2) Particulate matter of dust as measured at the point of emission by any generally accepted method shall not be emitted in excess of two-tenths ($\frac{2}{10}$) grains per cubic foot as corrected to a temperature of five hundred (500) degrees Fahrenheit, except for a period of four (4) minutes in any one-half ($\frac{1}{2}$) hour, at which time it may equal but not exceed six-tenths ($\frac{6}{10}$) grains per cubic foot as corrected to a temperature of five hundred (500) degrees Fahrenheit.

(3) Due to the fact that the possibilities of air contaminants cannot reasonably be comprehensively covered in this section, there shall be applied the general rule that there shall not be discharged from any sources whatsoever such quantities of air contaminants or other material in such quality as to cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public in general or to endanger the comfort, repose, health or safety of any such considerable number of persons or to the public in general or to cause or have a natural tendency to cause injury or damage to business, vegetation or property.

F. Odor. The emissions of odors that are generally agreed to be obnoxious to any considerable number of persons shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious and that such odors as associated with baking or the

roasting of nuts and coffee shall not normally be considered obnoxious within the meaning of this chapter.

G. Gases. The gases sulfur dioxide and hydrogen sulfide shall not exceed five (5) parts per million; carbon monoxide shall not exceed five (5) parts per million. All measurements shall be taken at the zoning lot line.

H. Vibration. All machines, including punch presses and stamping machines, shall be so mounted as to minimize vibration and in no case shall such vibration exceed a displacement of three thousands of an inch measured at the zoning lot line. The use of steam or broad hammers shall not be permitted in this district.

I. Glare and Heat. All glare, such as welding arcs and open furnaces, shall be shielded so that they shall not be visible from the zoning lot line. No heat from furnaces or processing equipment shall be sensed at the zoning lot line to the extent of raising the temperature of air or materials more than five (5) degrees Fahrenheit.

7. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in the ML District:

Min. Lot Area (sq. ft.)	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Rear Yard (feet)	Minimum Side Yard, Street Side of Corner	Min. Rear Yard (feet)	Max. Ground Coverage	Maximum Height
10,000	50	20	None	None	10 feet	None	75 percent	No restriction except as limited by gross floor area ratio and by any restrictions imposed by virtue of aircraft approach and turning zone height restrictions

8. Miscellaneous Provisions.

A. Off-street parking and loading shall be provided for all uses established in this district.

170.56 HI – HEAVY INDUSTRIAL DISTRICT.

1. Intent. This district is intended to provide areas for activities and uses of a heavy industrial character and is the least restrictive of any district. In the best interest of the City, certain uses in the HI District shall be subject to final City Council approval, conditional approval, or denial to insure that proper safeguards are taken. No residential uses are permitted.
2. Permitted Uses. There may be any use, excluding residential uses and mobile homes. The following uses must be given separate Board of Adjustment approval before a zoning permit is issued:
 - A. Acid manufacture.
 - B. Cement, lime, gypsum, or plaster of paris manufacture.
 - C. Distillation of bones.
 - D. Explosive manufacture or storage.
 - E. Fat rendering.
 - F. Fertilizer manufacture.
 - G. Gas manufacture.
 - H. Garbage, offal, or dead animals, reduction or dumping.
 - I. Glue manufacture.
 - J. Petroleum, or its products, refining of.
 - K. Smelting of tin, copper, zinc, or iron ores.
 - L. Stockyards or slaughter of animals.
 - M. Junk yards. Must be surrounded by a solid fence at least six (6) feet high located within building lines and the junk piled not higher than the fence.
 - N. Commercial livestock confinements not meeting the definition of “Agricultural.”
3. Required Conditions.
 - A. The best practical means known for the disposal of refuse matter or water-carried waste, the abatement of obnoxious or offensive odor, dust, smoke, gas, noise, or similar nuisance shall be employed and subject to all State and Federal regulations.

- B. All principal buildings and all accessory buildings or structures, including loading and unloading facilities, shall be located at least one hundred (100) feet from any “R” District boundary, except where adjoining a railroad right-of-way, and fifty (50) feet from any commercial boundary.
- 4. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the HI District.
 - A. Accessory buildings and uses customarily incidental to a permitted use.
 - B. Living quarters for watchmen or custodians of industrial properties.
- 5. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in the HI District:

Min. Lot Area (sq. ft.)	Min. Lot Width (feet)	Min. Front Yard (feet)	Min. Side Yard (feet)	Min. Rear Yard (feet)	Max. Height: The Lesser Of
9,000	80	30	15	30	3 stories or 45 feet

- 6. Off-street Parking. The following off-street parking requirements shall apply in the HI District:
 - A. All commercial uses shall provide one (1) parking space on the lot for each three hundred (300) square feet of floor area.
 - B. All industrial uses shall provide one (1) parking space on the lot for each two (2) employees of maximum number employed at any one time.
- 7. Off-street Loading. The following off-street loading requirements shall apply in the HI District:
 - A. All activities or uses allowed in the HI District shall be provided with adequate receiving facilities accessible by motor vehicle off any adjacent service drive or open space on the same zoning lot.
- 8. Signs. The following sign regulations shall apply to the HI District:
 - A. Off-premises signs are permitted.

- B. Off-premises signs shall comply with the setbacks of the districts they are located in. Other bulk regulations do not apply. Off-premises signs are governed by State and Federal regulations along highways, where zoning exists.
- C. No sign may be lighted in a manner which impairs the vision of the driver of any motor vehicle.
- D. No sign may obstruct the view of any highway or railroad so as to render dangerous the use of the highway.
- E. No sign may imitate or resemble an official traffic control sign, signal or device.
- F. Signs shall not encroach or extend over public right-of-way.
- G. No sign may obscure or physically interfere with an official traffic control sign, signal or device.
- H. No advertisement or advertising structure shall be posted, erected or maintained which simulates any official, directional or warning sign erected or maintained by the State, County, Municipal or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.
- I. No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.
- J. Signs may be erected on municipal utility structures by written approval of the City.

170.58 M – MODIFIED RESIDENTIAL DISTRICT.

1. Intent. This district is designed to provide for the inclusion of mobile home parks as an additional use in several districts at locations which are suitable for mobile dwellings.
2. Permitted Uses. The following uses are permitted in the M District:
 - A. Any principal permitted use in the primary district to which the M District classification is appended when established according to the rules and conditions of the primary district.
 - B. Parks authorized by the City of Sanborn for the parking and occupancy of mobile dwellings.
3. Accessory Uses. Uses of land or structure customarily incidental and subordinate to a permitted use in the M District including, but not limited to, the following:
 - A. Any permitted accessory use allowed in the primary district to which the M District classification is appended when established according to the rules and conditions of the primary district.
 - B. Those accessory uses other than those permitted by the primary district regulations, but which are or may in the future, be required for inclusion in mobile home parks by other ordinances of the City.
4. Special Exceptions. Certain uses may be permitted in the M District subject to specific conditions and requirements intended to make them compatible with and acceptable to adjacent uses:
 - A. Any special exception use permitted in the primary district to which the M District classification is appended when established according to the rules and conditions of the primary district.
5. Bulk Regulations. The following requirements shall provide for light and air around permitted uses and buildings in the M District:
 - A. All space limit provisions of the primary district to which the M District classification is appended shall be adhered to, except that mobile homes may be parked in compliance with minimum standards of other ordinances of the City.
6. Procedure. The M District shall be considered as a separate and distinct zoning classification and shall be appended to a primary district

in the same manner in which zoning map changes are made under the provision of the statutes of the State of Iowa and of this chapter and shall modify the regulations applying to the specific sites or zoning lots upon which the M District is designated.

7. Miscellaneous Provisions.
 - A. Off-street parking shall be provided for all uses established in this district.
 - B. The entire mobile home park shall be treated as one zoning lot, except that when uses other than those normally included or required by ordinance within a mobile home park are established within the boundaries of a mobile home park, then a separate zoning lot shall be designated for said other uses.

SIGNS, NONCONFORMITIES AND ADMINISTRATION**170.60 ADVERTISING SIGNS, POSTERS AND BILLBOARDS.**

1. Intent. This section is established to protect and promote health, safety, general welfare and order within the City of Sanborn through the establishment of comprehensive and uniform standards, regulations and procedures governing the type, number, size, structure, location, height, lighting, erection, use or display of devices, signs, or symbols serving as a visual communications media to persons situated within or upon public rights-of-way or private property. The provisions of this section are intended to encourage the opportunity for effective, aesthetically compatible, and orderly communications by reducing confusion and hazards resulting from unnecessary or indiscriminate use of communications facilities. Hereafter no sign shall be erected, constructed, altered, or modified except as regulated by the provisions of this section.

2. Definitions. The following terms, for the purposes of this section shall have the meaning stated herein:

A. Address Sign – A sign communicating street address only, whether written or in numerical form.

B. Campaign Sign – A temporary sign promoting the candidacy of a person running for a governmental office or promoting an issue to be voted upon at a governmental election.

C. Construction Sign – A sign placed at a construction site identifying the project or the name of the architect, engineer, contractor, financier or others involved.

D. Directional Sign – A sign erected on public or private property which bears the address and name of a business, institution, church, or other use or activity plus directional arrows or information on location.

E. Flashing, Sign – Any illuminated sign that has artificial light or color which is not maintained at a constant intensity or color when such sign is in use. A sign providing public service information, such as time, weather, date, temperature or similar information, shall not be considered a flashing type sign.

F. Governmental Sign – A sign which is erected by a governmental unit.

G. Information Sign – Any sign giving information to employees, visitors or delivery vehicles but containing no advertising or identification.

H. Nonconforming Sign – A sign which lawfully existed at the time of the passage of these regulations or amendments thereto but which does not conform to the provisions of this chapter.

I. Real Estate Sign – A business sign placed upon a property advertising that particular property for sale, for lease or for rent.

J. Sign – The use of any words, numerals, pictures, figures, devices or trademarks by which anything is made known such as are used to show an individual, firm, profession or business, and are visible to the general public.

K. Sign Area – That area within the marginal lines of the surface which bears the advertisement or, in the case of messages, figures or symbols attached directly to the part of a building, that area which is included in the smallest connecting geometric figures which can be made to circumscribe the message, figure or symbol displayed thereon. Only changeable copy areas of marquee or canopies shall be considered in determining the total sign area.

L. Sign Structure – The supports, uprights, bracing and framework for a sign including the sign area.

M. Temporary Sign – Any sign which is erected or displayed for a specific period of time.

N. Wall Sign – A sign which is affixed to the exterior wall or mansard roof of a building and which is parallel to the building. Wall signs are also referred to as “flush mounted signs.”

3. Requirements. Billboards and signs in conjunction with the principal permitted uses are allowed subject to the following regulations.

A. RS-90, RD-60 and RG-20 Districts:

- (1) Flashing type signs are prohibited.
- (2) Only one (1) permanent type sign intended to be read from off the premises will be allowed for each principal use.
- (3) Non-residential uses will be limited to a sign not to exceed six (6) square feet.
- (4) The following sign types are permitted:

Real Estate signs
 Government signs
 Address signs
 Campaign signs

B. Highway Service Business District:

- (1) Flashing type signs are prohibited.
- (2) Billboard type signs will be limited to one hundred (100) square feet and must not impair sight distance or create a traffic hazard.
- (3) Highway service businesses may be permitted one independent structure located no more than one hundred fifty (150) feet from the principal building. The independent sign must not have an area in excess of one hundred (100) square feet.
- (4) The following sign types are permitted:
 - Address signs
 - Real Estate signs
 - Government signs
 - Campaign signs
 - Directional signs
 - Informational signs

C. BGC District:

- (1) Flashing type signs are prohibited.
- (2) The following signs types are permitted:
 - Address signs
 - Real Estate signs
 - Government signs
 - Campaign signs
 - Informational signs
 - Directional signs

4. Special Exceptions. In all districts, for uses permitted as special exceptions, signs will be allowed only through Board of Adjustment approval.

5. Additional Regulations. In all districts, signs and billboards shall adhere to pertinent State regulations and other local ordinances.

6. General Sign Provisions.

A. Hazardous Signs. No sign permitted by this chapter shall, by reason of its location, lighting, size, color or intensity, create a hazard to the safe, efficient movement of vehicular or pedestrian traffic. No private sign shall contain words which might be construed as traffic controls, such as “stop,” “caution,” “warning,” etc., unless such sign is intended to direct traffic within a premises.

B. Sign Maintenance. All signs and sign structures shall be properly maintained and kept in a safe, orderly condition. In addition, all parts and supports shall be properly painted. Any sign or sign structure which is rotted, unsafe, deteriorated, defaced, or otherwise altered shall be repainted, repaired, or replaced by the property owner or agent of the owner of the property upon which the sign is located, after written notice by the City of Sanborn.

C. Interference. No sign, nor any guys, stay or attachment thereto, shall be erected, placed or maintained by any person on rocks, fences, or trees; nor in such a manner as to interfere with the effective use of fire fighting equipment or personnel, or any electric light, power, telephone, telegraph or TV cable wires or supports thereof.

D. Signs in Right-of-Way. No sign other than government signs shall be erected or temporarily placed within any public rights-of-way except as may be specifically provided herein.

E. Temporary Signs. The temporary use of portable or moveable signs, search lights, banners, pendants, and similar devices shall be allowed in excess of and in addition to the sign limitations of this section for continuous periods of ten (10) consecutive days. No business proprietor shall be allowed more than six (6) such periods in any calendar year.

F. Clearance. All signs located over public rights-of-way or private access route (sidewalk, mall, etc.) shall be located a minimum of twelve (12) feet above grade level.

G. Safe Ingress and Egress. No sign or part thereof shall be erected or maintained so as to prevent or deter free ingress or egress from any door, window, or fire escape. No sign or sign structures shall be attached to a standpipe or fire escape.

H. Signs Required by Law. All signs required by law shall be permitted in all districts.

I. **Obsolete Signs.** Obsolete signs which advertise an activity, business product or service which is no longer produced or conducted on the premises, shall be removed within ninety (90) days from date of notice provided by the City of Sanborn. The owner of the property on which the sign is located shall remove any such sign. If after the expiration of the ninety (90) day period, the sign has not been removed, the City may cause the sign to be removed and any expenses may be charged back to the property owner.

J. **Illumination.** All externally illuminated signs shall be constructed to direct the source of light away from adjacent properties or public streets or ways.

K. **Animated Signs.** Animated signs may be allowed as a special exception requiring a hearing before the Board of Adjustment.

L. **Double Frontage.** Lots having frontage on two streets or on a street and an alley shall be permitted to provide the maximum number and square footage of signs on each of the opposite ends of said lot, provided however, that not more than the maximum number of square feet of sign per frontage may be viewed simultaneously.

M. **Permit Required.** No sign except permitted signs as identified herein shall be erected, altered, constructed or modified without first receiving a valid sign permit from the City. Temporary signs shall be exempt from the permit requirements.

N. **Sign Permit Application.** The application for a sign permit shall contain such information as may be deemed necessary for the proper enforcement of this chapter.

O. **Permit Fees.** To defray administrative costs of processing requests for sign permits, the applicant for a sign permit shall pay to the City Clerk a fee in the amount established by the City Council.

7. **Permitted Signs.** The following signs are allowed without a permit but shall comply with all other applicable provisions of this chapter:

A. **Government Signs.** Signs of a public, non-commercial nature to include safety signs, danger signs, trespassing signs, traffic signs, signs indicating scenic or historical points of interest, memorial plaques and the like, when signs are erected by or on

order of a public officer or employee in the performance of official duty.

B. Directory Signs. A wall sign which identifies the business, owners, managers, or resident occupant and sets forth the occupation or other address information but contains no advertising. There may be one directory sign per zoning lot not to exceed two (2) square feet of area per business or resident occupant.

C. Directional and Parking Signs (on site). On-site directional and parking signs intended to facilitate the movement of vehicles and pedestrians upon which the sign is located. Signs shall not exceed six (6) square feet of area.

D. Integral Signs. Name on buildings, date of construction, commemorative tablets and the like which are of the building or structure.

E. Campaign Signs. Not exceeding four (4) square feet in the residential and agricultural districts nor eighteen (18) square feet in the commercial, highway commercial or industrial districts. These signs shall remain no longer than forty-five (45) days prior to and five (5) days after the election for which they were intended and shall be removed by the owner of the property on which they are located. All signs shall be confined to private property and shall not be attached to trees, utility poles or rocks.

F. Construction Signs. A non-illuminated sign announcing the names of architects, engineers, contractors, future use, and other individuals or firms involved with the construction, alteration, or repair of such building (but not including any advertisement of any product). Such signs shall be confined to the site of the construction, alteration or repair and shall be removed within two (2) years of the date of issuance of the first building permit or when the project is completed, whichever is sooner. One (1) sign shall be permitted for each major street the project abuts. No sign may exceed thirty-two (32) square feet in the agricultural or residential districts, or fifty (50) square feet in all other districts.

G. Real Estate Signs. Any on-site sign announcing the owner, manager, realtor or other person directly involved in the sale or rental of the property. In the case of sale, signs shall be removed within ten (10) days of the sale. Signs shall not measure more

than six (6) square feet in the residential district, nor more than twenty-four (24) square feet in the other districts. Only one (1) real estate sign may be allowed per zoning lot.

170.62 NONCONFORMING LOTS, STRUCTURES AND USES.

1. Intent. Within the districts established by this chapter or amendments that may later be adopted there exist:

A. Lots.

B. Structures.

C. Uses of land and structures.

D. Characteristics of use which were lawful before these regulations were adopted or amended, but which would be prohibited, regulated, or restricted under the terms of this chapter or future amendments. It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, not be uses as grounds for adding other structures or uses prohibited elsewhere in the same district.

2. Nonconforming uses are declared by this chapter to be incompatible with permitted uses in the districts involved. A nonconforming use of a structure, a nonconforming use of land or nonconforming use of a structure and land in combination shall not be extended or enlarged after adoption of these regulations by attachment on a building or premises of additional signs intended to be seen from off the premises or by the addition of other uses of a nature which would be prohibited generally in the district involved.

3. To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of these regulations and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

4. Nonconforming Uses of Land (or Land with Minor Structures Only). Where at the time of adoption of these regulations lawful use of land exists which would not be permitted by the regulations imposed by this chapter, and where such use involves no individual structure with a

replacement cost exceeding one thousand dollars (\$1,000.00), the use may be continued so long as it remains otherwise lawful, provided:

- A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of these regulations.
 - B. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of these regulations.
 - C. If any such nonconforming use of land ceases for any reason for a period of more than thirty (30) days, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.
 - D. No additional structures not conforming to the requirements of this chapter shall be erected in connection with such nonconforming use of land.
5. Nonconforming Structures. Where a lawful structure exists at the effective date of adoption or amendment of these regulations that could not be built under the terms of this chapter by reason of restrictions or area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
- A. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
 - B. Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.
 - C. Should such structure be moved for any reasons for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
6. Nonconforming Uses of Structures or of Structures and Premises in Combination. If lawful use involving individual structures with a replacement cost of one thousand dollars (\$1,000.00) or more, or of

structures and premises in combination, exists at the effective date of adoption or amendment of these regulations that would not be allowed in the district under the terms of this chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No existing structure devoted to a use not permitted by this chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside such building.

C. If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may as special exception be changed to another nonconforming use provided that the Board of Adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accord with the provisions of this chapter.

D. Any structure, or structure and land in combination in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district and the nonconforming use may not thereafter be resumed.

E. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six (6) consecutive months (except when government action impedes access to the premises), the structure, or structure and premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.

F. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purposes of this subsection is defined as damage to an

extent of more than fifty (50) percent (or other figure) of the replacement cost at the time of destruction.

7. Repairs and Maintenance. On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding ten (10) percent of the current replacement cost of the nonconforming portion of the structure as the case may be, provided that the cubic content existing when it became nonconforming shall not be increased.

8. If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located.

9. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

10. Uses Under Special Exception Not Nonconforming Uses. Any use which is permitted as a special exception in a district under the terms of this chapter (other than a change through Board of Adjustment action from a nonconforming use to another use not generally permitted in the district) shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

170.64 AUTOMOBILE PARKING AND LOADING SPACE.

1. Intent. After the effective date of this chapter, in all districts, except the Central General Business Zone, there shall be provided at the time any building or structure is erected, off-street parking spaces in accordance with the requirements set forth herein.
2. General Provisions:
 - A. All buildings and structures erected and all uses of land in all districts established after the effective date of this chapter shall provide accessory parking facilities as required under this section unless a building permit has been issued and construction is begun prior to the effective date of this chapter.
 - B. The provisions of this section shall not apply to areas in the Central General Business Zone.
 - C. All off-street parking spaces required by this chapter shall be located on the lot of the use it serves or within three hundred feet of the principal use.
 - D. Owners of two (2) or more uses or parcels of land may agree to jointly utilize the same parking spaces, provided that satisfactory legal evidence is presented in the form of deeds, leases, or contract documents to establish such joint areas for use.
 - E. All yard area except the required front and side yard for residential uses may be used for off-street parking.
 - F. A plan drawn to scale, indicating how the off-street parking and loading requirements are to be fulfilled, shall accompany an application for a building certificate. The plan shall show all elements necessary to indicate that the requirements are being fulfilled.
 - G. Whenever a building or use constructed or established after the effective date of this chapter is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise to create a need for an increase of two (2) percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this chapter is enlarged to the extent of fifty (50) percent or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.

3. Off-Street Parking Requirements. At the time of construction, alteration, moving into, enlargement of a structure or building, or change in the use of the land, off-street parking spaces and loading areas shall be provided, constructed, and maintained for all uses as follows:

- A. Single-family residences: two (2) spaces.
- B. Multi-family residences: one and one-half (1½) spaces per dwelling unit.
- C. Mobile home residences: one (1) space.
- D. Hotel/motel: one (1) space per room.
- E. Hospital/nursing home: one (1) space for each four (4) beds plus one (1) space for each employee on the major shift.
- F. Places of public assembly: one (1) space for each six seats.
- G. Bowling alleys: five (5) spaces per alley.
- H. Skating rinks/dance halls: one (1) space for each three hundred (300) square feet of gross floor area.
- I. Retail sales and services: one (1) space for each three hundred (300) square feet of gross floor area.
- J. Restaurants: one (1) space per four (4) seats plus one (1) for every two (2) employees.
- K. Taverns, bars, lounges: one (1) space for every two (2) seats.
- L. Elementary/junior highs: one (1) space per classroom or one (1) for every six (6) seats in the largest facility for public assembly, whichever is greater.
- M. High schools/colleges: one (1) space for every ten (10) students or one (1) space for every six (6) seats in the largest facility for public assembly, or whichever is greater.
- N. Manufacturing and similar uses: one (1) space for every two (2) employees on the largest working shift.

4. Computation of Spaces.

- A. In the case of any building, structure or premises, the use of which is not specifically mentioned herein, the provisions for a use which is so mentioned and to which said use is similar, shall apply, as determined by the Board of Adjustment.

- B. Where fractional spaces occur, the parking space required shall be construed to the nearest whole number.
- C. In the case of mixed or joint uses, the parking spaces required shall equal the sum of the requirements of the various uses if computed separately.

170.66 BOARD OF ADJUSTMENT.

1. Establishment of the Board of Adjustment. A Board of Adjustment is hereby established and shall hereinafter be referred to as the "Board." The Board shall consist of five (5) members serving without compensation, appointed by the Mayor, subject to the approval of the Council, for a term of five (5) years.
2. Vacancy. Any vacancy shall be filled by appointment of the Mayor with the approval of the City Council for the unexpired portion of the term. Should any member be absent from the City or become incapacitated or disqualified, the Mayor with the approval of the Council shall appoint a substitute to serve as a member of the Board with the same powers and authority as the regular members of the Board until the regular member has returned or is able to serve on the Board.
3. Zoning Officer. The building inspector appointed by the City of Sanborn shall be the Zoning Officer. The Zoning Officer shall be responsible for carrying out, administering and enforcing the provisions set forth in this chapter and the rules, regulations and decision adopted by the Board of Adjustment.
4. Meetings. Meetings of the Board shall be held at the call of the chairperson and at such other times as the Board may determine. Business of the Board shall be conducted in accordance with these regulations set forth herein and with the provisions of the Code of Iowa, Chapter 414, and amendments thereto. The Board shall adopt its own rules of procedure in harmony with said provisions. The chairperson, or in his/her absence the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.
5. Records. The Board shall keep minutes of all meetings, containing the substance of testimony and detailed findings and showing the vote of each member upon each question, or if absent or failing to vote, indication such fact, all of which shall be immediately filed in the office of the Board and shall be a public record. The concurring vote of two-thirds (2/3) of all of the members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of the Zoning Official or to decide in favor of the applicant or any matter upon which the Board is required to pass under this chapter or to allow any variation to the strict interpretation of this chapter. No order or finding of the Board shall become effective until the eighth (8th) day following the posting of a copy of such ruling or finding, duly attested by

the Zoning Official, upon a public bulletin board in the City Hall and transmittal of duplicate copies to the City Clerk and to the Chief Administrative Officer of the Commission. The City Clerk shall serve as a secretary to the Board and keep its records.

6. Appeal. Appeal to the Board may be taken within thirty (30) days after an order becomes effective, by any person or persons aggrieved or by any officer, department, board or bureau of the City of Sanborn affected by any decision of the Zoning Officer.

7. Jurisdiction. The Board shall have powers to make rulings in the following situations:

A. To hear and decide appeals where it is alleged there is error in any order, requirements, decisions, or determination made by an administrative official in the enforcement of these zoning regulations.

B. To authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest, where owing to a special condition a literal enforcement of the provisions of this chapter would result in unnecessary hardship, and so that the spirit of the chapter shall be observed and substantial justice done.

C. Hear applications for special exception permits and make requisite findings precedent to authorization as required by this chapter and by the Code of Iowa, Chapter 414 and amendments thereto.

D. To make rulings from the advice of the Zoning Officer in cases where uses are found to exist which are not specifically mentioned in this chapter, and to specify the zones in which such new uses may properly fall, until such time as such uses shall be specifically treated by amendment to this chapter. It is the intention of the Council in adopting these regulations that all uses of land, performance standards and requirements as to the placement and sizes of buildings specifically treated in this chapter are so designated to conform with a Comprehensive Plan within the meaning of the Code of Iowa, Chapter 414, and amendments thereto. Any changes in the application of this chapter which would have the effect of changing the zoning classification of any parcel of property other than through application of specific provisions of this chapter are deemed to be

a legislative determination and to fall within the province of the Council.

8. Finding, Variances. Before making any rulings on a variance, the Board shall make all of the following determinations and shall record such determinations in its proceedings:

- A. That the appeal falls within the jurisdiction of the Board.
- B. That all parties directly in interest have been notified of the proceedings.
- C. That the granting of the appeal would not have the effect of changing the intended zoning of the property.
- D. That the property cannot reasonably be used in conformity with the provisions of this chapter.
- E. That the difficulty complained of is not the result of a willful act of the petitioner or other person maintaining an interest in property or their immediate predecessors in interest.
- F. That the difficulty complained of is unique to the property in question and is not common to all property similarly situated.
- G. That balancing the interest of the City in preserving the Comprehensive Plan or the interest of nearby properties against the interest of the petitioner in using his/her property as proposed to be used, the granting of the variance is required by considerations of justice and equity.

9. Finding, Special Exceptions. Before authorizing a special exception use, the Board shall make the following determinations:

- A. That the appeal falls within the jurisdiction of the Board.
- B. That all parties directly in interest have been notified of the proceedings.
- C. That all specific conditions of this chapter relative to any specific limitations or conditions necessary to protect the public interest and assure the continued beneficial use and enjoyment of nearby properties, or that no special limitations are necessary to protect the public.
- D. That the special exception with specific limitations and design features as may have been required will further the aims of the Comprehensive Plan and will not be unduly detrimental to nearby properties.

E. That in the event that opposing interests cannot be resolved, the Board shall find that balancing the interests of the City in preserving the Comprehensive Plan or the interests of nearby properties against the interest of the petitioner in using his/her property as proposed to be used, the granting of the special exception permit is required by consideration of justice and equity.

10. Notice. The Board shall give sufficient notice to parties affected by any proceeding and shall adopt reasonable rules and regulations to facilitate such notice. A copy of each notice shall be transmitted to the City Clerk and to the office of the Planning and Zoning Commission.

11. Fees. The Board may adopt a schedule of fees to defray all or part of the cost of processing an appeal. Said schedule of fees shall be approved by the Council. All fees shall be payable to the City Clerk and may be deposited with the City Clerk in a fund determined by the Council.

12. Termination of Variance. Where property is in use under the terms of a variance and such use ceases or in the case of a structure such structure ceases to exist, then the variance shall terminate unless the terms of the variance specify otherwise.

170.68 APPLICATION FOR BUILDING PERMIT.

1. After adoption of this chapter, no building permit for the erection, construction, reconstruction, conversion, alteration, enlargement, extension, raising, or moving of any building or a part thereof shall be issued before application has been made for a certificate of occupancy, and no permit shall be issued unless the plans, specifications and intended use conform in all respects to the provisions of this chapter. Blank forms shall be provided by the Zoning Officer.

2. Each application shall be accompanied by a plan in duplicate drawn to scale showing the dimensions of the lot to be built upon, and a licensed surveyor's plat of the property if required in the opinion of the Zoning Officer, the size and location of the buildings to be erected, and such other information as deemed necessary for the proper enforcement of these zoning regulations, including type of construction and estimated cost. One copy of such plans shall be returned to the owner after approval or disapproval of the project. A careful record of all such applications and plans shall be kept in the office of the Zoning Officer. The fee for a building permit and certificate of occupancy shall be as follows:

\$10.00 for an estimated cost under \$10,000.00

\$25.00 for an estimated cost in excess of \$10,000.00

If the estimated cost of material only is available, then fifty (50) percent shall be added for construction costs in connection with computation of the fee.

3. Any building permit, under which no construction work has been commenced within six (6) months after the date of issue of said permit, shall expire by limitation, and no work or operation shall take place under such permit after such expiration.

170.70 CERTIFICATE OF OCCUPANCY.

1. No vacant land shall be used or occupied, and no change made in the use of land until a certificate of occupancy has been issued by the Zoning Officer to the effect that the proposed use is in conformity with the provisions of this chapter. Such certificate of occupancy shall be issued or reasons for refusal given within ten (10) days after the application has been made, except in special cases where recommendation by the Planning and Zoning Commission and action of the Council is required.

2. No building or part thereof hereafter erected or altered in use shall be occupied or used until a certificate of occupancy shall have been issued by the Zoning Officer to the effect that the building or part thereof and the proposed use are in conformity with the provision of this chapter. Such certificate shall be applied for coincident with the application for the building permit or prior to any changes or extensions, and shall be issued by the Zoning Officer within ten (10) days after completion of the work, provided that it conforms to the provisions of this chapter.
3. Pending the issuance of a permanent certificate of occupancy, a temporary certificate of occupancy may be issued for a period not to exceed one (1) year, which may be renewed for buildings other than dwellings. Such temporary certificates are intended to cover the period of construction or partial occupation of a building and shall not alter any of the respective rights, duties or obligations of the owner or the City. It shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants of the building.
4. Upon application by any tenant or owner, the Zoning Officer shall after inspection, issue a certificate of occupancy for any building or land existing at the time of passage of these regulations.
5. A certificate of occupancy shall state whether a building or the use of a building complies with the building and health laws, other ordinances, or with the provisions of this chapter. A record of all certificates shall be furnished on request of any person having a proprietary or tenant interest in the building or land affected. No fee shall be charged for an original or temporary certificate of occupancy applied for coincident with the application for a building permit or for an original certificate covering any proposed use or change in the use of land, but for all other certificates there shall be a charge of ten dollars (\$10.00) each.

170.72 AMENDMENTS.

1. The Council may from time to time make amendments to the text and maps of this chapter in accordance with the provisions of the Code of Iowa, Chapter 414, and amendments thereto. Action may be initiated by the Council, by the Commission or by a private citizen. The Commission may make reasonable rules and regulations and fee schedules for the processing of amendments with the concurrence of the Council.
2. Any notice specified by said rules and regulations shall be in addition to that specified by the Code of Iowa, Chapter 414, and

amendments thereto, and proper notice as specified by law shall be deemed to be the sole legal notice for such changes in the text or map of this chapter as may be hereafter proposed. It shall be the policy of the City of Sanborn to give as full and adequate notice as practical to all interested parties and to the general public, but failure to issue such notice except as specified by the Code of Iowa shall not invalidate the proceedings.

170.74 INTERPRETATIONS, PURPOSE AND CONFLICT. It is not intended by this chapter to interfere with or abrogate or annul any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to law by a Building Inspector, Zoning Officer, Health Department or the Council relating to the use of buildings or premises. Where this chapter imposes a greater restriction upon the use of buildings or premises, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or permits, the provisions of this chapter shall govern.

170.76 VIOLATION AND PENALTY.

1. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any of the provisions of this chapter shall be in violation of this Code of Ordinances. Each day that the violation is permitted to exist after notification in writing by the Zoning Officer and the expiration of the time designated in said notice shall constitute a separate offense.
2. Any structure erected, raised, converted, or land or premises used in violation of any of the provisions of this chapter or the requirements thereof is hereby declared to be a common nuisance and may be abated in such manner as nuisances are now or may hereafter be abated under existing law.

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