# CODE OF ORDINANCES

## OF THE

# CITY OF

# GRUNDY CENTER, IOWA

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# CODE OF ORDINANCES
# OF THE
# CITY OF GRUNDY CENTER, IOWA

*Adopted December 5, 2022, by Ordinance No. 567*

# SUPPLEMENT RECORD

| SUPPLEMENT | | ORDINANCES AMENDING CODE | | |
|---|---|---|---|---|
| **Supp. No.** | **Repeals, Amends or Adds** | **Ord. No.** | **Date** | **Subject** |
| Dec-22 | 64.04; 65.02(6); 69.08(35); 69.09(6) | 564 | 9-19-22 | No Parking Zones; Stop Sign Required; Turning Regulations |
| | 74.03; 7`4.05(3, 6, 9, 12, and 13); 74.06 | 565 | 11-7-22 | Golf Carts |
| | 29.01; 29.03 | 566 | 11-7-22 | Community Building Board |
| | | 567 | 12-5-22 | Adopting Ordinance |
| Jul-23 | 75.07; 75.09; 75.10 | 568 | 12-5-22 | All-Terrain Vehicles and Off-Road Utility Vehicles |
| | 92.02 | 569 | 1-16-23 | Water Rates |
| | Ch. 165 | 570 | 7-10-23 | Original Art Murals |
| | 92.02 | 571 | 7-10-23 | Water Rates |
| | 99.07 | 572 | 7-10-23 | Minimum Charge for Sanitary Sewer Use |
| Jul-24 | 148.05 | 573 | 1-8-24 | Trees |
| | 92.02 | 574 | 2-5-24 | Water Rates |
| | 92.02 | 575 | 7-1-24 | Water Rates |
| | 99.07 | 576 | 7-1-24 | Charge for Sanitary Sewer |
| | 41.14 | 577 | 7-1-24 | Fireworks |
| Jul-25 | 141.04(1) | 578 | 10-21-24 | Driveways |
| | 47.02; 47.08; 47.09 | 579 | 12-16-24 | Park Regulations |
| | 106.08 | 580 | 3-17-25 | Solid Waste and Recyclable Materials |
| | Ch. 110 | 581 | 5-5-25 | Natural Gas Franchise |
| | 92.02 | 582 | 6-16-25 | Water Rates |
| | 99.07 | 583 | 6-16-25 | Minimum Charge for Sanitary Sewer Use |
| | 69.08(36) | 584 | 6-2-25 | No Parking Zone |
| | 41.14 | 585 | 7-21-25 | Fireworks |
| Aug-26 | Ch. 125 | 586 | 10-20-25 | Mobile Food Service Vendors |
| | Ch. 126 | 587 | 10-20-25 | Special Events |
| | | 588 | | Failed |
| | 92.02 | 589 | 1-19-26 | Water Rates |
| | 18.01; 21.01 | 590 | 4-6-26 | City Clerk; Public Works Director |
| | | 591 | | Not Used |
| | 28.04; 35.06 | 592 | 5-18-26 | Ambulance Chief; Police Chief |
| | Ch. 51 | 593 | 6-1-26 | Junk, Hobby Vehicles, and Junk Vehicles |

# SUPPLEMENT RECORD

| SUPPLEMENT | | ORDINANCES AMENDING CODE | | |
|---|---|---|---|---|
| **Supp. No.** | **Repeals, Amends or Adds** | **Ord. No.** | **Date** | **Subject** |
| Aug-26 (cont.) | 92.02 | 594 | 7-6-26 | Water Rates |
| | 99.07 | 595 | 7-6-26 | Sanitary Sewer Use |

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# CITY OF GRUNDY CENTER, IOWA

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# CHAPTER 1

# CODE OF ORDINANCES


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


**1.01 TITLE.** This code of ordinances shall be known and may be cited as the Code of Ordinances of the City of Grundy Center, Iowa.

**1.02 DEFINITIONS.** Where words and phrases used in this Code of Ordinances are defined in the *Code of Iowa*, such definitions apply to their use in this Code of Ordinances unless such construction would be inconsistent with the manifest intent of the Council or repugnant to the context of the provision. Other words and phrases used herein have the following meanings, unless specifically defined otherwise in another portion of this Code of Ordinances or unless such construction would be inconsistent with the manifest intent of the Council or repugnant to the context of the provision:

1. "Alley" means a public right-of-way, other than a street, affording secondary means of access to abutting property.

2. "City" means the city of Grundy Center, Iowa.

3. "Clerk" means the city clerk of Grundy Center, 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 Grundy Center, Iowa.

6. "Council" means the city council of Grundy Center, Iowa.

7. "County" means Grundy County, Iowa.

8. "May" confers a power.

9. "Measure" means an ordinance, amendment, resolution, or motion.

10. "Must" states a requirement.

11. "Occupant" or "tenant," applied to a building or land, includes any person who occupies the whole or a part of such building or land, whether alone or with others.

12. "Ordinances" means the ordinances of the City of Grundy Center, Iowa, as embodied in this Code of Ordinances, ordinances not repealed by the ordinance adopting this Code of Ordinances, and those enacted hereafter.

13. "Person" means an individual, firm, partnership, domestic or foreign corporation, company, association or joint stock association, trust, or other legal entity,

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

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

15. "Shall" imposes a duty.

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

17. "State" means the State of Iowa.

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

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

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

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

*(Code of Iowa, Sec. 364.1)*

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

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

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

*(Code of Iowa, Sec. 364.14)*

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

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

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

*(Code of Iowa, Sec. 380.2)*

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

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

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

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

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

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

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

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

[The next page is 9]

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

# CHAPTER 2

# CHARTER


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


**2.01 TITLE.** This chapter may be cited as the charter of the City of Grundy Center, Iowa.

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

*(Code of Iowa, Sec. 372.4)*

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

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

*(Code of Iowa, Sec. 376.2)*

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

*(Code of Iowa, Sec. 376.2)*

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

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

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# CHAPTER 3

# BOUNDARIES

3.01 Corporate Limits
3.02 Voting Precincts

**3.01 CORPORATE LIMITS.** The corporate limits of the City are shown and described on an official plat map on record in the office of the Clerk.

**3.02 VOTING PRECINCTS.** The City is divided into two voting precincts described as follows:

*Precinct 2 (Precinct x) consists of that portion of the City of Grundy Center beginning at the corner of 4th Street and Hyde Avenue, thence north to K Avenue, thence east to First Street, thence north to G Avenue, thence east to the City corporation boundary, thence south to the City corporation boundary, thence west to the point of beginning. Also included in Precinct 2 (Precinct x) is all of Melrose Township, all of Palermo Township outside the corporate limits of the City of Grundy Center, and Sections 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, 31, and 32 of Washington Township.*

*Precinct 7 (Precinct y) consists of the City of Grundy Center, except beginning at the corner of 4th Street and Hyde Avenue, thence north to K Avenue, thence east to First Street, thence north to G Avenue, thence east to the City corporation boundary, thence south to the City corporation boundary, thence west to point of beginning.*

*(Code of Iowa, Sec. 372.4 and 372.13[7])*

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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 Alternative Penalties**


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

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

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

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

1. A violation arising from noncompliance with a pretreatment standard or requirement referred to in 40 C.F.R. §403.8.

2. The discharge of airborne residue from grain, created by the handling, drying, or storing of grain, by a person not engaged in the industrial production or manufacturing of grain products.

3. The discharge of airborne residue from grain, created by the handling, drying, or storing of grain, by a person engaged in such industrial production or manufacturing if such discharge occurs from September 15 to January 15.

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

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

1. Standard Civil Penalties.

   A. First offense – not to exceed $750.00

   B. Each repeat offense – not to exceed $1,000.00

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

2. Special Civil Penalties.

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

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

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

(1) The violation results solely from conducting an initial startup, cleaning, repairing, performing scheduled maintenance, testing, or conducting a shutdown of either equipment causing the violation or the equipment designed to reduce or eliminate the violation.

(2) The City is notified of the violation within 24 hours from the time that the violation begins.

(3) The violation does not continue in existence for more than eight hours.

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

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

1. The name and address of the defendant.

2. The name or description of the infraction attested to by the officer issuing the citation.

3. The location and time of the infraction.

4. The amount of civil penalty to be assessed or the alternative relief sought, or both.

5. The manner, location, and time in which the penalty may be paid.

6. The time and place of court appearance.

7. The penalty for failure to appear in court.

8. The legal description of the affected real property, if applicable.

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

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

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

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

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

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

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# CHAPTER 5

# OPERATING PROCEDURES


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


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

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

*(Code of Iowa, Sec. 63.1)*

2. Prescribed Oath. The prescribed oath is: "I, (name), do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Iowa, and that I will faithfully and impartially, to the best of my ability, discharge all duties of the office of (name of office) in Grundy Center as now or hereafter required by law."

*(Code of Iowa, Sec. 63.10)*

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

A. Mayor

B. City Clerk

C. Members of all boards, commissions, or bodies created by law.

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

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

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

*(Code of Iowa, Sec. 64.13)*

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

*(Code of Iowa, Sec. 64.19)*

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

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

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

*(Code of Iowa, Sec. 64.24[1a] and [3])*

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

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

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

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

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

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

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

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

*(Code of Iowa, Sec. 21.4)*

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

*(Code of Iowa, Sec. 21.3)*

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

*(Code of Iowa, Sec. 21.3)*

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

*(Code of Iowa, Sec. 21.5)*

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

*(Code of Iowa, Sec. 21.7)*

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

*(Code of Iowa, Sec. 21.8)*

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

*(Code of Iowa, Sec. 362.5)*

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

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

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

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

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

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

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

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

5. Newspaper. The designation of an official newspaper.

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

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

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

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

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

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

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

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

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

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

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

11. Franchise Agreements. Franchise agreements between the City and a utility and contracts entered into by the City for the provision of essential City utility services.
*(Code of Iowa, Sec. 362.5[3k])*

12. Third Party Contracts. A contract that is a bond, note or other obligation of the City and the contract is not acquired directly from the City but is acquired in a transaction with a third party who may or may not be the original underwriter, purchaser, or obligee of the contract.
*(Code of Iowa, Sec. 362.5[3l])*

**5.08 RESIGNATIONS.** An elected officer who wishes to resign may do so by submitting a resignation in writing to the Clerk so that it shall be properly recorded and considered. A person who resigns from an elective office is not eligible for appointment to the same office during the time for which the person was elected if, during that time, the compensation of the office has been increased.
*(Code of Iowa, Sec. 372.13[9])*

**5.09 REMOVAL OF APPOINTED OFFICERS AND EMPLOYEES.** Except as otherwise provided by State or City law, all persons appointed to City office or employment may be removed by the officer or body making the appointment, but every such removal shall be by written order. The order shall give the reasons, be filed in the office of the Clerk, and a copy shall be sent by certified mail to the person removed, who, upon request filed with the Clerk within 30 days after the date of mailing the copy, shall be granted a public hearing before the Council on all issues connected with the removal. The hearing shall be held within 30 days after the date the request is filed, unless the person removed requests a later date.
*(Code of Iowa, Sec. 372.15)*

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

**5.11 GIFTS.** Except as otherwise provided in Chapter 68B of the *Code of Iowa*, a public official, public employee or candidate, or that person's immediate family member, shall not, directly or indirectly, accept or receive any gift or series of gifts from a "restricted donor" as defined in Chapter 68B and a restricted donor shall not, directly or indirectly, individually or jointly with one or more other restricted donors, offer or make a gift or a series of gifts to a public official, public employee, or candidate.
*(Code of Iowa, Sec. 68B.22)*

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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 25 eligible electors, residents of the City.

*(Code of Iowa, Sec. 45.1)*

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

*(Code of Iowa, Sec. 45.2)*

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

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

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

*(Code of Iowa, Sec. 45.4)*

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

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

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# CHAPTER 7

# FISCAL MANAGEMENT


7.01 Purpose
7.02 Finance Officer
7.03 Cash Control
7.04 Fund Control
7.05 Operating Budget Preparation
7.06 Budget Amendments
7.07 Accounting
7.08 Financial Reports


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

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

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

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

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

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

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

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

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

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

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

*(545 IAC 2.5[2])*

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

*(545 IAC 2.5[3])*

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

*(545 IAC 2.5[4])*

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

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

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

*(545 IAC 2.5[5])*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*(Code of Iowa, Sec. 384.18)*

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

*(545 IAC 2.2)*

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

*(545 IAC 2.3)*

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

*(545 IAC 2.4)*

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

*(545 IAC 2.4)*

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

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

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

3. Checks. Checks shall be prenumbered and signed by any two of the following: the Clerk, Mayor, or Deputy Clerk following Council approval, except as provided by Subsection 5 hereof.

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

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

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

1. Monthly Reports. There shall be submitted to the Council each month a report showing the activity and status of each fund, program, sub-program, and activity for the preceding month.

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

*(Code of Iowa, Sec. 384.22)*

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# CHAPTER 8

# URBAN 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** |
| 385 | 6/3/1991 | Grundy Center Urban Renewal Area |
| 452 | 3/19/2001 | 2001 Addition to the Grundy Center Urban Renewal Area |
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## CHAPTER 9

# URBAN REVITALIZATION

| EDITOR'S NOTE | | |
|---|---|---|
| The following ordinances not codified herein, and specifically saved from repeal, have been adopted designating Urban Revitalization Areas in the City and remain in full force and effect. | | |
| **ORDINANCE NO.** | **ADOPTED** | **NAME OF AREA** |
| 373 | 12/18/1989 | Grundy Center Industrial Revitalization Areas |
| 374 | 12/18/1989 | Grundy Center Commercial Revitalization Areas |
| 446 | 12/20/1999 | Extended the Duration of the Areas |
| 538 | 1/8/2017 | 2017 Grundy Center Multiresidential 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 years.
*(Code of Iowa, Sec. 376.2)*

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

1. Chief Executive Officer. Act as the chief executive officer of the City and presiding officer of the Council, supervise all departments of the City, give direction to department heads concerning the functions of the departments, and have the power to examine all functions of the municipal departments, their records and to call for special reports from department heads at any time.
*(Code of Iowa, Sec. 372.14[1])*

2. Proclamation of Emergency. Have authority to take command of the police and govern the City by proclamation, upon making a determination that a time of emergency or public danger exists. Within the City limits, the Mayor has all the powers conferred upon the Sheriff to suppress disorders.
*(Code of Iowa, Sec. 372.14[2])*

3. Special Meetings. Call special meetings of the Council when the Mayor deems such meetings necessary to the interests of the City.
*(Code of Iowa, Sec. 372.14[1])*

4. Mayor's Veto. Sign, veto, or take no action on an ordinance, amendment, or resolution passed by the Council. The Mayor may veto an ordinance, amendment, or resolution within 14 days after passage. The Mayor shall explain the reasons for the veto in a written message to the Council at the time of the veto.
*(Code of Iowa, Sec. 380.5 and 380.6[2])*

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

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

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

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

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

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

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

12. Main Street Grundy Center Board of Directors. Serve on the Main Street Grundy Center Board of Directors so long as the entity is in existence.

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

1. Mayor Pro Tem
2. Police Chief
3. Ambulance Board of Directors
4. Library Board of Trustees
5. Recreation Commission
6. City Tree Board
7. Electric Utility Board of Trustees
8. Community Center Board
9. Historic Preservation Commission
10. In addition, the Mayor recommends individuals, for appointment by the Council, for membership on the Planning and Zoning Commission.

**15.04 COMPENSATION.** The salary of the Mayor is $4,000.00 per year, payable monthly.
*(Code of Iowa, Sec. 372.13[8])*

**15.05 VOTING.** The Mayor is not a member of the Council and shall not vote as a member of the Council.
*(Code of Iowa, Sec. 372.4)*

# CHAPTER 16

# MAYOR PRO TEM


16.01 Vice President of Council
16.02 Powers and Duties
16.03 Voting Rights
16.04 Compensation


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

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

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

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

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

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

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

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

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# CHAPTER 17

# CITY COUNCIL


17.01 Number and Term of Council
17.02 Powers and Duties
17.03 Exercise of Power
17.04 Council Meetings
17.05 Appointments
17.06 Compensation


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

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

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

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

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

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

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

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

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

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

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

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

*(Code of Iowa, Ch. 26)*

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

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

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

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

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

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

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

*(Code of Iowa, Sec. 380.4)*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Regular Meetings. The regular meetings of the Council are on the first and third Monday of each month at 6:30 p.m. in the Council Chambers at City Hall unless a different day or time is determined by the Council.

2. Special Meetings. Special meetings shall be held upon call of the Mayor or upon the request of a majority of the members of the Council.
*(Code of Iowa, Sec. 372.13[5])*

3. Quorum. A majority of all Council members is a quorum.
*(Code of Iowa, Sec. 372.13[1])*

4. Rules of Procedure. The Council shall determine its own rules and maintain records of its proceedings.
*(Code of Iowa, Sec. 372.13[5])*

5. Compelling Attendance. Any three members of the Council can compel the attendance of the absent members at any regular, adjourned, or duly called meeting, by serving a written notice upon the absent members to attend at once.

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

1. City Clerk
2. Deputy Clerk
3. City Attorney
4. Public Works Director
5. Planning and Zoning Commission, upon recommendation of the Mayor
6. Zoning Board of Adjustment

**17.06 COMPENSATION.** The salary of each Council member is $2,000.00 per year, and $25.00 for each special meeting of the Council attended, payable quarterly.
*(Code of Iowa, Sec. 372.13[8])*

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# CHAPTER 18

# CITY CLERK


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


**18.01 APPOINTMENT AND COMPENSATION.** The Council shall appoint by majority vote a City Clerk to serve for a three-year term. The Clerk shall receive such compensation as established by resolution of the Council.

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

***(Section 18.01 – Ord. 590 – Aug. 26 Supp.)***

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

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

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

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

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

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

*(Code of Iowa, Sec. 362.3)*

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

2. Manner of Publication. A publication required by this Code of Ordinances or law must be in a newspaper published at least once weekly and having general circulation in the City.

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

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

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

*(Code of Iowa, Sec. 380.11)*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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# CHAPTER 19

# CITY TREASURER

19.01 Appointment
19.02 Compensation
19.03 Duties of Treasurer

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

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

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

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

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

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

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

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

6. Deposit Funds. Upon receipt of moneys to be held in the Treasurer's custody and belonging to the City, deposit the same in depositories selected by the Council.

7. Reconciliation. Reconcile depository statements with the Treasurer's books and certify monthly to the Council the balance of cash and investments of each fund and amounts received and disbursed.

8. Debt Service. Keep a register of all bonds outstanding and record all payments of interest and principal.

9. Other Duties. Perform such other duties as specified by the Council by resolution or ordinance.

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# CHAPTER 20

# CITY ATTORNEY


**20.01 Appointment and Compensation**
**20.02 Attorney for City**
**20.03 Power of Attorney**
**20.04 Ordinance Preparation**
**20.05 Review and Comment**
**20.06 Provide Legal Opinion**
**20.07 Attendance at Council Meetings**
**20.08 Prepare Documents**


**20.01 APPOINTMENT AND COMPENSATION.** At its first meeting in January each year, the Council shall appoint by majority vote a City Attorney to serve for a term of one year. The City Attorney shall receive such compensation as established by resolution of the Council.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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# CHAPTER 21

# PUBLIC WORKS DIRECTOR


**21.01 Appointment**
**21.02 Compensation**
**21.03 Powers and Duties**
**21.04 Reports**
**21.05 Projected Expenditures**


**21.01 APPOINTMENT.** The Council shall appoint, by majority vote, a Public Works Director to serve for a three-year term.

***(Section 21.01 – Ord. 590 – Aug. 26 Supp.)***

**21.02 COMPENSATION.** The Public Works Director shall receive such compensation as may be established by resolution of the Council.

**21.03 POWERS AND DUTIES.** The powers and duties of the Public Works Director are as follows:

1. Superintend all improvements upon the streets, alleys, and public grounds under the direction of the Council.

2. Report to the Council all persons refusing to comply with or violating any ordinances relating to any street, alley, or public ground.

3. Make all necessary repairs upon the streets, alleys, and sidewalks necessary to keep the same safe and passable, and see that they are so kept; and to that end, listen to all complaints made by any person of dangerous, impassable or unsafe conditions of any street, alley, crossing, or sidewalk.

4. See that the streets and alleys are kept free and clear of all deposits of manure, of all waste, grass, wood, brush, or other refuse and notify the parties causing or responsible for or owning the property adjoining such deposits to remove the same and if not removed in 24 hours, file complaints against such parties.

5. Supervise the making of all excavations in the streets and alleys; see that proper barricades with warning lights are maintained and that such excavations are refilled and pavement replaced as required by this Code of Ordinances.

6. Have charge of the storm sewer system subject to the control of the Council.

7. Supervise the installing and laying, repairing and construction of all water mains, hydrants, water meters and all connections made with the waterworks system and all tapping in connection therewith; have charge of the pumping of all water and of the construction, repair and upkeep of the waterworks system and look after and keep in repair the pumping station, machines, wells, galleries, water mains, hydrants, water tower and all accessories connected with the waterworks system; supervise the reading of all water meters.

8. Act as Superintendent of the Sanitary Sewer System under the direction of the Council.

9. Be responsible for all duties, at the discretion of the Council, necessary to operate and maintain the sanitation facilities/garbage collection, swimming pool, airport

facilities, and all City buildings and grounds with the exception of any City building governed by an elected or appointed board.

10. Have such other powers and perform such other duties as may be provided by the Council or by this Code of Ordinances.

**21.04 REPORTS.** The Public Works Director shall, at the first meeting of the Council in January each year, make a full and detailed report of the condition of the streets, alleys and public grounds, waterworks system, sanitary sewer system, all work done under his or her supervision, the material used, the costs of all labor and materials and other facts of interest and attach to such report a complete list of all municipal property in the possession of the Public Works Director.

**21.05 PROJECTED EXPENDITURES.** The Public Works Director shall, at the first meeting of the Council in January of each year, make a full and detailed report of projected expenditures for the ensuing year for the waterworks system, sanitary sewer system, streets, alleys, and public grounds, which report shall include a showing of all work to be done under his or her supervision, costs of materials and labor for the projected work and other facts of interest pertaining to the same.

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# CHAPTER 22

# LIBRARY BOARD OF TRUSTEES


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


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

**22.02 LIBRARY TRUSTEES.** The Board of Trustees of the Library, hereinafter referred to as the Board, consists of seven members, all of whom shall be appointed by the Mayor with the approval of the Council. Six members shall be residents of the City, and one member shall be a nonresident of the City residing within the County.

**22.03 QUALIFICATIONS OF TRUSTEES.** All members of the Board shall be over the age of 18 years.

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

1. Term of Office. All appointments to the Board shall be for six years, except to fill vacancies. Each term shall commence on July 1. Appointments shall be made every two years of one-third the total number or as near as possible, to stagger the terms.

2. Vacancies. The position of any resident Trustee shall be vacated if such member moves permanently from the City. The position of a nonresident Trustee shall be vacated if such member moves permanently from the County or into the City. The position of any Trustee shall be deemed vacated if such member is absent from six consecutive regular meetings of the Board, except in the case of sickness or temporary absence from the City or County. Vacancies in the Board shall be filled in the same manner as an original appointment except that the new Trustee shall fill out the unexpired term for which the appointment is made.

3. Compensation. Trustees shall receive no compensation for their services.

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

1. Officers. To meet and elect from its members a President, a Secretary, and such other officers as it deems necessary.

2. Physical Plant. To have charge, control, and supervision of the Library, its appurtenances, fixtures, and rooms containing the same.

3. Charge of Affairs. To direct and control all affairs of the Library.

4. Hiring of Personnel. To employ a Library Director, and authorize the Library Director to employ such assistants and employees as may be necessary for the proper

management of the Library, and fix their compensation; provided, however, prior to such employment, the compensation of the Library Director, assistants, and employees shall have been fixed and approved by a majority of the members of the Board voting in favor thereof.

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

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

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

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

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

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

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

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

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

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

1. Contracting. The Board may contract with any other boards of trustees of free public libraries, with any other city, school corporation, private or semiprivate organization, institution of higher learning, township, or County, or with the trustees of any County library district for the use of the Library by their respective residents.

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

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

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

1. Lending. By lending the books or other materials of the Library to nonresidents on the same terms and conditions as to residents of the City, or County, or upon payment of a special nonresident Library fee.

2. Depository. By establishing depositories of Library books or other materials to be loaned to nonresidents.

3. Bookmobiles. By establishing bookmobiles or a traveling library so that books or other Library materials may be loaned to nonresidents.

4. Branch Library. By establishing branch libraries for lending books or other Library materials to nonresidents.

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

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

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

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

*(Code of Iowa, Sec. 716.1)*

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

*(Code of Iowa, Sec. 714.1)*

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

1. Failure to Return. Failure to return Library materials for two months or more after the date the person agreed to return the Library materials, or failure to return Library equipment for one month or more after the date the person agreed to return the Library equipment, is evidence of intent to deprive the owner, provided a reasonable

attempt, including the mailing by restricted certified mail of notice that such material or equipment is overdue and criminal actions will be taken, has been made to reclaim the materials or equipment.

*(Code of Iowa, Sec. 714.5)*

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

*(Code of Iowa, Sec. 808.12)*

# CHAPTER 23

# PLANNING AND ZONING COMMISSION


23.01 Planning and Zoning Commission
23.02 Term of Office
23.03 Vacancies
23.04 Compensation
23.05 Powers and Duties


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

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

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

*(Code of Iowa, Sec. 392.1)*

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

*(Code of Iowa, Sec. 392.1)*

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

*(Code of Iowa, Sec. 392.1)*

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

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

*(Code of Iowa, Sec. 392.1)*

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

*(Code of Iowa, Sec. 392.1)*

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

*(Code of Iowa, Sec. 414.6)*

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

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

*(Code of Iowa, Sec. 392.1)*

5. Review and Comment on Plats. All plans, plats, or re-plats of subdivisions or re-subdivisions of land in the City or adjacent thereto, laid out in lots or plats with the streets, alleys, or other portions of the same intended to be dedicated to the public in the City, shall first be submitted to the Commission and its recommendations obtained before approval by the Council.

*(Code of Iowa, Sec. 392.1)*

6. Review of and Comment on 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 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 that 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 and disbursements and the progress of its work during the preceding fiscal year.

*(Code of Iowa, Sec. 392.1)*

# CHAPTER 24

# PARKS AND RECREATION COMMISSION


**24.01 Commission Established**
**24.02 Compensation**
**24.03 Powers and Duties**
**24.04 Budget Certified**
**24.05 Reports**


**24.01 COMMISSION ESTABLISHED.** A Board of Parks and Recreation Commissioners for the City consisting of seven members is hereby established. The members shall be elected at large for four-year terms. Following each election, the Commission shall meet and select from its membership a Chairperson and a Secretary.

**24.02 COMPENSATION.** Members of the Commission shall serve without compensation, except for their actual expenses, which shall be subject to the approval of the Council.

**24.03 POWERS AND DUTIES.** The Board of Parks and Recreation Commissioners shall have and exercise all the duties and powers of the Council in relation to the equipment, maintenance and conduct at parks and for summer recreation. The Board shall have such other powers and perform such other duties as may be provided by the Council or this Code of Ordinances.

**24.04 BUDGET CERTIFIED.** The Board shall submit to the finance officer a proposed budget and tax levy for general park and recreation purposes for the ensuing fiscal year. The Council shall include such tax levy, or so much thereof as it may deem necessary, in the levy for the general fund of the City as certified to the County Auditor.

*(Code of Iowa, Sec. 392.1)*

**24.05 REPORTS.** The Board of Parks and Recreation Commissioners shall make an annual detailed report to the Council immediately after July 1 each fiscal year of the amounts of money expended and the purpose for which used and such annual statement shall be published as part of the annual municipal report.

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# CHAPTER 25

# UTILITY BOARD OF TRUSTEES


**25.01 Purpose**
**25.02 Board Established**
**25.03 Appointment of Trustees**
**25.04 Compensation**
**25.05 Vacancies**
**25.06 Powers and Duties of the Board**
**25.07 Control of Funds**
**25.08 Accounting**
**25.09 Discriminatory Rates Illegal**
**25.10 Discontinuance of Board**


**25.01 PURPOSE.** The purpose of this chapter is to provide for the operation of the municipally owned electric utility by a board of trustees.

**25.02 BOARD ESTABLISHED.** Pursuant to an election held May 19, 1941, the management and control of the municipally owned Electric Utility were placed in the hands of a Board of Trustees.

*(Code of Iowa, Sec. 388.2)*

**25.03 APPOINTMENT OF TRUSTEES.** The Mayor shall appoint, subject to the approval of the Council, three persons to serve as trustees for staggered six-year terms. A public officer or salaried employee of the City shall not serve on the utility board.

*(Code of Iowa, Sec. 388.3)*

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

*(Code of Iowa, Sec. 388.3)*

**25.05 VACANCIES.** An appointment to fill a vacancy on the Board of Trustees 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)*

**25.06 POWERS AND DUTIES OF THE BOARD.** The Board of Trustees may exercise all powers of the City in relation to the Electric Utility, 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])*

**25.07 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)*

**25.08 ACCOUNTING.** Utility moneys are held in a separate utility fund.

*(Code of Iowa, Sec. 388.5)*

**25.09 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)*

**25.10 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 utility it administers is disposed of or leased for a period of over five years.

*(Code of Iowa, Sec. 388.2)*

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# CHAPTER 27

# CITY TREE BOARD


27.01 Creation and Establishment of City Tree Board
27.02 Term of Office
27.03 Vacancy
27.04 Compensation
27.05 Duties and Responsibilities
27.06 Operation
27.07 Interference with City Tree Board
27.08 Review by Council
27.09 Meeting of Tree Board
27.10 Issuance of Planting Permits


**27.01 CREATION AND ESTABLISHMENT OF CITY TREE BOARD.** There is hereby created and established a City Tree Board for the City, which shall consist of five members, citizens and residents of the City, who shall be appointed by the Mayor with the approval of the Council. One member of the Board shall also be a member of the City Park Commission, one member of the Board shall also be a Public Works employee, and one member of the Board shall also be an employee or member of the Grundy Center Municipal Utility Board of Trustees.

**27.02 TERM OF OFFICE.** The full term of office for members of the City Tree Board is three years, and members shall hold the office from July 1 following appointment. The terms are staggered, with the initial appointment of one member to a full term, two members to a two-year term and two members to a one-year term.

**27.03 VACANCY.** In the event that a vacancy occurs on the Board, it shall be filled by appointment by the Mayor with the approval of the Council, and such appointee shall fill out the unexpired term of the member whose office was vacated.

**27.04 COMPENSATION.** Members of the Board shall serve without compensation except for their actual expenses, which shall be subject to Council approval.

**27.05 DUTIES AND RESPONSIBILITIES.** It is the responsibility of the Board to study, investigate and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the Council and upon their acceptance and approval shall constitute the official comprehensive City Tree Plan for the City. The Board, when requested by the Council, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work.

**27.06 OPERATION.** The Board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be quorum for the transaction of business.

**27.07 INTERFERENCE WITH CITY TREE BOARD.** It is unlawful for any person to prevent, delay or interfere with the City Tree Board or any of its agents while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any street trees, park trees or trees on private grounds.

**27.08 REVIEW BY COUNCIL.** The Council shall have the right to review the conduct, acts and decisions of the City Tree Board. Any person may appeal from any ruling or order of the Board to the Council, who may hear the matter and make final decision.

**27.09 MEETING OF TREE BOARD.** The City Tree Board shall meet at least once annually and at such other times as may be necessary.

**27.10 ISSUANCE OF PLANTING PERMITS.** No trees shall be planted in any City or State right-of-way unless said planting conforms with Chapter 148 of this Code of Ordinances and unless a permit for said planting has been issued by the Tree Board. The Tree Board is authorized to design appropriate forms requiring location and type of tree to be planted and to issue or deny a permit for each planting. A violation of this provision shall constitute a municipal infraction.

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# CHAPTER 28

# AMBULANCE BOARD OF DIRECTORS


**28.01 Board Established**
**28.02 Appointment of Members**
**28.03 Term of Office**
**28.04 Chief**
**28.05 Powers and Duties**
**28.06 Compensation**
**28.07 Calls Outside Corporate Limit**
**28.08 Schedule of Fees**
**28.09 Payment**


**28.01 BOARD ESTABLISHED.** An Ambulance Board of Directors for the City is hereby established to oversee the operation of the Grundy Center Municipal Ambulance Service.

**28.02 APPOINTMENT OF MEMBERS.** The Board shall consist of three members who shall be appointed by the Mayor subject to the approval of the Council. Vacancies shall be filled by appointment by the Mayor for any unexpired term.

**28.03 TERM OF OFFICE.** The Board members' terms of office shall be staggered and shall be three years in duration commencing on January 1. Nothing herein shall prevent a board member from being appointed to more than one successive term.

**28.04 CHIEF.** The members of the ambulance service shall elect a Chief. In a manner as may be provided by its constitution or by-laws, but the election of the Chief shall be subject to the approval of the Counsil and Mayor. The term of office for the Chief is three years. The EMS Director is the Chief and the chief executive officer of the ambulance service and is subject to the authority of the Ambulance Board of Directors. The Chief shall not serve on the Ambulance Board anytime during his or her term as Chief.

***(Section 28.04 – Ord. 592 – Aug. 26 Supp.)***

**28.05 POWERS AND DUTIES.** The Ambulance Board of Directors has the power and authority to adopt a constitution and by-laws as they deem necessary and such constitution and by-laws and any change or amendment to such constitution and by-laws, before being effective, must be approved by the Council. The Board further has the following power and authority:

1. To conduct and supervise generally the operation of the ambulance service;

2. To form an emergency unit and to select and recruit personnel to serve voluntarily, and to maintain an accurate list of such persons;

3. To prescribe standards and training for emergency unit personnel, to seek and, with Council approval, to attend schools and courses and to designate unit members to attend;

4. To maintain the vehicles and equipment, to recommend to the Council the purchase of such items and equipment as they deem necessary for the property operation of the service, except that said Board is hereby authorized to incur expenditures within its allowed budget, subject to claim approval by the Council, as provided by law; to accept the donation of funds and equipment;

5. To submit to the Mayor and Council a comprehensive report of the status and operations of the service, including a complete inventory of equipment in July of each year and otherwise as may be required; and

6. To perform such other duties as may be referred to it by the Council.

**28.06 COMPENSATION.** Members of the Ambulance Service Board shall serve without compensation, except that they may be reimbursed for actual expenses incurred in the performance of their duties. Members of the emergency unit shall be compensated as set by Council resolution and shall be considered to be employees of the City while in the performance of ambulance duties for the purpose of the application of worker's compensation statutes.

**28.07 CALLS OUTSIDE CORPORATE LIMIT.** The service is authorized to respond to calls within the fire district of the City and to transport patients to the nearest medical facility as may be necessary; except that the Ambulance Service Board may establish policies, subject to Council approval, for response to such calls and for the routine transfer of patients.

**28.08 SCHEDULE OF FEES.** Fees for the use of the ambulance service and reasonably related emergency services furnished within or without the City shall be established by resolution of the Council. They shall be adequate to cover all of the operating costs of the service.

**28.09 PAYMENT.** All ambulance fees and charges are due upon presentation of a statement for said fees and charges, and shall be paid to the Clerk. Actions for collection of same shall be brought in the name of the City in the same manner as other actions of law.

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# CHAPTER 29

# COMMUNITY BUILDING BOARD


**29.01 Board Established**
**29.02 Term of Office**
**29.03 Qualifications**
**29.04 Vacancies**
**29.05 Powers and Duties**
**29.06 Budget Certified**
**29.07 Compensation**
**29.08 Reports**


**29.01 BOARD ESTABLISHED.** A Grundy Center Community Building Board is hereby established. The Board consists of five (5) members who are appointed by the Mayor with the approval of the Council. ***(Ord. 566 – Dec. 22 Supp.)***

**29.02 TERM OF OFFICE.** The term of office for each Board member is three years, and the terms are staggered. Appointments run from the first day of July and until successors have been appointed.

**29.03 QUALIFICATIONS.** All Board members must be 18 years of age or older. A minimum of three (3) of the five (5) members shall be residents of the City. The remaining two (2) members may be either residents of the City or County. ***(Ord. 566 - Dec. 22 Supp.)***

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

**29.05 POWERS AND DUTIES.** The Board shall have and exercise all the duties and powers of the Council in relation to the equipment, operation, maintenance, fiscal matters and conduct of the Community Building and shall have the powers and exercise all duties conferred by the Council or this Code of Ordinances.

**29.06 BUDGET CERTIFIED.** The Board shall submit to the finance officer a proposed budget and tax levy for community building purposes for the ensuing fiscal year. The Council shall include such tax levy, or so much thereof as it may deem necessary, in the levy for the general fund of the City as certified to the County Auditor.

*(Code of Iowa, Sec. 392.1)*

**29.07 COMPENSATION.** The Board members shall receive no compensation for their services except that their actual expenses shall be paid, subject to Council approval.

**29.08 REPORTS.** The Board shall make an annual detailed report to the Council immediately after the close of each fiscal year showing the amount of money expended and the purpose for which used. Such annual statement shall be published as part of the annual municipal report.

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# CHAPTER 30

# HISTORIC PRESERVATION COMMISSION


30.01 Purpose and Intent
30.02 Definitions
30.07 Appointment and Term of Office
30.08 Powers and Duties


**30.01 PURPOSE AND INTENT.** The purpose of this ordinance is to:

1. Promote the educational, cultural, economic and general welfare of the public through the recognition, enhancement, and perpetuation of sites and districts of historical and cultural significance;

2. Safeguard the City's historic, aesthetic, and cultural heritage by preserving sites and districts of historic and cultural significance;

3. Stabilize and improve property values;

4. Foster pride in the legacy of beauty and achievements of the past;

5. Protect and enhance the City's attractions to tourists and visitors and the support and stimulus to business thereby provided;

6. Strengthen the economy of the City; and

7. Promote the use of sites and districts of historic and cultural significance as places for the education, pleasure, and welfare of the people of the City.

**30.02 DEFINITIONS.** The following terms are defined for use in this chapter:

1. "Commission" means the City of Grundy Center Historic Preservation Commission, as established in this chapter.

2. "Historic district" means an area which contains a significant portion of sites including archaeological sites, buildings, structures, objects, and/or other improvements which, considered as a whole, possesses integrity of location, design, setting, materials, workmanship, feeling, and association, and:

A. Embodies the distinctive characteristics of a type, period, or method of construction, or that represents the work of a master, or that possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or

B. Is associated with events that have made significant contributions to the broad patterns of our local, state or national history; or

C. Possesses a coherent and distinctive visual character or integrity based upon similarity of scale, design, color, setting, workmanship, materials, or combinations thereof, which is deemed to add significantly to the value and attractiveness of properties within such are; or

D. Is associated with the lives of persons significant in our past; or

E. Has yielded, or may be likely to yield, information important in prehistory or history.

3. "Historic landmark" means a site including archaeological sites, objects, structures, or buildings which:

A. Is associated with events that have made a significant contribution to the broad patterns of our history; or

B. Is associated with the lives of persons significant in our past; or

C. Embodies the distinctive characteristics of a type, period, or method of construction, or that represents a work of a master, or that possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or

D. Has yielded, or may be likely to yield, information important in prehistory or history.

**30.03 APPOINTMENT AND TERM OF OFFICE.**

1. Appointment. Members of the Commission shall be appointed by the Mayor with the advice and consent of the City Council. Members shall demonstrate a positive interest in historic preservation, possessing interest or expertise in architecture, architectural history, historic preservation, city planning, building rehabilitation, conservation in general, or real estate. The Commission shall initially consist of not less than five members who shall be residents of the City or own property within the City limits.

2. Terms of Office. The original appointment of the members of the Commission shall be, three for two years, and two for three years, from January 1 following the year of such appointment or until their successor is appointed to serve for the term of three years. Members may serve for more than one term and each member shall serve until the appointment of a successor.

3. Vacancies. Vacancies occurring in the Commission, other than expiration of term of office, shall be only for the unexpired portion of the term of the member replaced. Vacancies shall be filled by the City according to the original selection as aforesaid.

4. Compensation. Members shall serve without compensation.

5. Quorum. A simple majority of the Commission shall constitute a quorum for the transaction of business.

6. Officers. The Commission shall elect a Chairman who shall preside over all Commission meetings and elect a Secretary who shall be responsible for maintaining written records of the Commission's proceedings.

7. Meetings. The Commission shall meet at least three times a year

**30.04 POWERS AND DUTIES.**

1. The Commission may conduct studies for the identification and designation of historic districts and landmarks meeting the definitions established by this chapter. The Commission may proceed at its own initiative or upon a petition from any person, group, or association. The Commission shall maintain records of all studies and inventories for public use.

2. The Commission may make a recommendation to the State Historic Preservation Office for the listing of a historic district or landmark in the National Register of Historic Places and may conduct a public hearing thereon.

3. The Commission may investigate and recommend to the City Council the adoption of ordinances designating historic landmarks and historic districts if they qualify as defined herein.

4. The Commission shall provide information for the purpose of historic preservation to the Council.

5. The Commission shall promote and conduct an educational and interpretive program on historic properties within its jurisdiction.

6. Other Powers. In addition to those duties and powers specified above, the Commission may, with City Council approval:

A. Accept unconditional gifts and donations of real and personal property, including money, for the purpose of historic preservation.

B. Acquire by purchase, bequest, or donation, fee and lesser interests in historic properties, including properties adjacent to or associated with historic properties.

C. Preserve, restore, maintain, and operate historic properties, under the ownership or control of the Commission.

D. Lease, sell, and otherwise transfer or dispose of historic properties subject to rights of public access and other covenants and in a manner that will preserve the property.

E. Contract, with the approval of the Council, with the State or the federal government or other organizations.

F. Cooperate with the federal, State and local governments in the pursuance of the objectives of historic preservation.

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# CHAPTER 35

# POLICE DEPARTMENT


35.01 Department Established
35.02 Organization
35.03 Peace Officer Qualifications
35.04 Required Training
35.05 Compensation
35.06 Peace Officers Appointed
35.07 Powers and Duties of Police Chief
35.08 Departmental Rules
35.09 Summoning Aid
35.10 Taking Weapons


**35.01 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.

**35.02 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.

**35.03 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)*

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

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

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

**35.06 PEACE OFFICERS APPOINTED.** The Mayor shall appoint and dismiss the Police Chief subject to the consent of a majority of the Council. The term of office for the Police Chief is three years. The Mayor shall select, subject to the approval of the Police Chief, other members of the department.

***(Section 35.06 – Ord. 592 – Aug. 26 Supp.)***

**35.07 POWERS AND DUTIES OF POLICE CHIEF.** The Police Chief has the following powers and duties subject to the approval of the Council.

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

1. General. Perform all duties required of the Police Chief by law or ordinance.

2. Enforce Laws. Enforce all laws, ordinances, and regulations and bring all persons committing any offense before the proper court.

3. Writs. Execute and return all writs and other processes directed to the Police Chief.

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

*(Code of Iowa, Sec. 321.266)*

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

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

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

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

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

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

**35.08 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.

**35.09 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)*

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

*(Code of Iowa, Sec. 804.18)*

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# CHAPTER 36

# RESERVE PEACE OFFICERS


36.01 Establishment of Force
36.02 Training
36.03 Status of Reserve Officers
36.04 Carrying Weapons
36.05 Supplementary Capacity
36.06 Supervision of Officers
36.07 No Reduction of Regular Force
36.08 Compensation
36.09 Benefits When Injured
36.10 Insurance Liability and False Arrest Insurance
36.11 No Participation in Pension Fund or Retirement System


**36.01 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.

**36.02 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.

**36.03 STATUS OF RESERVE OFFICERS.** Reserve peace officers shall serve as peace officers on the orders and at the direction 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.

**36.04 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.

**36.05 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.

**36.06 SUPERVISION OF OFFICERS.** Reserve peace officers shall be subordinate to the Police Chief, shall not serve as peace officers unless under the direction of the Police Chief, and shall wear a uniform prescribed by the Police Chief, unless 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.

**36.07 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.

**36.08 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.

**36.09 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.

**36.10 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.

**36.11 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 37

# FIRE DEPARTMENT


37.01 Establishment and Purpose
37.02 Organization
37.03 Approved by Council
37.04 Training
37.05 Compensation
37.06 Election of Officers
37.07 Duties of Fire Chief
37.08 Obedience to Fire Chief
37.09 Constitution
37.10 Accidental Injury Insurance
37.11 Liability Insurance
37.12 Calls Outside District
37.13 Mutual Aid
37.14 Authority to Cite Violations


**37.01 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)*

**37.02 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])*

**37.03 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.

**37.04 TRAINING.** All members of the department shall meet the minimum training standards established by the State Fire Marshal and attend and actively participate in regular or special training drills or programs as directed by the Fire Chief.

*(Code of Iowa, Sec. 100B.2[4])*

**37.05 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])*

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

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

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

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

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

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

*(Code of Iowa, Sec. 102.2)*

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

*(Code of Iowa, Sec. 102.2)*

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

*(Code of Iowa, Sec. 102.3)*

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

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

8. Notification. Whenever death, serious bodily injury, or property damage in excess of $200,000.00 has occurred as a result of a fire, or if arson is suspected, notify the State Fire Marshal's Division immediately. For all other fires causing an estimated damage of $50.00 or more or emergency responses by the Fire Department, file a report with the Fire Marshal's Division within 10 days following the end of the month. The report shall indicate all fire incidents occurring and state the name of the owners and occupants of the property at the time of the fire, the value of the property, the estimated total loss to the property, origin of the fire as determined by investigation, and other facts, statistics, and circumstances concerning the fire incidents.

*(Code of Iowa, Sec. 100.2 and 100.3)*

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

*(Code of Iowa, Sec. 100.12)*

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

*(Code of Iowa, Sec. 100.13)*

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

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

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

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

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

**37.09 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.

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

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

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

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

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

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

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

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

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

*(Code of Iowa, Sec. 100.41)*

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# CHAPTER 38

# HAZARDOUS SUBSTANCE SPILLS


**38.01 Purpose**
**38.02 Definitions**
**38.03 Cleanup Required**
**38.04 Liability for Cleanup Costs**
**38.05 Notifications**
**38.06 Police Authority**
**38.07 Liability**


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

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

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

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

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

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

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

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

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

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

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

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

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

1. The reasonable cleanup costs incurred by the City or the agents of the City as a result of the failure of the responsible person to clean up a hazardous substance involved in a hazardous condition.

2. The reasonable costs incurred by the City or the agents of the City to evacuate people from the area threatened by a hazardous condition caused by the person.

3. The reasonable damages to the City for the injury to, destruction of, or loss of City property, including parks and roads, resulting from a hazardous condition caused by that person, including the costs of assessing the injury, destruction, or loss.

4. The excessive and extraordinary cost incurred by the City or the agents of the City in responding at and to the scene of a hazardous condition caused by that person.

**38.05 NOTIFICATIONS.**

1. A person manufacturing, storing, handling, transporting, or disposing of a hazardous substance shall notify the State Department of Natural Resources and the Police Department of the occurrence of a hazardous condition as soon as possible but not later than six hours after the onset of the hazardous condition or discovery of the hazardous condition. The Police Chief shall immediately notify the Department of Natural Resources.

2. Any other person who discovers a hazardous condition shall notify the Police Department, which shall then notify the Department of Natural Resources.

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

1. Evacuate persons from their homes to areas away from the site of a hazardous condition, and

2. Establish perimeters or other boundaries at or near the site of a hazardous condition and limit access to cleanup personnel.

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

**38.07 LIABILITY.** The City shall not be liable to any person for claims of damages, injuries, or losses resulting from any hazardous condition, unless the City is the responsible person as defined in Section 38.02(4).

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# CHAPTER 40

# PUBLIC PEACE


40.01 Assault
40.02 Harassment
40.03 Disorderly Conduct
40.04 Failure to Disperse


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

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

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

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

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

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

*(Code of Iowa, Sec. 708.1)*

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

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

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

*(Code of Iowa, Sec. 708.7)*

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

*(Code of Iowa, Sec. 708.7)*

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

*(Code of Iowa, Sec. 708.7)*

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

*(Code of Iowa, Sec. 708.7)*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*(Code of Iowa, Sec. 723.5)*

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

*(Code of Iowa, Sec. 723.3)*

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# CHAPTER 41

# PUBLIC HEALTH AND SAFETY


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


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

*(Code of Iowa, Sec. 727.1)*

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

*(Code of Iowa, Sec. 718.6)*

1. Report or cause to be reported false information to a fire department, a law enforcement authority, or other public safety entity, knowing that the information is false, or report the alleged occurrence of a criminal act knowing the act did not occur.

2. Telephone an emergency 911 communications center, knowing that he or she is not reporting an emergency or otherwise needing emergency information or assistance.

3. Knowingly provide false information to a law enforcement officer who enters the information on a citation.

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

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

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

*(Code of Iowa, Sec. 719.2)*

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

*(Code of Iowa, Sec. 718.4)*

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

*(Code of Iowa, Sec. 719.1)*

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

*(Code of Iowa, Sec. 708.12)*

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

*(Code of Iowa, Sec. 727.3)*

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

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

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

**41.11 DISCHARGING WEAPONS.**

1. It is unlawful for a person to discharge rifles, shotguns, revolvers, pistols, guns, or other firearms of any kind within the City limits except by written consent of the Council.

2. No person shall intentionally discharge a firearm in a reckless manner.

**41.12 THROWING AND SHOOTING.**

1. It is unlawful for a person to throw stones, bricks, or missiles of any kind or to shoot arrows, paintballs, rubber guns, slingshots, air rifles, BB guns, or other dangerous instruments or toys on or into any street, alley, highway, sidewalk, public way, public ground, or public building, without written consent of the Council.

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

2. It is also unlawful to shoot arrows within the City limits, except as provided in this subsection. Arrows may be shot only at a place designated by the City or on school property where such activity is a part of a physical education class and where backstops are used and in a manner not likely to cause injury to persons or property. Arrows may be shot only:

A. By adults who have been issued a permit as directed below; or

B. By minors directly supervised by an adult who has been issued a permit. (Direct supervision is defined to mean being physically present in the immediate vicinity.)

An archery permit may be obtained upon application and a showing of adequate insurance and compliance with the requirements of this section.

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

**41.14 FIREWORKS.** The sale, use, possession, and exploding of fireworks within the City are subject to the following:

1. Consumer Fireworks. It is unlawful for any person to use or explode consumer fireworks within the City outside of the following dates:

A. State Code Dates. Allowed by Section 364.2(6) of the *Code of Iowa*.

(1) July 3 between the hours of 9:00 a.m. and 10:00 p.m.

a. Except when July 3 falls on a Saturday or Sunday preceding July 4, in which fireworks shall be allowed between the hours of 9:00 a.m. and 11:00 p.m.

(2) July 4 between the hours of 9:00 a.m. and 11:00 p.m.

(3) December 31 between the hours of 9:00 a.m. and 12:30 a.m. on the immediately following day.

B. City Allowed Dates.

(1) June 13 through July 2 between the hours of 9:00 a.m. and 10:00 p.m.

***(Section 41.14 – Ord. 585 – Jul. 25 Supp.)***

**41.15 DRUG PARAPHERNALIA.**

*(Code of Iowa, Sec. 124.414)*

1. As used in this section "drug paraphernalia" means all equipment, products or materials of any kind used or attempted to be used in combination with a controlled

substance, except those items used in combination with the lawful use of a controlled substance, to knowingly or intentionally and primarily do any of the following:

A. Manufacture a controlled substance.

B. Inject, ingest, inhale, or otherwise introduce into the human body a controlled substance.

C. Test the strength, effectiveness, or purity of a controlled substance.

D. Enhance the effect of a controlled substance.

Drug paraphernalia does not include hypodermic needles or syringes if manufactured, delivered, sold, or possessed for a lawful purpose.

2. It is unlawful for any person to knowingly or intentionally manufacture, deliver, sell, or possess drug paraphernalia.

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

*(Code of Iowa, Sec. 727.12)*

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# CHAPTER 42

# PUBLIC AND PRIVATE PROPERTY


**42.01 Trespassing**
**42.02 Criminal Mischief**
**42.03 Defacing Proclamations or Notices**
**42.04 Unauthorized Entry**
**42.05 Fraud**
**42.06 Theft**
**42.07 Other Public Property Offenses**


## 42.01 TRESPASSING.

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

*(Code of Iowa, Sec. 716.8)*

2. Definitions. For purposes of this section:

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

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

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

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

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

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

F. "Trespass" means one or more of the following acts:

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

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

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

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

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

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

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

3. Specific Exceptions. "Trespass" does not mean either of the following:
*(Code of Iowa, Sec. 716.7[2b])*

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

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

**42.02 CRIMINAL MISCHIEF.** It is unlawful, for any person who has no right to do so, to intentionally damage, deface, alter, or destroy property.
*(Code of Iowa, Sec. 716.1)*

**42.03 DEFACING PROCLAMATIONS OR NOTICES.** It is unlawful for a person intentionally to deface, obliterate, tear down, or destroy in whole or in part, any transcript or extract from or of any law of the United States or the State, or any proclamation, advertisement, or notification, set up at any place within the City by authority of the law or by order of any court, during the time for which the same is to remain set up.
*(Code of Iowa, Sec. 716.1)*

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

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

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

*(Code of Iowa, Sec. 714.8)*

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

*(Code of Iowa, Sec. 714.1)*

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

1. Chapter 22 – Library
   - A. Section 22.10 – Injury to Books or Property
   - B. Section 22.11 – Theft of Library Property
2. Chapter 105 – Solid Waste Control and Recycling
   - A. Section 105.07 – Littering Prohibited
3. Chapter 135 – Street Use and Maintenance
   - A. Section 135.01 – Removal of Warning Devices
   - B. Section 135.02 – Obstructing or Defacing
   - C. Section 135.03 – Placing Debris On
   - D. Section 135.04 – Playing In
   - E. Section 135.05 – Traveling on Barricaded Street or Alley
   - F. Section 135.08 – Burning Prohibited
   - G. Section 135.12 – Dumping of Snow
4. Chapter 136 – Sidewalk Regulations
   - A. Section 136.11 – Interference with Sidewalk Improvements
   - B. Section 136.15 – Fires or Fuel on Sidewalks
   - C. Section 136.16 – Defacing
   - D. Section 136.17 – Debris on Sidewalks
   - E. Section 136.18 – Merchandise Display
   - F. Section 136.19 – Sales Stands

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# CHAPTER 45

# ALCOHOL CONSUMPTION AND INTOXICATION


45.01 Persons Under Legal Age
45.02 Public Consumption or Intoxication
45.03 Open Containers in Motor Vehicles
45.04 Social Host


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

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

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

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

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

**45.02 PUBLIC CONSUMPTION OR INTOXICATION.**

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

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

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

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

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

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

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

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

*(Code of Iowa, Sec. 123.46)*

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

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

*(Code of Iowa, Sec. 123.47)*

# CHAPTER 46

# MINORS

46.01 Curfew
46.02 Cigarettes and Tobacco
46.03 Contributing to Delinquency

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

1. Definitions. For use in this section, the following terms are defined:

   A. "Emergency errand" means, but is not limited to, an errand relating to a fire, a natural disaster, an automobile accident or any other situation requiring immediate action to prevent serious illness, bodily injury, or loss of life.

   B. "Knowingly" means knowledge that a responsible adult should reasonably be expected to have concerning the whereabouts of a minor in that responsible adult's custody. It is intended to continue to hold the neglectful or careless adult responsible for a minor to a reasonable standard of adult responsibility through an objective test. It is therefore no defense that an adult responsible for a minor was completely indifferent to the activities or conduct or whereabouts of the minor.

   C. "Minor" means any unemancipated person under the age of 18 years.

   D. "Nonsecured custody" means custody in an unlocked multipurpose area, such as a lobby, office or interrogation room that is not designed, set aside, or used as a secure detention area, and the person arrested is not physically secured during the period of custody in the area; the person is physically accompanied by a law enforcement officer or a person employed by the facility where the person arrested is being held; and the use of the area is limited to providing nonsecured custody only while awaiting transfer to an appropriate juvenile facility or to court, for contacting of and release to the person's parents or other responsible adult or for other administrative purposes; but not for longer than six hours without the oral or written order of a judge or magistrate authorizing the detention. A judge shall not extend the period of time in excess of six hours beyond the initial six-hour period.

   E. "Public place" includes stores, parking lots, parks, playgrounds, streets, alleys, and sidewalks dedicated to public use and also includes such parts of buildings and other premises, whether publicly or privately owned, that are used by the general public or to which the general public is invited commercially for a fee or otherwise; or in or on which the general public is permitted without specific invitation; or to which the general public has access. For purposes of this section, a vehicle or other conveyance is considered to be a public place when in the areas defined above.

F. "Responsible adult" means a parent, guardian or other adult specifically authorized by law or authorized by a parent or guardian to have custody or control of a minor.

2. Curfew Established. A curfew applicable to minors is established and shall be enforced as follows:

A. Hours Sunday Through Thursday, Under Age 15. It is unlawful for any minor under the age of 15 years to remain in or upon any public place in the City between the hours of 11:00 p.m. and 5:00 a.m. of the following morning Sunday through Thursday, official time.

B. Hours Friday Through Saturday, Under Age 15. It is unlawful for any minor under the age of 15 years to be or remain in or upon any public place in the City between the hours of 12:00 midnight Friday and Saturday and 5:00 a.m. on the following day, official time.

C. Hours Sunday Through Thursday, Ages 15 through 17. It is unlawful for any minor age 15 through 17 years to be or remain in or upon any public place in the City between the hours of 12:00 midnight and 5:00 a.m. of the following morning Sunday through Thursday, official time.

D. Hours Friday Through Saturday, Ages 15 through 17. It is unlawful for any minor age 15 through 17 years to remain in or upon any public place in the City between the hours of 1:00 a.m. and 5:00 a.m. on Saturday and Sunday, official time.

3. Exceptions. The following are exceptions to the curfew:

A. The minor is accompanied by a responsible adult.

B. The minor is on the sidewalk or property where the minor resides or on either side of the place where the minor resides and the adult responsible for the minor has given permission for the minor to be there.

C. The minor is present at or is traveling between home and one of the following:

(1) Minor's place of employment in a business, trade or occupation in which the minor is permitted by law to be engaged or, if traveling, within 30 minutes after the end or before the beginning of work;

(2) Minor's place of religious activity or, if traveling, within 30 minutes after the end or before the beginning of the religious activity;

(3) Governmental or political activity or, if traveling, within one hour after the end or before the beginning of the activity;

(4) School activity or, if traveling, within 30 minutes after the end or before the beginning of the activity;

(5) Assembly such as a march, protest, demonstration, sit-in or meeting of an association for the advancement of economic, political, religious or cultural matters, or for any other activity protected by the First Amendment of the U.S. Constitution guarantees of free exercise of religion, freedom of speech, freedom of assembly or, if traveling, within 30 minutes after the end or before the beginning of the activity.

D. The minor is on an emergency errand for a responsible adult;

E. The minor is engaged in interstate travel through the City beginning, ending or passing through the City when such travel is by direct route.

4. Responsibility of Adults. It is unlawful for any responsible adult knowingly to permit or to allow a minor to be in any public place in the City within the time periods prohibited by this section unless the minor's presence falls within one of the above exceptions.

5. Enforcement Procedures.

A. Determination of Age. In determining the age of the juvenile and in the absence of convincing evidence such as a birth certificate or driver's license, a law enforcement officer on the street shall, in the first instance, use his or her best judgment in determining age.

B. Grounds for Arrest; Conditions of Custody. Grounds for arrest are that the person refuses to sign the citation without qualification; persists in violating the ordinance; refuses to provide proper identification or to identify himself or herself; or constitutes an immediate threat to the person's own safety or to the safety of the public. A law enforcement officer who arrests a minor for a curfew violation may keep the minor in custody either in a shelter care facility or in any nonsecured setting. The officer shall not place bodily restraints, such as handcuffs, on the minor unless the minor physically resists or threatens physical violence when being taken into custody. A minor shall not be placed in detention following a curfew violation.

C. Notification of Responsible Adult. After a minor is taken into custody, the law enforcement officer shall notify the adult responsible for the minor as soon as possible. The minor shall be released to the adult responsible for the minor upon the promise of such person to produce the child in court at such time as the court may direct.

D. Minor Without Adult Supervision. If a law enforcement officer determines that a minor does not have adult supervision because the law enforcement officer cannot locate the minor's parent, guardian or other person legally responsible for the care of the minor, within a reasonable time, the law enforcement officer shall attempt to place the minor with an adult relative of the minor, an adult person who cares for the child or another adult person who is known to the child.

6. Penalties.

A. Responsible Adult's First Violation. In the case of a first violation by a minor, the law enforcement officer shall, by certified mail, send to the adult responsible for the minor, written notice of the violation with a warning that any subsequent violation will result in full enforcement of the curfew ordinance against both the responsible adult and minor, with applicable penalties.

B. Responsible Adult's Second Violation. Any responsible adult as defined in this section who, following receipt of a warning, knowingly allows the minor to violate any of the provisions of this section is guilty of a municipal infraction.

C. Minor's First Violation. In the case of a first violation by a minor, the law enforcement officer shall give the minor a written warning, which states

that any subsequent violation will result in full enforcement of the curfew ordinance against the responsible adult and the minor, with applicable penalties.

D. Minor's Second Violation. For the minor's second and subsequent violations of any of the provisions of this section, the minor is guilty of a municipal infraction.

**46.02 CIGARETTES AND TOBACCO.** It is unlawful for any person under 21 years of age to smoke, use, possess, purchase, or attempt to purchase any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes. Possession of tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes by an individual under 21 years of age shall not constitute a violation of this section if the individual under 21 years of age possesses the tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes as part of the person's employment and said person is employed by a person who holds a valid permit under Chapter 453A of the *Code of Iowa* or who lawfully offers for sale or sells cigarettes or tobacco products.

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

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

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

# CHAPTER 47

# PARK REGULATIONS


**47.01 Purpose**
**47.02 Use of Drives Required**
**47.03 Fires**
**47.04 Littering**
**47.05 Parks Closed**
**47.06 Camping**
**47.07 Horses Prohibited**
**47.08 Privately Owned Animals**
**47.09 Nicotine Regulations in City of Grundy Center Parks**


**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, golf cart, or other vehicle, or ride or lead any horse, in any portion of a park and sports complex except upon the established drives or roadways therein or such other places as may be officially designated by the City. ***(Ord. 579 – Jul. 25 Supp.)***

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

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

**47.05 PARKS CLOSED.** No person shall enter or remain within any park between the hours of 10:30 p.m. and 6:00 a.m. without advance permission of the Park Board.

**47.06 CAMPING.** It is unlawful for any person to erect or park any mobile home, camper, trailer, tent, or other camping device or apparatus of any nature in any City park without advance permission of the Park Board or Police Department.

**47.07 HORSES PROHIBITED.** It is unlawful for any person to ride, drive, lead, or otherwise allow any member of the equine species, either owned by such person or within the control of such person, to enter any City parks or portion thereof.

**47.08 PRIVATELY OWNED ANIMALS.** No privately owned animal shall be allowed in a City park and sports complex unless accompanied and controlled by owner or person having custody of said animal. The owner or person having custody of said animal shall have such animal under control and firmly held on a leash, cord or chain. The owner or person having custody of said animal shall be responsible for any damage caused in any event by such animal. ***(Section 47.08 – Ord. 579 – Jul. 25 Supp.)***

**47.09 NICOTINE REGULATIONS IN CITY OF GRUNDY CENTER PARKS.**

1. The Grundy Center City Council finds that:

   A. Tobacco/nicotine use in the proximity of children and adults engaging in or watching outdoor activities is detrimental to their health and can be dangerous to those using such facilities; and

B. Adults visiting areas frequented by youth, like parks, are role models for youth and can have a positive effect on the lifestyle choices they make;

C. This is an opportunity to create and sustain an environment that supports a non-tobacco and non-nicotine norm through a tobacco-free/nicotine-free policy, rule enforcement, and adult-peer role modeling during recreation;

D. The tobacco industry advertises at and sponsors events to foster a connection between tobacco use and community events;

E. Tobacco products (extends to all types of tobacco and nicotine products), once consumed in public spaces, are often discarded on the ground requiring additional maintenance expenses, diminish the beauty of outdoor facilities, and pose a risk to toddlers, pets and wildlife due to ingestion.

2. Policy. Use of tobacco products, nicotine products, and electronic vaporizers is prohibited in the following City of Grundy Center parks and outdoor recreational facilities at all times: the Grundy Community Center (excluding the pergola, but including the front entrance area), the Grundy Center Aquatic Center (including parking lot), the Kiwanis Park, Belpre Park, Liberty Park, Orion Park including the Herbert Quick School House, and all baseball, softball, and soccer fields at the George E Wilhelm Sports Complex, all playgrounds at said parks above. Additionally, the use of tobacco products, nicotine products, and electronic vaporizers is prohibited at all City of Grundy Center parks and outdoor recreational facilities when there is a public event occurring such as, but not limited to, athletic events and games, public concerts, public speakers, other public presentations, Felix Grundy Festival and other similar events. For the purpose of this section tobacco includes smoking, chewing, dipping, lighting or any other use of any tobacco product. Nicotine products include but are not limited to look-a-likes where the original would include tobacco or nicotine, products such as dissolvable, spitless, snus, chewing, electronic cigarettes, and any other product containing nicotine. Electronic vaporizers are defined as any device, including, but not limited to e-cigarettes, e-pens, e-hookah, e-cigars, and vape pens used to vaporize plant material, liquids, oils, nicotine or other chemicals that may be inhaled but users. Use of FDA approved prescription medication and products for cessation are allowed. This section applies to all visitors, employees, and attendees.

3. Municipal Infraction. A violation of this section will constitute a municipal infraction punishable pursuant to Chapter 4 of this Code of Ordinances.

***(Section 47.09 – Ord. 579 – Jul. 25 Supp.)***

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# CHAPTER 50

# NUISANCE ABATEMENT PROCEDURE


50.01 Definition of Nuisance
50.02 Nuisances Enumerated
50.03 Other Conditions
50.04 Nuisances Prohibited
50.05 Nuisance Abatement
50.06 Abatement of Nuisance by Written Notice
50.07 Municipal Infraction Abatement Procedure


**50.01 DEFINITION OF NUISANCE.** Whatever is injurious to health, indecent, or unreasonably offensive to the senses, or an obstruction to the free use of property so as essentially to interfere unreasonably with the comfortable enjoyment of life or property is a nuisance.

*(Code of Iowa, Sec. 657.1)*

**50.02 NUISANCES ENUMERATED.** The following subsections include, but do not limit, the conditions that are deemed to be nuisances in the City:

*(Code of Iowa, Sec. 657.2)*

1. Offensive Smells. Erecting, continuing, or using any building or other place for the exercise of any trade, employment, or manufacture that, by occasioning noxious exhalations, unreasonably offensive smells, or other annoyances, becomes injurious and dangerous to the health, comfort, or property of individuals or the public.

2. Filth or Noisome Substance. Causing or suffering any offal, filth, or noisome substance to be collected or to remain in any place to the prejudice of others.

3. Impeding Passage of Navigable River. Obstructing or impeding without legal authority the passage of any navigable river, harbor, or collection of water.

4. Water Pollution. Corrupting or rendering unwholesome or impure the water of any river, stream, or pond, or unlawfully diverting the same from its natural course or state, to the injury or prejudice of others.

5. Blocking Public and Private Ways. Obstructing or encumbering, by fences, buildings or otherwise, the public roads, private ways, streets, alleys, commons, landing places, or burying grounds.

6. Billboards. Billboards, signboards, and advertising signs, whether erected and constructed on public or private property, that so obstruct and impair the view of any portion or part of a public street, avenue, highway, boulevard, or alley or of a railroad or street railway track as to render dangerous the use thereof. **(See also Section 62.06)**

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

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

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

10. Dutch Elm Disease. Trees infected with Dutch Elm or other infectious disease as identified by a qualified arborist; or any dead, diseased or damaged trees or plant materials which may harbor serious insect pests or a disease potentially injurious to other trees or plant materials, or any healthy tree is in such a state of deterioration that any part of such tree is likely to fall and damage property or cause injury to persons. **(See also Chapter 148)**

11. Airport Air Space. Any object or structure hereafter erected within 1,000 feet of the limits of any municipal or regularly established airport or landing place, which may endanger or obstruct aerial navigation including take-off and landing, unless such object or structure constitutes a proper use or enjoyment of the land on which the same is located. **(See Chapter 167)**

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. Mud, Dirt, Gravel or Other Debris. Depositing or allowing the depositing of any mud, dirt, gravel or other debris on any public street, alley, sidewalk, or other public property.

14. Unsafe Buildings. Unoccupied buildings or unoccupied portions of buildings which are unsecured or abandoned.

15. Harborage of Insects or Vermin. Creating, maintaining, causing or allowing to exist conditions which are conducive to the harborage or breeding of vermin; or allowing to exist infestations of vermin, such as rats, mice, skunks, bats, starlings, pigeons, wasps, cockroaches or flies.

16. 16. Deterioration of Property. Real property maintained in such condition as it becomes so defective, unsightly, or in such condition of deterioration or disrepair that the same causes substantial depreciation of the property values of the surrounding properties.

17. 17. Structural Defects. All structures, both commercial and residential, including detached accessory structures, on any commercial, residential, agricultural or industrial property shall be free of significant structural defects. The term "free from significant structural defects" means:

A. The roof and roofing material are of such a nature and condition that they do not permit water, snow or ice to penetrate into the structure. Roofing materials shall be in good condition and made up of consistent materials and consistent coloration throughout the roof area.

B. Drainage gutters and downspouts are securely attached to the structure and in proper functioning order.

C. All exterior trim and exterior exposed surfaces, including siding materials, must be sound, in good condition and securely attached to the structure.

D. Exterior walls must be free of holes and made of a consistent material, such that patches or repairs consisting of dissimilar materials or colors compared to the prevailing surface material of the exterior walls are not present.

E. The foundation of the structure is sound, capable of supporting the structure and not deteriorated to the point that failure is judged to be inevitable, but not necessarily imminent. The foundation shall be plumb and free from cracks, breaks, and holes so as to prevent the entry of animals.

F. Windows and doors, including outer screen or storm windows and doors, must be intact, containing no holes, squarely hung with properly operating latches or locks so as to be securely closed, and where the windows have intact glass or normal window material that allows the entry of light with no holes in said window surface areas.

G. All points of egress/ingress into and out of the structure must be of a secure and safe design and made of standard building materials and must also provide clear and easy access via properly installed steps, porches, entryway landings and hand rails that are intact, with no protruding or loose boards or surface materials causing a hazard, and which provide ready access to all points of entry to the structure.

H. Exterior wall surfaces are properly painted and/or maintained with appropriate exterior wall materials, including wood, vinyl, steel or metal siding materials, stucco or exterior insulation finish system (EIFS) materials, brick or similar masonry materials, that are in all cases intact, not in a condition of deterioration, are of uniform coloration and are not patched with dissimilar materials. Plastic wrap material shall not be considered to be an acceptable siding material. No flaking or chipped paint or outer loose material dominates or detracts from the exterior appearance of the structure.

I. All fencing, including gates, shall be maintained in good condition, free from damage, breaks, holes or missing structural members. All fencing shall be of consistent materials and coloration.

J. Detached accessory structures, including garages and storage sheds, must conform to the standards outlined above. In addition, all doors and windows must be of functional design and materials and in proper working order. No plastic wrap material or tarps shall be used to substitute for doorways or windows.

K. Materials and practices used in the reconstruction or repair of any building structure, whether of roofing materials, siding materials, foundation, walls, window, doorways, entryways or detached accessory structures shall be of standard quality and appearance, consistent with the appearance and character of the structure under repair and consistent with other properties in the immediate vicinity of the premises.

L. All vacant structures shall comply with the above-cited maintenance provisions with the exception that windows and doors may be secured with boards or other materials intended to provide security and protection to the structure. All vandalized portions of the structure must be promptly repaired including repainting of areas that are defaced with paint or graffiti.

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

1. Junk and Junk Vehicles **(See Chapter 51)**
2. Lawns **(See Chapter 52)**

3. Storage and Disposal of Solid Waste **(See Chapter 105)**

4. Dangerous Buildings **(See Chapter 145)**

5. Trees **(See Chapter 148)**

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

*(Code of Iowa, Sec. 657.3)*

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

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

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

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

1. Contents of Notice to Property Owner. The notice to abate shall contain: †

   A. Description of Nuisance. A description of what constitutes the nuisance.

   B. Location of Nuisance. The location of the nuisance.

   C. Acts Necessary to Abate. A statement of the act or acts necessary to abate the nuisance.

   D. Reasonable Time. A reasonable time within which to complete the abatement.

   E. Assessment of City Costs. A statement that if the nuisance or condition is not abated as directed and no request for hearing is made within the time prescribed, the City will abate it and assess the costs against the property owner.

2. Method of Service. The notice may be in the form of an ordinance or sent by certified mail to the property owner.

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

3. Request for Hearing. Any person ordered to abate a nuisance may have a hearing with the Council as to whether a nuisance exists. A request for a hearing must be made in writing and delivered to the Clerk within the time stated in the notice, or it will be conclusively presumed that a nuisance exists and it must be abated as ordered. The hearing will be before the Council at a time and place fixed by the Council. The findings of the Council shall be conclusive and, if a nuisance is found to exist, it shall be ordered abated within a reasonable time under the circumstances.

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† **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.

4. Abatement in Emergency. If it is determined that an emergency exists by reason of the continuing maintenance of the nuisance or condition, the City may perform any action that may be required under this chapter without prior notice. The City shall assess the costs as provided in Subsection 6 of this section after notice to the property owner under the applicable provisions of Subsections 1 and 2, and the hearing as provided in Subsection 3.

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

5. Abatement by City. If the person notified to abate a nuisance or condition neglects or fails to abate as directed, the City may perform the required action to abate, keeping an accurate account of the expense incurred. The itemized expense account shall be filed with the Clerk, who shall pay such expenses on behalf of the City.

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

6. Collection of Costs. The Clerk shall send a statement of the total expense incurred by certified mail to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one month, the Clerk shall certify the costs to the County Treasurer and such costs shall then be collected with, and in the same manner as, general property taxes.

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

7. Installment Payment of Cost of Abatement. If the amount expended to abate the nuisance or condition exceeds $500.00, the City may permit the assessment to be paid in up to 10 annual installments, to be paid in the same manner and with the same interest rates provided for assessments against benefited property under State law.

*(Code of Iowa, Sec. 364.13)*

8. Failure to Abate. Any person causing or maintaining a nuisance who shall fail or refuse to abate or remove the same within the reasonable time required and specified in the notice to abate is in violation of this Code of Ordinances.

**50.07 MUNICIPAL INFRACTION ABATEMENT PROCEDURE.** In lieu of the abatement procedures set forth in Section 50.06, the requirements of this chapter may be enforced under the procedures applicable to municipal infractions as set forth in Chapter 4 of this Code of Ordinances.

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# CHAPTER 51

# JUNK, HOBBY VEHICLES AND JUNK VEHICLES


51.01 Definitions
51.02 Junk, Hobby Vehicles and Junk Vehicles Prohibited
51.03 Junk, Hobby Vehicles and Junk a Nuisance
51.04 Exceptions
51.05 Right of Entry
51.06 Disposal of Totally Inoperable Vehicles
51.07 Notice to Abate
51.08 Municipal Infraction Abatement Procedure


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

1. "Hobby vehicle" means an unlicensed motor vehicle, including but not limited to dragsters, stock cars, Indy-type racers, midget racers, all-terrain vehicles, dune buggies, go-carts or competition pulling garden or farm tractors. For the purpose of this chapter, golf carts, boat trailers, common utility trailers, camping trailers or snowmobile trailers are not considered hobby vehicles.

2. "Inoperable vehicle" means any motor vehicle that lacks an engine or two or more wheels or any other structural parts, which renders the motor vehicle incapable of movement under its own power. An inoperable vehicle is a junk vehicle for purposes of this chapter.

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

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

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

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

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

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

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

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

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

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

**51.02 JUNK, HOBBY VEHICLES 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, hobby vehicle or junk vehicle; however, hobby vehicles shall be permitted on private property within the corporate limits of the City between April 1 and September 30.

**51.03 JUNK, HOBBY VEHICLE AND JUNK A NUISANCE.** It is hereby declared that any junk, hobby vehicle or junk vehicle located upon private property, unless excepted by Section 51.02 or 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* and Chapter 50 of this Code of Ordinances. If any junk, hobby vehicle or junk vehicle is kept upon private property in violation hereof, the owner of or person occupying the property upon which it is located shall be prima facie liable for said violation.

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

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

1. Structure. Any junk, hobby vehicle or junk vehicle located or stored within a garage or other enclosed structure.

2. Business Enterprise.

A. A vehicle on the premises of a business enterprise operated in a district properly zoned therefor, when necessary to the operation of said business enterprise, as authorized under the zoning ordinance of the City, for a maximum of 14 days.

B. Iron, steel and scrap iron on the premises of a business enterprise operated in a district properly zoned therefor, when necessary to and used in the operation of said business enterprise.

**51.05 RIGHT OF ENTRY.** The Grundy Center Police Chief, his/her authorized representative, and/or the person, firm or corporation designated to abate nuisances pursuant to this chapter and this Code of Ordinances, are hereby authorized to access any property upon which junk, a hobby vehicle or a junk vehicle is located for the purpose of carrying out any and all actions required by this chapter, at the City's direction.

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

applicant a Certificate of Authority. The applicant shall then apply to the County Treasurer for a junking certificate and shall surrender the Certificate of Authority in lieu of the Certificate of Title.

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

**51.08 MUNICIPAL INFRACTION ABATEMENT PROCEDURE.** In lieu of the abatement procedures set forth in Chapter 50 of this Code of Ordinances, the requirements of this chapter may be enforced under the procedures applicable to municipal infractions as set forth in Chapter 4 of this Code of Ordinances.

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

***(Chapter 51 – Ord. 593 – Aug. 26 Supp.)***

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# CHAPTER 52

# LAWN MAINTENANCE


**52.01 Purpose**
**52.02 Mowing Required**
**52.03 Abatement**
**52.04 Costs**


**52.01 PURPOSE.** The purpose of this chapter is to require property owners and occupants to maintain lawns at a neat and uniform height within the boundaries of their property and on abutting street right-of-way in order to prevent unsightly, offensive, or nuisance conditions.

**52.02 MOWING REQUIRED.** Every owner of any property within the City, whether such property is occupied or unoccupied, shall cut, mow, and maintain all grass, weeds, brush, vines, and other vegetation upon the property and adjacent to the curb line or outer boundary of any street or alley to a height not to exceed six inches; except for:

1. Any cultivated, agricultural, and garden commodities; and

2. Horticultural garden varieties, provided the same are regularly maintained and otherwise free from the type of offensive vegetation which would constitute a nuisance.

**52.03 ABATEMENT.** In addition to the remedies available to the City under the *Code of Iowa* or under any other provisions of this Code of Ordinances, including (but not limited to) Section 1.14, Standard Penalty, Chapter 4, Municipal Infractions, and Chapter 50, Nuisance Abatement, under the *Code of Iowa* the City may, upon discovery of any violation of this chapter, perform the mowing required and assess the costs against the property for collection in the same manner as a property tax. This chapter shall constitute notice as contemplated by Section 364.12(3) of the *Code of Iowa*.

**52.04 COSTS.** For a first offense under this chapter, the cost assessed shall be $50.00 plus the cost of labor and equipment; for a second offense the cost shall be $100.00 plus labor and equipment. If payment is not made within 30 days, the City shall assess the costs as described in Section 52.03.

[The next page is 265]

# CHAPTER 55

# ANIMAL PROTECTION AND CONTROL


**55.01 Definitions**
**55.02 Vicious Dogs**
**55.03 Illegal and Dangerous Animals**
**55.04 Animal Neglect**
**55.05 Livestock Neglect**
**55.06 Abandonment of Cats and Dogs**
**55.07 Livestock**
**55.08 At Large Prohibited**
**55.09 Damage or Interference**
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**55.11 Removal of Animal Waste**
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**55.16 At Large: Impoundment**
**55.17 Disposition of Impounded Dogs**
**55.18 Contract With Incorporated Society**
**55.19 Fees**
**55.20 Notice and Redemption**
**55.21 Release Fee; Impoundment Costs**
**55.22 Pet Awards Prohibited**
**55.23 Tampering with a Rabies Vaccination Tag**
**55.24 Tampering with an Electronic Handling Device**


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

1. "Advertise" means to present a commercial message in any medium, including (but not limited to) print, radio, television, sign, display, label, tag, or articulation.

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

2. "Animal" means a nonhuman vertebrate.

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

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

*(Code of Iowa, Sec. 162.2)*

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

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

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

A. The sale or offer for sale of goods or services.

B. A recruitment for employment or membership in an organization.

C. A solicitation to make an investment.

D. An amusement or entertainment activity.

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

*(Code of Iowa, Sec. 717.B1)*

7. "Dangerous animal" means any animal, including a dog, except for an illegal animal per se, as listed in this section, that has bitten or clawed a person or persons while running at large and the attack was unprovoked, or any animal that has exhibited vicious propensities in present or past conduct, including such that said animal: (i) has

bitten or clawed a person or persons on two separate occasions within a 12-month period; or (ii) did bite or claw once causing injuries above the shoulders of a person; or (iii) could not be controlled or restrained by the owner at the time of the attack to prevent the occurrence; or (iv) has attacked any domestic animal or fowl on two separate occasions within a 12-month period.

8. "Dog" means and includes both male and female animals of the canine species.

9. "Fair" means any of the following:

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

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

B. An exhibition of agricultural or manufactured products.

C. An event for operation of amusement rides or devices or concession booths.

10. "Game" means a "game of chance" or "game of skill" as defined in Section 99B.1 of the *Code of Iowa*.

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

11. "Illegal animal" means: (i) any animal which is not naturally tame or gentle, and which is of a wild nature or disposition, and which is capable of killing, inflicting serious injury upon or causing disease among human beings or domestic animals and having known tendencies as a species to do so; (ii) any animal declared to be illegal by the Council or Police Chief; (iii) any non-domesticated member of the order *Carnivora* which as an adult exceeds the weight of 20 pounds; and (iv) the following animals[†], which are deemed to be illegal animals per se:

A. Badgers, wolverines, weasels, skunk and mink;

B. Raccoons;

C. Bats;

D. Scorpions;

E. Opossums.

12. "Injury" means an animal's disfigurement; the impairment of an animal's health; or an impairment to the functioning of an animal's limb or organ, or the loss of an animal's limb or organ.

*(Code of Iowa, Sec. 717.B1)*

13. "Law enforcement officer" means any member of the City's Police Department or any other peace officer with jurisdiction within the City.

14. "Livestock" means an animal belonging to the bovine, caprine, equine, ovine or porcine species, ostriches, rheas, and emus; farm deer (as defined in Section 170.1 of the *Code of Iowa*); or poultry.

*(Code of Iowa, Sec. 717.1)*

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

15. "Owner" means any person owning, keeping, sheltering, or harboring an animal.

16. "Pet" means a living dog, cat, or an animal normally maintained in a small tank or cage in or near a residence, including but not limited to a rabbit, gerbil, hamster, mouse, parrot, canary, mynah, finch, tropical fish, goldfish, snake, turtle, gecko, or iguana.

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

17. "Pound" means a facility for the prevention of cruelty to animals operated by the State, a municipal corporation, or other political subdivision of the State for the purpose of impounding or harboring seized stray, homeless, abandoned, or unwanted dogs, cats, or other animals; or a facility operated for such a purpose under a contract with any municipal corporation or incorporated society.

*(Code of Iowa, Sec. 162.2)*

18. "Research facility" means any school or college of medicine, veterinary medicine, pharmacy, dentistry, or osteopathic medicine, or hospital, diagnostic or research laboratories, or other educational or scientific establishment situated in the State concerned with the investigation of, or instruction concerning the structure or function of living organisms, the cause, prevention, control, or cure of diseases or abnormal conditions of human beings or animals.

*(Code of Iowa, Sec. 162.2)*

19. "Veterinarian" means a veterinarian licensed pursuant to Chapter 169 of the *Code of Iowa* who practices veterinary medicine in the State.

*(Code of Iowa, Sec. 717.B1)*

20. "Vicious dog" means:

A. Any dog that has attacked a human being or domestic animal one or more times without provocation;

B. Any dog with a history, tendency or disposition to attack, to cause injury to, or to otherwise endanger the safety of human beings or domestic animals;

C. Any dog that snaps, bites, or manifests a disposition to snap or bite;

D. Any dog that has been trained for dog fighting, animal fighting, or animal baiting or is owned or kept for such purposes;

E. Any dog trained to attack human beings, upon command or spontaneously in response to human activities, except dogs owned by and under the control of a law enforcement officer or a law enforcement agency of the State or United States or a branch of the armed forces of the United States;

F. Any dog that has the appearance and characteristics of being predominately of the breeds of Staffordshire Terrier, American Pit Bull Terrier or American Staffordshire Terrier.

**55.02 VICIOUS DOGS.**

1. Annual License. The owners of all vicious dogs four months old or over, except dogs kept in State or federally licensed kennels and not allowed to run at large, shall annually obtain a license as provided as follows:

A. The owner of a vicious dog for which a license is required shall, on or before January 1 of each year, apply for a license for each dog owned. Said application shall be made at the office of the Clerk.

B. An application for license may be made after January 1 and at any time for a dog which has come into the possession or ownership of the applicant or which has reached the age of three months after said date.

C. The application shall be in writing on blanks provided by the Clerk and shall state the breed, sex, age, color, markings, and name, if any, of the vicious dog, name and address of the owner, and shall be signed by the owner.

D. Such application shall also state the date of the most recent rabies vaccination, the type of vaccine administered, and the date the dog shall be re-vaccinated.

E. Any application to license a vicious dog must also include the following:

(1) Presentation by the applicant of a certificate of insurance issued by an insurance company licensed to do business in the State, providing personal liability insurance coverage as in a homeowner's policy, with a minimum liability amount of $100,000.00 for the injury or death of any person, for damage to property of others and for acts of negligence by the owner, or said owner's agent, in the keeping or owning of such vicious dog. Said certificate shall require notice to the City, in conformity with general City standards for certificates of insurance, in the event the underlying policy of insurance is cancelled for any reason.

(2) The cancellation or other termination of any insurance policy, presented to comply with this section, shall automatically revoke and terminate the licenses issued under this section, unless another certificate, complying with this section is provided, showing insurance in effect at the time of such cancellation or termination.

F. The annual fee shall be set by the Council and shall accompany the application.

2. Confinement of Vicious Dogs. All vicious dogs shall be securely confined within an occupied house or residence or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided below.

A. Such pen, kennel or structure must have secure sides and a secure top attached to the sides or, in lieu of a top, walls at least six feet in height and at least six feet taller than any internal structure.

B. All pens or other structures designed, constructed, or used to confine vicious dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom, floor or foundation attached to the side of the pen or the side of the pen must be

embedded in the ground no less than two feet so as to prevent digging under the walls by the confined dog.

C. All structures erected to house vicious dogs must comply with all zoning and building regulations of the City. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition. No vicious dogs may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition.

D. No person shall permit a vicious dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than six feet in length. No person shall permit a vicious dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless both dog and leash are under the actual physical control of a person 18 years of age or older.

E. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, or other objects or structures.

Violation of this subsection is a municipal infraction.

3. At Large Vicious Dogs. A vicious dog which is found not to be confined as required by this section more than twice in any calendar year shall be required to be permanently removed from the City or destroyed. An animal which is returned to the City after removal under this subsection shall be destroyed.

4. Unlicensed Vicious Dogs. All unlicensed vicious dogs shall be deemed illegal animals. The person harboring or keeping an unlicensed vicious dog may have the animal removed from the City; however, if the animal is again found unlicensed in the City or if the person holding or keeping the animal chooses not to remove it from the City, then the dog shall be destroyed. This section does not apply to a dog whose owner, upon initial notice to said owner, agrees to properly license and confine the dog, or to a dog for which a hearing has been requested under this section to determine if it is vicious, until there has been a final decision on the question raised at the hearing, at which time, if the dog is found vicious, the owner may properly license and confine said dog.

5. Seizure, Impoundment and Disposition of Vicious Dogs.

A. At the discretion of the Police Chief, or upon receipt of a complaint alleging that a particular dog is a vicious dog as defined herein, the Police Chief may initiate proceedings to declare such dog a vicious dog. If the owner contests said designation, a hearing on the matter shall be conducted by the Police Chief. The person owning, keeping, sheltering or harboring the dog in question shall be given not less than 72 hours' written notice of the time and place of said hearing. Said notice shall set forth the description of the dog in question and the basis for the allegation of viciousness. The notice shall also set forth that if the animal is determined to be vicious, the owner may be required to license and confine the dog as required by this section. The notice shall be served upon any adult residing at the premises where the animal is located, or may be posted on that premises if no adult is present to accept service.

B. After said hearing, if the Police Chief determines a dog is a vicious dog, or a vicious dog held in violation of this chapter as set out in the notice of hearing, the Police Chief shall order the person owning, sheltering, harboring

or keeping the animal to license and confine the dog as required by this section, or to remove it from the City. The order shall immediately be served upon the person against whom issued, in the same manner as the notice of hearing. If the order is not complied with within three days of its issuance, the Police Chief is authorized to seize and impound the dog. A dog so seized shall be impounded for a period of seven days. If at the end of the impoundment period, the person against whom the order of the Police Chief was issued has not appealed such order to the Council, or has not complied with the order, the Police Chief shall cause the dog to be destroyed in a humane manner. The cost of destroying the dog shall be paid by the City, but the owner of the dog shall reimburse the City for this cost.

C. The order to license, confine or remove a vicious dog from the City issued by the Police Chief may be appealed to the Council. In order to appeal such order, written notice of appeal must be filed with the Clerk within three days after receipt of the order. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order of the Police Chief.

D. 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 on such appeal shall be scheduled within 20 days after 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 Police Chief. Such determination shall be contained in a written decision and shall be filed with the Clerk within three days after the hearing, or any continued session thereof. The hearing shall be confined to the record made before the Police Chief and the arguments of the parties or their representatives, but no additional evidence shall be taken.

E. If the Council affirms the action of the Police Chief, the Council shall order in its written decision that the person owning, sheltering, harboring or keeping such vicious dog, shall license and confine the dog as required by this section or remove such animal from the City. The decision and order shall immediately be served upon the person against whom rendered in the same manner as the notice set out in paragraph A of this subsection. If the original order of the Police Chief is not appealed and is not complied with within three days or the order of the Council after appeal is not complied with within three days of its issuance, the Police Chief is authorized to seize and impound such vicious dog. If at the end of the impoundment period, the person against whom the decision and order of the Police Chief or the Council was issued has not petitioned the District Court for a review of said order, or has not complied with the order, the Police Chief shall cause the dog to be destroyed in a humane manner. The cost of destroying the dog shall be paid by the City, but the owner of the dog shall reimburse the City for this cost.

F. Failure to comply with an order of the Police Chief issued pursuant hereto and not appealed, or of the Council after appeal, is a municipal infraction.

G. Any dog which is alleged to be vicious and which is under impoundment or quarantine at an animal shelter shall not be released to the owner, but shall continue to be held at the expense of the owner pending the outcome of the hearing. All costs of such impoundment or quarantine shall be paid by the owner if the dog is determined to be vicious. If the dog is not

determined to be vicious, all costs shall be paid by the City except costs attributable to initial confinement prior to notice or costs of any required quarantine which shall nonetheless be paid by the owner.

**55.03 ILLEGAL AND DANGEROUS ANIMALS.**

1. Keeping Illegal Animals Prohibited. No person shall keep, shelter or harbor any illegal animal as a pet, or act as a temporary custodian for such animal, or keep, shelter or harbor such animal for any other purpose or in any other capacity within the City except in the following circumstances:

A. The keeping of illegal animals in a public zoo, bona fide educational or medical institution, humane society, or museum where they are kept as live specimens for the public to view, or for the purpose of instruction, research or study.

B. The keeping of illegal animals for exhibition to the public in a bona fide traveling circus, carnival, exhibit, or show.

C. The keeping of illegal animals in a bona fide, licensed veterinary hospital for treatment.

D. The keeping of illegal animals by a wildlife rescue organization with appropriate permit from the State Department of Natural Resources.

E. Any illegal animals under the jurisdiction of and in the possession of the Iowa Department of Natural Resources, pursuant to Chapters 481A and 481B of the *Code of Iowa*.

2. Seizure, Impoundment and Disposition of Illegal Animals.

A. In the event that an illegal 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 Police Chief or other law enforcement officer, be destroyed if it cannot be confined or captured. The City shall be under no duty to attempt the confinement or capture of an illegal animal found at large, nor shall it have a duty to notify the owner of such animal prior to its destruction.

B. Upon the complaint of any individual that a person is keeping, sheltering or harboring an illegal animal per se – one of the illegal animals specifically named in Section 55.01(11) of this chapter – on premises in the City, the Police Chief 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 any such illegal animal in the City, the Police Chief shall immediately seize the animal. The animal so seized shall be impounded for a period of seven days. If at the end of the impoundment period, the person keeping, sheltering or harboring such illegal animal has not petitioned the Grundy County District Court seeking return of such illegal animal, the Police Chief shall cause the animal to be disposed of by sale, permanently place such animal with an organization or group allowed under Subsection 1 of this section to possess illegal animals, or destroy such animal in a humane manner.

C. Upon the complaint of any individual that a person is keeping, sheltering or harboring, on premises in the City, an illegal animal other than one of the animals listed in Section 55.01(11) of this chapter, the Police Chief 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 such illegal animal in the City, the Police Chief shall order the person named in the complaint to safely remove such animal from the City, permanently place the animal with an organization or group allowed under Subsection 1 of this section to possess illegal animals, or destroy the animal, within three days of the receipt of such order. Such order shall be contained in a notice to remove the illegal animal, which notice shall be given in writing to the person keeping, sheltering or harboring the illegal animal, and shall be served personally or by certified mail. Such order and notice to remove the illegal animal shall not be required where such illegal animal has previously caused serious physical harm or death to any person, in which case the Police Chief shall cause the animal to be immediately seized and impounded or destroyed if seizure and impoundment are not possible without risk of serious physical harm or death to any person.

D. The order to remove such illegal animal issued by the Police Chief may be appealed to the Council. In order to appeal such order, written notice of appeal must be filed with the Clerk within three days after receipt of the order contained in the notice to remove the illegal animal. Failure to file such written notice of appeal shall constitute a waiver of the right to appeal the order of the Police Chief.

E. 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 days of the receipt of the notice of appeal. The hearing may be continued for good cause. The hearing shall be confined to the record made before the Police Chief and the arguments of the parties or their representatives, but no additional evidence shall be taken. After such hearing, the Council may affirm or reverse the order of the Police Chief. Such determination shall be contained in a written decision and shall be filed with the Clerk within three days after the hearing or any continued session thereof.

F. If the Council affirms the action of the Police Chief, the Council shall order in its written decision that the person owning, sheltering, harboring or keeping such illegal animal remove such animal from the City, permanently place such animal with an organization or group allowed under Subsection 1 of this section to possess illegal animals, 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 Police Chief is not appealed and is not complied with within three days or the order of the Council after appeal is not complied with within three days of its issuance, the Police Chief is authorized to seize and impound such illegal animal. An animal so seized shall be impounded for a period of seven days. If at the end of the impoundment period, the person against whom the decision and order of the Police Chief or Council was issued has not petitioned the District Court for a review of said order, the Police Chief shall cause the animal to be disposed of by sale, permanently place such animal with an organization or group allowed

under Subsection 1 of this section to possess illegal animals or destroy such animal in a humane manner. The cost of destroying the animal shall be paid by the City, but the owner of the dog shall reimburse the City for this cost. Failure to comply with an order of the Police Chief issued pursuant hereto and not appealed, or of the Council after appeal, constitutes a municipal infraction.

3. Keeping of Dangerous Animals Prohibited. No person shall keep, shelter or harbor for any reason within the City a dangerous animal as defined in this chapter, except for animals kept under the control of a law enforcement or military agency.

4. Seizure, Impoundment and Disposition of Dangerous Animals.

A. In the discretion of the Police Chief or upon receipt of a complaint alleging that a particular animal is a dangerous animal, as defined herein, the Police Chief may initiate proceedings to declare such animal a dangerous animal. A hearing on the matter shall be conducted by the Police Chief. The person owning, keeping, sheltering or harboring the animal in question shall be given not less than 72-hours' written notice of the time and place of said hearing. Said notice shall set forth the description of the animal in question and the basis for the allegation of dangerousness. The notice shall also set forth that if the animal is determined to be dangerous, the owner will be required to remove it from the City or allow it to be destroyed. The notice shall be served upon any adult residing at the premises where the animal is located, or may be posted on such premises if no adult is present to accept service. A notice that a dog is a dangerous animal may include as an alternative an allegation that the dog is a vicious dog under Section 55.01(20) and the hearings shall proceed together under this section.

B. After the hearing, if the Police Chief determines that an animal is dangerous, the Police Chief shall order the person owning, sheltering or harboring or keeping the animal to remove it from the City, or to cause it to be destroyed in a humane manner. The order shall immediately be served upon the person against whom issued in the same manner as the notice of hearing. If the order is not complied with within three days of its issuance, the Police Chief is authorized to seize and impound the animal. An animal so seized shall be impounded for a period of seven days. If at the end of the impoundment period, the person against whom the order of the Police Chief was issued has not appealed such order to the Council, the Police Chief shall cause the animal to be destroyed. The cost of destroying the animal shall be paid by the City, but the owner of the animal shall reimburse the City for this cost.

C. The order to remove or destroy a dangerous animal issued by the Police Chief may be appealed to the Council. In order to appeal such order, written notice of appeal must be filed with the Clerk within three days of receipt of the order to remove or destroy the dangerous animal. Failure to file such written notice of appeal shall constitute a waiver of the right to appeal the order of the Police Chief.

D. 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 days of the receipt of notice of appeal. The hearing may be continued for good cause. The hearing shall be confined to the record made before the Police Chief and the arguments of the parties or their representatives, but no additional evidence shall be taken. After the

hearing, the Council may affirm or reverse the order of the Police Chief. Such determination shall be contained in a written decision and shall be filed with the Clerk within three days after the hearing or any continued session thereof.

E. If the Council affirms the action of the Police Chief, the Council shall order in its written decision that the person owning, sheltering, harboring or keeping such dangerous animal shall remove such animal from the City or cause it to be destroyed in a humane manner. The decision and order shall immediately be served upon the person against whom rendered in the same manner as the order to remove or destroy. If the original order of the Police Chief is not appealed and is not complied with within three days, or the order of the Council after appeal is not complied with within three days of its issuance, the Police Chief is authorized to seize and impound such dangerous animal. An animal so seized shall be impounded for a period of seven days. If at the end of the impoundment period, the person against whom the decision and order of the Police Chief or the Council was issued has not petitioned the Grundy County District Court for a review of the order, the Police Chief shall cause the animal to be destroyed in a humane manner. The cost of destroying the animal shall be paid by the City, but the owner of the animal shall reimburse the City for this cost.

F. Failure to comply with an order of the Police Chief issued pursuant hereto and not appealed, or of the Council after appeal, shall constitute a municipal infraction.

G. Any animal which is alleged to be dangerous and which is under impoundment or quarantine at an animal shelter shall not be released to the owner, but shall continue to be held at the expense of the owner pending the outcome of the hearing. All costs of such impoundment or quarantine shall be paid by the owner if the animal is determined to be dangerous. If the animal is not determined to be dangerous, such impoundment or quarantine costs shall be paid by the City.

5. Immediate Seizure or Destruction of Animals. Any animal found at large which displays dangerous tendencies or is an illegal animal may be processed as a dangerous animal under Subsection 4 of this section, and said animal may be immediately seized anywhere within the City, unless the animal is so dangerous that it cannot safely be apprehended, in which case the Police Chief is authorized to destroy it immediately. Any dog which has been previously declared vicious or which is believed to be vicious and is not properly confined may be treated as a dangerous animal, and be immediately seized anywhere within the city.

6. Permanent Removal From City. Any animal required by any provision of this chapter to be removed, voluntarily or otherwise, from the City shall be so removed by its owner or the person harboring or having control of such animal, and said owner or person shall provide the Police Chief a notarized statement designating the place to which the animal has been removed. An animal not removed as required, or an animal which has been removed and which is again found illegally within the City, shall be destroyed.

**55.04 ANIMAL NEGLECT.**

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

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

A. Access to food in an amount and quality reasonably sufficient to satisfy the animal's basic nutrition level to the extent that the animal's health or life is endangered.

B. Access to a supply of potable water in an amount reasonably sufficient to satisfy the animal's basic hydration level to the extent that the animal's health or life is endangered. Access to snow or ice does not satisfy this requirement.

C. Sanitary conditions free from excessive animal waste or the overcrowding of animals to the extent that the animal's health or life is endangered.

D. Ventilated shelter reasonably sufficient to provide adequate protection from the elements and weather conditions suitable for the age, species, and physical condition of the animal so as to maintain the animal in a state of good health to the extent that the animal's health or life is endangered. The shelter must protect the animal from wind, rain, snow, or sun and have adequate bedding to provide reasonable protection against cold and dampness. A shelter may include a residence, garage, barn, shed, or doghouse.

E. Grooming, to the extent it is reasonably necessary to prevent adverse health effects or suffering.

F. Veterinary care deemed necessary by a reasonably prudent person to relieve an animal's distress from any of the following:

(1) A condition caused by failing to provide for the animal's welfare as described in this section.

(2) An injury or illness suffered by the animal causing the animal to suffer prolonged pain and suffering.

2. This section does not apply to any of the following:

A. A person operating a commercial establishment under a valid authorization issued or renewed under Section 162.2A of the *Code of Iowa*, or a person acting under the direction or supervision of that person, if all of the following apply:

(1) The animal, as described in Subsection 1, was maintained as part of the commercial establishment's operation.

(2) In providing conditions for the welfare of the animal, as described in Subsection 1, the person complied with the standard of care requirements provided in Section 162.10A[1] of the *Code of Iowa*, including any applicable rules adopted by the Department of Agriculture and Land Stewardship applying to: (i) a State licensee or registrant operating pursuant to Section 162.10A[2a] or [2b] of the *Code of Iowa*; or (ii) a permittee operating pursuant to Section 162.10A[2c] of the *Code of Iowa*.

B. A research facility if the research facility has been issued or renewed a valid authorization by the Department of Agriculture and Land Stewardship

pursuant to Chapter 162 of the *Code of Iowa*, and performs functions within the scope of accepted practices and disciplines associated with the research facility.

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

*(Code of Iowa, Sec. 717.2)*

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

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

1. The delivery of a cat or dog to another person who will accept ownership and custody of the cat or dog.

2. The delivery of a cat or dog to an animal shelter or that has been issued or renewed a valid authorization by the Department of Agriculture and Land Stewardship under Chapter 162 of the *Code of Iowa*.

3. A person who relinquishes custody of a cat at a location in which the person does not hold a legal or equitable interest, if previously the person had taken custody of the cat at the same location and provided for the cat's sterilization by a veterinarian.

**55.07 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.

**55.08 AT LARGE PROHIBITED.** It is unlawful for any owner to allow a dog to run at large within the corporate limits of the City.

**55.09 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.

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

**55.11 REMOVAL OF ANIMAL WASTE.** It is unlawful for any person to allow animal waste to remain upon the property of another, upon property owned by the City, the State, or any other governmental entity. It is unlawful for any person to appear with an animal upon the public right-of-way, within places or upon the property of another without that person's consent, without some means of removal of excrement that may be deposited by the animal. Any violation of this section shall be a misdemeanor punishable by a fine of $30.00.

**55.12 RABIES VACCINATION.** Every owner of a cat or dog shall obtain a rabies vaccination for such animal. It is unlawful for any person to own or have a cat or dog in said person's possession, three months of age or over, which has not been vaccinated against rabies. A tag showing evidence of proper vaccination shall be worn by every dog or cat when not

confined. Dogs kept in State or Federally licensed kennels and not allowed to run at large are not subject to these vaccination requirements.

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

*(Code of Iowa, Sec. 351.38)*

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

*(Code of Iowa, Sec. 351.39)*

**55.15 CONFINEMENT OF FEMALE CATS AND DOGS.** Every female dog or cat in heat shall be kept confined to the owner's property or in a veterinary hospital or boarding kennel so that such female dog or cat cannot come in contact with other animals, except for intentional breeding purposes.

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

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

**55.18 CONTRACT WITH INCORPORATED SOCIETY.** In lieu of the establishment and maintenance of a dog pound and the employment of a humane officer, the Council may contract with an incorporated society or association for the prevention of cruelty to animals for the maintenance of shelter or pound for unlicensed or untagged dogs and for lost, strayed or homeless dogs, for the destruction or disposition of seized dogs not redeemed as provided by law or this code and for the disposition of dead animals. Such contract shall set forth the manner in which the work shall be done and in which payments are to be made to the society and may also direct the disposition of all dogs seized as provided by law. Such contracts may provide that all proceeds of all fines collected under this chapter may be turned over to the society in payment for its services and such other payments may be made to such society by the City as may be necessary to defray the actual cost incurred by the society in connection with its work under such contract.

**55.19 FEES.** The Council shall approve a schedule of fees to be charged under such contract referred to in the previous section for the impounding, keeping or destruction of dogs, and such incorporated society shall perform such services as are provided by the contract with the City.

**55.20 NOTICE AND REDEMPTION.** Other than provided in Section 55.02 and 55.03 hereof, owners of dogs or other domestic animals shall be notified within two days that upon payment of impounding fees set forth in the schedule referred to in Section 55.19, the dog or other domestic animal will be returned. If the impounded dog or other domestic animal is not recovered by its owner within seven days after notice, the dog or other domestic animal shall be disposed of in a humane manner as directed by the Council.

**55.21 RELEASE FEE; IMPOUNDMENT COSTS.** The City release fee is $20.00 and impounding costs are as established by the impounding facility. The City shall issue a receipt upon payment of the release fee, which must be presented at the impounding facility at the time the dog is recovered.

**55.22 PET AWARDS PROHIBITED.**

*(Code of Iowa, Ch. 717E)*

1. Prohibition. It is unlawful for any person to award a pet or advertise that a pet may be awarded as any of the following:

   A. A prize for participating in a game.

   B. A prize for participating in a fair.

   C. An inducement or condition for visiting a place of business or attending an event sponsored by a business.

   D. An inducement or condition for executing a contract that includes provisions unrelated to the ownership, care, or disposition of the pet.

2. Exceptions. This section does not apply to any of the following:

   A. A pet shop licensed pursuant to Section 162.5 of the *Code of Iowa* if the award of a pet is provided in connection with the sale of a pet on the premises of the pet shop.

   B. Youth programs associated with 4-H Clubs; Future Farmers of America; the Izaak Walton League of America; or organizations associated with outdoor recreation, hunting, or fishing, including but not limited to the Iowa Sportsmen's Federation.

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

*(Code of Iowa, Sec. 351.45)*

1. A person commits the offense of tampering with a rabies vaccination tag if all of the following apply:

   A. The person knowingly removes, damages, or destroys a rabies vaccination tag as described in Section 351.35 of the *Code of Iowa*.

   B. The rabies vaccination tag is attached to a collar worn by a dog, including as provided in Sections 351.25 and 351.26 of the *Code of Iowa*.

2. This section shall not apply to an act taken by any of the following:

A. The owner of the dog, an agent of the owner, or a person authorized to take action by the owner.

B. A peace officer.

C. A veterinarian.

D. An animal shelter or pound.

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

*(Code of Iowa, Sec. 351.46)*

1. A person commits the offense of tampering with an electronic handling device if all of the following apply:

A. The person knowingly removes, disables, or destroys an electronic device designed and used to maintain custody or control of the dog or modify the dog's behavior.

B. The electronic device is attached to or worn by the dog or attached to an item worn by the dog, including (but not limited to) a collar, harness, or vest.

2. This section shall not apply to an act taken by any of the following:

A. The owner of the dog, an agent of the owner, or a person authorized to take action by the owner.

B. A peace officer.

C. A veterinarian.

D. An animal shelter or pound.

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# CHAPTER 60

# ADMINISTRATION OF TRAFFIC CODE


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


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

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

*(Code of Iowa, Sec. 321.1)*

1. "Business District" means the territory contiguous to and including a highway when 50 percent or more of the frontage thereon for a distance of 300 feet or more is occupied by buildings in use for business.

1. "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.

2. "Peace officer" means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

3. "Residence district" means the territory contiguous to and including a highway not comprising a business, suburban, or school district, where 40 percent or more of the frontage on such a highway for a distance of 300 feet or more is occupied by dwellings or by dwellings and buildings in use for business.

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

5. "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.

6. "Stop" means when required, the complete cessation of movement.

7. "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.

8. "Suburban district" means all other parts of the City not included in the business, school, or residence districts.

9. "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.

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

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

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

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

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

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

*(Code of Iowa, Sec. 321.273)*

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

*(Code of Iowa, Sec. 321.492)*

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

*(Code of Iowa, Sec. 321.229)*

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

1. Definition. "Parade" means any march or procession of persons or vehicles organized for marching or moving on the streets in an organized fashion or manner or any march or procession of persons or vehicles represented or advertised to the public as a parade.

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

3. Parade Not a Street Obstruction. Any parade for which a permit has been issued as herein required, and the persons lawfully participating therein, shall not be deemed an obstruction of the streets notwithstanding the provisions of any other ordinance to the contrary.

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

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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] and 321.255)*

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

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

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

*(Code of Iowa, Sec. 321.255)*

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

*(Code of Iowa, Sec. 321.256)*

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# CHAPTER 62

# GENERAL TRAFFIC REGULATIONS


**62.01 Violation of Regulations**
**62.02 Play Streets Designated**
**62.03 Vehicles on Sidewalks**
**62.04 Clinging to Vehicle**
**62.05 Quiet Zones**
**62.06 Obstructing View at Intersections**
**62.07 Excessive Acceleration**
**62.08 Squealing Tires**
**62.09 Semi-Tractors: Prohibited Noise**


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

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

22. Section 321.216B – Use of driver's license or nonoperator's identification card by underage person to obtain alcohol.

23. Section 321.216C – Use of driver's license or nonoperator's identification card by underage person to obtain tobacco, tobacco products alternative nicotine products, vapor products, or cigarettes.

24. Section 321.218 – Operating without valid driver's license or when disqualified; penalties.

25. Section 321.219 – Permitting unauthorized minor to drive.

26. Section 321.220 – Permitting unauthorized person to drive.

27. Section 321.221 – Employing unlicensed chauffeur.

28. Section 321.222 – Renting motor vehicle to another.

29. Section 321.223 – Driver's license inspection for motor vehicle rental.

30. Section 321.224 – Record kept.

31. Section 321.232 – Speed detection jamming devices; penalty.

32. Section 321.234A – All-terrain vehicles, highway use.

33. Section 321.235A – Electric personal assistive mobility devices.

34. Section 321.235B – Low-speed electric bicycles.

35. Section 321.247 – Golf cart operation on City streets.

36. Section 321.257 – Official traffic control signal.

37. Section 321.259 – Unauthorized signs, signals or markings.

38. Section 321.260 – Interference with devices, signs, or signals; unlawful possession; traffic signal preemption devices.

39. Section 321.262 – Leaving scene of traffic accident prohibited; vehicle damage only; removal of vehicles.

40. Section 321.263 – Information and aid; leaving scene of personal injury accident.

41. Section 321.264 – Striking unattended vehicle.

42. Section 321.265 – Striking fixtures upon a highway.

43. Section 321.266 – Reporting accidents.

44. Section 321.275 – Operation of motorcycles and motorized bicycles.

45. Section 321.276 – Use of electronic communication device while driving; text-messaging.

46. Section 321.277 – Reckless driving.

47. Section 321.277A – Careless driving.

48. Section 321.278 – Drag racing prohibited.

49. Section 321.281 – Actions against bicyclists.

50. Section 321.284 – Open container in motor vehicles, drivers.

51. Section 321.284A – Open container in motor vehicles, passengers.
52. Section 321.288 – Control of vehicle; reduced speed.
53. Section 321.295 – Limitation on bridge or elevated structures.
54. Section 321.297 – Driving on right-hand side of roadways; exceptions.
55. Section 321.298 – Meeting and turning to right.
56. Section 321.299 – Overtaking a vehicle.
57. Section 321.302 – Overtaking and passing.
58. Section 321.303 – Limitations on overtaking on the left.
59. Section 321.304 – Prohibited passing.
60. Section 321.306 – Roadways laned for traffic.
61. Section 321.307 – Following too closely.
62. Section 321.309 – Towing.
63. Section 321.310 – Towing four-wheel trailers.
64. Section 321.312 – Turning on curve or crest of grade.
65. Section 321.313 – Starting parked vehicle.
66. Section 321.314 – When signal required.
67. Section 321.315 – Signal continuous.
68. Section 321.316 – Stopping.
69. Section 321.317 – Signals by hand and arm or signal device.
70. Section 321.318 – Method of giving hand and arm signals.
71. Section 321.319 – Entering intersections from different highways.
72. Section 321.320 – Left turns; yielding.
73. Section 321.321 – Entering through highways.
74. Section 321.322 – Vehicles entering stop or yield intersection.
75. Section 321.323 – Moving vehicle backward on highway.
76. Section 321.323A – Approaching certain stationary vehicles.
77. Section 321.324 – Operation on approach of emergency vehicles.
78. Section 321.324A – Funeral processions.
79. Section 321.329 – Duty of driver; pedestrians crossing or working on highways.
80. Section 321.330 – Use of crosswalks.
81. Section 321.332 – White canes restricted to blind persons.
82. Section 321.333 – Duty of drivers.
83. Section 321.340 – Driving through safety zone.
84. Section 321.341 – Obedience to signal indicating approach of railroad train or railroad track equipment.

85. Section 321.342 – Stop at certain railroad crossings; posting warning.

86. Section 321.343 – Certain vehicles must stop.

87. Section 321.344 – Heavy equipment at crossing.

88. Section 321.344B – Immediate safety threat; penalty.

89. Section 321.354 – Stopping on traveled way.

90. Section 321.359 – Moving other vehicle.

91. Section 321.362 – Unattended motor vehicle.

92. Section 321.363 – Obstruction to driver's view.

93. Section 321.364 – Preventing contamination of food by hazardous material.

94. Section 321.365 – Coasting prohibited.

95. Section 321.366 – Acts prohibited on fully-controlled access facilities.

96. Section 321.367 – Following fire apparatus.

97. Section 321.368 – Crossing fire hose.

98. Section 321.369 – Putting debris on highway.

99. Section 321.370 – Removing injurious material.

100. Section 321.371 – Clearing up wrecks.

101. Section 321.372 – Discharging pupils, stopping requirements; penalties.

102. Section 321.381 – Movement of unsafe or improperly equipped vehicles.

103. Section 321.381A – Operation of low-speed vehicles.

104. Section 321.382 – Upgrade pulls; minimum speed.

105. Section 321.383 – Exceptions; slow vehicles identified.

106. Section 321.384 – When lighted lamps required.

107. Section 321.385 – Head lamps on motor vehicles.

108. Section 321.386 – Section 321.386 – Head lamps on motorcycles, motorized bicycles, and all-terrain vehicles.

109. Section 321.387 – Rear lamps.

110. Section 321.388 – Illuminating plates.

111. Section 321.389 – Reflector requirement.

112. Section 321.390 – Reflector requirements.

113. Section 321.392 – Clearance and identification lights.

114. Section 321.393 – Color and mounting.

115. Section 321.394 – Lamp or flag on projecting load.

116. Section 321.395 – Lamps on parked vehicles.

117. Section 321.398 – Lamps on other vehicles and equipment.

118. Section 321.402 – Spot lamps.

119. Section 321.403 – Auxiliary driving lamps.

120. Section 321.404 – Signal lamps and signal devices.

121. Section 321.404A – Light-restricting devices prohibited.

122. Section 321.405 – Self-illumination.

123. Section 321.408 – Back-up lamps.

124. Section 321.409 – Mandatory lighting equipment.

125. Section 321.415 – Required usage of lighting devices.

126. Section 321.417 – Single-beam road-lighting equipment.

127. Section 321.418 – Alternate road-lighting equipment.

128. Section 321.419 – Number of driving lamps required or permitted.

129. Section 321.420 – Number of lamps lighted.

130. Section 321.421 – Special restrictions on lamps.

131. Section 321.422 – Red light in front, rear lights.

132. Section 321.423 – Flashing lights.

133. Section 321.430 – Brake, hitch, and control requirements.

134. Section 321.431 – Performance ability.

135. Section 321.432 – Horns and warning devices.

136. Section 321.433 – Section 321.433 – Sirens, whistles, air horns and bells prohibited.

137. Section 321.434 – Bicycle sirens or whistles.

138. Section 321.436 – Mufflers, prevention of noise.

139. Section 321.437 – Mirrors.

140. Section 321.438 – Windshields and windows.

141. Section 321.439 – Windshield wipers.

142. Section 321.440 – Restrictions as to tire equipment.

143. Section 321.441 – Metal tires prohibited.

144. Section 321.442 – Projections on wheels.

145. Section 321.444 – Safety glass.

146. Section 321.445 – Safety belts and safety harnesses; use required.

147. Section 321.446 – Child restraint devices.

148. Section 321.449 – Motor carrier safety rules.

149. Section 321.449A – Rail crew transport drivers.

150. Section 321.449B – Texting or using a mobile telephone while operating a commercial motor vehicle.

151. Section 321.450 – Hazardous materials transportation regulations.

152. Section 321.454 – Width of vehicles.
153. Section 321.455 – Projecting loads on passenger vehicles.
154. Section 321.456 – Height of vehicles.
155. Section 321.457 – Maximum length.
156. Section 321.458 – Loading beyond front.
157. Section 321.460 – Spilling loads on highways.
158. Section 321.461 – Trailers and towed vehicles.
159. Section 321.462 – Drawbars and safety chains.
160. Section 321.463 – Maximum gross weight; exceptions, penalties.
161. Section 321.465 – Weighing vehicles and removal of excess.
162. Section 321.466 – Increased loading capacity; reregistration.

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

*(Code of Iowa, Sec. 321.255)*

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

**62.04 CLINGING TO VEHICLE.** No person shall drive a motor vehicle on the streets of the City unless all passengers of said vehicle are inside the vehicle in the place intended for their accommodation. No person riding upon any bicycle, coaster, roller skates, in-line skates, sled, or toy vehicle shall attach the same or himself or herself to any vehicle upon a roadway.

**62.05 QUIET ZONES.** Whenever authorized signs are erected indicating a quiet zone, no person operating a motor vehicle within any such zone shall sound the horn or other warning device of such vehicle except in an emergency.

**62.06 OBSTRUCTING VIEW AT INTERSECTIONS.** It is unlawful to allow any tree, hedge, billboard, or other object to obstruct the view of an intersection by preventing persons from having a clear view of traffic approaching the intersection from cross streets. Any such obstruction is deemed a nuisance and in addition to the standard penalty may be abated in the manner provided by Chapter 50 of this Code of Ordinances.

**62.07 EXCESSIVE ACCELERATION.** It is unlawful for any person in the operation of a motor vehicle, including motorcycles, to so accelerate such vehicle as to cause audible noise by the friction of the tires on the pavement or to cause the tires of the vehicle to leave marks on the pavement or to throw sand and gravel, or to cause the wheel of a motorcycle to leave the ground more than two inches, except when such acceleration is reasonably necessary to avoid a collision.

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

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

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# CHAPTER 63

# SPEED REGULATIONS


63.01 General
63.02 State Code Speed Limits
63.03 Parks, Cemeteries, and Parking Lots
63.04 Special Speed Zones
63.05 Minimum Speed
63.06 Controlled Access Facilities


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

*(Code of Iowa, Sec. 321.285)*

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

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

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

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

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

*(Code of Iowa, Sec. 321.290)*

1. Special 15 MPH Speed Zones. A speed in excess of 15 miles per hour is unlawful on any of the following designated streets or parts thereof.

   A. On those parts of Twelfth Street, E Avenue and Fourteenth Street which comprise the horseshoe curve surrounding Liberty Park;

   B. Around Belpre Park, as follows:

      (1) On Fourth Street from J Avenue to K Avenue;

      (2) On Third Street from J Avenue to K Avenue;

(3) On K Avenue from Third Street to Fourth Street;

(4) On J Avenue from Third Street to Fourth Street.

1. 2. Special 25 MPH Speed Zones. A speed in excess of 25 miles per hour is unlawful on any of the following designated streets or parts thereof.

A. On G Avenue from 4th Street to 9th Street.

1. 3. Special 35 MPH Speed Zones. A speed in excess of 35 miles per hour is unlawful on any of the following designated streets or parts thereof.

A. On Nickel Avenue from E J Avenue intersection to a point 600 feet south.

B. On M Avenue (Casey's Blacktop) from Highway 175 (G Avenue) south to a point 210 feet from Sage Avenue and traveling north a "Speed Reduce Ahead" sign will be placed 750 feet prior to the speed reduction.

**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)*

**63.06 CONTROLLED ACCESS FACILITIES.** Speed limits on controlled access facilities are as specified in Chapter 140 of this Code of Ordinances.

# CHAPTER 64

# TURNING REGULATIONS


64.01 Turning at Intersections
64.02 U-Turns
64.03 Left Turn for Parking
64.04 Left Turn Prohibited


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

*(Code of Iowa, Sec. 321.311)*

1. Both the approach for a right turn and a right turn shall be made as close as practical to the right-hand curb or edge of the roadway.

2. Approach for a left turn shall be made in that portion of the right half of the roadway nearest the centerline thereof and after entering the intersection the left turn shall be made so as to depart from the intersection to the right of the centerline of the roadway being entered.

3. Approach for a left turn from a two-way street into a one-way street shall be made in that portion of the right half of the roadway nearest the centerline thereof and by passing to the right of such centerline where it enters the intersection. A left turn from a one-way street into a two-way street shall be made by passing to the right of the centerline of the street being entered upon leaving the intersection.

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

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

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

1. On G Avenue, when signs are in place.

**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.

**64.04 LEFT TURN PROHIBITED.** No left turn allowed when exiting the parking lot at 1001 8th Street and 8th Street. ***(Ord. 564 – Dec. 22 Supp.)***

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# CHAPTER 65

# STOP OR YIELD REQUIRED


**65.01 Special Stops Required**
**65.02 Four-Way Stop Intersections**
**65.03 Special Yield Required**
**65.04 School Stops**
**65.05 Stop Before Crossing Sidewalk**
**65.06 Stop When Traffic Is Obstructed**
**65.07 Yield to Pedestrians in Crosswalks**
**65.08 Official Traffic Controls**


**65.01 SPECIAL STOPS REQUIRED.** Every driver of a vehicle shall stop in accordance with the stop signs erected on the following designated corners:

*(Code of Iowa, Sec. 321.345 & 321.322)*

1. County Road T-45 at Hwy. 175 East, Southeast Corner;
2. I Avenue East at County Road T-45, Southwest Corner;
3. H Avenue East at County Road T-45, Southwest Corner;
4. County Road T-45 at J Avenue, Southwest Corner;
5. East 1st Street at Hwy. 175, Northeast Corner;
6. East 1st Street at Hwy. 175, Southeast Corner;
7. 1st Street at G Avenue, Southeast Corner;
8. 1st Street at G Avenue, Northwest Corner;
9. 1st Street at H Avenue, Southwest Corner;
10. 1st Street at I Avenue, Southwest Corner;
11. 2nd Street at G Avenue, Northwest Corner;
12. 2nd Street at G Avenue, Southeast Corner;
13. 2nd Street at I Avenue, Northwest and Southeast Corners;
14. 3rd Street at G Avenue, Northwest Corner;
15. 3rd Street at G Avenue, Southeast Corner;
16. 3rd Street at H Avenue, Southwest Corner;
17. 3rd Street at H Avenue, Southeast Corner;
18. Frost Street at G Avenue, Southeast Corner;
19. Mill Street at Hwy. 14, Southwest Corner;
20. 4th Street at A Avenue, Southwest Corner;
21. 4th Street at B Avenue, Southwest Corner;
22. 4th Street at B Avenue, Northeast Corner;
23. 4th Street at C Avenue, Southwest Corner;
24. 4th Street at C Avenue, Northeast Corner;
25. 4th Street at D Avenue, Southwest Corner;

26. 4th Street at E Avenue, Northeast Corner;
27. 4th Street at G Avenue, Northwest Corner;
28. 4th Street at G Avenue, Southeast Corner;
29. 4th Street at H Avenue, Northeast Corner;
30. 4th Street at H Avenue, Southwest Corner;
31. 4th Street at I Avenue, Northeast Corner;
32. 4th Street at I Avenue, Southwest Corner;
33. 4th Street at K Avenue, Northeast Corner;
34. 4th Street at K Avenue, Southwest Corner;
35. 4th Street at M Avenue, Southwest Corner;
36. 4th Street at M Avenue, Northeast Corner;
37. 4th Street at Butler Avenue, Southwest Corner;
38. 4th Street at Hyde Avenue, Southwest Corner;
39. 5th Street at B Avenue, Northeast Corner;
40. 5th Street at B Avenue, Southwest Corner;
41. 5th Street at C Avenue, Northeast Corner;
42. 5th Street at C Avenue, Southwest Corner;
43. 5th Street at D Avenue, Northeast Corner;
44. 5th Street at D Avenue, Southwest Corner;
45. 5th Street at E Avenue, Southwest Corner;
46. 5th Street at F Avenue, Southwest Corner;
47. 5th Street at G Avenue, Northwest Corner;
48. 5th Street at G Avenue, Southeast Corner;
49. 5th Street at I Avenue, Northwest and Southeast Corners;
50. 6th Street at A Avenue, Northeast Corner;
51. 6th Street at A Avenue, Southeast Corner;
52. 6th Street at A Avenue, Southwest Corner;
53. 6th Street at B Avenue, Northeast Corner;
54. 6th Street at B Avenue, Southwest Corner;
55. 6th Street at C Avenue, Northeast Corner;
56. 6th Street at C Avenue, Southwest Corner;
57. 6th Street at D Avenue, Northeast Corner;
58. 6th Street at D Avenue, Southwest Corner;
59. 6th Street at E Avenue, Northeast Corner;
60. 6th Street at E Avenue, Southwest Corner;

61. 6th Street at F Avenue, Northeast Corner;
62. 6th Street at F Avenue, Southwest Corner;
63. 6th Street at H Avenue, Northeast Corner;
64. 6th Street at H Avenue, Southwest Corner;
65. 6th Street at I Avenue, Northwest Corner;
66. 6th Street at I Avenue, Southeast Corner;
67. 6th Street at J Avenue, Northwest Corner;
68. 6th Street at J Avenue, Southwest Corner;
69. 6th Street at K Avenue, Northwest Corner;
70. 6th Street at K Avenue, Southeast Corner;
71. 6th Street at M Avenue, Northeast Corner;
72. 6th Street at M Avenue, Southwest Corner;
73. 6th Street at Butler Avenue, Northeast Corner;
74. 7th Street at A Avenue, Southeast Corner;
75. 7th Street at B Avenue, Northeast Corner;
76. 7th Street at B Avenue, Southwest Corner
77. 7th Street at Sheridan Road, Southwest Corner;
78. 7th Street at C Avenue, Northeast Corner;
79. 7th Street at C Avenue, Southwest Corner;
80. 7th Street at D Avenue, Northeast Corner;
81. 7th Street at D Avenue, Southwest Corner;
82. 7th Street at E Avenue, Northeast Corner;
83. 7th Street at E Avenue, Southwest Corner;
84. 7th Street at F Avenue, Northeast Corner;
85. 7th Street at F Avenue, Southwest Corner;
86. 7th Street at H Avenue, Northeast Corner;
87. 7th Street at H Avenue, Southwest Corner;
88. 7th Street at I Avenue, Northwest Corner;
89. 7th Street at I Avenue, Southeast Corner;
90. 7th Street at K Avenue, Southwest Corner;
91. 7th Street at K Avenue, Northeast Corner;
92. 8th Street at G Avenue, Northwest Corner;
93. 8th Street at G Avenue, Southeast Corner;
94. 8th Street at H Avenue, Northeast Corner;
95. 8th Street at H Avenue, Southwest Corner;

96. 8th Street at J Avenue, Northeast Corner;
97. 8th Street at J Avenue, Southwest Corner;
98. 8th Street at K Avenue, Northeast Corner;
99. 8th Street at K Avenue, Southwest Corner;
100. 8th Street at L Avenue, Southwest Corner;
101. 8th Street at M Avenue, Northeast Corner;
102. 8th Street at M Avenue, Southeast Corner;
103. 9th Street at E Avenue, Northeast Corner;
104. 9th Street at E Avenue, Southwest Corner;
105. 9th Street at G Avenue, Northwest Corner;
106. 9th Street at G Avenue, Southeast Corner;
107. 9th Street at I Avenue, Northeast Corner;
108. 9th Street at I Avenue, Northwest Corner;
109. 9th Street at I Avenue, Southwest Corner;
110. 9th Street at M Avenue, Northwest Corner;
111. 9th Street at M Avenue, Southeast Corner;
112. 10th Street at G Avenue, Northwest Corner;
113. 10th Street at G Avenue, Southeast Corner;
114. 10th Street at H Avenue, Northeast Corner;
115. 10th Street at H Avenue, Southwest Corner;
116. 10th Street at K Avenue, Northwest Corner;
117. 10th Street at L Avenue, Northeast Corner;
118. 10th Street at L Avenue, Southwest Corner;
119. 10th Street at M Avenue, Northwest Corner;
120. 10th Street at M Avenue, Southeast Corner;
121. 11th Street at G Avenue, Northwest Corner;
122. 11th Street at G Avenue, Southeast Corner;
123. 11th Street at M Avenue, Northeast Corner;
124. 12th Street at H Avenue, Northeast Corner;
125. 12th Street at E Avenue, Southeast Corner;
126. 12th Street at E Avenue, north side of E Avenue;
127. 12th Street at F Avenue, Northeast Corner;
128. 12th Street at F Avenue, Southeast Corner;
129. 12th Street at G Avenue, Northwest Corner;
130. 12th Street at G Avenue, Southeast Corner;

131. 12th Street at H Avenue, Southwest Corner;

132. 12th Street at M Avenue, Southeast Corner;

133. 13th Street at G Avenue, Southeast Corner;

134. 13th Street at H Avenue, Northeast Corner;

135. 13th Street at H Avenue, Southwest Corner;

136. 14th Street at G Avenue, Northwest Corner;

137. 14th Street at G Avenue, Southeast Corner;

138. 15th Street at G Avenue, Southeast Corner;

139. 15th Street at H Avenue, Northeast Corner;

140. Commerce Drive at State Highway 175, Southwest Corner;

141. Commerce Drive at State Highway 175, Northeast Corner;

142. D Avenue at 2nd Street, Northeast and Southwest Corners;

143. A roll-out stop sign shall be used in the center of the intersection of G Avenue at 12th Street to control traffic on G Avenue at such times as the pedestrian traffic entering said intersection warrants. The Police Chief shall determine when said use is warranted;

144. Ray Road at G Avenue, Northwest Corner;

145. W Avenue at County Road T-37, Northeast Corner;

146. Highway 14 North (4th Street) at North Park Avenue, Northeast Corner;

147. Sage Avenue at County Road T-37, Northeast Corner;

148. Sage Avenue at Willow Drive, Southwest Corner;

149. Laurel Avenue at Indigo Street, Southwest Corner;

150. 1st Street at M Avenue, Southwest Corner;

151. M Avenue at 12th Street, Northeast Corner;

152. Creekside Lane and Nickel Avenue, Northwest Corner;

153. 13th Street at L Avenue, Northwest Corner.

154. L Avenue & Indigo, Northwest Corner.

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

*(Code of Iowa, Sec. 321.345)*

1. Intersection of 4th Street and J Avenue.
2. Intersection of 8th Street and I Avenue.
3. Intersection of 10th Street and I Avenue.
4. Intersection of 11th Street and I Avenue.
5. Intersection of 12th Street and I Avenue.
6. 8th Street and J Avenue. ***(Ord. 564 – Dec. 22 Supp.)***

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

*(Code of Iowa, Sec. 321.345)*

1. 5th Street at K Avenue, Southeast Corner;
2. 8th Street at F Avenue, Northeast Corner;
3. 8th Street at F Avenue, Southwest Corner;
4. 10th Street at K Avenue, Northeast Corner;
5. 10th Street at K Avenue, Southwest Corner;
6. E Avenue at 2nd Street, Northeast and Southwest Corners;
7. L Avenue at 12th Street, Northeast and Southwest Corners.

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

*(Code of Iowa, Sec. 321.249)*

1. M Avenue at 10th Street. These stop signs will be in force from the start of each school year through its completion.

**65.05 STOP BEFORE CROSSING SIDEWALK.** The driver of a vehicle emerging from a private roadway, alley, driveway, or building shall stop such vehicle immediately prior to driving onto the sidewalk area and thereafter shall proceed into the sidewalk area only when able to do so without danger to pedestrian traffic and shall yield the right-of-way to any vehicular traffic on the street into which the vehicle is entering.

*(Code of Iowa, Sec. 321.353)*

**65.06 STOP WHEN TRAFFIC IS OBSTRUCTED.** Notwithstanding any traffic control signal indication to proceed, no driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle.

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

*(Code of Iowa, Sec. 321.327)*

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

*(Code of Iowa, Sec. 321.256)*

1. Intersection of G Avenue and 7th Street;
2. Intersection of G Avenue and 6th Street.

# 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

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

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

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

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

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

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

1. C Avenue from Fourth Street to Second Street;
2. D Avenue from Fourth Street to East First Street;
3. E Avenue from Fourth Street to First Street;
4. Second Street from C Avenue to G Avenue;
5. First Street from E Avenue to Highway 175;
6. East First Street from D Avenue to Highway 175.

Commercial vehicles making deliveries or furnishing services by the most direct route to any premises abutting on the above streets (if the premises has no other means of access), school buses and City and service vehicles are excepted from the above prohibition.

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# CHAPTER 67

# PEDESTRIANS


**67.01 Walking in Street**
**67.02 Hitchhiking**
**67.03 Pedestrian Crossing**
**67.04 Use of Sidewalks**
**67.05 School Crosswalks Designated**


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

*(Code of Iowa, Sec. 321.326)*

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

*(Code of Iowa, Sec. 321.331)*

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

*(Code of Iowa, Sec. 321.328)*

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

**67.05 SCHOOL CROSSWALKS DESIGNATED.** The Mayor is hereby authorized to place a school crosswalk at the locations stated below:

1. At the intersection of 10th Street and G Avenue. Said crosswalk shall run north and south across G Avenue on the west side of the intersection and parallel to 10th Street.

2. At the intersection of 12th Street and G Avenue. Said crosswalk shall run north and south across G Avenue on the west side of the intersection and parallel to 12th Street.

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# CHAPTER 68

# ONE-WAY TRAFFIC

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

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

1. J Avenue is eastbound from 9th Street to 8th Street;
2. 9th Street is southbound from I Avenue to J Avenue.

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# CHAPTER 69

# PARKING REGULATIONS


69.01 Park Adjacent to Curb
69.02 Parking on One-Way Streets
69.03 Angle Parking
69.04 Manner of Angle Parking
69.05 Parking for Certain Purposes Illegal
69.06 Parking Prohibited
69.07 Persons with Disabilities Parking
69.08 No Parking Zones
69.09 Limited Parking
69.10 Truck, Bus, and Semi Parking Limited
69.11 Loading Vehicles
69.12 Snow Removal
69.13 Controlled Access Facilities


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

*(Code of Iowa, Sec. 321.361)*

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

*(Code of Iowa, Sec. 321.361)*

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

*(Code of Iowa, Sec. 321.361)*

1. 7th Street, on the west side, between G Avenue and H Avenue;
2. H Avenue, on the north side, between 7th Street and 8th Street.

**69.04 MANNER OF ANGLE PARKING.** Upon those streets or portions of streets that have been signed or marked for angle parking, no person shall park or stand a vehicle other than at an angle to the curb or edge of the roadway or in the center of the roadway as indicated by such signs and markings. No part of any vehicle or the load thereon, when said vehicle is parked within a diagonal parking district, shall extend into the roadway more than a distance of 16 feet when measured at right angles to the adjacent curb or edge of roadway.

*(Code of Iowa, Sec. 321.361)*

**69.05 PARKING FOR CERTAIN PURPOSES ILLEGAL.** No person shall park a vehicle upon public property for more than 24 hours, unless otherwise limited under the provisions of this chapter, or for any of the following principal purposes:

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

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

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

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

1. Crosswalk. On a crosswalk.
*(Code of Iowa, Sec. 321.358[5])*

2. Center Parkway. On the center parkway or dividing area of any divided street.
*(Code of Iowa, Sec. 321.236[1])*

3. Mailboxes. Within 20 feet on either side of a mailbox that is so placed and so equipped as to permit the depositing of mail from vehicles on the roadway.
*(Code of Iowa, Sec. 321.236[1])*

4. Sidewalks. On or across a sidewalk.
*(Code of Iowa, Sec. 321.358[1])*

5. Driveway. In front of a public or private driveway.
*(Code of Iowa, Sec. 321.358[2])*

6. Intersection. Within an intersection or within 10 feet of an intersection of any street or alley.
*(Code of Iowa, Sec. 321.358[3])*

7. Fire Hydrant. Within five feet of a fire hydrant.
*(Code of Iowa, Sec. 321.358[4])*

8. Stop Sign or Signal. Within 10 feet upon the approach to any flashing beacon, stop or yield sign, or traffic control signal located at the side of a roadway.
*(Code of Iowa, Sec. 321.358[6])*

9. Railroad Crossing. Within 50 feet of the nearest rail of a railroad crossing, except when parked parallel with such rail and not exhibiting a red light.
*(Code of Iowa, Sec. 321.358[8])*

10. Fire Station. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance when properly sign posted.
*(Code of Iowa, Sec. 321.358[9])*

11. Excavations. Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.
*(Code of Iowa, Sec. 321.358[10])*

12. Double Parking. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
*(Code of Iowa, Sec. 321.358[11])*

13. Hazardous Locations. When, because of restricted visibility or when standing or parked vehicles would constitute a hazard to moving traffic, or when other traffic conditions require, the Council may cause curbs to be painted with a yellow color and erect no parking or standing signs.
*(Code of Iowa, Sec. 321.358[13])*

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

*(Code of Iowa, Sec. 321.360)*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. On both sides of 4th Street from G Avenue to I Avenue;

2. On the east side of 2nd Street from G Avenue to H Avenue, and on the west side of 2nd Street from F Avenue to G Avenue;

3. On the south side of H Avenue from 4th Street to 7th Street and 8th Street to 9th Street;

4. On both sides of 6th Street from H Avenue to M Avenue;

5. On the east side of 7th Street between H Avenue and J Avenue;

6. On both sides of 8th Street from I Avenue to J Avenue;

7. On the north side of I Avenue from 8th Street to 12th Street;

8. On the east side of 9th Street between I Avenue and J Avenue;

9. On both sides of 10th Street from G Avenue to K Avenue;

10. On the north side of I Avenue from 8th Street to 12th Street;

11. On the north side of F Avenue from 7th Street to 8th Street and on the south side of F Avenue from 11th Street to 12th Street;

12. On both sides of 12th Street from G Avenue to I Avenue;

13. On the west side of 6th Street from E Avenue to A Avenue;

14. On the south 150 feet of the west side of 5th Street from F Avenue to G Avenue;

15. On the west side of 7th Street from A Avenue to B Avenue and E Avenue to F Avenue;

16. On the south side of I Avenue from 9th Street between 8:00 a.m. to 5:00 p.m.;

17. On the west side of 9th Street from H Avenue to I Avenue;

18. On both sides of I Avenue from the intersection of 4th Street, thence west 60 feet;

19. On both sides of 6th Street north of A Avenue to Mill Street;

20. On both sides of Mill Street from 4th Street to 5th Street;

21. On the north side of Mill Street from 5th Street to 6th Street;

22. On the east side of East 1st Street from G Avenue north a distance of 500 feet;

23. On the west side of 12th Street from H Avenue to I Avenue;

24. On the west side of 2nd Street from F Avenue south 50 feet;

25. On the west side of 2nd Street from G Avenue north 80 feet;

26. On the west side of 8th Street from J Avenue south 160 feet for the time period of Monday through Friday during the hours of 6:00 a.m. to 4:00 p.m.;

27. On the south side of J Avenue from 8th Street to 9th Street for the time period of Monday through Friday during the hours of 6:00 a.m. to 4:00 p.m.;

28. On the south side of A Avenue from 6th Street to 7th Street;

29. On the north side of I Avenue from 4th Street to 8th Street;

30. On the west side of 11th Street from L Avenue to M Avenue from 8:00 a.m. to 3:30 p.m.;

31. On both sides of G Avenue from 4th Street to 5th Street;

32. On the west side of 11th Street from L Avenue to M Avenue from 8:00 a.m. to 4:00 p.m. on school days only;

33. No parking on the south side of M Avenue between 10th Street and 12th Street from 8:00 a.m. to 4:00 p.m. on school days only;

34. No parking on G Avenue from 5th Street to 9th Street between 2:00 a.m. and 5:00 a.m.

35. No parking from 8th Street intersection west 50 ft north and south sides of J Avenue. ***(Ord. 564 – Dec. 22 Supp.)***

36. No parking on the north side of 235th Street along the length of the sport complex. ***(Ord. 584 – Jul. 25 Supp.)***

**69.09 LIMITED PARKING.**

1. It is unlawful to park for more than 30 minutes in the parking spaces on 7th Street for a length of 67 feet along and adjacent to the east side of Lot One, Block Eleven of the Original Plat of the City.

2. It is unlawful to park in the "Congested Area" for more than two consecutive hours between the hours of 8:00 a.m. and 6:00 p.m. on Monday through Saturday. This provision does not apply to Sundays and holidays. For the purpose of this chapter the "Congested Area" is hereby declared to be:

A. G Avenue from 5th Street to 8th Street;

B. 5th Street from F Avenue to H Avenue;

C. 6th Street from F Avenue to H Avenue;

D. 7th Street from F Avenue to H Avenue;

E. 8th Street from F Avenue to H Avenue.

3. It is unlawful to park on the east side of 6th Street at 706 6th Street (Municipal Utilities Office) in the first two parking spots south of the alley for a period of time

longer than five minutes, Monday through Friday, 8:00 a.m. to 4:00 p.m., and these spots are reserved during such hours for Municipal Utilities customers only.

1. 4. It is unlawful to park on the north side of G Avenue at 725 G. Avenue (Landmark Bistro) in the first parking spot for a period of time longer than 10 minutes, Sunday through Saturday. This spot is reserved for customers to pick up orders only.

5. It is unlawful to park for more than seven continuous days maximum in a City-owned parking lot. Violators of this subsection will be subject to the vehicle being towed away at the owner's expense.

6. It is unlawful to park in the "Pickup/Drop Off Zone" Monday - Friday 6am-4pm from the angle parking at the elementary school on south side of 9th Street 300 feet east on J Avenue to be used primarily for preschool/daycare parents.

***(Subsection 6 – Ord. 564 – Dec. 22 Supp.)***

**69.10 TRUCK, BUS, AND SEMI PARKING LIMITED.**

1. No truck or bus exceeding one and one-half tons capacity shall be parked or stored on any residential street for longer than 24 hours.

2. Mill Street is designated for semitrailer and truck tractor parking only. There shall be a 96-hour time limit on all semitrailers and/or truck tractors parked on this street. Violations of this section shall be subject to a fine of $50.00 for a first violation and $100.00 for subsequent violations. Semitrailers and truck tractors are as defined in Section 321.1 of the *Code of Iowa*. Violators of this section will be issued a civil citation as outlined in Chapter 4 of this Code of Ordinances.

**69.11 LOADING VEHICLES.** No vehicle shall remain backed up to the curb except for the purpose of actually loading or unloading and in such case, no longer than the actual loading or unloading requires, not to exceed five minutes at any one time. No truck or commercial vehicle shall load or unload while stopped on G Avenue for a period of more than 30 minutes.

**69.12 SNOW REMOVAL.** When snowfall on the residential streets of the City has accumulated to a level of two inches or more, it is unlawful for any person to park, abandon or leave unoccupied or unattended any vehicle on a residential street until such residential street has been completely plowed from curb to curb. This section also applies to all designated parking lots in the City. A violation of this section is punishable by the following civil penalties:

1. First offense - $25.00

2. Second repeat offense - $50.00

3. Each additional repeat offense - $75.00

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

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

# CHAPTER 70

# TRAFFIC CODE ENFORCEMENT PROCEDURES


70.01 Arrest or Citation
70.02 Scheduled Violations
70.03 Parking Violations: Alternate
70.04 Parking Violations: Vehicle Unattended
70.05 Presumption in Reference to Illegal Parking
70.06 Impounding Vehicles


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

1. Immediate Arrest. Immediately arrest such person and take such person before a local magistrate; or

2. Issue Citation. Without arresting the person, prepare in quintuplicate a combined traffic citation and complaint as adopted by the Iowa Commissioner of Public Safety, or issue a uniform citation and complaint utilizing a State-approved computerized device.

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

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

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

**70.03 PARKING VIOLATIONS: ALTERNATE.** Uncontested violations of parking restrictions imposed by this Code of Ordinances shall be charged upon a simple notice of a fine payable at the office of the City Clerk. The fine for each violation charged under a simple notice of a fine shall be in the amount of $10.00 for all violations except improper use of a persons with disabilities parking permit. If such fine is not paid within 30 days, it shall be increased by $5.00. The fine for improper use of a persons with disabilities parking permit is $100.00.

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

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

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

1. Described Vehicle. The particular vehicle described in the information was parked in violation of the Traffic Code; and

2. Registered Owner. The defendant named in the information was the registered owner at the time in question.

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

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

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

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

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

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

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

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

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

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

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

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# CHAPTER 74

# GOLF CARTS


74.01 Purpose
74.02 Definitions
74.03 Registration Required
74.04 Operation of Golf Carts Permitted
74.05 Rules of Operation
74.06 Fines


**74.01 PURPOSE.** The purpose of this chapter is to permit the operation of golf carts on certain streets in the City as authorized by Section 321.247 of the *Code of Iowa* and to enact rules and regulations for the operation thereof. This chapter applies whenever a golf cart is operated on any street in the City.

**74.02 DEFINITIONS.** For purposes of this chapter, "golf cart" means a motorized cart designed for the purpose of carrying golfers and their equipment over a golf course.

**74.03 REGISTRATION REQUIRED.** No golf cart shall be operated upon any street within the City unless the golf cart is first registered with the City Clerk. Golf cart registrations must be renewed annually and valid for one year. At the time of registration and at the time of each subsequent renewal, the owner shall supply proof of liability insurance insuring operation of the golf cart upon City streets. The Certificate of Registration issued by the City must be carried on the golf cart being operated upon City streets. Registration shall be accomplished by completing an application issued by the City Clerk. Registration fees shall be set up by resolution of the City Council. ***(Ord. 565 – Dec. 22 Supp.)***

**74.04 OPERATION OF GOLF CARTS PERMITTED.** Golf carts registered with the City may be operated upon the streets of the City unless otherwise prohibited by the *Code of Iowa* as now exists or hereinafter amended, or by the provisions of this Code of Ordinances.

**74.05 RULES OF OPERATION.** The following rules shall apply to the operation of golf carts within the City:

1. Golf carts may be operated only by persons who possess a valid motor vehicle operator's license issued by a State licensing authority.

2. Golf carts may be operated on City streets from sunrise to sunset, regardless of whether the golf cart is equipped with lights.

3. Golf carts operated upon a City street shall be equipped with a rear-view mirror, seatbelts per number of seats on rear facing seat, slow moving vehicle sign on the back thereof as well as a bicycle safety flag, and all golf carts shall have adequate brakes. ***(Subsection 3 – Ord. 565 – Dec. 22 Supp.)***

4. Golf carts shall be driven as close as practical to the right-hand edge of any street, except when executing a left turn.

5. Golf carts shall yield right-of-way to other motor vehicles and pedestrians at all uncontrolled intersections regardless of the dictates of Section 321.319 of the *Code of Iowa*.

6. Golf carts shall not be operated in or on any park, playground, sidewalk or upon any other City-owned property without permission from City Clerk or Public Works Director. ***(Ord. 565 – Dec. 22 Supp.)***

7. Golf carts may be parked upon a City street within the City, subject to the same terms and conditions applicable to the parking of automobiles and other motor vehicles, with the exception that golf carts may not park upon any street within the City where their operation is otherwise prohibited by City ordinance or the provisions of the *Code of Iowa* as now existing or hereafter amended.

8. Golf carts shall operate in single file.

9. No person shall ride on, and no operator shall allow a person to ride on a golf cart or on any portion thereof, not designed or intended for the conveyance of passengers. Passengers riding in a rear facing seat must wear a seatbelt if younger than sixteen years old. No individuals are allowed to ride on the lap of any other passenger. ***(Subsection 9 – Ord. 565 – Dec. 22 Supp.)***

10. The owner and operator of a golf cart are liable for any injury or damage occasioned by the negligent operation of a golf cart. The owner of a golf cart shall be liable for any such injury or damage only if the owner was the operator of the golf cart at the time of injury or damage occurred or if the operator had the owner's consent to operate the golf cart at the time of injury or damage occurred.

11. Golf carts are prohibited form operating on a City street which is a primary road extension through the City (all of Highways 14 and 175). Section 321.247 of the *Code of Iowa* does allow golf carts to cross a City street which is a primary road extension.

12. Golf carts shall only operate on streets with a posted speed limit of twenty-five miles per hour (25 mph) or less. ***(Ord. 565 – Dec. 22 Supp.)***

13. Golf carts shall not be used to tow any type of trailer on a City street. ***(Subsection 13 – Ord. 565 – Dec. 22 Supp.)***

**74.06 FINES.**

1. First offense of violation a warning will be issued.

2. Second offense of violation a fine of $65.00 will be issued.

3. Third offense of violation will require a hearing with City Council to determine revocation of permit.

***(Section 74.06 – Ord. 565 – Dec. 22 Supp.)***

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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 Hours of Operation**
**75.07 Hours of Operation**
**75.08 Accident Reports**
**75.09 Use and Operation of All-Terrain Vehicles and Off-Road Utility Vehicles**
**75.10 Penalties**


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

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

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

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

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

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

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

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

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

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

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

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

3. "Snowmobile" means a motorized vehicle that weighs less than 1,000 pounds, that uses sled-type runners or skis, endless belt-type tread with a width of 48 inches or

less, or any combination of runners, skis, or tread, and is designed for travel on snow or ice. "Snowmobile" does not include an all-terrain vehicle that has been altered or equipped with runners, skis, belt-type tracks, or treads.

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

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

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

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

1. Streets. Snowmobiles shall be operated only upon streets for the purpose of ingress and egress by the most direct route from or to the operator's place of residence.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

the City. A snowmobile shall not be operated on any City land without a snow cover of at least one-tenth of one inch.

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

7. Speed Limit. It is unlawful to operate a snowmobile in excess of 25 miles per hour within the City.

8. Unattended Snowmobiles. It is unlawful for any person to leave a snowmobile unattended within the City while the motor is running.

9. Licensed Operators. No person shall permit the operation of a snowmobile by a person under age 16, and no person shall operate a snowmobile within the City unless such person possesses a valid motor vehicle operator's license, as defined by Section 321.1 of the *Code of Iowa.* Any person operating a snowmobile within the City shall comply with all terms, conditions, and restrictions of the motor vehicle operator's license when operating a snowmobile within the City.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**75.06 HOURS OF OPERATION.** No ATV or snowmobile shall be operated in the City between the hours of 11:00 p.m. and 7:00 a.m. except for emergency situations or for loading and unloading from a transport trailer.

**75.07 HOURS OF OPERATION.** No ATV or off-road utility vehicle shall be operated in the City after sundown and before sunup, except for emergency situations or for loading and unloading from a transport trailer. No snowmobile shall be operated in the City between the hours of 11 p.m. and 7 a.m., except for emergency situations or for loading and unloading from a transport trailer. ***(Ord. 568 – Jul. 23 Supp.)***

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

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

**75.09 USE AND OPERATION OF ALL-TERRAIN VEHICLES AND OFF-ROAD UTILITY VEHICLES.** The operators of ATVs and off-road Utility vehicles shall comply with the following restrictions concerning their use and operation within the City:

1. All persons under the age of sixteen (16) who are passengers of an off-road utility vehicle shall each wear a properly adjusted and fastened safety belt or safety harness at any time the vehicle is in forward motion on a street or highway.

2. No person shall be allowed to ride an ATV or off-road utility vehicle while sitting on the lap of the operator or of a passenger.

3. The operator of an ATV or off-road utility vehicle shall not be allowed to tow anything behind the ATV or off-road utility vehicle while the vehicle is operated upon the streets and highways in the City.

***(Section 75.09 – Ord. 568 – Jul. 23 Supp.)***

**75.10 PENALTIES.** The penalties for violating the provisions of this chapter shall be as follows:

1. For the first offense, a written warning.
2. For the second and each subsequent offense, a fine of sixty-five dollars ($65).

***(Section 75.10 – Ord. 568 – Jul. 23 Supp.)***

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# CHAPTER 76

# BICYCLE REGULATIONS


76.01 Scope of Regulations
76.02 Traffic Code Applies
76.03 Double Riding Restricted
76.04 Two Abreast Limit
76.05 Speed
76.06 Emerging from Alley or Driveway
76.07 Carrying Articles
76.08 Riding on Sidewalks
76.09 Towing
76.10 Improper Riding
76.11 Parking
76.12 Equipment Requirements
76.13 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 that by their nature can have no application. Whenever such person dismounts from a bicycle, the person shall be subject to all regulations applicable to pedestrians.

*(Code of Iowa, Sec. 321.234)*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*(Code of Iowa, Sec. 321.397)*

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

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

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

# CHAPTER 77

# SKATES AND SKATEBOARDS


**77.01 Prohibited Uses**
**77.02 Further Prohibited Uses**
**77.03 Restricted Use**
**77.04 Right-of-way**
**77.05 Penalty**


**77.01 PROHIBITED USES.** No person shall use, operate or permit the use or operation of any coaster, skateboard, in-line skates, or similar device on any sidewalk, alley, street, parking lot, or public place within the area of the City described as follows:

> *Commencing at the corner of E Avenue and 8th Street for place of beginning; thence east along E Avenue to the corner of E Avenue and 7th Street; thence south along 7th Street to the corner of F Avenue and 7th Street; thence east along F Avenue to the corner of F Avenue and 5th Street; thence south along 5th Street to the corner of H Avenue and 5th Street; thence west along H Avenue to the corner of H Avenue and 8th Street; thence north along 8th Street to the place of beginning.*

Additionally, no person shall use, operate or permit the use or operation of any coaster, skateboard, in-line skates, or similar device on the following streets:

> *G Avenue (HWY 175) for the entire corporate limits of the City and 4th Street, commencing at the corner of G Avenue and 4th Street; thence north along 4th Street (HWY 175) to the corporate limits of the City.*

**77.02 FURTHER PROHIBITED USES.** No person shall use, operate or permit the use or operation of any coaster, skateboard, in-line skates or similar device on any planter, flower or tree box, park or playground equipment, public stairway, access ramp built for use by the disabled or other people, tennis courts, or swimming pools within the City.

**77.03 RESTRICTED USE.** The use of coasters, skateboards, in-line skates, or similar devices in places not prohibited shall be done only in a careful and prudent manner and not in a manner so as to cause or be likely to cause danger or injury to any person or property.

**77.04 RIGHT-OF-WAY.** The user or passenger of any such coaster, skateboard, in-line skates or similar device shall give the right-of-way to any pedestrian, motor vehicle, bicycle or any other user of any street, sidewalk, or other public place, and shall not interfere with the proper use of any sidewalk, street or other public place by any other person.

**77.05 PENALTY.** Any person violating any of the provisions of this chapter is guilty of an offense and such person's coaster, skateboard, in-line skates, or similar device shall be impounded for not less than five days for the first offense, 10 days for the second offense, and 30 days for the 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 Reclamation of Abandoned Vehicles
80.05 Fees for Impoundment
80.06 Disposal of Abandoned Vehicles
80.07 Disposal of Totally Inoperable Vehicles
80.08 Proceeds from Sales
80.09 Duties of Demolisher


**80.01 DEFINITIONS.** For use in this chapter, the following terms are defined:
*(Code of Iowa, Sec. 321.89[1] & Sec. 321.90)*

1. "Abandoned vehicle" means any of the following:

   A. A vehicle that has been left unattended on public property for more than 24 hours and lacks current registration plates or two or more wheels or other parts which renders the vehicle totally inoperable.

   B. A vehicle that has remained illegally on public property for more than 24 hours.

   C. A vehicle that has been unlawfully parked or placed on private property without the consent of the owner or person in control of the property for more than 24 hours.

   D. A vehicle that has been legally impounded by order of a police authority and has not been reclaimed for a period of 10 days. However, a police authority may declare the vehicle abandoned within the 10-day period by commencing the notification process.

   E. Any vehicle parked on the highway determined by a police authority to create a hazard to other vehicle traffic.

   F. A vehicle that has been impounded pursuant to Section 321J.4B of the *Code of Iowa* by order of the court and whose owner has not paid the impoundment fees after notification by the person or agency responsible for carrying out the impoundment order.

2. "Demolisher" means a person licensed under Chapter 321H of the *Code of Iowa* whose business it is to convert a vehicle to junk, processed scrap, or scrap metal, or otherwise to wreck, or dismantle vehicles.

3. "Garage keeper" means any operator of a parking place or establishment, motor vehicle storage facility, or establishment for the servicing, repair, or maintenance of motor vehicles.

4. "Police authority" means the Iowa State Patrol or any law enforcement agency of a county or city.

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

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

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

**80.03 NOTICE BY MAIL.**

1. A police authority or private entity that takes into custody an abandoned vehicle shall send notice by certified mail that the vehicle has been taken into custody, no more than 20 days after taking custody of the vehicle. Notice shall be sent to the last known address of record of the last known registered owner of the vehicle, all lienholders of record, and any other known claimant to the vehicle.

2. Notice shall be deemed given when mailed. The notice shall include all of the following:

A. A description of the year, make, model and vehicle identification number of the vehicle.

B. The location of the facility where the vehicle is being held.

C. Information for the persons receiving the notice of their right to reclaim the vehicle and personal property contained therein within 10 days after the effective date of the notice. Persons may reclaim the vehicle or personal property upon payment of all towing, preservation, and storage charges resulting from placing the vehicle in custody and upon payment of the costs of the notice required pursuant to this section.

D. A statement that failure of the owner, lienholders, or claimants to exercise their right to reclaim the vehicle or personal property within the time provided shall be deemed a waiver by the owner, lienholders, and claimants of all right, title, claim, and interest in the vehicle or personal property.

E. A statement that failure to reclaim the vehicle or personal property is deemed consent for the police authority or private entity to sell the vehicle at a public auction or dispose of the vehicle to a demolisher and to dispose of the personal property by sale or destruction.

3. If the abandoned vehicle was taken into custody by a private entity without a police authority's initiative, the notice shall state that the private entity may claim a garage keeper's lien as described in Section 321.90, Subsection 1, of the *Code of Iowa*, and may proceed to sell or dispose of the vehicle.

4. If the abandoned vehicle was taken into custody by a police authority or by a private entity hired by a police authority, the notice shall state that any person claiming rightful possession of the vehicle or personal property who disputes the planned disposition of the vehicle or property by the police authority or private entity, or of the assessment of fees and charges provided by this section, may ask for an evidentiary hearing before the police authority to contest those matters.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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# CHAPTER 90

# WATER SERVICE SYSTEM


90.01 Definitions
90.02 Superintendent's Duties
90.03 Mandatory Connections
90.04 Abandoned Connections
90.05 Permit
90.06 Permit and Tapping Fees
90.07 Compliance with Plumbing Code
90.08 Plumber Required
90.09 Excavations
90.10 Tapping Mains
90.11 Installation of Water Service Pipe
90.12 Responsibility for Water Service Pipe
90.13 Failure to Maintain
90.14 Curb Valve
90.15 Interior Valve
90.16 Inspection and Approval
90.17 Completion by the City
90.18 Shutting Off Water Supply
90.19 Operation of Curb Valve
90.20 Fire Hydrants
90.21 Open Hydrants
90.22 Water For Construction Use
90.23 Backflow Prevention
90.24 Water Purchase Agreement


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

1. "Combined service account" means a customer service account for the provision of two or more utility services.

2. "Customer" means, in addition to any person receiving water service from the City, the owner of the property served, and as between such parties the duties, responsibilities, liabilities, and obligations hereinafter imposed shall be joint and several.

3. "Superintendent" means the Public Works Director of the City 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.

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

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

**90.06 PERMIT AND TAPPING FEES.** Before any permit is issued the person who makes the application shall pay $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 tapping fee in the amount of $50.00 paid before issuance of a permit.

*(Code of Iowa, Sec. 384.84)*

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

**90.08 PLUMBER REQUIRED.** All installations of water service pipes and connections to the water system shall be made by a State-licensed plumber.

**90.09 EXCAVATIONS.** All trench work, excavation, and backfilling required in making a connection shall be performed in accordance with the *State Plumbing Code* and the provisions of Chapter 135 of this Code of Ordinances.

**90.10 TAPPING MAINS.** All taps into water mains shall be made by or under the direct supervision of the Superintendent and in accordance with the following:

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

1. Independent Services. No more than one house, building, or premises shall be supplied from one tap unless special written permission is obtained from the Superintendent and unless provision is made so that each house, building, or premises may be shut off independently of the other.

2. Sizes and Location of Taps. All mains six inches or less in diameter shall receive no larger than a three-fourths inch tap. All mains of over six inches in diameter shall receive no larger than a one-inch tap. Where a larger connection than a one-inch tap is desired, two or more small taps or saddles shall be used, as the Superintendent shall order. All taps in the mains shall be made in the top half of the pipe, at least 18 inches apart. No main shall be tapped nearer than two feet of the joint in the main.

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

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

**90.11 INSTALLATION OF WATER SERVICE PIPE.** Water service pipes from the main to the meter setting shall be ASTM specifications B-88 Type K copper. 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. The customer will be charged an overtime rate for any repair work on a service line or water meter which must be done by the City other than during normal working hours as a result of customer negligence.

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

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

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

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

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

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

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

**90.18 SHUTTING OFF WATER SUPPLY.** The Superintendent may shut off the supply of water to any customer because of any violation of the regulations contained in these Water Service System chapters that is not being contested in good faith. The supply shall not be turned

on again until all violations have been corrected and the Superintendent has ordered the water to be turned on.

**90.19 OPERATION OF CURB VALVE.** It is unlawful for any person except the Superintendent to turn water on at the curb valve.

**90.20 FIRE HYDRANTS.** It is unlawful for any person except the Superintendent or Chief of the Fire Department to take water from any public or private hydrant, or in any way to use or take water from the waterworks system for private use unless such person first pays a fee fixed by the Council for the privilege and receives written permission from the Superintendent to do so, and a meter connect and disconnect fee of $25.00 shall be charged.

**90.21 OPEN HYDRANTS.** It is unlawful for any person authorized to open hydrants, to delegate such authority to another or to allow any person to take the hydrant wrenches from said person's possession or to allow them to be taken from any hose house of the City except for purposes strictly connected with the Fire Department or on occasions of fire, unless such person first pays a fee fixed by the Council for the privilege and receives written permission from the Superintendent to do so.

**90.22 WATER FOR CONSTRUCTION USE.** Water for building construction purposes shall be furnished by meter measurement. The City shall install the meter and no water may be used until the meter is in place and operational. All water for building or construction purposes, as set forth in the permit, must pass through one and the same meter. Property owner shall ensure that the meter is protected from freezing and shall be responsible for the replacement cost if the meter freezes.

**90.23 BACKFLOW PREVENTION.** The Superintendent shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow or back-siphonage of contaminants or pollutants through the water service connection. If, in the judgment of the Superintendent, an approved backflow device is required (at the customer's water service connection, or within the customer's private water system) for the safety of the water system, the Superintendent shall give notice in writing to said customer to install such an approved backflow prevention assembly at a specific location on the customer's premises. The customer shall immediately install such approved assembly at the customer's own expense; and failure, refusal or inability on the part of the customer to install, have tested and maintain said assembly shall constitute grounds for discontinuing water service to the premises until such requirements have been satisfactorily met.

**90.24 WATER PURCHASE AGREEMENT.** The Municipal Water Purchase Agreement dated September 13, 1995, by and between the City and Central Iowa Water Association, an Iowa nonprofit corporation, having its principal place of business in Jasper County, Iowa, is by this reference made a part hereof. The official copy of the Water Purchase Agreement is on file at City Hall.

# CHAPTER 91

# WATER METERS


91.01 Purpose
91.02 Water Use Metered
91.03 Fire Sprinkler Systems; Exception
91.04 Location of Meters
91.05 Meter Setting
91.06 Meter Costs
91.07 Meter Repairs
91.08 Right of Entry
91.09 Meter Rental Fees
91.10 Meter Testing
91.11 Meter Reading Unobtainable


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

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

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

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

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

**91.06 METER COSTS.** All 5/8" x ¾" meters shall be furnished at the expense of the City. In the event a customer requires a larger meter, the customer shall pay the difference in cost over the standard ¾" meter furnished by the City, and in all events, the City reserves the right to determine the proper size and type of meter used.

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

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

**91.09 METER RENTAL FEES.** There shall be an annual meter rental fee charged to each customer in the amount of $8.00 for residential customers and $12.00 for commercial or industrial customers.

**91.10 METER TESTING.** Upon the written request of any customer, the meter serving said customer shall be tested by the City. Such test will be made without charge to the customer if

the meter has not been tested within 12 months preceding the requested test; otherwise, a charge of $10.00 will be made and then only if the test indicates meter accuracy within the limits of two percent

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

# CHAPTER 92

# WATER RATES


92.01 Service Charges
92.02 Rate of Service
92.03 Rates Outside the City
92.04 Billing for Water Service
92.05 Lien for Nonpayment
92.06 Lien Exemption
92.07 Lien Notice
92.08 Customer Deposits
92.09 Request For Discontinuance


**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 RATE OF SERVICE.** The water service shall be furnished at the following monthly rates within the City:

*(Code of Iowa, Sec. 384.84)*

Water Rates

| Cubic Feet Used Per Month | Rate |
|---|---|
| First 167 cubic feet | $10.17 per 100 cubic feet (minimum bill of $17.00) |
| 168 to 833 cubic feet | $6.78 per 100 cubic feet |
| 833 cubic feet or over | $5.07 per 100 cubic feet |

***(Section 92.02 – Ord. 594 – Aug. 26 Supp.)***

**92.03 RATES OUTSIDE THE CITY.** Water service shall be provided to any customer located outside the corporate limits of the City which the City has agreed to serve at the same rates provided in Section 92.02. No such customer, however, will be served unless the customer shall have signed a service contract agreeing to be bound by the ordinances, rules, and regulations applying to water service established by the Council.

*(Code of Iowa, Sec. 364.4 and 384.84)*

**92.04 BILLING FOR WATER SERVICE.** Water service charges are due and payable as part of a combined service account under the same terms and conditions as payment for electric service, as established by the Utility Board of Trustees.

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

*(Code of Iowa, Sec. 384.84)*

**92.06 LIEN EXEMPTION.**

*(Code of Iowa, Sec. 384.84)*

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

2. Other Service Exemption. The lien for nonpayment shall also not apply to the charges for any of the services of sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal for a residential rental property where the charge is paid directly to the City by the tenant, if the landlord gives written notice to the City that the property is residential rental property and that the tenant is liable for the rates or charges for such service. The City may require a deposit not exceeding the usual cost of 90 days of such services to be paid to the City. When the tenant moves from the rental property, the City shall refund the deposit if all service charges are paid in full. The lien exemption does not apply to delinquent charges for repairs related to any of the services.

3. Written Notice. The landlord's written notice shall contain the name of the tenant responsible for charges, the address of the residential or commercial rental property that the tenant is to occupy, and the date that the occupancy begins. Upon receipt, the City shall acknowledge the notice and deposit. A change in tenant for a residential rental property shall require a new written notice to be given to the City within 30 business days of the change in tenant. A change in tenant for a commercial rental property shall require a new written notice to be given to the City within 10 business days of the change in tenant. A change in the ownership of the residential rental property shall require written notice of such change to be given to the City within 30 business days of the completion of the change of ownership. A change in the ownership of the commercial rental property shall require written notice of such change to be given to the City within 10 business days of the completion of the change of ownership.

4. Mobile Homes, Modular Homes, and Manufactured Homes. A lien for nonpayment of utility services described in Subsections 1 and 2 of this section shall not be placed upon a premises that is a mobile home, modular home, or manufactured home if the mobile home, modular home, or manufactured home is owned by a tenant of and located in a mobile home park or manufactured home community and the mobile home park or manufactured home community owner or manager is the account holder, unless the lease agreement specifies that the tenant is responsible for payment of a portion of the rates or charges billed to the account holder.

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

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

*(Code of Iowa, Sec. 384.84)*

**92.08 CUSTOMER DEPOSITS.** There shall be required from every new customer served a $50.00 deposit intended to guarantee the payment of bills for service. An applicant with a prior good water utility credit rating or reference may not be required to deposit any security. After any security deposit has been held by the City for 12 consecutive months without delinquency, it may be returned to the customer with five percent interest.

*(Code of Iowa, Sec. 384.84)*

**92.09 REQUEST FOR DISCONTINUANCE.** Any customer desiring to discontinue the water service for any reason must give reasonable advance notice of discontinuance in writing at the City utility office; otherwise, the customer shall remain liable for all water used and service rendered by the City until said notice is given. If the water meter is removed, a $25.00 disconnection fee shall be due the City. A customer whose service has been disconnected at the request of the customer as provided in this section may request reconnection of service at any time and a fee of $25.00 shall be paid by the customer for such reconnection if the water meter must be reinstalled.

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# CHAPTER 93

# WATER EXTENSIONS

93.01 Extension of Water Lines
93.02 Policy for Extensions

**93.01 EXTENSION OF WATER LINES.** The City may construct extensions to its water lines to points within its service area, but the City shall not be required to make such installations unless the customer agrees with the City to pay part or all of the cost of the installation, or unless the development is deemed to be for industrial or economic development purposes, which will benefit the public good.

**93.02 POLICY FOR EXTENSIONS.** If, in the opinion of the City, the capacity of the facilities will permit, extensions to the water system shall be permitted and shall be constructed.

1. Rights of the City. All decisions in connection with the manner of installation of any extensions and maintenance thereof shall remain in 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.

2. PVC main may be used if it meets all of the following requirements:

   A. Pipe must meet American Waterworks Association (AWWA) C-900 water pipe, class 250 DR 18 Specification.

   B. PVC main must conform to ASTM-D 1984, PVC compound. The PVC material also must be approved by the National Sanitation Foundation (NSF) for use in potable water.

   C. Water main shall be integral-bell pipe with the gasket seal reinforced with a steel band or other rigid material. Joint shall be in compliance with requirements ASTM-D 3139; joints for plastic pressure pipes using flexible elastomenic seals.

   D. Pipe shall be marked with nominal size and O.D. base, dimension ratio (DR-18), AWWA pressure class (15) and AWWA designation number (AWWA C-900) and with manufacturer's name or trademark and production code and seal of testing agency that verified the suitability of the pipe material for potable water.

   E. The Superintendent shall determine where direct tapping is allowed and where saddles must be used. All pipe must meet the specific approval of the Superintendent before any construction may begin.

   F. Ductile iron pipe CL 52 is also allowed for main construction.

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# CHAPTER 94

# WATER AND SEWER DISTRICTS


94.01 Districts Established
94.02 Permit – Sewer
94.03 Permit – Water
94.04 Connection Fee – Sewer
94.05 Connection Fee – Water
94.06 Use of Funds


**94.01 DISTRICTS ESTABLISHED.** In addition to the existing water and sewer system in the City, the following Water and Sewer Districts are hereby established:

1. Industrial Park Water and Sewer Extension District, generally described as the water and sewer lines extending from the southern extremity of Eighth Street to the west corporate boundary of the City;

2. First Street Water and Sewer Extension District, generally described as the water and sewer lines extending from the southern corporate boundary of First Street to K Avenue, thence west to Second Street, thence north 170 feet.

**94.02 PERMIT – SEWER.** No person shall make any connection with or opening into, use, alter or disturb the sewer situated within the aforesaid Sewer Districts without first obtaining a written permit from the City as provided in Section 96.01 of this Code of Ordinances.

**94.03 PERMIT – WATER.** No person shall make any connection with or opening into, use, alter or disturb the water line situated within the aforesaid Water and Sewer Districts without first obtaining a written permit from the City as provided in Section 90.05 of this Code of Ordinances.

**94.04 CONNECTION FEE – SEWER.** In addition to the permit fee required by Section 96.02 of this Code of Ordinances, any person making connection to the sewer lines within the Water and Sewer Districts established in this chapter shall pay a fee of $250.00 to the Clerk to cover the equitable pro rata costs of extending the sewer lines within the aforesaid Sewer Districts.

**94.05 CONNECTION FEE – WATER.** In addition to the permit fee required by Section 90.06 of this Code of Ordinances, any person making connection to the water lines within the Water and Sewer Districts established in this chapter shall pay a fee of $100.00 to the Clerk to cover the equitable pro rata costs of extending the water lines within the aforesaid Water and Sewer Districts.

**94.06 USE OF FUNDS.** All fees collected under this chapter shall be paid to the City Treasurer. The moneys collected as fees shall only be used for the purposes of operating the sewer and water utilities, or to pay debt service on obligations issued to finance improvements or extensions to the sewer and water utilities.

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# CHAPTER 95

# SANITARY SEWER SYSTEM


95.01 Purpose
95.02 Definitions
95.03 Superintendent
95.04 Prohibited Acts
95.05 Sewer Connection Required
95.06 Service Outside the City
95.07 Right of Entry
95.08 Use of Easements
95.09 Special Penalties


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

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

1. "B.O.D." (denoting Biochemical Oxygen Demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in milligrams per liter or parts per million.

2. "Building drain" means that part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (one and one-half meters) outside the inner face of the building wall.

3. "Building sewer" means that part of the horizontal piping from the building wall to its connection with the main sewer or the primary treatment portion of an on-site wastewater treatment and disposal system conveying the drainage of one building site.

4. "Combined sewer" means a sewer receiving both surface run-off and sewage.

5. "Customer" means any person responsible for the production of domestic, commercial, or industrial waste that is directly or indirectly discharged into the public sewer system.

6. "Garbage" means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage, and sale of produce.

7. "Industrial wastes" means the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

8. "Inspector" means the person duly authorized by the Council to inspect and approve the installation of building sewers and their connections to the public sewer system; and to inspect such sewage as may be discharged therefrom.

9. "Natural outlet" means any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

10. "On-site wastewater treatment and disposal system" means all equipment and devices necessary for proper conduction, collection, storage, treatment, and disposal of wastewater from four or fewer dwelling units or other facilities serving the equivalent of 15 persons (1,500 gpd) or less.

11. "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

12. "Public sewer" means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

13. "Sanitary sewage" means sewage discharging from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories, or institutions, and free from storm, surface water, and industrial waste.

14. "Sanitary sewer" means a sewer that carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

15. "Sewage" means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

16. "Sewage treatment plant" means any arrangement of devices and structures used for treating sewage.

17. "Sewage works" or "sewage system" means all facilities for collecting, pumping, treating, and disposing of sewage.

18. "Sewer" means a pipe or conduit for carrying sewage.

19. "Sewer service charges" means any and all charges, rates or fees levied against and payable by customers, as consideration for the servicing of said customers by said sewer system.

20. "Slug" means any discharge of water, sewage, or industrial waste that in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation.

21. "Storm drain" or "storm sewer" means a sewer that carries storm and surface waters and drainage but excludes sewage and industrial wastes, other than unpolluted cooling water.

22. "Superintendent" means the Public Works Director of the City or any authorized deputy, agent, or representative.

23. "Suspended solids" means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and that are removable by laboratory filtering.

24. "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.

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

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

1. Operation and Maintenance. Operate and maintain the City sewage system.

2. Inspection and Tests. Conduct necessary inspections and tests to assure compliance with the provisions of these Sanitary Sewer chapters.

3. Records. Maintain a complete and accurate record of all sewers, sewage connections, and manholes constructed showing the location and grades thereof.

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

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

*(Code of Iowa, Sec. 716.1)*

2. Surface Run-Off or Groundwater. Connect a roof downspout, sump pump, exterior foundation drain, areaway drain, or other source of surface run-off or groundwater to a building sewer or building drain that is connected directly or indirectly to a public sanitary sewer. In certain cases, the City may grant permission to the owner of the property to connect a sump pump from the owner's property into the sanitary sewer, provided that the owner agrees to pay a sump pump fee in accordance with Section 99.07.

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 30 days after date of official notice from the City to do so provided that said public sewer is located within 200 feet of the property line of such owner and is of such design as to receive and convey by gravity such sewage as may be conveyed to it. Billing for sanitary sewer service will begin the date of official notice to connect to the public sewer.

*(Code of Iowa, Sec. 364.12[3f])*
*(567 IAC 69.1[3])*

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

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

**95.07 RIGHT OF ENTRY.** The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of these Sanitary Sewer chapters. The Superintendent or representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

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

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

1. Notice of Violation. Any person found to be violating any provision of these chapters except Subsections 1, 3, and 4 of Section 95.04, shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

2. Continuing Violations. Any person who shall continue any violation beyond the time limit provided for in Subsection 1 hereof shall be in violation of this Code of Ordinances. Each day in which any such violation shall continue shall be deemed a separate offense.

3. Liability Imposed. Any person violating any of the provisions of these chapters shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation.

# CHAPTER 96

# BUILDING SEWERS AND CONNECTIONS


96.01 Permit
96.02 Permit Fee
96.03 Plumber Required
96.04 Excavations
96.05 Connection Requirements
96.06 Interceptors Required
96.07 Sewer Tap
96.08 Inspection Required
96.09 Property Owner's Responsibility
96.10 Abatement of Violations


**96.01 PERMIT.** No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City. The application for the permit shall set forth the location and description of the property to be connected with the sewer system and the purpose for which the sewer is to be used, and shall be supplemented by any plans, specifications, or other information considered pertinent. The permit shall require the owner to complete construction and connection of the building sewer to the public sewer within 60 days after the issuance of the permit, except that when a property owner makes sufficient showing that due to conditions beyond the owner's control or peculiar hardship, such time period is inequitable or unfair, an extension of time within which to comply with the provisions herein may be granted. Any sewer connection permit may be revoked at any time for a violation of these chapters.

**96.02 PERMIT FEE.** The person who makes the application shall pay a fee in the amount of $50.00 to the Clerk to cover the cost of issuing the permit and supervising, regulating, and inspecting the work.

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

**96.04 EXCAVATIONS.** All trench work, excavation, and backfilling required for the installation of a building sewer shall be performed in accordance with the provisions of the *State Plumbing Code* and the provisions of Chapter 135 of this Code of Ordinances.

**96.05 CONNECTION REQUIREMENTS.** Any connection with a public sanitary sewer must be made under the direct supervision of the Superintendent and in accordance with the following:

1. Old Building Sewers. Old building sewers may be used in connection with new buildings only when they are found, on examination and test conducted by the owner and observed by the Superintendent, to meet all requirements of this chapter.

2. Separate Building Sewers. A separate and independent building sewer shall be provided for every occupied building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. In such cases the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

3. Installation. The installation and connection of the building sewer to the public sewer shall conform to the requirements of the *State Plumbing Code* and applicable rules and regulations of the City. All such connections shall be made gastight and

watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

4. Water Lines. When possible, building sewers should be laid at least 10 feet horizontally from a water service. The horizontal separation may be less, provided the water service line is located at one side and at least 12 inches above the top of the building sewer.

5. Size. Building sewers shall be sized for the peak expected sewage flow from the building with a minimum building sewer size of four inches.

6. Alignment and Grade. All building sewers shall be laid to a straight line to meet the following:

A. Recommended grade at one-fourth inch per foot.

B. Minimum grade of one-eighth inch per foot.

C. Minimum velocity of two feet per second with the sewer half full.

D. Any deviation in alignment or grade shall be made only with the written approval of the Superintendent and shall be made only with approved fittings.

7. Depth. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. The depth of cover above the sewer shall be sufficient to afford protection from frost.

8. Sewage Lifts. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.

9. Pipe Specifications. Building sewer pipe shall be free from flaws, splits, or breaks. Materials shall be as specified in the *State Plumbing Code* except that the building sewer pipe, from the property line to the public sewer, shall comply with the current edition of one of the following:

A. Clay sewer pipe - A.S.T.M. C13-50 (Standard Strength)

B. Clay sewer pipe - A.S.T.M. C200-50T (Extra Strength)

C. Extra heavy cast iron soil pipe

D. Cast iron water pipe - A.S.A. A-21-11

E. ABS - A.S.T.M. D2680

F. PVC - Schedule 23.5

G. PVC - Schedule 40 - A.S.T.M. D-2265

H. PVC - SDR 21 - A.S.T.M. D2241

10. Bearing Walls. No building sewer shall be laid parallel to or within three feet of any bearing wall that might thereby be weakened.

11. Jointing. Fittings, type of joint and jointing material shall be compatible with the type of pipe used, subject to the approval of the Superintendent. Solvent-welded joints are not permitted.

12. Unstable Soil. No sewer connection shall be laid so that it is exposed when crossing any watercourse. Where an old watercourse must of necessity be crossed or where there is any danger of undermining or settlement, cast iron soil pipe or vitrified

clay sewer pipe thoroughly encased in concrete shall be required for such crossings. Such encasement shall extend at least six inches on all sides of the pipe. The cast iron pipe or encased clay pipe shall rest on firm, solid material at either end.

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

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

1. Design and Location. All interceptors shall be of a type and capacity as specified in the *State Plumbing Code*, to be approved by the Superintendent, and shall be located so as to be readily and easily accessible for cleaning and inspection.

2. Construction Standards. The interceptors shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers that shall be gastight and watertight.

3. Maintenance. All such interceptors shall be maintained by the owner at the owner's expense and shall be kept in continuously efficient operations at all times.

**96.07 SEWER TAP.** Connection of the building sewer into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If no properly located "Y" branch is available, a saddle "Y" shall be installed at the location specified by the Superintendent. The public sewer shall be tapped with a tapping machine and a saddle appropriate to the type of public sewer shall be glued or attached with a gasket and stainless steel clamps to the sewer. At no time shall a building sewer be constructed so as to enter a manhole unless special written permission is received from the Superintendent and in accordance with the Superintendent's direction if such connection is approved.

**96.08 INSPECTION REQUIRED.** All connections with the sanitary sewer system before being covered shall be inspected and approved, in writing, by the Superintendent. As soon as all pipe work from the public sewer to inside the building has been completed, and before any backfilling is done, the Superintendent shall be notified and the Superintendent shall inspect and test the work as to workmanship and material; no sewer pipe laid underground shall be covered or trenches filled until after the sewer has been so inspected and approved. If the Superintendent refuses to approve the work, the plumber or owner must proceed immediately to correct the work.

**96.09 PROPERTY OWNER'S RESPONSIBILITY.** All costs and expenses incident to the installation, connection, and maintenance of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

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

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

# CHAPTER 97

# USE OF PUBLIC SEWERS


97.01 Storm Water
97.02 Surface Waters Exception
97.03 Prohibited Discharges
97.04 Restricted Discharges
97.05 Restricted Discharges; Powers of Superintendent
97.06 Special Facilities
97.07 Control Manholes
97.08 Testing of Wastes


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

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

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

1. Flammable or Explosive Material. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

2. Toxic or Poisonous Materials. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides (CN) in excess of two milligrams per liter as CN in the wastes as discharged to the public sewer.

3. Corrosive Wastes. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

4. Solid or Viscous Substances. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

5. Excessive B.O.D., Solids or Flow.

   A. Any waters or wastes: (i) having a five-day biochemical oxygen demand greater than 300 parts per million by weight; or (ii) containing more

than 350 parts per million by weight of suspended solids; or (iii) having an average daily flow greater than two percent of the average sewage flow of the City, shall be subject to the review of the Superintendent.

B. Where necessary in the opinion of the Superintendent, the owner shall provide, at the owner's expense, such preliminary treatment as may be necessary to: (i) reduce the biochemical oxygen demand to 300 parts per million by weight; or (ii) reduce the suspended solids to 350 parts per million by weight; or (iii) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent, and no construction of such facilities shall be commenced until said approvals are obtained in writing.

**97.04 RESTRICTED DISCHARGES.** No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances restricted are:

1. High Temperature. Any liquid or vapor having a temperature higher than 150°F (65°C).

2. Fat, Oil, Grease. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 milligrams per liter or 600 milligrams per liter of dispersed or other soluble matter.

3. Viscous Substances. Water or wastes containing substances that may solidify or become viscous at temperatures between 32°F and 150°F (0°C to 65°C).

4. Garbage. Any garbage that has not been properly shredded, that is, to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

5. Acids. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solution, whether neutralized or not.

6. Toxic or Objectionable Wastes. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.

7. Odor or Taste. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits that may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of State, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

8. Radioactive Wastes. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or federal regulations.

9. Excess Alkalinity. Any waters or wastes having a pH in excess of 9.5.

10. Unusual Wastes. Materials that exert or cause:

A. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

B. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

C. Unusual B.O.D., chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

D. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

11. Noxious or Malodorous Gases. Any noxious or malodorous gas or other substance that, either singly or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.

12. Damaging Substances. Any waters, wastes, materials, or substances that react with water or wastes in the sewer system to release noxious gases, develop color of undesirable intensity, form suspended solids in objectionable concentration, or create any other condition deleterious to structures and treatment processes.

13. Untreatable Wastes. Waters or wastes containing substances that are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

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

1. Rejection. Reject the wastes by requiring disconnection from the public sewage system;

2. Pretreatment. Require pretreatment to an acceptable condition for discharge to the public sewers;

3. Controls Imposed. Require control over the quantities and rates of discharge; and/or

4. Special Charges. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Chapter 99.

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

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

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

# CHAPTER 98

# ON-SITE WASTEWATER SYSTEMS


98.01 When Prohibited
98.02 When Required
98.03 Compliance with Regulations
98.04 Permit Required
98.05 Discharge Restrictions
98.06 Maintenance of System
98.07 Systems Abandoned
98.08 Disposal of Septage


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

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

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

*(567 IAC 69.1[3])*

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

*(567 IAC 69.1[3 and 4])*

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

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

*(567 IAC 69.1[3])*

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

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

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

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

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# CHAPTER 99

# SEWER USE CHARGE


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


**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. "Normal domestic wastewater" means wastewater that has a $BOD_5$ concentration of not more than 290 mg/l, a suspended solids concentration of not more than 340 mg/l and an ammonia-N concentration of not more than 50 mg/l.

2. "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.

3. "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.

4. "Treatment works" means any devices and systems used for the storage, treatment, recycling and reclamation of municipal sewage, domestic sewage or liquid industrial wastes discharged to the municipal sewerage system. These include intercepting sewers, outfall sewers, sewage collection systems, pumping, power and other equipment and their appurtenances; extensions, improvement, remodeling, additions and alterations thereof; elements essential to provide a reliable system such as flow equalization and auxiliary power; 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 used for land application of sludges); or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste or industrial waste discharged to the municipal sanitary sewer system.

5. "Useful life" means the estimated period during which the wastewater treatment works will be operated.

6. "User" means each individual unit, even if it is located in a multiple unit being used for dwelling purposes, industrial purposes, commercial purposes, other purposes or a combination thereof and as may be determined by the City.

7. "User charge" means that portion of the total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the wastewater treatment works.

8. "Water meter" means a water volume measuring and recording device, furnished by the City and installed by a user and approved by the City. The installing user shall be the user responsible for the meter and responsible for payment for sanitary sewer services.

**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 shall be deposited in a separate non-lapsing fund known as the *Operation, Maintenance and Replacement Fund* and will be kept in two 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 quarterly from the operation, maintenance and replacement revenue in the amount of $40,000.00 annually.

**99.05 YEAR-END BALANCES.** Fiscal year-end balances in the Operation and Maintenance Account and the Replacement 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 the fiscal year following 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 use of the treatment works as determined by water meters acceptable to the City. All monthly user charges shall be based on actual water usage during the months of October through March, hereinafter referred to as the "base period," with the remaining six months of April through September being billed at the average monthly water usage for the most recent base period. For industrial, commercial and institutional customers, user charges may be based on water used during the current month. If a customer has a consumptive use of water, or in some other manner uses water which is not returned to the wastewater collection system, the user charge for that customer may be based on a wastewater meter or separate water meter installed and maintained at the customer's expense, and in a manner acceptable to the City.

**99.07 MINIMUM CHARGE.** The minimum charge per month per user shall be $23.42. The total minimum charge shall be paid by the user responsible for the meter. In addition, each user responsible for a meter (except as provided in Section 99.08) shall pay a user charge rate for operation and maintenance including replacement of $1.46 per 100 cubic feet of water as determined in the preceding section. For those properties where sump pump connections into the sewer system have been approved by the City pursuant to Section 95.04(2), there will be an additional monthly charge of $11.70.

***(Section 99.07 – Ord. 595 – Aug. 26 Supp.)***

**99.08 SPECIAL RATES.** For those users who contribute wastewater, the strength of which is greater than normal domestic sewage and/or the total flow exceeds 50,000 gpd (6,667 cf/day), a Treatment Agreement between the City and the customer is required. The Treatment Agreement shall stipulate the average day, peak day and peak hour flow and/or strength of the wastewater. The charge for operation and maintenance including replacement but excluding debt service when flow and/or strength exceed domestic levels shall be:

42 cents per 100 flow cost

9 cents per pound B.O.D.

8 cents per pound TSS

68 cents per pound $NH_3$

3.7 cents per pound FOG

**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 SPECIAL AGREEMENTS PERMITTED.** No statement in these chapters shall be construed as preventing a special agreement, arrangement or contract between the Council, and any industrial concern whereby an industrial waste of unusual strength or character may be accepted subject to special conditions, rate and cost as established by the Council.

**99.11 APPLICATION.** The user charge rates established in this chapter apply to all users of the City's treatment works, regardless of their location. Users located outside the corporate limits of the City which discharge normal domestic wastewater shall be charged a minimum charge equal to two times the minimum charge in Section 99.07, plus a unit volume charge equal to two times the unit volume charge in Section 99.07, for operation, maintenance and debt retirement.

**99.12 PAYMENT OF BILLS.** All sewer user charges are due and payable as part of a combined service account under the same terms and conditions as payment for electric service. The provisions contained in Section 92.07 relating to lien notices shall also apply in the event of a delinquent sewer user charge.

**99.13 LIEN FOR NONPAYMENT.** Except as provided for in Section 92.06 of this Code of Ordinances, the owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for sewer service charges to the premises. Sewer service charges remaining

unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

*(Code of Iowa, Sec. 384.84)*

**99.14 REVIEW OF USER CHARGE SYSTEM.** The City shall review the user charge system at least every two 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 that the system continues to provide for the proportional distribution of operation and maintenance including replacement costs among users and user classes.

# CHAPTER 100

# STORM WATER UTILITY


100.01 Purpose and Objective
100.02 Creation of Utility
100.03 Definitions
100.04 Storm Water Utility Fund
100.05 Storm Water Utility Budget
100.06 Rate Structure and Storm Water Service Charge
100.07 Powers of Director of Storm Water Utility
100.08 Powers and Duties of City
100.09 Responsibility for the Storm Water Management and Drainage System
100.10 Requirements for On-Site Storm Water Systems
100.11 Right to Appeal
100.12 Billing and Collection
100.13 Adjustment to Storm Water Service Charges
100.14 Exemptions and Credits


## 100.01 PURPOSE AND OBJECTIVE.

1. The purpose of this chapter is to establish a policy and procedure for managing and controlling the quantity and quality of storm water runoff within the City limits. The management shall include the establishment of a Storm Water Utility to provide revenues for whatever aspects of this requirement are deemed appropriate by the City.

2. The City finds, determines and declares that the storm water drainage system provides benefits and services to all property within the City limits. Such benefits include, but are not limited to: the provision of adequate systems for collection, conveyance, detention, treatment, and release of storm water for quality and quantity management that minimize impacts on receiving waters.

3. In order to manage additions and improvements to the City storm water systems, the City must have adequate and stable funding for its storm water management program operating and capital investment needs.

## 100.02 CREATION OF UTILITY.

1. The function of the Storm Water Management and Drainage Systems Utility [hereinafter referred to as "Storm Water Utility"] within the City is to provide for the safe and efficient capture of storm water runoff, to mitigate the damaging effects of storm water runoff, correction of storm water problems, to fund activities of storm water management, and includes design, planning, regulations, education, coordination, construction, operations, maintenance, inspection, and enforcement activities.

2. There is hereby established a Storm Water Utility within the City, which shall be responsible for creating revenue for storm water management throughout the City's corporate limits, and shall provide for the management, protection, control, regulation, use, and enhancement of storm water systems and facilities. Such utility shall be under the operational direction of the Public Works Director. The corporate limits of the City, as increased from time to time, shall constitute the boundaries of the Storm Water Utility district.

3. The City shall establish a Storm Water Utility Fund in the City budget and accounting system, separate and apart from its General Fund, for the purpose of dedicating and protecting all funding applicable to the purposes and responsibilities of the utility.

**100.03 DEFINITIONS.**

1. "Adjustment" means a modification in a commercial property's storm water service fee for certain activities that impact storm water runoff or impact the City's costs of providing storm water management.

2. "Commercial properties" means all properties not encompassed by the definition of residential properties or multi-unit residential properties. Commercial properties include: commercial property; industrial property; institutional property; governmental property; churches; hospitals; schools; transient rentals; parking lots; Federal, State and local properties; and any other property not mentioned in the lists of properties.

3. "Developed agricultural properties" means a lot or parcel of real estate used as a farm, which may contain one or more dwelling units and/or other building structures but does not include undeveloped properties.

4. "Developed property" means property altered from its natural state by the construction or installation of a structure of more than 400 square feet of impervious surface, thus increasing the amount of rainwater or surface water runoff.

5. "Director" means the director of the Storm Water Utility.

6. "Equivalent residential unit" (ERU) means the average impervious area of a residential property within the City, and shall be used as the basis for determining storm water service charges to residential properties. One ERU is equivalent to 3,245 square feet of impervious area.

7. "ERU rate" means the dollar value periodically determined and assigned to each ERU as a charge for storm water management services, expressed as $3.00 per ERU.

8. "Exempt property" includes public streets, alleys and sidewalks; all undeveloped properties.

9. "Ground water" means sub-surface water or water stored in pores, cracks, and crevices in the ground below the water table.

10. "Impervious area" means the number of square feet of hard-surfaced areas that either prevent or resist the entry of water into soil surface, as if entered under natural conditions as undeveloped property, and/or cause water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions as undeveloped property. This includes but is not limited to roofs, roof extensions, patios, porches, driveways, sidewalks, pavement, and athletic courts.

11. "Multi-unit properties" means all properties that have more than one living unit on the property. Multi-unit properties include: duplexes, apartment buildings, condominiums, and mobile home parks.

12. "Occupant" means the person residing or doing business on the property. In a shared dwelling or office situation, the adult legally responsible for the management or condition of the property shall be responsible.

13. "Owner" means the legal owner of record as shown on the tax rolls of Grundy Center except where there is a recorded land sale contract, the purchaser thereunder shall be deemed the owner.

14. "Residential property" means all single-family properties within the City.

15. "Service charges" means the periodic rate, fee, or charge applicable to a parcel of developed land, which charge shall be reflective of the service provided by the Grundy Center Storm Water Utility. Service charges are based on measurable parameters, which influence the storm water utility's cost of providing services and facilities, with the most important factor being the amount of impervious area on each parcel of developed land.

16. "Storm water" means storm water runoff, snowmelt runoff, and surface runoff and drainage.

17. "Storm water drainage system" means all manmade facilities, structures, and natural watercourses owned by the City and used for collection and conducting storm water to, through, and from drainage areas to the points of final outlet, including (but not limited to) any and all of the following: conduits and appurtenant features, canals, creeks, catch basins, ditches, streams, gullies, ravines, flumes, culverts, siphons, streets, curbs, gutters, dams, floodwalls, levees, and pumping stations.

18. "Storm water facilities" means various storm water and drainage works that may include inlets, pipes, pumping stations, conduits, manholes, energy dissipation structures, stream channels, outlets, retention/detention basins, infiltration practices and other structural components.

19. "Storm sewer" means a sewer, which carries storm water, surface runoff, street wash wasters, and drainage, but which excludes sanitary sewage and industrial wastes, other than permitted discharges.

20. "Storm water management" means the tasks required to control storm water runoff to protect the health, safety, and welfare of the public, and comply with relevant State and Federal regulations.

21. "Storm water management systems" means a system that addresses the issues of drainage management (flooding) and environmental quality (pollution, erosion, and sedimentation) of receiving rivers, streams, creeks, lakes, ponds, and reservoirs through improvements, maintenance, regulation and funding of plants, works, instrumentalities and properties used or useful in the collection, retention, detention, and treatment of storm water or surface water drainage.

22. "Storm Water Utility" means the utility established under this chapter for the purpose of managing storm water and imposing charges for the recovery of costs connected with such storm water management.

23. "Surface water" means water bodies and any water temporarily residing on the surface of the ground including lakes, reservoirs, rivers, ponds, streams, puddles, channelized flow and runoff.

24. "Undeveloped property" describes land in its unaltered natural state or which has been modified to such minimal degree as to have a hydrologic response comparable to land in an unaltered natural state shall be deemed undeveloped. Undeveloped land shall have minimal concrete pavement, asphalt, or compacted gravel surfaces or structures which create an impervious surface.

25. "User" means any person who uses property that maintains connection to, discharges to, or otherwise receives services from the City for storm water management. The occupant of any habitable property is deemed the user. If the property is not occupied, then the owner shall be deemed the user.

26. "Water course" means a natural overland route through which water passes, including drainage courses, streams, creeks, and rivers.

**100.04 STORM WATER UTILITY FUND.**

1. Funding for the Storm Water Utility's activities may include, but are not limited to: storm water service charges; storm water permit and inspection fees; other funds or income obtained from Federal, State, locals sources as well as private grants, or loans.

2. All service charges and all sources of revenue generated by or on behalf of the Storm Water Utility shall be deposited in a Storm Water Utility Fund and used exclusively for management of the Storm Water Utility.

**100.05 STORM WATER UTILITY BUDGET.** The City shall adopt an operating and capital budget for the Storm Water Utility each fiscal year. The budget shall set forth revenues for such fiscal year and estimated expenditures for operations, maintenance, improvements, replacement and debt service.

**100.06 RATE STRUCTURE AND STORM WATER SERVICE CHARGE.** Any property, lot, parcel of land, building or premises that contributes directly or indirectly to the storm water system of the City shall be subject to a charge based upon the quantity of impervious area situated thereon. This charge is not related to the water and/or sewer service and does not rely on occupancy of the premises to be in effect. All properties having impervious area within the City will be assigned an equivalent residential unit (ERU) or a multiple thereof, with all properties having any impervious area receiving at least one ERU, which shall be considered the base rate.

1. Establishment of Equivalent Residential Unit (ERU) rate and Storm Water Utility charge. For the purpose of this chapter, an ERU is equivalent to 3,245 square feet of impervious area.

2. Determination of Storm Water Utility Fee.

A. The Storm Water Utility fee for residential properties shall be 100% of the ERU rate. The rate for fiscal year 2012-2013 shall be $3.00 per month. The monthly rate for each fiscal year thereafter shall be determined by the Council prior to July 1 each year.

B. The storm water utility fee for multi-unit properties shall be $1.00 per unit per month for fiscal year 2012-2013. The monthly rate for each fiscal year thereafter shall be determined by the Council prior to July 1 of each year.

C. The Storm Water Utility fee for commercial properties shall be $3.00 per month plus $0.75 per ERU per month for fiscal year 2012-2013. The monthly rate for each fiscal year thereafter shall be determined by the Council prior to July 1 of each year.

1. The number of ERUs on each property shall be determined by the Storm Water Utility.

**100.07 POWERS OF DIRECTOR OF THE STORM WATER UTILITY.** Storm water service charges incurred pursuant to this chapter may be collected by the Storm Water Utility Director, who is also responsible for the regulation, collection, rebating and refunding of such storm water charges.

**100.08 POWERS AND DUTIES OF THE CITY.** The City shall have the following powers, duties, and responsibilities with respect to the Storm Water Utility:

1. The City shall administer the design, construction, maintenance, and operation of the utility system, including capital improvements designated in the comprehensive drainage plan.

2. The City shall acquire, construct, lease, own, operate, maintain, extend, expand, replace, clean, dredge, repair, conduct, manage, and finance such facilities, operations, and activities that are deemed by the City to be proper and reasonably necessary for a system of storm and surface water management. These facilities may include, but are not limited to, surface and underground drainage facilities, storm sewers, watercourses, ponds, ditches, and such other facilities relating to collection, runoff, treatment and retention as will support a storm water management system.

3. The City shall separately account for the Storm Water Utility finances. The Storm Water Utility shall prepare an annual budget, which is to include all operation and maintenance costs and costs of borrowing. The budget is subject to approval by the City Council. Any excess of revenues over expenditures in a year shall be retained in a segregated fund, which shall be used for Storm Water Utility expenses in subsequent years. Storm Water Utility fees collected shall be deposited in the Storm Water Utility Fund and shall be used for no other purpose.

**100.09 RESPONSIBILITY FOR THE STORM WATER MANAGEMENT AND DRAINAGE SYSTEM.**

1. The City storm water management and drainage system consists of all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage ways, channels, ditches, swales, storm sewers, culverts, inlets, catch basins, pipes, head walls and other structures, natural or manmade, within the political boundaries of the City which control and/or convey storm water through which the City intentionally diverts surface waters from its public streets and properties. The City owns or has legal access for purposes of operation, maintenance, and improvements to those segments of this system which

   A. Are located within public streets, rights-of-way, and easements;

   B. Are subject to easements of rights-of-entry, rights-of-access, rights-of-use, or other permanent provisions for adequate access for operation, maintenance, and/or improvement of systems and facilities; or

   C. Are located on public lands to which the City has adequate access for operation, maintenance, and/or improvement of systems and facilities. Operation and maintenance of storm water systems and facilities that are located on private property or public property not owned by the City and for which there has been no public dedication of such systems and facilities for operation, maintenance, and/or improvement of the systems and facilities shall be and remain the legal responsibility of the property owner.

2. It is the intent of this section to protect the public health, safety and general welfare of all properties and persons in general, but not to create any special duty or relationship with an individual person or to any specified property within or without the boundaries of the City. The City expressly reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages upon the City, its officers, employees and agents arising out of any alleged failure or breach of duty or relationship as may now exist or hereafter be created.

**100.10 REQUIREMENTS FOR ON-SITE STORM WATER SYSTEMS.**

1. All property owners and developers of developed real property within the City shall provide, manage, maintain, and operate on-site storm water systems sufficient to collect, convey, detain, and discharge storm water in a safe manner consistent with all City, State, and Federal laws and regulations.

2. Pursuant to Section 364.12(3), or successor section, of the *Code of Iowa*, any failure to meet this obligation may constitute a nuisance and may be subject to an abatement action filed by the City. In the event a nuisance is found to exist, which the owner fails to properly abate within such reasonable time as allowed by the City, the City may enter upon the property and cause such work as is reasonably necessary to be performed, with the actual cost thereof assessed against the owner in the same manner as a tax levied against the property. The City shall have the right, pursuant to the authority of this section, for its designated officers and employees to enter upon private and public property owned by entities other than the City, upon reasonable notice to the owner thereof, to inspect the property and conduct surveys and engineering tests thereon in order to assure compliance.

**100.11 RIGHT TO APPEAL.** Any customer who believes the provisions of this chapter have been applied in error may appeal in the following manner:

1. An appeal must be filed in writing with the Public Works Director. In the case of service charge appeals, the appeal shall include a survey prepared by a registered Iowa land surveyor or professional engineer containing information on the total property area, the impervious surface area and any other features or conditions which influence the hydrologic response of the property to rainfall events.

2. Using the information provided by the appellant, the Public Works Director shall conduct a technical review of the conditions on the property and respond to the appeal in writing within 30 days.

3. In response to an appeal, the Public Works Director may adjust the storm water service charge applicable to a property in conformance with the general purpose and intent of this chapter.

4. A decision of the Public Works Director which is adverse to an appellant may be further appealed to the Council within 30 days of receipt of notice of the adverse decision. Notice of the appeal shall be served on the City Clerk by the appellant, stating the grounds for the appeal. The City Council shall schedule a public hearing within 30 days. All decisions of the City Council shall be served on the appellant by registered mail, sent to the billing address of the appellant.

5. All decisions of the City Council shall be final.

**100.12 BILLING AND COLLECTION.**

1. A storm water service charge bill may be sent through the United States mail or by alternative means, notifying the customer of the amount of the bill, the date the payment is due, and the date when past due. Failure to receive a bill is not justification for nonpayment. Regardless of the party to whom the bill is initially directed, liability for payment of the storm water management charge attributable to that property shall be joint and several as to the owner and occupant.

2. All comprehensive storm water service charges are due and payable 30 days after the date of billing.

3. After more than one late payment in a year, interest at one and one-half percent per month late charge shall be billed based on the unpaid balance of any storm water utility service charge that becomes delinquent.

4. Certification. The Director shall certify to the City Clerk any comprehensive storm water service charge which is owed after a 60-day payment period. All certified service charges constitute a lien upon the premises served by the storm water system for which the service charges were made and shall be collected in the same manner as property taxes. Failure to send or receive a bill for comprehensive storm water service charge is not a defense to the collection of the service charges.

5. Suits for collection shall be commenced by the City in the Iowa District Court for Grundy County. No lien shall be imposed for delinquent collections unless a judgment is first obtained from a court of competent jurisdiction. The City may employ any lawful means to collect funds owed, and is not restricted to filing a lawsuit.

6. The Storm Water Utility service charge may be billed on a common statement and collected along with other City utility services.

**100.13 ADJUSTMENTS TO STORM WATER SERVICE CHARGES.** Increase adjustments (debit) can be made to commercial property service charges by property owners adding additional impervious area such as rooftops, parking lots, driveways, and walkways.

**100.14 EXEMPTIONS AND CREDITS.** All public or private property shall be subject to Storm Water Utility service charges except as provided below. A Storm Water Utility service charge formula is available in the office of the Storm Water Utility. The following areas are exempt from Storm Water Utility service charges:

1. Undeveloped property as defined in this chapter.

2. Streets, alley ways, and highways in the public and private domain are exempt from utility service charges or connection fees.

3. Railroad rights-of-way (tracks) shall be exempt from storm water service charges. However, railroad stations, maintenance buildings, or other developed land used for railroad purposes shall not be exempt from storm water service charges.

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# CHAPTER 105

# SOLID WASTE CONTROL


**105.01 Purpose**
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**105.03 Sanitary Disposal Required**
**105.04 Health and Fire Hazard**
**105.05 Open Burning Restricted**
**105.06 Separation of Yard Waste Required**
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**105.09 Waste Storage Containers**
**105.10 Prohibited Practices**
**105.11 Sanitary Disposal Project Designated**
**105.12 Concrete Dump Site**


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

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

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

2. "Discard" means to place, cause to be placed, throw, deposit, or drop.

*(Code of Iowa, Sec. 455B.361[1])*

3. "Dwelling unit" means any room or group of rooms located within a structure and forming a single habitable unit with facilities that are used or are intended to be used for living, sleeping, cooking, and eating.

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

*(567 IAC 100.2)*

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

*(567 IAC 20.2)*

6. "Litter" means any garbage, rubbish, trash, refuse, waste materials, or debris not exceeding 10 pounds in weight or 15 cubic feet in volume. Litter includes but is not limited to empty beverage containers, cigarette butts, food waste packaging, other food or candy wrappers, handbills, empty cartons, or boxes.

*(Code of Iowa, Sec. 455B.361[2])*

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

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

*(567 IAC 100.2)*

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

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

*(567 IAC 20.2)*

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

*(567 IAC 100.2)*

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

*(567 IAC 100.2)*

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

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

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

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

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

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

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

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

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

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

G. Post-use polymers or recoverable feedstocks that are any of the following:

(1) Processed at a pyrolysis or gasification facility.

(2) Held at a pyrolysis or gasification facility prior to processing to ensure production is not interrupted.

**105.03 SANITARY DISPOSAL REQUIRED.** It is the duty of each owner to provide for the sanitary disposal of all refuse accumulating on the owner's premises before it becomes a nuisance. Any such accumulation remaining on any premises for a period of more than 30 days shall be deemed a nuisance and the City may proceed to abate such nuisances in accordance with the provisions of Chapter 50 or by initiating proper action in district court.

*(Code of Iowa, Ch. 657)*

**105.04 HEALTH AND FIRE HAZARD.** It is unlawful for any person to permit to accumulate on any premises, improved or vacant, or on any public place, such quantities of solid waste that constitute a health, sanitation or fire hazard.

**105.05 OPEN BURNING RESTRICTED.** No person shall allow, cause, or permit open burning of combustible materials where the products of combustion are emitted into the open air without passing through a chimney or stack, except that open burning is permitted in the following circumstances:

*(567 IAC 23.2 and 100.2)*

1. Disaster Rubbish. The open burning of rubbish, including landscape waste, for the duration of the community disaster period in cases where an officially declared emergency condition exists, provided that the burning of any structures or demolished structures is conducted in accordance with 40 CFR Section 61.145.

*(567 IAC 23.2[3]"a")*

2. Trees and Tree Trimmings. The open burning of trees and tree trimmings at a City-operated burning site, provided such burning is conducted in compliance with the rules established by the State Department of Natural Resources.

*(567 IAC 23.2[3]"b")*

3. Flare Stacks. The open burning or flaring of waste gases, provided such open burning or flaring is conducted in compliance with applicable rules of the State Department of Natural Resources.

*(567 IAC 23.2[3]"c")*

4. Landscape Waste. The disposal by open burning of landscape waste originating on the premises during designated burning times set by the Council. However, the burning of landscape waste produced in clearing, grubbing, and construction operations shall be limited to areas located at least one-fourth mile from any building inhabited by other than the landowner or tenant conducting the open burning. Rubber tires shall not be used to ignite landscape waste.

*(567 IAC 23.2[3]"d")*

5. Recreational Fires. Open fires for cooking, heating, recreation, and ceremonies, provided they comply with the limits for emission of visible air

contaminants established by the State Department of Natural Resources. Rubber tires shall not be burned in a recreational fire.

*(567 IAC 23.2[3]"e")*

6. Residential Waste. Backyard burning of residential waste at dwellings of four-family units or less, upon the following conditions:

*(567 IAC 23.2[3]"f")*

A. Said burning shall be done in a burn barrel with adequate air holes to allow complete combustion and supported by at least three concrete blocks or equals.

B. There must be a cover on the burn barrel when burning is occurring. The cover must be such that heat and smoke are allowed to escape, but ash and embers are contained within the barrel.

C. The burn barrel must be in the back yard or placed in the least conspicuous or offense area so as not to offend the neighbors. The area of the burn barrel must be clean and neat.

D. All burning must be attended.

E. All such burning shall be conducted only on Wednesday of each week between the hours of 6:00 a.m. and 6:00 p.m. Fires must be extinguished by 6:00 p.m.

F. Said burning must be limited to the following items: computer paper, envelopes (with windows or slick), junk mail, letters, school work, paper cups, paper plates, napkins, paper egg cartons, paper towels and tubes, tissue and tissue boxes (e.g., Kleenex, Puffs), food stuff boxes and paper wrappings (e.g., cake mixes, flour and sugar bags, pancake mix, cereal boxes, cracker boxes, Jell-O boxes, drink boxes and butter and margarine boxes), paper milk cartons, paper juice cartons, freezer paper, gift wrap, paper sacks, laundry soap boxes, non-corrugated cardboard boxes and backing, hand soap wrappers, candy and gum wrappers, jar and can labels, grocery store pizza boxes, small branches and twigs (one-inch diameter or less).

G. A permit has been obtained for the burn barrel from the Clerk. Application for said permit shall include:

(1) Street address and location on property where burn barrel will be situated.

(2) The person responsible for the burn barrel.

(3) The owner of the property upon which the burn barrel will be situated.

A. H. Any violation of this subsection shall result in the permit being canceled indefinitely.

7. Training Fires. Fires set for the purpose of conducting bona fide training of public or industrial employees in firefighting methods, provided that the training fires are conducted in compliance with rules established by the State Department of Natural Resources.

*(567 IAC 23.2[3]"g")*

8. Pesticide Containers and Seed Corn Bags. The disposal by open burning of paper or plastic pesticide containers (except those formerly containing organic forms of beryllium, selenium, mercury, lead, cadmium, or arsenic) and seed corn bags resulting from farming activities occurring on the premises if burned in accordance with rules established by the State Department of Natural Resources.

*(567 IAC 23.2[3]"h")*

9. Agricultural Structures. The open burning of agricultural structures if in accordance with rules and limitations established by the State Department of Natural Resources.

*(567 IAC 23.2[3]"i"])*

10. Controlled Burning of a Demolished Building. The controlled burning of a demolished building by the City, subject to approval of the Council, provided that the controlled burning is conducted in accordance with rules and limitations established by the State Department of Natural Resources.

*(567 IAC 23.2[3]"j")*

11. Variance. Any person wishing to conduct open burning of materials not permitted herein may make application for a variance to the Director of the State Department of Natural Resources.

*(567 IAC 23.2[2])*

**105.06 SEPARATION OF YARD WASTE REQUIRED.** All yard waste shall be separated by the owner or occupant from all other solid waste accumulated on the premises and shall be composted or burned on the premises or deposited at the City's designated yard waste disposal 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. The yard waste disposal site is only for use by citizens of the City for yard waste generated within the City limits.

**105.07 LITTERING PROHIBITED.** No person shall discard any litter onto or in any water or land, except that nothing in this section shall be construed to affect the authorized collection and discarding of such litter in or on areas or receptacles provided for such purpose. When litter is discarded from a motor vehicle, the driver of the motor vehicle shall be responsible for the act in any case where doubt exists as to which occupant of the motor vehicle actually discarded the litter.

*(Code of Iowa, Sec. 455B.363)*

**105.08 TOXIC AND HAZARDOUS WASTE.** No person shall deposit in a solid waste container or otherwise offer for collection any toxic or hazardous waste. Such materials shall be transported and disposed of as prescribed by the Director of the State Department of Natural Resources. As used in this section, "toxic and hazardous waste" means waste materials, including (but not limited to) poisons, pesticides, herbicides, acids, caustics, pathological waste, flammable or explosive materials, and similar harmful waste that requires special handling and that must be disposed of in such a manner as to conserve the environment and protect the public health and safety.

*(567 IAC 100.2)*
*(567 IAC 102.13[2] and 400 IAC 27.14[2])*

**105.09 WASTE STORAGE CONTAINERS.**

1. Container Specifications. Waste storage containers shall comply with the following specifications:

A. Residential. 64 gallon blue residential solid waste canisters shall be provided by the City.

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 the solid waste canisters as required above is impractical, shall maintain metal bulk storage containers approved by the City.

2. Storage of Containers. Residential solid waste containers shall be stored upon the residential premises. Commercial solid waste containers shall be stored upon private property, unless the owner has been granted written permission from the City to use public property for such purposes. The storage site shall be well drained and fully accessible to collection equipment, public health personnel, and fire inspection personnel. All owners of residential and commercial premises shall be responsible for proper storage of all garbage and yard waste to prevent materials from being blown or scattered around neighboring yards and streets.

3. Location of Canisters for Collection. Solid waste canisters set out for collection shall be placed at an easily accessible place four feet away from the curb by the owner or occupant of the premises served. Only the canisters authorized and dispensed by the City may be used.

4. Nonconforming Containers. Solid waste placed in containers that are not in compliance with the provisions of this section will not be collected.

**105.10 PROHIBITED PRACTICES.** It is unlawful for any person to:

1. Unlawful Use of Containers. Deposit refuse in any solid waste containers not owned by such person without the written consent of the owner of such containers.

2. Interfere with Collectors. Interfere in any manner with solid waste collection equipment or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors be those of the City, or those of any other authorized waste collection service.

3. Incinerators. Burn rubbish or garbage except in incinerators designed for high temperature operation, in which solid, semisolid, liquid, or gaseous combustible refuse is ignited and burned efficiently, and from which the solid residues contain little or no combustible material, as acceptable to the Environmental Protection Commission.

4. Scavenging. Take or collect any solid waste that has been placed out for collection on any premises, unless such person is an authorized solid waste collector.

**105.11 SANITARY DISPOSAL PROJECT DESIGNATED.** The sanitary landfill facilities operated by Black Hawk County are hereby designated as the official "Public Sanitary Disposal Project" for the disposal of solid waste produced or originating within the City.

**105.12 CONCRETE DUMP SITE.** The City has established a concrete dump site.

1. Materials Allowed. This concrete dump site shall be used exclusively for the disposal of concrete and any dirt, sand or rock produced from the removal of concrete

from any property located within the City limits. No other materials, including but not limited to yard waste, trees, rubbish, food products or construction debris such as wood, lumber, sheet rock, shingles or siding, shall be disposed of at this site.

2. Fees. Persons disposing of concrete at said site shall pay to the City Public Works Department located at City Hall a dumping fee at a rate of $5.00 per ton. Tonnage is to be determined by the Public Works Department based upon the volume of the material disposed of.

3. Penalties. Any person failing to pay the fee required by Subsection 2 or any person dumping items in violation of Subsection 1 shall be guilty of a municipal infraction punishable pursuant to Chapter 4 of this Code of Ordinances.

4. Revocation of Privilege. In addition to or in lieu of any penalty for a violation of this section, the Clerk may revoke a person's privilege to use the concrete dump site for any violation of this chapter.

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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 leak-proof, durable and of easily cleanable construction. They shall be cleaned to prevent nuisances, pollution, or insect breeding and shall be maintained in good repair.

*(567 IAC 104.9)*

**106.03 LOADING.** Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak, or spill therefrom, and shall be covered to prevent blowing or loss of material. Where spillage does occur, the material shall be picked up immediately by the collector or transporter and returned to the vehicle or container and the area properly cleaned.

**106.04 FREQUENCY OF COLLECTION.** All solid waste shall be collected from residential premises at least once each week and from commercial, industrial, and institutional premises as frequently as may be necessary.

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

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

**106.07 CONTRACT REQUIREMENTS.** No person shall engage in the business of collecting, transporting, processing, or disposing of solid waste for the City without first entering into a contract with the City. This section does not prohibit an owner from transporting solid waste accumulating upon premises owned, occupied, or used by such owner, provided such refuse is disposed of properly in an approved sanitary disposal project. Furthermore, a contract is not required for the removal, hauling, or disposal of earth and rock material from grading or excavation activities, provided that all such materials are conveyed in tight vehicles, trucks, or receptacles so constructed and maintained that none of the material being transported is spilled upon any public right-of-way.

**106.08 COLLECTION FEES.** The collection and disposal of solid waste as provided by this chapter are declared to be beneficial to the property served or eligible to be served and there shall be levied and collected fees therefore, in accordance with the following:

1. Schedule of Fees. The fees for solid waste collection and disposal service, used or available, are:

A. A basic service fee of $15.00 per month for solid waste and recyclable material.

B. For commercial and industrial establishments utilizing metal bulk containers or dumpsters, the fee shall be based on the total amount of solid waste collected per month in accordance with a fee schedule established by resolution of the Council.

2. Payment if Bills. All fees are due and payable as part of a combined service account under the same terms and conditions as payment for electric service. The provisions contained in Section 92.07 relating to lien notices shall also apply in the event of delinquent fees for solid waste collection.

***(Section 106.08 – Ord. 580 – Jul. 25 Supp.)***

**106.09 LIEN FOR NONPAYMENT.** Except as provided for in Section 92.06 of this Code of Ordinances, the owner of the premises served and any lessee or tenant thereof are jointly and severally liable for fees for solid waste collection and disposal. Fees remaining unpaid and delinquent shall constitute a lien upon the property or premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

*(Code of Iowa, Sec. 384.84)*

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# CHAPTER 110

# NATURAL GAS FRANCHISE


**110.01 Franchise Granted**
**110.02 Term**
**110.03 Franchise Fees or Taxes**
**110.04 Governing Rules and Regulations**
**110.05 Provision for Inadequate Energy Supplies**
**110.06 Construction and Maintenance of Grantee's Facilities**
**110.07 Extension of Grantee's Facilities**
**110.08 Relocation of Grantee's Facilities**
**110.09 Confidential Information**
**110.10 Force Majeure**
**110.11 Hold Harmless**
**110.12 Successors and Assigns**
**110.13 No Third Party Beneficiaries**
**110.14 Severability**
**110.15 Non Waiver**
**110.16 Repeal Conflicting Ordinances**
**110.17 Effect and Interpretation of Ordinance**
**110.18 Effective Date and Acceptance**


**110.01 FRANCHISE GRANTED.** The City of Grundy Center, Iowa (hereinafter referred to as "Grantor"), hereby grants a non-exclusive franchise to Black Hills/Iowa Gas Utility Company, LLC d/b/a Black Hills Energy, a Delaware limited liability corporation (hereinafter called "Grantee"), its lessees, successors and assigns. Grantee is hereby granted the right, privilege, franchise, permission and authority to lay, construct, install, maintain, operate and extend in, along, over, above or across the present and future streets, alleys, avenues, bridges, public rights-of-way and public easements as are now within the present or future limits of said Grantor, a natural gas distribution system and all facilities necessary for the purpose of supplying natural gas or processed gas and other operations connected therewith or incident thereto for all purposes to the inhabitants of said Grantor and consumers in the vicinity thereof, and for the distribution of natural gas from or through said Grantor to points beyond the limits thereof. Such facilities shall include, but not be limited to, all mains, services, pipes, poles, communication devices, conduits and all other apparatus and appliances necessary or convenient for transporting, distributing and supplying natural gas for all purposes for which it may be used, and to do all other things necessary and proper in providing natural gas service to the inhabitants of Grantor and in carrying on such business.

**110.02 TERM.** The rights and privileges granted hereunder shall remain in effect for a period of twenty five (25) years from the effective date of this ordinance.[†]

**110.03 FRANCHISE FEES OR TAXES.** Grantor may, during the term of this franchise, in its discretion, in compliance with and as authorized by State law, after public hearing and upon a majority vote of a majority of the members of the Grantor's City Council then present, pass an ordinance imposing a franchise fee on Grantee's customers located within Grantor's corporate limits; provided, however, that the franchise fee shall not be effective, and Grantee shall not be obligated to collect and pay same, unless and until: (1) it is satisfactory to Grantee with respect to its compatibility with Grantee's billing system; (2) the form of assessment and collection of the franchise fee is based on either: (a) a percentage of Grantee's gross receipts of regulated sales or transportation revenues collected from Grante's customers within Grantor's corporate limits; (b) a volumetric fee based upon Grantee's delivery of energy within Grantor's corporate limits; or (c) a flat fee collected on a nondiscriminatory basis from each of Grantee's customers within Grantor's corporate limits; and (3) Grantor has imposed a franchise fee on all

[†] **EDITOR'S NOTE:** Ordinance No. 581, adopting a natural gas franchise for the City, was passed and adopted on May 5, 2025.

other parties supplying energy within Grantor's corporate limits, calculated in the same manner as the franchise fee imposed on Grantee's customers.

**110.04 GOVERNING RULES AND REGULATIONS.** The franchise granted hereunder is subject to all conditions, limitations and immunities now provided for, or as hereafter amended, and applicable to the operations of a public utility, by State or federal law. The rates to be charged by Grantee for service within the present or future corporate limits of Grantor and the rules and regulations regarding the character, quality and standards of service to be furnished by Grantee, shall be under the jurisdiction and control of such regulatory body or bodies as may, from time to time, be vested by law with authority and jurisdiction over the rates, regulations and quality and standards of service to be supplied by Grantee. Provided however, should any judicial, regulatory or legislative body having proper jurisdiction take any action that precludes Grantee from recovering from its customers any cost associated with services provided hereunder, the Grantee and Grantor shall renegotiate the terms of this ordnance in accordance with the action taken. In determining the rights and duties of the Grantee, the terms of this ordinance shall take precedence over any conflicting terms or requirements contained in any other ordinance enacted by the Grantor.

**110.05 PROVISION FOR INADEQUATE ENERGY SUPPLIES.** If an energy supplier is unable to furnish an adequate supply of energy due to an emergency, an order or decision of a public regulatory body, or other acts beyond the control of the Grantee, then the Grantee shall have the right and authority to adopt reasonable rules and regulations limiting, curtailing or allocating extensions of service or supply of energy to any customers or prospective customers, and withholding the supply of energy to new customers, provided that such rules and regulations shall be uniform as applied to each class of customers or prospective customers, and shall be non-discriminatory as between communities receiving service from the Grantee.

**110.06 CONSTRUCTION AND MAINTENANCE OF GRANTEE'S FACILITIES.** Any pavements, sidewalks or curbing taken up and any and all excavations made shall be done in such a manner as to cause only such inconvenience to the inhabitants of Grantor and the general public as is reasonably necessary, and repairs and replacements shall be made promptly by Grantee, leaving such properties in as good as condition as existed immediately prior to excavation.

Grantee agrees that for the term of this franchise, it will use its best efforts to maintain its facilities and equipment in a condition sufficient to meet the current and future energy requirements of Grantor, its inhabitants and industries. While maintaining its facilities and equipment, Grantee shall obtain permits as required by ordinance and will fix its excavations within a commercially reasonable time period, except that in emergency situations Grantee shall take such immediate unilateral actions as it determines are necessary to protect the public health, safety, and welfare; in which case, Grantee shall notify Grantor as soon as reasonably possible. Within a reasonable time thereafter, Grantee shall request and Grantor shall issue any permit or authorizations required by Grantor for the actions conducted by Grantee during the emergency situation.

Grantor will give Grantee reasonable notice of plans for street improvements where paving or resurfacing of a permanent nature is involved that affects Grantee's facilities. The notice shall contain the nature and character of the improvements, the rights-of-way upon which the improvements are to be made, the extent of the improvements, and the time when the Grantor will start the work, and, if more than one right-of-way is involved, the order in which the work is to proceed. The notice shall be given to the Grantee as soon as practical in advance of the actual commencement of the work, considering seasonable working conditions, to permit the Grantee to make any additions, alterations, or repairs to its facilities.

**110.07 EXTENSION OF GRANTEE'S FACILITIES.** Upon receipt and acceptance of a valid application for service, Grantee shall, subject to its own economic feasibility criteria as approved by the Iowa Utilities Board make reasonable extensions of its distribution facilities to serve customers located within the current or future corporate limits of Grantor.

**110.08 RELOCATION OF GRANTEE'S FACILITIES.** If Grantor elects to change the grade of or otherwise alter any street, alley, avenue, bridge, public right-of-way or public place for a public purpose, unless otherwise reimbursed by federal, State or local legislative act or governmental agency, Grantee, upon reasonable notice from Grantor, shall remove and relocate its facilities or equipment situated in the public rights-of-way, at the cost and expense of Grantee, if such removal is necessary to prevent interference with Grantor's facilities.

If Grantor orders or requests Grantee to relocate its facilities or equipment for the primary benefit of a commercial or private project, or as a result of the initial request of a commercial or private developer or other non-public entity, and such removal is necessary to prevent interference with such project, then Grantee shall receive payment for the cost of such relocation as a precondition to relocating its facilities or equipment.

Grantor shall consider reasonable alternatives in designing its public works projects and exercising its authority under this section so as not to arbitrarily cause Grantee unreasonable additional expense. If alternative public right-of-way space is available, Grantor shall also provide a reasonable alternative location for Grantee's facilities. Grantor shall give Grantee written notice of an order or request to vacate a public right-of-way; provided, however, that its receipt of such notice shall not deprive Grantee of its right to operate and maintain its existing facilities in such public right-of way until it (a) if applicable, receives the reasonable cost of relocating the same and (b) obtains a reasonable public right-of-way, dedicated utility easement, or private easement alternative location for such facilities.

**110.09 CONFIDENTIAL INFORMATION.** Grantor acknowledges that certain information it might request from Grantee pursuant to this ordinance may be of a proprietary and confidential nature, and that such requests may be subject to the Homeland Security Act or other confidentiality protections under State or federal law. If Grantee requests that any information provided by Grantee to Grantor be kept confidential due to its proprietary or commercial value, Grantor and its employees, agents and representatives shall maintain the confidentiality of such information, to the extent allowed by law. If Grantor is requested or required by legal or administrative process to disclose any such proprietary or confidential information, Grantor shall promptly notify Grantee of such request or requirement so that Grantee may seek an appropriate protective order or other relief.

**110.10 FORCE MAJEURE.** It shall not be a breach or default under this ordinance if either party fails to perform its obligations hereunder due to force majeure. Force majeure shall include, but not be limited to, the following: 1) physical events such as acts of God, landslides, lightning, earthquakes, fires, freezing, storms, floods, washouts, explosions, breakage or accident or necessity of repairs to machinery, equipment or distribution or transmission lines; 2) acts of other such as strikes, work-force stoppages, riots, sabotage, insurrections or wars; 3) governmental actions such as necessity for compliance with any court order, law, statute, ordinance, executive order, or regulation promulgated by a governmental authority having jurisdiction; and (4) any other causes, whether of the kind herein enumerated or otherwise not reasonably within he control of the affected party to prevent or overcome. Each party shall make reasonable efforts to avoid force majeure and to resolve such event as promptly as reasonably possible once it occurs in order to resume performance of its obligations hereunder; provided, however, that this provision shall not obligate a party to settle any labor strike.

**110.11 HOLD HARMLESS.** Grantee, during the term of this ordinance, agrees to save harmless Grantor from and against all claims, demands, losses and expenses arising directly out of the negligence of Grantee, its employees or agents, in constructing, operating, and maintaining its distribution and transmission facilities or equipment; provided, however, that Grantee need not save Grantor harmless from claims, demands, losses and expenses arising out of the negligence of Grantor, its employees or agents.

**110.12 SUCCESSORS AND ASSIGNS.** All rights, privileges and authority granted to Grantee hereunder shall inure to the benefit of Grantee's lessees, successors and assigns, subject to the terms, provisions and conditions herein contained, and all obligations imposed upon Grantee hereunder shall be binding upon Grantee's lessees, successors and assigns.

**110.13 NO THIRD PARTY BENEFICIARIES.** This ordinance constitutes a franchise agreement between the Grantor and Grantee. No provision of this ordinance shall inure to the benefit of any third person, including the public at large, so as to constitute any such person as a third party beneficiary of the agreement or of any one or more of the terms hereof, or otherwise give rise to any cause of action for any person not a party hereto.

**110.14 SEVERABILITY.** If any clause, sentence or section of this ordinance is deemed invalid by any judicial, regulatory or legislative body having proper jurisdiction, the remaining provisions shall not be affected.

**110.15 NON WAIVER.** Any waiver of any obligation or default under this ordinance shall not be construed as a waiver of any future defaults, whether of like or different character.

**110.16 REPEAL CONFLICTING ORDIANCES.** This ordinance, when accepted by Grantee as provided below, shall constitute the entire agreement between the Grantor and the Grantee relating to the franchise granted by Grantor hereunder, and the same shall supersede all prior ordinances relating thereto, and any terms and conditions of such prior ordinances or parts of ordinances in conflict herewith are hereby repealed. Ordinance No. 450 of the City of Grundy Center, Iowa, is hereby repealed as of the effective date hereof.

**110.17 EFFECT AND INTERPRETATION OF ORDINANCE.** The captions that precede each section of this ordinance are for convenience and/or reference only and shall not be taken into consideration in the interpretation of any of the provisions of this ordinance.

**110.18 EFFECTIVE DATE AND ACCEPTANCE.** This ordinance shall become effective and be a binding contract between the Grantor and Grantee upon its final passage and approval by Grantor, in accordance with applicable laws and regulations, and upon Grantee's acceptance by written instrument, within sixty (60) days of passage by the City Council, and filing with the Clerk of the City of Grundy Center, Iowa. The Clerk of the City of Grundy Center, Iowa shall sign and affix the community seal to acknowledge receipt of such acceptance, and return one copy to Grantee. If Grantee does not within sixty (60) days following passage of this ordinance, either express in writing its objections to any terms or provisions contained therein, or reject this ordinance in its entirety, Grantee shall be deemed to have accepted this ordinance and all of its terms and conditions.

***(Chapter 110 – Ord. 581 – Jul. 25 Supp.)***

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# CHAPTER 115

# MUNICIPAL AIRPORT REGULATIONS


**115.01 Purpose**
**115.02 Definition**
**115.03 Airport Committee**
**115.04 Rules and Regulations**
**115.05 Hangar Location**
**115.06 Tie Downs and Areas**
**115.07 Rental**
**115.08 Upkeep**
**115.09 Use**
**115.10 Termination**
**115.11 Hangar Tenants**
**115.12 Runway and Taxiway Regulations**
**115.13 Vehicle Parking**
**115.14 Fuel**


**115.01 PURPOSE.** The purpose of this chapter is to provide for the establishment, control, supervision, and operation of the Grundy Center Municipal Airport.

**115.02 DEFINITION.** As used in this chapter, "airport" includes landing fields, hangars, aviation field, or other similar terms used in connection with aerial traffic.

**115.03 AIRPORT COMMITTEE.** The Public Works Committee shall aid the Public Works Director in setting forth rules and regulations that may be necessary for the safe and successful operation of the airport. Such rules and regulations shall be in addition to and not inconsistent with the provisions of this chapter.

**115.04 RULES AND REGULATIONS.** Any rules and regulations of a permanent nature shall become a part of this chapter but shall in no way be contrary to or in conflict with the rules and regulations for the operation of aircraft adopted by the Federal government or the State. The following permanent rules and regulation are set forth with regard to the use of hangars and use of airport.

**115.05 HANGAR LOCATION.** Hangars are located along the west side of the airport runway on the west side of the airport road.

**115.06 TIE DOWNS AND AREAS.** All tenants of hangars shall provide tie downs acceptable for each plane that is housed within the hangar. No airplane shall be permitted to park or stop along the east side of the hangar site at any time. except when being made ready for immediate takeoff. All airplanes shall be parked in other parking and tie down areas.

**115.07 RENTAL.** Tenants of the hangars shall be required to pay to the City a reasonable fee to be determined by the Council. The fee shall be payable at the time of the application for hangar space and at the end of each 12-month period thereafter. Hangar rental shall be added to the Airport Fund of the City and shall be used only in that fund.

**115.08 UPKEEP.** The tenants are responsible for the general area around the hangar and are required to keep the trash and any type of discarded containers and other refuse cleaned up and removed from the area. The Public Works Department is responsible for enforcing this but not required to participate in its upkeep.

**115.09 USE.** The intended use of the hangar shall be for the storage or maintenance of aircraft.

**115.10 TERMINATION.** If at any time the tenant of a hangar fails to make the yearly rental payment, the Public Works Director shall give two notices, at least 30 days apart, before taking control of the hangar. Any person acquiring a hangar from any person already renting hangar space shall become liable and subject to requirements as stated herein.

**115.11 HANGAR TENANTS.** Any group of persons renting a hangar shall be subject to all requirements herein stated and shall be held responsible either separately or as a group to meet stated requirements.

**115.12 RUNWAY AND TAXIWAY REGULATIONS.** The runway and taxiway regulations are as follows:

1. Aircraft Only. Only aircraft are permitted on the runway and taxiway areas except in cases of emergency or necessary repairs. All vehicles and other obstructions shall be confined to the areas within the hangars when used for building, refueling, and repair.

2. Obstacles Prohibited. No aircraft, vehicle, or obstacle of any kind will be permitted on the runway except in the case of aircraft landing and taking off or in the case of any emergency for saving life, preventing injury, or treating of injured, as immediately necessary or for firefighting and removal of obstacles. This does not apply to maintenance and repair of the runway.

3. Landing and Takeoffs. All landings and takeoffs are to be made on the runway. Runway markers shall so designate the runway.

4. Taxiway. The runway is not to be used for a taxiway.

5. Markings. The Airport Committee shall designate the runway marking and the taxiway marking.

**115.13 VEHICLE PARKING.** Vehicles herein referred to (autos, trucks, tractors, and ground vehicles) shall park within an area along the west side of the west runway line. No vehicles are allowed to park overnight except those used or owned by persons using the airport. Vehicles shall be parked in accordance with posted directions.

**115.14 FUEL.** No fuel pumps or tanks of any kind shall be permitted along the runway. It is against airport policy to store any type of fuel or fuel containers on the premises.

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# CHAPTER 120

# LIQUOR LICENSES AND WINE AND BEER PERMITS


120.01 License or Permit Required
120.02 General Prohibition
120.03 Investigation
120.04 Action by Council
120.05 Prohibited Sales and Acts
120.06 Amusement Devices


**120.01 LICENSE OR PERMIT REQUIRED.** No person shall manufacture for sale, import, sell, or offer or keep for sale, alcoholic liquor, wine, or beer without first securing a liquor control license, wine permit, or beer permit in accordance with the provisions of Chapter 123 of the *Code of Iowa*.

*(Code of Iowa, Sec. 123.22, 123.122, and 123.171)*

**120.02 GENERAL PROHIBITION.** It is unlawful to manufacture for sale, sell, offer, or keep for sale, possess, or transport alcoholic liquor, wine, or beer except upon the terms, conditions, limitations, and restrictions enumerated in Chapter 123 of the *Code of Iowa*, and a license or permit may be suspended or revoked or a civil penalty may be imposed for a violation thereof.

*(Code of Iowa, Sec. 123.2, 123.39, and 123.50)*

**120.03 INVESTIGATION.** Upon receipt of an application for a retail alcohol license, the Clerk may forward it to the Police Chief, who shall then conduct an investigation and submit a written report as to the truth of the facts averred in the application. The Fire Chief may also inspect the premises to determine if they conform to the requirements of the City. The Council shall not approve an application for a license for any premises that does not conform to the applicable law and ordinances, resolutions, and regulations of the City.

*(Code of Iowa, Sec. 123.30)*

**120.04 ACTION BY COUNCIL.** The Council shall either approve or disapprove the issuance of a retail alcohol license, shall endorse its approval or disapproval on the application, and shall forward the application with the necessary fee and bond, if required, to the Alcoholic Beverages Division.

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

**120.05 PROHIBITED SALES AND ACTS.** A person holding a retail alcohol license and the person's agents or employees shall not do any of the following:

1. Sell, dispense, or give to any intoxicated person, or one simulating intoxication, any alcoholic beverage.

*(Code of Iowa, Sec. 123.49[1])*

2. Sell or dispense any alcoholic beverage on the premises covered by the license, or permit its consumption thereon between the hours of 2:00 a.m. and 6:00 a.m. on any day of the week.

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

3. Sell alcoholic beverages to any person on credit, except with a bona fide credit card. This provision does not apply to sales by a club to its members, to sales by a hotel

or motel to bona fide registered guests, or to retail sales by the managing entity of a convention center, civic center, or events center.

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

4. Employ a person under 18 years of age in the sale or serving of alcoholic beverages for consumption on the premises where sold.

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

5. In the case of a retail wine or beer permittee, knowingly allow the mixing or adding of alcohol or any alcoholic beverage to wine, beer, or any other beverage in or about the permittee's place of business.

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

6. Knowingly permit any gambling, except in accordance with Iowa law, or knowingly permit any solicitation for immoral purposes, or immoral or disorderly conduct on the premises covered by the license or permit.

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

7. Knowingly permit or engage in any criminal activity on the premises covered by the license.

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

8. Keep on premises covered by a retail alcohol license any alcoholic liquor in any container except the original package purchased from the Alcoholic Beverages Division of the State Department of Commerce and except mixed drinks or cocktails mixed on the premises for immediate consumption. However, mixed drinks or cocktails that are mixed on the premises and are not for immediate consumption may be consumed on the licensed premises, subject to rules adopted by the Alcoholic Beverages Division.

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

9. Reuse for packaging alcoholic liquor or wine any container or receptacle used originally for packaging alcoholic liquor or wine; or adulterate, by the addition of any substance, the contents or remaining contents of an original package of an alcoholic liquor or wine; or knowingly possess any original package that has been reused or adulterated.

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

10. Allow any person other than the licensee or employees of the licensee to use or keep on the licensed premises any alcoholic liquor in any bottle or other container that is designed for the transporting of such beverages, except as allowed by State law.

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

11. Sell, give, possess, or otherwise supply a machine that is used to vaporize an alcoholic beverage for the purpose of being consumed in a vaporized form.

*(Code of Iowa, Sec. 123.49[21])*

**120.06 AMUSEMENT DEVICES.** The following provisions pertain to electrical or mechanical amusement devices possessed and used in accordance with Chapter 99B of the *Code of Iowa*. (Said devices are allowed only in premises with a retail alcohol license, as specifically authorized in said Chapter 99B.)

*(Code of Iowa, Sec. 99B.57)*

1. As used in this section, "registered electrical or mechanical amusement device" means an electrical or mechanical device required to be registered with the Iowa

Department of Inspection and Appeals, as provided in Section 99B.53 of the *Code of Iowa*.

2. It is unlawful for any person under the age of 21 to participate in the operation of a registered electrical or mechanical amusement device.

3. It is unlawful for any person owning or leasing a registered electrical or mechanical amusement device, or an employee of a person owning or leasing a registered electrical or mechanical amusement device, to knowingly allow a person under the age of 21 to participate in the operation of a registered electrical or mechanical amusement device.

4. It is unlawful for any person to knowingly participate in the operation of a registered electrical or mechanical amusement device with a person under the age of 21.

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# CHAPTER 121

# CIGARETTE AND TOBACCO PERMITS


**121.01 Definitions**
**121.02 Permit Required**
**121.03 Application**
**121.04 Fees**
**121.05 Issuance and Expiration**
**121.06 Refunds**
**121.07 Persons Under Legal Age**
**121.08 Self-Service Sales Prohibited**
**121.09 Permit Revocation**


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

1. "Alternative nicotine product" means a product, not consisting of or containing tobacco, that provides for the ingestion into the body of nicotine, whether by chewing, absorbing, dissolving, inhaling, snorting, or sniffing, or by any other means. "Alternative nicotine product" does not include cigarettes, tobacco products, or vapor products, or a product that is regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.

2. "Cigarette" means any roll for smoking made wholly or in part of tobacco, or any substitute for tobacco, irrespective of size or shape and irrespective of tobacco or any substitute for tobacco being flavored, adulterated, or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material. However, cigarette shall not be construed to include cigars.

3. "Place of business" means any place where cigarettes, tobacco products, alternative nicotine products, or vapor products are sold, stored, or kept for the purpose of sale or consumption by a retailer.

4. "Retailer" means every person who sells, distributes, or offers for sale for consumption, or possesses for the purpose of sale for consumption, cigarettes, alternative nicotine products, or vapor products, irrespective of the quantity or amount or the number of sales, or who engages in the business of selling tobacco, tobacco products, alternative nicotine products, or vapor products to ultimate consumers.

5. "Self-service display" means any manner of product display, placement, or storage from which a person purchasing the product may take possession of the product, prior to purchase, without assistance from the retailer or employee of the retailer, in removing the product from a restricted access location.

6. "Tobacco products" means the following: cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; cavendish; plug and twist tobacco; fine-cut and other chewing tobaccos; shorts or refuse scraps, clippings, cuttings, and sweepings of tobacco; and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or for both chewing and smoking, but does not mean cigarettes.

7. "Vapor product" means any noncombustible product, which may or may not contain nicotine, that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from a solution or other substance. "Vapor product" includes

an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device, and any cartridge or other container of a solution or other substance, which may or may not contain nicotine, that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. "Vapor product" does not include a product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.

**121.02 PERMIT REQUIRED.**

1. Retail Cigarette Permits. It is unlawful for any person, other than a holder of a retail permit, to sell cigarettes, alternative nicotine products, or vapor products at retail and no retailer shall distribute, sell, or solicit the sale of any cigarettes, alternative nicotine products, or vapor products within the City without a valid permit for each place of business. The permit shall, at all times, be publicly displayed at the place of business so as to be easily seen by the public and the persons authorized to inspect the place of business.

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

2. Retail Tobacco Permits. It is unlawful for any person to engage in the business of a retailer of tobacco, tobacco products, alternative nicotine products, or vapor products at any place of business without first having received a permit as a retailer for each place of business owned or operated by the retailer.

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

A retailer who holds a retail cigarette permit is not required to also obtain a retail tobacco permit. However, if a retailer only holds a retail cigarette permit and that permit is suspended, revoked, or expired, the retailer shall not sell any tobacco, tobacco products, alternative nicotine products, or vapor products, during such time.

**121.03 APPLICATION.** A completed application on forms furnished by the State Department of Revenue or on forms made available or approved by the Department and accompanied by the required fee shall be filed with the Clerk. Renewal applications shall be filed at least five days prior to the last regular meeting of the Council in June. If a renewal application is not timely filed, and a special Council meeting is called to act on the application, the costs of such special meeting shall be paid by the applicant.

*(Code of Iowa, Sec. 453A.13 and 453A.47A)*

**121.04 FEES.** The fee for a retail cigarette or tobacco permit shall be as follows:

*(Code of Iowa, Sec. 453A.13 and 453A.47A)*

| FOR PERMITS GRANTED DURING: | FEE: |
|---|---|
| July, August or September | $ 75.00 |
| October, November or December | $ 56.25 |
| January, February or March | $ 37.50 |
| April, May or June | $ 18.75 |

**121.05 ISSUANCE AND EXPIRATION.** Upon proper application and payment of the required fee, a permit shall be issued. Each permit issued shall describe clearly the place of business for which it is issued and shall be nonassignable. All permits expire on June 30 of each year. The Clerk shall submit a duplicate of any application for a permit to the Alcoholic Beverages Division of the Department of Commerce within 30 days of issuance of a permit.

**121.06 REFUNDS.** A retailer may surrender an unrevoked permit and receive a refund from the City, except during April, May, or June, in accordance with the schedule of refunds as provided in Section 453A.13 or 453A.47A of the *Code of Iowa*.

*(Code of Iowa, 453A.13 and 453A.47A)*

**121.07 PERSONS UNDER LEGAL AGE.** A person shall not sell, give, or otherwise supply any tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes to any person under 21 years of age. The provision of this section includes prohibiting a person under 21 years of age from purchasing tobacco, tobacco products, alternative nicotine products, vapor products, and cigarettes from a vending machine. If a retailer or employee of a retailer violates the provisions of this section, the Council shall, after written notice and hearing, and in addition to the other penalties fixed for such violation, assess the following:

1. For a first violation, the retailer shall be assessed a civil penalty in the amount of $300.00. Failure to pay the civil penalty as ordered under this subsection shall result in automatic suspension of the permit for a period of 14 days.

2. For a second violation within a period of two years, the retailer shall be assessed a civil penalty in the amount of $1,500.00 or the retailer's permit shall be suspended for a period of 30 days. The retailer may select its preference in the penalty to be applied under this subsection.

3. For a third violation within a period of three years, the retailer shall be assessed a civil penalty in the amount of $1,500.00 and the retailer's permit shall be suspended for a period of 30 days.

4. For a fourth violation within a period of three years, the retailer shall be assessed a civil penalty in the amount of $1,500.00 and the retailer's permit shall be suspended for a period of 60 days.

5. For a fifth violation within a period of four years, the retailer's permit shall be revoked.

The Clerk shall give 10 days' written notice to the retailer by mailing a copy of the notice to the place of business as it appears on the application for a permit. The notice shall state the reason for the contemplated action and the time and place at which the retailer may appear and be heard.

*(Code of Iowa, Sec. 453A.2, 453A.22, and 453A.36[6])*

**121.08 SELF-SERVICE SALES PROHIBITED.** Except for the sale of cigarettes through a cigarette vending machine as provided in Section 453A.36[6] of the *Code of Iowa*, a retailer shall not sell or offer for sale tobacco, tobacco products, alternative nicotine products, vapor products, or cigarettes through the use of a self-service display.

*(Code of Iowa, Sec. 453A.36A)*

**121.09 PERMIT REVOCATION.** Following a written notice and an opportunity for a hearing, as provided by the *Code of Iowa*, the Council may also revoke a permit issued pursuant to this chapter for a violation of Division I of Chapter 453A of the *Code of Iowa* or any rule adopted thereunder. If a permit is revoked, a new permit shall not be issued to the permit holder for any place of business, or to any other person for the place of business at which the violation occurred, until one year has expired from the date of revocation, unless good cause to the contrary is shown to the Council. The Clerk shall report the revocation or suspension of a retail permit to the Alcoholic Beverages Division of the Department of Commerce within 30 days of the revocation or suspension.

*(Code of Iowa, Sec. 453A.22)*

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# CHAPTER 122

# PEDDLERS, SOLICITORS, AND TRANSIENT MERCHANTS


122.01 Purpose
122.02 Definitions
122.03 License Required
122.04 Application for License
122.05 License Fees
122.06 Bond Required
122.07 License Issued
122.08 Display of License
122.09 License Not Transferable
122.10 Expiration
122.11 Revocation of License and Notice of Hearing
122.12 Hearing
122.13 Record and Determination
122.14 Appeal
122.15 Effect of Revocation
122.16 License Exemptions
122.17 Charitable and Nonprofit Organizations


**122.01 PURPOSE.** The purpose of this chapter is to protect residents of the City against fraud, unfair competition, and intrusion into the privacy of their homes by licensing and regulating peddlers, solicitors, and transient merchants.

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

1. "Peddler" means any person carrying goods or merchandise who sells or offers for sale for immediate delivery such goods or merchandise from house to house or upon the public street.

2. "Solicitor" means any person who solicits or attempts to solicit from house to house or upon the public street any contribution or donation or any order for goods, services, subscriptions, or merchandise to be delivered at a future date.

3. "Transient merchant" means any person who engages in a temporary or itinerant merchandising business and in the course of such business hires, leases, or occupies any building or structure whatsoever, or who operates out of a vehicle that is parked anywhere within the City limits. Temporary association with a local merchant, dealer, trader, or auctioneer, or conduct of such transient business in connection with, as a part of, or in the name of any local merchant, dealer, trader, or auctioneer does not exempt any person from being considered a transient merchant.

**122.03 LICENSE REQUIRED.** Any person engaging in peddling, soliciting, or in the business of a transient merchant in the City without first obtaining a license as herein provided is in violation of this chapter.

**122.04 APPLICATION FOR LICENSE.** An application in writing shall be filed with the Clerk for a license under this chapter. Such application shall set forth the applicant's name, permanent and local address, and business address if any. The application shall also set forth the applicant's employer, if any, and the employer's address, the nature of the applicant's business, the last three places of such business, and the length of time sought to be covered by the license. An application fee of $5.00 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. For one month: $30.00
2. For one year: $100.00

No license shall be issued for a period of less than one month.

**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*. Before a license under this chapter is issued to a peddler or solicitor, the applicant shall post a bond of $200.00 with the Clerk. Such bond shall be conditioned to indemnify and pay the City for any penalties or costs occasioned by the enforcement of this chapter and shall not be retired until a lapse of one year from the expiration of each license.

**122.07 LICENSE ISSUED.** If the application is completed in conformance with the requirements of this chapter, the facts stated therein are found to be correct, the license fee paid, and if the duration of the license is for one month, the Mayor may issue said license if the Mayor determines it is in the best interest of the City. If the Mayor refuses to issue the license, the decision of the Mayor may be appealed pursuant to Section 122.14. If the duration of the license is for more than one month, the Council shall make a determination as to the issuance of the license at its next regular meeting. The licensee shall be allowed to appear and be heard at said meeting.

**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 EXPIRATION.** All yearly licenses shall expire on the first day of each year and all other licenses at the time stated on the licenses.

**122.11 REVOCATION OF LICENSE AND NOTICE OF HEARING.** Following a written notice and an opportunity for a hearing, the Mayor may revoke any license issued pursuant to this chapter for the following reasons:

1. Fraudulent Statements. The licensee has made fraudulent statements in the application for the license or in the conduct of the business.
2. Violation of Law. The licensee has violated this chapter or has otherwise conducted the business in an unlawful manner.
3. Endangered Public Welfare, Health, or Safety. The licensee has conducted the business in such manner as to endanger the public welfare, safety, order, or morals.

The Clerk shall send the written notice to the licensee at the licensee's local address not less than 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.

**122.12 HEARING.** The Mayor 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 Mayor may proceed to a determination of the complaint.

**122.13 RECORD AND DETERMINATION.** The Mayor 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 Mayor finds clear and convincing evidence of substantial violation of this chapter or State law.

**122.14 APPEAL.** If the Mayor revokes or refuses to issue a license, the Mayor shall make a part of the record the reasons for such revocation or refusal. The licensee, or the applicant, shall have a right to a hearing before the Council at its next regular meeting. The Council may reverse, modify, or affirm the decision of the Mayor by a majority vote of the Council members present and the Mayor shall carry out the decision of the Council.

**122.15 EFFECT OF REVOCATION.** Revocation of any license shall bar the licensee from being eligible for any license under this chapter for a period of one year from the date of the revocation.

**122.16 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 Grundy Center Community School District conducting projects sponsored by organizations recognized by the school.

5. Route Sales. Route delivery persons who only incidentally solicit additional business or make special sales.

6. Resale or Institutional Use. Persons customarily calling on businesses or institutions for the purposes of selling products for resale or institutional use.

7. 7. Minor Businesses. An on-site transactional business traditionally operated exclusively by a person under the age of 18, operated on an occasional basis for no more than 89 calendar days in a calendar year.

*(Code of Iowa, Sec. 364.3[13])*

**122.17 CHARITABLE AND NONPROFIT ORGANIZATIONS.** Authorized representatives of charitable or nonprofit organizations operating under the provisions of Chapter 504 of the *Code of Iowa* desiring to solicit money or to distribute literature are exempt from the operation of Sections 122.04 and 122.05. All such organizations are required to submit in writing to the Clerk the name and purpose of the cause for which such activities are sought, names and addresses of the officers and directors of the organization, the period during which

such activities are to be carried on, and whether any commissions, fees, or wages are to be charged by the solicitor and the amount thereof. If the Clerk finds that the organization is a bona fide charity or nonprofit organization, the Clerk shall issue, free of charge, a license containing the above information to the applicant. In the event the Clerk denies the exemption, the authorized representatives of the organization may appeal the decision to the Council, as provided in Section 122.14 of this chapter.

# CHAPTER 123

# HOUSE MOVERS


123.01 Permit Required
123.02 Application
123.03 Bond Required
123.04 Permit Issued
123.05 Conditions Accompanying Permit
123.06 Notice to Utilities
123.07 Public Property
123.08 Protect Pavement
123.09 Blocking Streets
123.10 Removal by City
123.11 Insurance Required


**123.01 PERMIT REQUIRED.** No person shall move or cause to be moved along or across any street, avenue, alley or public ground any building of any description without first obtaining a building permit therefor from the City. Buildings of less than 100 square feet are exempt from the provisions of this chapter.

**123.02 APPLICATION.** Any person desiring to move any building over any street or alley shall file a written application with the Clerk, which application shall describe the building, the location from which it is to be moved, the streets and alleys over which it is to be moved and the location to which it is to be moved.

**123.03 BOND REQUIRED.** The application shall be accompanied by a surety bond in the penal sum of $5,000.00 conditioned for the payment of any damage to any street or alley caused by the moving of such building and the payment of any penalty that may be incurred by such person for violation of the provisions of this chapter or any other chapter of this Code of Ordinances. The bond shall remain in full force and effect for a period of six months after the same has been filed, and after that date may be released by the Mayor if it is then determined that there is no damage for which the bondsman can be held liable. In the event that the structure to be moved is of such size and weight that $5,000.00 is not a sufficient bond, the Council may by resolution determine any additional amount of bond required.

**123.04 PERMIT ISSUED.** Upon the filing with the Council of the application and if, in their opinion, taking into consideration the convenience of the public and the interference with telephone, telegraph and electric wires, the route proposed in the application is the best and most feasible one, the Council may direct the Clerk to issue a permit for moving the building in accordance with the application. The permit shall designate the route to be followed and the commencement date of the moving operation and shall also specify the time within which said move shall be completed.

**123.05 CONDITIONS ACCOMPANYING PERMIT.** The granting of any permit shall be upon the condition that the holder will give notice to all public service corporations or other interested persons and shall take all proper precautions to avoid damage to any such corporation's property or to any City property, and that the permit holder shall plank or bridge all crossings and protect the same from any damage and shall repair all damages caused to any sidewalk, street or other property belonging to the City by reason of moving of said building.

**123.06 NOTICE TO UTILITIES.** The holder of the permit for moving a building shall give adequate notice to public utilities or any other owner of any telephone, telegraph or electric wires to remove such wires, and the owner of such wires shall either remove or direct the

removal and replacing of such wires and the holder of the permit shall pay the reasonable cost thereof.

**123.07 PUBLIC PROPERTY.** The holder of any permit to move a building shall be liable for any damage to any pavement, sidewalk, pole, tree or other municipal or private property including the streets and alleys caused by moving such building. Any damage to any municipal property not repaired within 24 hours shall be repaired by the City and the costs thereof recovered from the permit holder on his or her bond.

**123.08 PROTECT PAVEMENT.** It is unlawful to move any house or building of any kind over any pavement, unless the wheels or rollers upon which the house or building is moved are at least one inch in width for each 1,000 pounds of weight of such building. If there is any question as to the weight of a house or building, the estimate of the City Engineer or Mayor as to such weight shall be final.

**123.09 BLOCKING STREETS.** It is unlawful to leave any building standing on any street, alley or sidewalk for a longer time than 24 hours or any time after the expiration of the time limit set out in the permit to move said building. At all times that the building is on the street or alleys between one-half hour before sunset and one-half hour after sunrise, the permit holder shall cause red signal lights to be prominently displayed on said building in such a position that the same can be seen in all directions.

**123.10 REMOVAL BY CITY.** In the event any building is left standing on any street for more than 24 hours or for any time longer than the time limit set out in the permit, the Mayor is authorized to remove or cause to be removed the building to any point or place where the same shall not obstruct travel or inconvenience the public. The Mayor shall keep an itemized account of such removal and the holder of the permit shall be liable on his or her bond to the City for such expense.

**123.11 INSURANCE REQUIRED.** Before a permit is issued to move any building, there shall be filed with the Clerk a certificate of public liability and property damage insurance by the mover with limits satisfactory to the Council.

# CHAPTER 124

# HOTEL/MOTEL TAX


124.01 Definitions
124.02 Tax Imposed
124.03 Effective Date
124.04 Collection
124.05 Use of Revenues


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

1. "Lodging" means rooms, apartments, or sleeping quarters in a hotel, motel, inn, public lodging house, rooming house, or manufactured or mobile home which is tangible personal property, or in a tourist court, or in any place where sleeping accommodations are furnished to transient guests for rent, whether with or without meals. Lodging does not include rooms that are not used for sleeping accommodations.

2. "Renting" or "rent" means a transfer of possession or control of lodging for a fixed or indeterminate term for consideration and includes any kind of direct or indirect charge for such lodging or its use.

3. "Sales price" means the consideration for renting of lodging and means the same as the term is defined in Section 423A.2 of the *Code of Iowa*.

All other words and phrases used in this chapter and defined in Section 423A.2 of the *Code of Iowa* have the meaning given them by Section 423A.2 for the purposes of this chapter.

*(Code of Iowa, Sec. 423A.2)*

**124.02 TAX IMPOSED**. There is hereby imposed a seven percent local hotel and motel tax upon the sales price from the renting of lodging within the City.

*(Code of Iowa, Sec. 423A.4)*

**124.03 EFFECTIVE DATE.** The hotel and motel tax as set forth in this chapter shall be imposed on all gross rent receipts received after July 1, 2021.

**124.04 COLLECTION.** The tax imposed in this chapter shall be remitted by the person or company liable for same to the State Director of Revenue in the manner required by State law.

*(Code of Iowa, Sec. 423A.5A)*

**124.05 USE OF REVENUES.** All revenue received by the City from the imposition of the hotel and motel tax shall be deposited in the Community Betterment Fund of the City and shall be used as follows:

1. All revenue derived from the hotel and motel tax shall be spent for the acquisition of sites for, or constructing, improving, enlarging, equipping, repairing, operating, or maintaining of recreation, cultural, or entertainment facilities including but not limited to the city parks, community center building, and parking areas or facilities located at those recreation, cultural, or entertainment facilities or the payment of principal and interest, when due, on bonds or other evidence of indebtedness issued by the City for those recreation, cultural, or entertainment facilities; or for the promotion and encouragement of tourist and economic development business in the City and surrounding areas.

*(Code of Iowa, Sec. 423A.7)*

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# CHAPTER 125

# MOBILE FOOD SERVICE VENDORS


125.01 Purpose
125.02 Definitions
125.03 License Required
125.04 License Application Requirements
125.05 License Fees
125.06 Transferability of License
125.07 Revocation of License
125.08 Public Safety and Congestion
125.09 Mobile Food Vending in Association with Special Events
125.10 General Rules and Regulations
125.11 Rules and Regulations for Operations Upon Any Public Right-of-Way or Other Public Property
125.12 Mobile Food Vendors in City Parks
125.13 Mobile Food Vendors on Private Property


**125.01 PURPOSE.** The purpose of this chapter is to provide for the issuance of permits to mobile food vendors for service of food on private and public property within the City.

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

1. "City park" means a parcel of land, owned, operated as, and designated as a park by the City.

2. "Food" means a raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption.

3. "Food cart" means a non-self-propelled vehicle food establishment that facilitates the preparation, marketing, and sale of food that is whole and unprocessed, prepared, packaged, non-potentially hazardous, or commissary-wrapped foods maintained at proper temperatures or precooked foods that require limited assembly, such as frankfurters.

4. "Food, packaged" means bottled, canned, cartoned, securely bagged, or securely wrapped, whether packaged in a food establishment or a food processing plant. "Packaged" does not include a wrapper, carry-out box, or other nondurable container used to containerize food with the purpose of facilitating food protection during service and receipt of the food by the consumer.

5. "Food, prepared" means food that is packaged and also includes food that is cooked or handled in some way, altering an unprocessed wholefood by mechanical or human processing which would occur in accordance with USDA or FDA regulations and is then consumed at a later time.

6. "Food, potentially hazardous" means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacean, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include clean, whole, uncracked, odor-free shell eggs or foods that have a pH level of 4.6 or below or a water activity (aw) value of 0.85 or less.

7. "Food stand" means any article, device, fixture, or equipment that is used as a place to provide food and includes, but is not limited to, food tents, food shacks, food pods, and food booths that are non-motorized, with or without a mobile kitchen, and facilitates the preparation, marketing, and sale of food that is whole unprocessed, prepared, or not potentially hazardous. Food stands are not lawfully permitted as a permanent structure.

8. "Food truck" or "food trailer" or "food wagon" means a self-propelled, or non-self-propelled vehicle or trailer, which is operable and is currently licensed through a North American department of motor vehicles. A food truck or food trailer contains a mobile kitchen and facilitates the preparation, marketing, and sale of food that is whole unprocessed, packaged, prepared, or not potentially hazardous.

9. "Food, unprocessed whole" means products that are not potentially hazardous raw food and do not have a post-harvest human or mechanical required element of preparation prior to safe human consumption. Generally, these items are whole fruits or vegetables.

10. "Intermittent sales" means food sales that occur from a mobile vending unit that is only stopped when making a sale. Stops for sales are generally less than five minutes in total duration.

11. "Market" means an establishment consisting of at least five vendors where people may gather, indoors or outside, and a permanent structure is on-site offering food that is prepared on-site for consumption on-site. Non-food goods and other prepared and packaged food, prepared on-site is offered for sale as a function of the establishment.

12. "Mobile food vending unit" means a food establishment that is self-contained, with the exception of grills and smokers, and readily movable. A food truck, food trailer, and food wagon are each considered to be a mobile food vending unit.

13. "Mobile food vendor" means an individual, entity, or group preparing, marketing, or selling food from a mobile food vending unit or food stand.

14. "Mobile food vendor sales" means an exchange of prepared or packaged food for American currency at a set price, not for goodwill donation, or for free.

15. "Mobile Food Vendor License" means the document issued by the Clerk granting permission for a person, corporation, entity, or group to sell unprocessed whole food, prepared food, or prepackaged food from a mobile vending unit for food stand.

16. "Private property" means a lot or defined area of land that is not in the ownership of a local, State, or federal government entity.

17. "Public alley" means the public right-of-way and service area at the rear or sometimes side of buildings, generally more narrow than the street.

18. "Public right-of-way" means an easement over land reserved for transportation purposes including public roadways, parking, sidewalks, and alleys.

19. "Restaurant" means a retail business licensed to serve food and beverages for on-premises consumption and that uses a kitchen on the premises for food preparation. These establishments may include entertainment, dancing, and the serving of alcoholic beverage if permitted by applicable State or local law and any required licenses or permits have been acquired. For the purposes of this chapter, a restaurant must also derive at least 25 percent of their revenue from the sale of food for immediate consumption on the premises and be located on the street level.

20. "Special event" means an event or celebration sponsored by a civic, business, education, government, community, or veterans' organization and may include athletic contests.

21. "Temporary sales" or "seasonal sales" means sales occurring from a mobile food vending unit or food stand of unprocessed whole food relating to, occurring in, or varying with a particular season or defined period of time no greater than four consecutive months in duration.

**125.03 LICENSE REQUIRED.** No mobile food vendor shall operate within the City limits without first obtaining a City Mobile Food Vendor License, unless:

1. The mobile food vendor is a charitable, educational, or religious organization that is exempt from taxation under Section 501(c)(3) of the *United States Internal Revenue Code* and that maintains a permanent facility or regularly holds events or provides services in the City, provided that such sales are not conducted by such organization in excess of three consecutive days in any seven-day period at the same location.

2. The mobile food vendor is selling unprocessed whole food on the same parcel or group of parcels under common ownership upon which said food is grown, and the parcel(s) is assessed as agricultural land by the County Assessor.

3. A market, as defined by this chapter, operates as a primary use on the parcel, but only while the market is in operation.

4. The mobile food vending is ancillary to an existing primary use on the same parcel and all of the following conditions are met:

A. There is a primary land use in a building on the parcel in which the mobile food vending unit would be located; and

B. Sale of food associated with the primary structure on the parcel would be allowed or is lawfully occurring on said parcel; and

C. The parcel has been classified by the County Assessor to be exempt, industrial, or commercial; and

D. The mobile food vendor is the owner of the parcel or owns a business in a permanent structure on the parcel where the mobile food vending unit or food stand would be located.

5. The mobile food vendor is engaged in temporary or seasonal sales of unprocessed whole food upon a parcel that has been classified by the County Assessor to be exempt, industrial, or commercial.

**125.04 LICENSE APPLICATION REQUIREMENTS.**

1. When a Mobile Food Vendor License is required, the applicant shall submit the following to the Clerk:

A. Completed application furnished by the Clerk.

B. Application fee set by Council resolution.

C. A description of the mobile food vendor's operation, including the specific location the mobile food vendor intends to operate.

D. A request to use public right-of-way or other public property, it the mobile food vendor intends to operate from a public right-of-way or other public property.

E. Proof of general liability insurance, including products liability coverage, in the amount of $1,000,000 or more per occurrence and $1,000,000 for property damage. A certificate of insurance shall be delivered to the Clerk prior to the issuance of a Mobile Food Vendor License.

F. Proof of licensing or permitting through the County, State, and federal governments, as required.

2. The Clerk shall decline any application that does not meet the requirements set forth in this section.

**125.05 LICENSE FEES.** At the time of the submittal of a license application, the applicant shall pay to the City the applicable license fee in addition to any applicable inspection fee(s). The fee schedule will be set by resolution and may be modified from time to time with approval by resolution of the City Council. Any licensee who surrenders their license prior to the date of expiration shall not be entitled to a refund of any portion of the fee.

**125.06 TRANSFERABILITY OF LICENSE.** A Mobile Food Vendor License shall not be transferable in any manner.

**125.07 REVOCATION OF LICENSE.**

1. Any Mobile Food Vendor License may, after notice in writing to the licensee and reasonable opportunity for hearing, be suspended, or revoked for misrepresentation of any material fact in the application for the license; or in the course of conducting business, for making fraudulent, false, or incorrect statements, for violating this chapter or any other ordinance or regulation adopted by the City, for otherwise conducting business in an unlawful manner, or if the mobile food vending operation becomes a public nuisance.

2. A licensee whose license has been revoked or denied for renewal shall not be eligible for another such license for a period of 180 days after such revocation or denial of renewal.

**125.08 PUBLIC SAFETY AND CONGESTION.** The City reserves the right, in the event public safety or congestion so requires, to limit the number of food trucks or food carts to a maximum number. Licenses will be issued in the order of priority based on the first date and time the application is stamped received by the Clerk.

**125.09 MOBILE FOOD VENDING IN ASSOCIATION WITH SPECIAL EVENTS.**

1. Mobile food vending units or food stands operating within a City-approved special event shall not be required to obtain a Mobile Food Vendor License from the Clerk, but shall comply with all federal, State, and County requirements for mobile food vendors.

2. A mobile food vending unit or food stand operating within a City-approved special event shall not be located upon a public right-of-way or other City-owned property unless specifically authorized by the Council as part of the special event.

**125.10 GENERAL RULES AND REGULATIONS.**

1. All mobile food vendors shall comply with federal, State and County laws, statutes, ordinances, and regulations related to mobile food vending units or food stands.

2. No mobile food vendor shall:

A. Leave a food cart unattended upon the public right-of-way or other City-owned property.

B. Operate, store, leave unattended, or park any mobile vending unit upon the public right-of-way between the hours of 2:00 a.m. and 6:30 a.m.

C. Leave any location without first picking up and removing all trash and refuse, including all products spilled on the sidewalk, as a direct result of the mobile food vending operation.

D. Dispose of trash and refuse in a dumpster or trash receptacle which is not owned or permissible for use by the mobile food vendor.

E. Sell to any person situated in a motor vehicle.

F. Conduct any sale from a mobile food vending unit from a parking space which is designated as a handicap parking space.

G. Conduct any sales from outside the mobile vending unit, unless reasonable accommodation is necessary to serve a customer with a disability.

H. Sell or attempt to sell alcoholic beverages or anything other than prepared, packaged, or whole unprocessed foods that are not potentially hazardous, without the State issued license from the Iowa Department of Revenue, Alcohol and Tax Operations Division.

I. Locate within three feet of a fire hydrant or within 10 feet of a building ingress or egress door.

J. Leave less than six feet of unobstructed passage on a public or private sidewalk.

K. Operate a mobile food vending unit or food stand within a public alley.

L. Stop, idle, or park in a location in which the mobile food vending unit or food stand or patrons thereof would be within a bike lane, fire lane, parking space not permitted for use by a mobile food vendor, or loading zone.

M. Park so as to block visibility at any intersection.

N. Operate a mobile food vending unit or food stand upon State or federal right-of-way.

**125.11 RULES AND REGULATIONS FOR OPERATIONS UPON ANY PUBLIC RIGHT-OF-WAY OR OTHER PUBLIC PROPERTY.** Any mobile food vendor operating upon any public right-of-way shall be subject to the following:

1. No mobile food vending unit or food stand shall operate upon public right-of-way or other public property within 100 feet from a parcel where the primary use is as a restaurant between 6:30 a.m. and 10:00 p.m.

2. Neither food stands nor food carts shall locate in any on-street parking space in the public right-of-way.

3. Neither food stands nor food carts shall locate within five feet of sidewalk ramps.

4. No food truck shall locate upon a sidewalk.

5. No food truck shall park within 35 feet of a stop sign in the direction of approach.

6. Sales activities and the transfer of food and beverages to the customer shall not occur on the street side of any mobile vending unit operating from any public right-of-way.

7. No mobile food vendor shall set up or maintain the use of any table, chair, crate, cation, rack, or any other device placed within the public right-of-way, to market or provide a seating or eating area for the mobile food vending operation. This shall include providing tables, chairs, or other furniture within the public right-of-way.

8. Not more than one sandwich board type sign (also known as A frame sign), no larger than six square feet per side is permitted and shall be placed off of the traveled portion of the street within five feet of where the mobile food vending unit or food stand is located.

9. All mobile food vendors shall be legally parked.

10. Food trucks engaging in intermittent sales upon a public right-of-way shall also be subject to the following:

A. The mobile food vending unit shall not exceed five miles per hour while playing music.

B. Sales are restricted to pedestrians and only at such a time when the food truck has come to a complete stop.

C. Hours of operation shall be no earlier than 10:00 a.m. and no later than 8:00 p.m. or sunset, whichever occurs first.

D. No loudspeaker or other sound system which may disturb the peace in the area is permitted. Music from the food truck is permitted to draw attention to the sales operation, but shall not be of a magnitude to create a disturbance in the surrounding area.

E. A sign displaying the name of the company and telephone number shall be affixed to the vehicle and be no smaller than one square foot.

**125.12 MOBILE FOOD VENDORS IN CITY PARKS.** Mobile food vendors within City parks shall also be subject to the following:

1. No mobile food vendor shall operate within a parking lot directly adjacent to, or with direct access to, a concession stand while said concession stand is in operation.

2. Mobile food vendors shall be limited to hard-surfaced or other designated parking areas of the park, but this shall not mean within any roadway or parking lot drive aisle.

3. Mobile food vending shall be limited to the park hours of operation set by the City.

4. A mobile food vending unit or food stand shall not be located upon public right-of-way or other public property within 200 feet of a City park where a special event is being held unless approved by the sponsor of such special event.

**125.13 MOBILE FOOD VENDORS ON PRIVATE PROPERTY.** No mobile food vendor shall operate a mobile food vending unit or food stand upon private property without a mobile food vendor license pursuant to this chapter.

***(Chapter 125 – Ord. 586 – Aug. 26 Supp.)***

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# CHAPTER 126

# SPECIAL EVENTS


**126.01 Permit Required**
**126.02 Exemptions**
**126.03 Application**
**126.04 Other Permits and Licenses Required**
**126.05 Permit Fee**
**126.06 Authority of City Council**
**126.07 Penalty**


**126.01 PERMIT REQUIRED.** A Special Event Permit is required for all the following events:

1. Events on public or private property with 200 or more person at any one time which have one or more of the following:

   A. Partial or full closure of a public street;

   B. Blocking or restricting access to private property of others or blocking or restricting access to a public property;

   C. Use of pyrotechnics or special effects;

   D. Use of open flame or other potentially dangerous displays;

   E. Sale or distribution of merchandise, food or beverages including alcoholic beverages;

   F. Erection of a tent or canopy requiring a permit.

   G. Installation of a stage, band shell, truck, trailer, van, portable building, booth, grandstand or bleachers;

   H. Placement of portable toilets;

   I. Placement of temporary signs or banners;

   J. Amplified sound.

Special Event Permit may be waived by resolution of the City Council under circumstances deemed to be in the best interest of the City.

**126.02 EXEMPTIONS.** The following events are exempt from obtaining a Special Event Permit:

1. An event conducted entirely on the property of a church, educational institution, college, or university campus;

2. An event conducted entirely on City-owned property subject to a contract, lease, or agreement;

3. An event conducted entirely on property containing an occupied private residence.

4. Annual community designated celebrations as designated by resolution of the City Council.

5. Sports facilities located on City property.

**126.03 APPLICATION.** A completed application on forms furnished by the City of Grundy Center shall be filed with the City Clerk at least 30 days prior to the event requiring the Special Event Permit, except for a Special Event Permit when a liquor license is required, then the time period shall be 45 days.

**126.04 OTHER PERMITS AND LICENSES REQUIRED.** All sponsors, applicants, and vendors shall obtain and maintain all necessary permits and licenses required for the event, as required elsewhere in this municipal Code or by law.

**126.05 PERMIT FEE.** The City Council may establish a permit fee by resolution.

**126.06 AUTHORITY OF CITY COUNCIL.** The Mayor or City Council designee has the authority to accept or reject events and to terminate or suspend an event which is in violation of this chapter and/or the rules and regulations for special events as adopted from time to time by resolution of the City Council. In addition, the Mayor or City Clerk has the right to deny or delay a Special Event Permit if sufficient time has not been allowed for the approval process. The City shall have the authority to revoke a Special Event Permit by reason of disaster, public riot or other public safety emergency, or violations to local, State and federal requirements

**126.07 PENALTY.** A violation of this chapter is a municipal infraction subject to the provisions of Chapter 4 of this municipal Code.

***(Chapter 126 – Ord. 587 – Aug. 26 Supp.)***

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# CHAPTER 135

# STREET USE AND MAINTENANCE


135.01 Removal of Warning Devices
135.02 Obstructing or Defacing
135.03 Placing Debris On
135.04 Playing In
135.05 Traveling on Barricaded Street or Alley
135.06 Use for Business Purposes
135.07 Washing Vehicles
135.08 Burning Prohibited
135.09 Excavations
135.10 Property Owner's Responsibility for Maintenance
135.11 Failure to Maintain
135.12 Dumping of Snow
135.13 Driveway Culverts
135.14 Curb and Gutter Repair


**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 bottles, plastic containers, nails, tacks, wire, cans, trash, garbage, rubbish, litter, leaves, offal, 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, except the raking of leaves at such times as determined by the Council during its annual fall leaf pick-up.

*(Code of Iowa, Sec. 321.369)*

**135.04 PLAYING IN.** It is unlawful for any person to coast, sled, or play games on streets or alleys, except in the areas blocked off by the City for such purposes.

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

**135.05 TRAVELING ON BARRICADED STREET OR ALLEY.** It is unlawful for any person to travel or operate any vehicle on any street or alley temporarily closed by barricades, lights, signs, or flares placed thereon by the authority or permission of any City official, police officer, or member of the Fire Department.

**135.06 USE FOR BUSINESS PURPOSES.** It is unlawful to park, store or place, temporarily or permanently, any machinery or junk or any other goods, wares, and merchandise of any kind upon any street or alley for the purpose of storage, exhibition, sale, or offering same for sale, without permission of the Council.

**135.07 WASHING VEHICLES.** It is unlawful for any person to use any public sidewalk, street, or alley for the purpose of washing or cleaning any automobile, truck equipment, or any vehicle of any kind when such work is done for hire or as a business. This does not prevent any person from washing or cleaning his or her own vehicle or equipment when it is lawfully parked in the street or alley.

**135.08 BURNING PROHIBITED.** No person shall burn any trash, leaves, rubbish, or other combustible material in any curb and gutter or on any paved or surfaced street or alley.

**135.09 EXCAVATIONS.** No person shall dig, excavate, or in any manner disturb any street, parking, or alley except in accordance with the following:

1. Permit Required. No excavation shall be commenced without first obtaining a permit. A written application for such permit shall be filed with the City and shall contain the following:

   A. An exact description of the property, by lot and street number, in front of or along which it is desired to excavate;

   B. A statement of the purpose, for whom and by whom the excavation is to be made;

   C. The person responsible for the refilling of said excavation and restoration of the street or alley surface; and

   D. Date of commencement of the work and estimated completion date.

2. Public Convenience. Streets and alleys shall be opened in the manner that will cause the least inconvenience to the public and admit the uninterrupted passage of water along the gutter on the street.

3. Barricades, Fencing, and Lighting. Adequate barricades, fencing, and warning lights meeting standards specified by the City shall be so placed as to protect the public from hazard. Any costs incurred by the City in providing or maintaining adequate barricades, fencing, or warning lights shall be paid to the City by the permit holder/property owner.

4. Street Cut Charge. Prior to issuance of a permit for an excavation which requires cutting into or through a street or alley surface, the applicant shall make a payment to the City in sufficient amount to reimburse the City for all costs and expenses for restoring the street or alley and the increased maintenance cost of the street or alley surface due to such work. The street cut charge is $5.25 per square foot of street cut.

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. All backfilling and resurfacing of any street or alley shall be done by the City.

7. Completion by the City. Should any excavation in any street or alley be discontinued or left open and unfinished for a period of 24 hours after the approved completion date, or in the event the work is improperly done, the City has the right to finish or correct the excavation work and charge any expenses for such work to the permit holder/property owner.

8. 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.

9. Notification. At least 48 hours prior to the commencement of the excavation, excluding Saturdays, Sundays, and legal holidays, the person performing the excavation shall contact the Statewide Notification Center and provide the center with the information required under Section 480.4 of the *Code of Iowa*.

10. Permit Issued. Upon approval of the application, payment of any street cut charges, and filing of insurance certificate, a permit shall be issued. A separate permit shall be required for each excavation.

**135.10 PROPERTY OWNER'S RESPONSIBILITY FOR MAINTENANCE.** The abutting property owner shall maintain all property outside the lot and property lines and inside the curb lines upon public streets and shall keep such area in a safe condition, free from nuisances, obstructions, and hazards. In the absence of a curb, such property shall extend from the property line to that portion of the public street used or improved for vehicular purposes. The abutting property owner shall not be required to remove diseased trees or dead wood on the publicly owned property or right-of-way. Maintenance includes, but is not limited to, timely mowing, trimming trees and shrubs, and picking up litter and debris. The abutting property owner may be liable for damages caused by failure to maintain the publicly owned property or right-of-way.[†]

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

**135.11 FAILURE TO MAINTAIN.** If the abutting property owner does not perform an action required under the above section within a reasonable time, the City may perform the required action and assess the cost against the abutting property for collection in the same manner as a property tax.

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

**135.12 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

[†] **EDITOR'S NOTE:** See also Section 136.04 relating to property owner's responsibility for maintenance of sidewalks.

of said repairs, the cost shall be certified to the County Treasurer and specially assessed against the property as by law provided.

**135.14 CURB AND GUTTER REPAIR.** Curb and gutter which is not installed in accordance with City specifications must be repaired or replaced by the property owner.

# CHAPTER 136

# SIDEWALK REGULATIONS


136.01 Purpose
136.02 Definitions
136.03 Removal of Snow, Ice, and Accumulations
136.04 Property Owner's Responsibility for Maintenance
136.05 City May Order Repairs
136.06 Sidewalk Construction
136.07 Permit Required
136.08 Sidewalk Standards
136.09 Barricades and Warning Lights
136.10 Failure to Repair or Barricade
136.11 Interference with Sidewalk Improvements
136.12 Awnings
136.13 Encroaching Steps
136.14 Openings and Enclosures
136.15 Fires or Fuel on Sidewalks
136.16 Defacing
136.17 Debris on Sidewalks
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.** The abutting property owner shall remove snow, ice, and accumulations promptly from sidewalks. If a property owner does not remove snow, ice, or accumulations within 24 hours, the City may do so and assess a flat rate of $50.00 for a first offense or $100.00 for a second offense, plus the cost of removal (labor and equipment) against the property owner for collection in the same manner as a property tax. The abutting property owner may be liable for damages caused by failure to remove snow, ice, and accumulations promptly from the sidewalk.

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

**136.04 PROPERTY OWNER'S RESPONSIBILITY FOR MAINTENANCE.** The abutting property owner shall maintain in a safe and hazard-free condition any sidewalk outside the lot and property lines and inside the curb lines or, in the absence of a curb, any sidewalk between the property line and that portion of the public street used or improved for vehicular purposes. The abutting property owner may be liable for damages caused by failure to maintain the sidewalk.

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

**136.05 CITY MAY ORDER REPAIRS.** If the abutting property owner does not maintain sidewalks as required, the Council may serve notice on such owner, by certified mail, requiring the owner to repair, replace or reconstruct sidewalks within a reasonable time and if such action is not completed within the time stated in the notice, the Council may require the work to be done and assess the costs against the abutting property for collection in the same manner as a property tax.

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

**136.06 SIDEWALK CONSTRUCTION.**

1. 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*.

2. It is the responsibility of an owner to construct a sidewalk in compliance with this chapter upon any lot on which a new dwelling, as defined in this Code of Ordinances, is constructed. The sidewalk shall be constructed on the entirety of the frontage of the lot and shall be installed at the same time as the driveway or if no driveway is to be installed at the time the final grading of the abutting lot is completed. If an owner fails to construct the required sidewalk, the Council may order construction under Section 136.05 of this Code of Ordinances. Any owner may appeal the application of this section to the Council who may waive compliance on a simple majority vote.

**136.07 PERMIT REQUIRED.** No person shall remove, reconstruct, or install a sidewalk unless such person has obtained a permit from the City and has agreed in writing that said removal, reconstruction, or installation will comply with all ordinances and requirements of the City for such work.

**136.08 SIDEWALK STANDARDS.** Sidewalks repaired, replaced, or constructed under the provisions of this chapter shall be of the following construction and meet the following standards:

1. Cement. Portland cement shall be the only cement used in the construction and repair of sidewalks.

2. Construction. Sidewalks shall be of one-course construction.

3. Sidewalk Base. Concrete may be placed directly on compact and well-drained soil. Where soil is not well drained, a three-inch sub-base of compact, clean, coarse gravel or sand shall be laid. The adequacy of the soil drainage is to be determined by the City.

4. Sidewalk Bed. The sidewalk bed shall be so graded that the constructed sidewalk will be at established grade.

5. Length, Width and Depth. Length, width and depth requirements are as follows:

A. Residential sidewalks shall be at least four feet wide and four inches thick, and each section shall be no more than four feet in length.

B. All sidewalks throughout the Business District shall be constructed from lot line to the curb line unless the location of the sidewalk is varied by an appropriate resolution of the Council upon application by the landowner.

C. Driveway areas shall be not less than six inches in thickness.

6. Location. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) one foot from the property line, unless the Council establishes a different distance due to special circumstances.

7. Grade. Curb tops shall be on level with the centerline of the street, which is the established grade.

8. Elevations. The street edge of a sidewalk shall be at an elevation even with the curb at the curb or not less than one-half inch above the curb for each foot between the curb and the sidewalk.

9. Slope. All sidewalks shall slope one-fourth inch per foot toward the curb.

10. Finish. All sidewalks shall be finished with a broom finish or wood float finish.

11. Curb Ramps and Sloped Areas for Persons with Disabilities. If a street, road, or highway is newly built or reconstructed, a curb ramp or sloped area shall be constructed or installed at each intersection of the street, road, or highway with a sidewalk or path. If a sidewalk or path is newly built or reconstructed, a curb ramp or sloped area shall be constructed or installed at each intersection of the sidewalk or path with a street, highway, or road. Curb ramps and sloped areas that are required pursuant to this subsection shall be constructed or installed in compliance with applicable federal requirements adopted in accordance with the Federal Americans with Disabilities Act, including (but not limited to) the guidelines issued by the Federal Architectural and Transportation Barriers Compliance Board.

*(Code of Iowa, Sec. 216C.9)*

**136.09 BARRICADES AND WARNING LIGHTS.** Whenever any material of any kind is deposited on any street, avenue, highway, passageway or alley when sidewalk improvements are being made or when any sidewalk is in a dangerous condition, it shall be the duty of all persons having an interest therein, either as the contractor or the owner, agent, or lessee of the property in front of or along which such material may be deposited, or such dangerous condition exists, to put in conspicuous places at each end of such sidewalk and at each end of any pile of material deposited in the street, a sufficient number of approved warning lights or flares, and to keep them lighted during the entire night and to erect sufficient barricades both at night and in the daytime to secure the same. The party or parties using the street for any of the purposes specified in this chapter shall be liable for all injuries or damage to persons or property arising from any wrongful act or negligence of the party or parties, or their agents or employees or for any misuse of the privileges conferred by this chapter or of any failure to comply with provisions hereof.

**136.10 FAILURE TO REPAIR OR BARRICADE.** It is the duty of the owner of the property abutting the sidewalk, or the owner's contractor or agent, to notify the City

immediately in the event of failure or inability to make necessary sidewalk improvements or to install or erect necessary barricades as required by this chapter.

**136.11 INTERFERENCE WITH SIDEWALK IMPROVEMENTS.** No person shall knowingly or willfully drive any vehicle upon any portion of any sidewalk or approach thereto while in the process of being improved or upon any portion of any completed sidewalk or approach thereto, or shall remove or destroy any part or all of any sidewalk or approach thereto, or shall remove, destroy, mar, or deface any sidewalk at any time or destroy, mar, remove, or deface any notice provided by this chapter.

**136.12 AWNINGS.** It is unlawful for a person to erect or maintain any awning over any sidewalk unless all parts of the awning are elevated at least eight feet above the surface of the sidewalk and the roof or covering is made of duck, canvas or other suitable material supported by iron frames or brackets securely fastened to the building, without any posts or other device that will obstruct the sidewalk or hinder or interfere with the free passage of pedestrians.

**136.13 ENCROACHING STEPS.** It is unlawful for a person to erect or maintain any stairs or steps to any building upon any part of any sidewalk without permission by resolution of the Council.

**136.14 OPENINGS AND ENCLOSURES.** It is unlawful for a person to:

1. Stairs and Railings. Construct or build a stairway or passageway to any cellar or basement by occupying any part of the sidewalk, or to enclose any portion of a sidewalk with a railing without permission by resolution of the Council.

2. Openings. Keep open any cellar door, grating, or cover to any vault on any sidewalk except while in actual use with adequate guards to protect the public.

3. Protect Openings. Neglect to properly protect or barricade all openings on or within six feet of any sidewalk.

**136.15 FIRES OR FUEL ON SIDEWALKS.** It is unlawful for a person to make a fire of any kind on any sidewalk or to place or allow any fuel to remain upon any sidewalk.

**136.16 DEFACING.** It is unlawful for a person to scatter or place any paste, paint, or writing on any sidewalk.

*(Code of Iowa, Sec. 716.1)*

**136.17 DEBRIS ON SIDEWALKS.** It is unlawful for a person to throw or deposit on any sidewalk any glass, nails, glass bottle, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or any substance likely to injure any person, animal, or vehicle.

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

**136.18 MERCHANDISE DISPLAY.** It is unlawful for a person to place upon or above any sidewalk, any goods or merchandise for sale or for display in such a manner as to interfere with the free and uninterrupted passage of pedestrians on the sidewalk; in no case shall more than three feet of the sidewalk next to the building be occupied for such purposes.

**136.19 SALES STANDS.** It is unlawful for a person to erect or keep any vending machine or stand for the sale of fruit, vegetables or other substances or commodities on any sidewalk without first obtaining a written permit from the Council.

# CHAPTER 137

# VACATION AND DISPOSAL OF STREETS


137.01 Power to Vacate
137.02 Planning and Zoning Commission
137.03 Notice of Vacation Hearing
137.04 Findings Required
137.05 Disposal of Vacated Streets or Alleys
137.06 Disposal by Gift Limited


**137.01 POWER TO VACATE.** When, in the judgment of the Council, it would be in the best interest of the City to vacate a street, alley, portion thereof, or any public grounds, the Council may do so by ordinance in accordance with the provisions of this chapter.

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

**137.02 PLANNING AND ZONING COMMISSION.** Any proposal to vacate a street, alley, portion thereof, or any public grounds shall be referred by the Council to the Planning and Zoning Commission for its study and recommendation prior to further consideration by the Council. The Commission shall submit a written report including recommendations to the Council within 30 days after the date the proposed vacation is referred to the Commission.

*(Code of Iowa, Sec. 392.1)*

**137.03 NOTICE OF VACATION HEARING.** The Council shall cause to be published a notice of public hearing of the time at which the proposal to vacate shall be considered.

**137.04 FINDINGS REQUIRED.** No street, alley, portion thereof, or any public grounds shall be vacated unless the Council finds that:

1. Public Use. The street, alley, portion thereof, or any public ground proposed to be vacated is not needed for the use of the public, and therefore, its maintenance at public expense is no longer justified.

2. Abutting Property. The proposed vacation will not deny owners of property abutting on the street or alley reasonable access to their property.

**137.05 DISPOSAL OF VACATED STREETS OR ALLEYS.** When in the judgment of the Council it would be in the best interest of the City to dispose of a vacated street or alley, portion thereof or public ground, the Council may do so in accordance with the provisions of Section 364.7, *Code of Iowa*.

*(Code of Iowa, Sec. 364.7)*

**137.06 DISPOSAL BY GIFT LIMITED.** The City may not dispose of real property by gift except to a governmental body for a public purpose or to a fair.

*(Code of Iowa, Sec. 174.15[2] and 364.7[3])*

**EDITOR'S NOTE**

The following ordinances, not codified herein and specifically saved from repeal, have been adopted vacating certain streets, alleys and/or public grounds and remain in full force and effect.

| ORDINANCE NO. | ADOPTED | ORDINANCE NO. | ADOPTED |
|---|---|---|---|
| 67 | 8/08/1939 | 414 | 10/17/1994 |
| 73 | 5/28/1940 | 541 | 7/16/2018 |
| 84 | 9/18/1944 | 544 | 10/15/2018 |
| 86 | 8/24/1945 | | |
| 90 | 5/06/1946 | | |
| 134 | 8/20/1953 | | |
| 168 | 6/20/1960 | | |
| 231 | 7/17/1972 | | |
| 234 | 7/17/1972 | | |
| 246 | 1/17/1974 | | |
| 250 | 5/19/1975 | | |
| 258 | 5/05/1976 | | |
| 265 | 2/20/1978 | | |
| 266 | 5/01/1978 | | |
| 303 | 6/18/1984 | | |
| 304 | 7/16/1984 | | |
| 305 | 8/20/1984 | | |
| 307 | 6/03/1985 | | |
| 367 | 7/03/1989 | | |
| 379 | 7/09/1990 | | |
| 386 | 8/05/1991 | | |
| 396 | 1/20/1992 | | |
| 397 | 3/16/1992 | | |
| 398 | 9/08/1992 | | |
| 402 | 2/01/1993 | | |
| 412 | 4/18/1994 | | |

# CHAPTER 138

# STREET GRADES

138.01 Purpose and Definition
138.02 Established Grades
138.03 Record Maintained

**138.01 PURPOSE AND DEFINITION.** This chapter is designed to meet the requirements of the *Code of Iowa* for the establishment of street grades. As used herein, "grade" means the longitudinal reference lines, as established by ordinance of the Council, which designate the elevation at which a street or sidewalk is to be built.

**138.02 ESTABLISHED GRADES.** The grades of all streets, alleys, and sidewalks, which have been heretofore established by ordinance, are hereby confirmed, ratified, and established as official grades.

**138.03 RECORD MAINTAINED.** The Clerk shall maintain a record of all established grades and furnish information concerning such grades upon request.

**EDITOR'S NOTE**

The following ordinances not codified herein, and specifically saved from repeal, have been adopted establishing street and/or sidewalk grades and remain in full force and effect.

| ORDINANCE NO. | ADOPTED | ORDINANCE NO. | ADOPTED |
|---|---|---|---|
| 335 | 1/16/1989 | | |
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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. Standards for changing name of a City street are as follows:

1. Only allowed for properties zoned in a C1 or C2 – Commercial District.

2. Request must come from a commercial business owner located on the street being request for name change.

3. Commercial business owner requesting the name change must own a majority of the property adjacent to the street being reviewed.

**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 Grundy Center, Iowa."

**139.05 REVISION OF STREET NAME MAP.** If in accordance with the provisions of this chapter, changes are made in street names, such changes shall be entered on the Official Street Name Map promptly after the change has been approved by the Council with an entry on the Official Street Name Map as follows: "On (date), by official action of the City Council, the following changes were made in the Official Street Name Map: (brief description)," which entry shall be signed by the Mayor and attested by the Clerk.

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# CHAPTER 140

# CONTROLLED ACCESS FACILITIES


140.01 Exercise of Police Power
140.02 Definition
140.03 Right of Access Limited
140.04 Establishment
140.05 Speed Limits
140.06 Parking Restricted


**140.01 EXERCISE OF POLICE POWER.** This chapter shall be deemed an exercise of the police power of the City under Chapter 306A, *Code of Iowa*, for the preservation of the public peace, health, and safety and for the promotion of the general welfare.

*(Code of Iowa, Sec. 306A.1)*

**140.02 DEFINITION.** The term "controlled access facility" means a highway or street especially designed for through traffic, and over, from or to which owners or occupants of abutting land or other persons have no right or easement or only a controlled right or easement of access, light, air, or view by reason of the fact that their property abuts upon such controlled access facility or for any other reason.

*(Code of Iowa, Sec. 306A.2)*

**140.03 RIGHT OF ACCESS LIMITED.** No person has any right of ingress or egress to or from abutting lands onto or across any controlled access facility, except at such designated points at which access is permitted.

*(Code of Iowa, Sec. 306A.4)*

**140.04 ESTABLISHMENT.** The controlled access facilities heretofore established for the City, on Primary Roads No. 14 and 175, are hereby confirmed as being along G Avenue from the west City limits to 4th Street, and along 4th Street from G Avenue to the north City limits and along G Avenue from 4th Street (Sta. 167+86) to the east City limits.

*(Code of Iowa, Sec. 306A.3)*

**140.05 SPEED LIMITS.** The maximum speed limits on the controlled access facility areas are as follows:

1. On 4th Street from the north City limits to G Avenue, and on G Avenue from 100 feet east of 3rd Street to 100 feet west of 12th Street: 30 miles per hour.

2. On G Avenue from 100 feet west of 12th Street to 480 feet east of Ray Road and from 100 feet east of 3rd Street to 100 feet east of East 1st Street: 35 miles per hour.

3. On G Avenue from west City limits to 480 feet east of Ray Road and from the east City limits to 100 feet east of East 1st Street: 45 miles per hour.

**140.06 PARKING RESTRICTED.** The parking of vehicles on or along controlled access facilities is restricted as follows:

1. Minor Street Approaches. Parking shall be prohibited on all minor street approaches for a distance of 35 feet in advance of the stop sign.

2. Minor Street Exits. Parking shall be prohibited on the exit side of a minor street for a distance of 35 feet.

3. Diagonal Parking on Minor Street. Where diagonal parking is permitted, on the minor street approach, parking shall be restricted so that a 55-foot stop sign distance is maintained.

4. G Avenue and 4th Street. Parking of any nature is prohibited on G Avenue from 12th Street (Sta. 611+20.1) to 9th Street and from 5th Street to the eastern boundary of the City and along 4th Street from G Avenue to the north City limits.

5. Intersection. At signalized intersections on the minor street exits, side parking is prohibited a distance of 22 feet beyond the crosswalk and on the approach side of a distance of 10 feet in advance of the near crosswalk measured along the edge of the curb.

6. Parallel Parking on G Avenue. A single line of parallel parking is permitted on G Avenue from 9th Street to 5th Street with the following restrictions at intersections:

A. On the un-signalized intersections, parking is prohibited on the primary road extension a distance of 35 feet in advance of the near crosswalk and a distance of 22 feet beyond the far crosswalk.

B. On the signalized intersections, parking is prohibited on the primary road extension a distance of 10 feet in advance of the near crosswalk and a distance of 5 feet beyond the far crosswalk.

# CHAPTER 141

# DRIVEWAYS


141.01 Definitions
141.02 Permit
141.03 Fee for Permit
141.04 Driveway Requirements
141.05 Sidewalks
141.06 Excavations
141.07 Revocation of Permit
141.08 Inspection and Approval


**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 (gravel, oil and gravel), or combinations of such materials, with the necessary base. "Paving" does not include surfacing with oil.

**141.02 PERMIT.** Before any person shall construct or repair a driveway, said person shall obtain a written permit from the City. A written application for the permit shall be filed with the Public Works Director. The application shall include the name and address of the property owner, the name and address of the person who will do the work and the proposed plan of construction or repair, which shall include the depth, width and type of surfacing material to be used. No other plan shall be followed except by written permission of the Public Works Director, who may allow amendments to the application or permit that do not conflict with this chapter. The Public Works Director shall issue the permit, bearing the signature of the Public Works Director and the date of issuance, if the proposed plan meets all of the requirements of this chapter, if the fee required under this chapter has been paid, and if the construction or repair as planned will not create any substantial hazard in the use of the street or sidewalk for public travel or drainage, or create any defect. Each permit shall expire six months after the date of issuance, if not constructed within that time.

**141.03 FEE FOR PERMIT.** Before any permit is issued, the person who makes the application shall pay any permit fee required by the Building Code.

**141.04 DRIVEWAY REQUIREMENTS.** All driveways shall meet the following requirements:

1. Except as set forth in Subsection2, all driveways shall be of paving of a depth of not less than six inches and shall be at least ten (10) feet in width. Alternatively, driveways for non-multi-family residential properties may be of a paving depth of not less than four inches in the paving is reinforced with No.9 welded reinforced wire. The driveway may be placed directly on compact and well-drained soil. Where soil is not well drained, a three-inch sub-base of compact, clean, coarse gravel, sand or cinders shall be laid. The driveway shall slope not more than three inches per foot toward the roadway. The maximum driveway width at the curb line shall be 25 feet for a one-car garage, 28 feet for a two-car garage, and up to 42 feet for a three-car or larger garage. All other construction shall comply with the City's Standards Specifications, which shall be considered an outline of minimal standards. ***(Ord. 578 – Jul. 25 Supp.)***

2. Driveways accessing multi-family property shall have a minimum width of 12 feet and shall be prepared with six-inch square reinforced wire mesh. The minimum radius for that part of such driveways connecting to streets shall be 10 feet.

**141.05 SIDEWALKS.** The grade of any sidewalk shall not be altered by the work done. The driveway shall be at the same level as any existing sidewalk. Sidewalk must be concrete. If the property owner currently has adjacent sidewalk on their property, the driveway must be formed with the expansion and sidewalk into the new driveway being installed. If the property owner currently does not have an adjacent sidewalk on their property, the driveway may be installed as one slab of concrete without the expansion joint.

**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 laid 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.

**141.07 REVOCATION OF PERMIT.** The Public Works Director may at any time revoke a permit for any violation of this chapter and may require that the work be stopped.

**141.08 INSPECTION AND APPROVAL.** The driveway must be inspected and approved in writing by the Public Works Director within 30 days after completion of the work. The Public Works Director shall keep a record of such approvals. If the Public Works Director refuses to approve the work, it must be corrected immediately so that it will meet with approval. If the work has been done improperly, the Public Works Director shall have the right to finish or correct the work, and the Council shall assess the costs to the property owner. Such assessment shall be collected with the general property taxes and in the same manner. Old or existing curb and gutter shall be removed by the City and the street repaired by the City.

[The next page is 525]

# CHAPTER 145

# DANGEROUS BUILDINGS


145.01 Enforcement Officer
145.02 General Definition of Unsafe
145.03 Unsafe Building
145.04 Notice to Owner
145.05 Conduct of Hearing
145.06 Posting of Signs
145.07 Right to Demolish; Municipal Infraction
145.08 Costs


**145.01 ENFORCEMENT OFFICER.** The Clerk is responsible for the enforcement of this chapter.

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

*(Code of Iowa, Sec. 657A.1 and 364.12[3a])*

**145.03 UNSAFE BUILDING.** "Unsafe building" means any structure or mobile home meeting any or all of the following criteria:

1. Various Inadequacies. Whenever the building or structure, or any portion thereof, because of: (i) dilapidation, deterioration, or decay; (ii) faulty construction; (iii) the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay, or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.

2. Manifestly Unsafe. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

3. Inadequate Maintenance. Whenever a building or structure, used or intended to be used for dwelling purposes, because of dilapidation, decay, damage, faulty construction, or otherwise, is determined by any health officer to be unsanitary, unfit for human habitation or in such condition that it is likely to cause sickness or disease.

4. Fire Hazard. Whenever any building or structure, because of dilapidated condition, deterioration, damage, or other cause, is determined by the Fire Marshal or Fire Chief to be a fire hazard.

5. Abandoned. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

**145.04 NOTICE TO OWNER.** The enforcement officer shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged and, if such is found to be an unsafe building as defined in this chapter, the enforcement officer shall give to the owner of such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises, within 48 hours

or such reasonable time as the circumstances require, to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof, and all such work shall be completed within 90 days from date of notice, unless otherwise stipulated by the enforcement officer. If necessary, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected, and approved by the enforcement officer.

*(Code of Iowa, Sec. 364.12[3h])*

1. Notice Served. Such notice shall be served by sending by certified mail to the owner of record, according to Section 364.12[3h] of the *Code of Iowa*, if the owner is found within the City limits. If the owner is not found within the City limits, such service may be made upon the owner by registered mail or certified mail. The designated period within which said owner or person in charge is required to comply with the order of the enforcement officer shall begin as of the date the owner receives such notice.

2. Hearing. Such notice shall also advise the owner that he or she may request a hearing before the Council on the notice by filing a written request for hearing within the time provided in the notice.

**145.05 CONDUCT OF HEARING.** If requested, the Council shall conduct a hearing in accordance with the following:

1. Notice. The owner shall be served with written notice specifying the date, time and place of hearing.

2. Owner's Rights. At the hearing, the owner may appear and show cause why the alleged nuisance shall not be abated.

3. Determination. The Council shall make and record findings of fact and may issue such order as it deems appropriate.[†]

**145.06 POSTING OF SIGNS.** The enforcement officer shall cause to be posted at each entrance to such building a notice to read: "DO NOT ENTER. UNSAFE TO OCCUPY. CITY OF GRUNDY CENTER, IOWA." Such notice shall remain posted until the required demolition, removal or repairs are completed. Such notice shall not be removed without written permission of the enforcement officer and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.

**145.07 RIGHT TO DEMOLISH; MUNICIPAL INFRACTION.** In case the owner fails, neglects, or refuses to comply with the notice to repair, rehabilitate, or to demolish and remove the building or structure or portion thereof, the Council may order the owner of the building prosecuted as a violator of the provisions of this chapter and may order the enforcement officer to proceed with the work specified in such notice. A statement of the cost of such work shall be transmitted to the Council. As an alternative to this action, the City may utilize the municipal infraction process to abate the nuisance.

*(Code of Iowa, Sec. 364.12[3h])*

[†] **EDITOR'S NOTE:** Suggested forms of notice and of a resolution and order of the Council for the administration of this chapter are provided in the APPENDIX to this Code of Ordinances. Caution is urged in the use of this procedure. We recommend you review the situation with your attorney before initiating procedures and follow his or her recommendation carefully.

**145.08 COSTS.** Costs incurred under Section 145.07 shall be paid out of the City treasury. Such costs shall be charged to the owner of the premises involved and levied as a special assessment against the land on which the building or structure is located, and shall be certified to the County Treasurer for collection in the manner provided for other taxes. In addition, the City may take any other action deemed appropriate to recover costs incurred.

*(Code of Iowa, Sec. 364.12[3h])*

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# CHAPTER 146

# MANUFACTURED AND MOBILE HOMES

146.01 Definitions
146.02 Conversion to Real Property
146.03 Foundation Requirements

**146.01 DEFINITIONS.** For use in this chapter the following terms are defined:
*(Code of Iowa, Sec. 435.1)*

1. "Manufactured home" means a factory-built structure built under the authority of 42 U.S.C. Sec. 5403 which was constructed on or after June 15, 1976, and is required by federal law to display a seal from the United States Department of Housing and Urban Development.

2. "Manufactured home community" means any site, lot, field, or tract of land under common ownership upon which ten or more occupied manufactured homes are harbored, either free of charge or for revenue purposes, and includes any building, structure, or enclosure used or intended for use as part of the equipment of the manufactured home community.

3. "Mobile home" means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but also includes any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home means any such vehicle built before June 15, 1976, which was not built to a mandatory building code and which contains no State or federal seals.

4. "Mobile home park" means any site, lot, field, or tract of land upon which three or more mobile homes or manufactured homes, or a combination of any of these homes, are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available.

The term "manufactured home community" or "mobile home park" is not to be construed to include manufactured or mobile homes, buildings, tents, or other structures temporarily maintained by any individual, educational institution, or company on its own premises and used exclusively to house said entity's own labor or students. The manufactured home community or mobile home park shall meet the requirements of any zoning regulations that are in effect.

**146.02 CONVERSION TO REAL PROPERTY.** A mobile home or manufactured home that is located outside a manufactured home community or mobile home park shall be converted to real estate by being placed on a permanent foundation and shall be assessed for real estate taxes except in the following cases:
*(Code of Iowa, Sec. 435.26)*

1. Retailer's Stock. Mobile homes or manufactured homes on private property as part of a retailer's or a manufacturer's stock not used as a place for human habitation.

2. Existing Homes. A taxable mobile home or manufactured home that is located outside of a manufactured home community or mobile home park as of January 1, 1995,

shall be assessed and taxed as real estate, but is exempt from the permanent foundation requirement of this chapter until the home is relocated.

**146.03 FOUNDATION REQUIREMENTS.** A mobile home or manufactured home located outside of a manufactured home community or mobile home park shall be placed on a permanent frost-free foundation system that meets the support and anchorage requirements as recommended by the manufacturer or required by the *State Building Code*. The foundation system must be visually compatible with permanent foundation systems of surrounding residential structures. Any such home shall be installed in accordance with the requirements of the *State Building Code*.

*(Code of Iowa, Sec. 103A.10 and 414.28)*

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# CHAPTER 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 of blocks 16, 17, 18, 24, 25, 26, 27, 30, 31 and 32 of the Original Plat of Grundy Center, Iowa, and the North One-half of Block 15, Original Plat, and the South 280 feet of the west 198 feet of County Auditor's Plat of Southeast Quarter, Northeast Quarter 12-87-17 and the south 118 feet of the west 198 feet of County Auditor's Plat of Lot Four of County Auditor's Plat of Southeast Quarter, Northeast Quarter 12-87-17.*

**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 fire resistant construction, as specified in the *International Building Code*.

**147.05 RECONSTRUCTION PROHIBITED.** Any building within the Fire Zone not constructed in accordance with the provisions of this chapter which is hereafter 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 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 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 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 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

# TREES


148.01 Purpose
148.02 Definitions
148.03 Planting Restrictions
148.04 Removal of Trees Prohibited
148.05 Street Tree Classifications
148.06 Distance from Curb and Sidewalk
148.07 Distance from Street Corners and Fire Plugs
148.08 Utilities
148.09 Public Tree Care
148.10 Tree Topping
148.11 Duty to Trim Trees
148.12 Removal of Dead or Diseased Trees
148.13 Removal of Stumps


**148.01 PURPOSE.** The purpose of this chapter is to beautify and preserve the appearance of the City.

**148.02 DEFINITIONS.** For use in this chapter, the following definitions are given.

1. "Park trees" are trees, shrubs, bushes and all other woody vegetation in public parks and other areas owned by the City to which the public has free access as a park.

2. "Street trees" are trees, shrubs, bushes and all other woody vegetation on land owned by the City and lying between property lines on either side of all streets, avenues or ways within the City.

**148.03 PLANTING RESTRICTIONS.** No tree shall be planted on any City or State right-of-way unless the planting conforms with this chapter, and a valid permit for said planting has been issued by the Tree Board.

**148.04 REMOVAL OF TREES PROHIBITED.** Any tree currently existing on publicly owned right-of-way shall not be removed by an adjoining property owner or anyone else without first obtaining permission of the Tree Board.

**148.05 STREET TREE CLASSIFICATIONS.** The following list constitutes the official Street Tree Classifications for the City. Although other species are not prohibited, property owners are encouraged to plant these species as street trees:

| SMALL TREES<br>Mature Height of<br>Less than 25 Feet | MEDIUM TREES<br>Mature Height between<br>25 Feet and 50 Feet | LARGE TREES<br>Mature Height of<br>More than 50 Feet |
|---|---|---|
| American Maackia | Black Gum | American Beech |
| American Hornbeam | Ginko | American Elm |
| Eastern Redbud | Honey Locust (thornless) | American Sycamore |
| Flowering Crabapple | Ironwood | Coffeetree, Kentucky |
| Japanese Lilac Tree | Linden – various species | Hackberry |
| Purpleleaf Plum | Sergent Cherry | London Planetree |
| Serviceberry Tree | Skyline Locust | Maple, various species |
| | Yellowwood | Oak, various species |
| | | Sweetgum |
| | | Tuliptree |

***(Section 148.05 – Ord. 573 – Jul. 24 Supp.)***

**148.06 DISTANCE FROM CURB AND SIDEWALK.** The distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with the tree species size classes and no trees may be planted closer to any curb or sidewalk than the following: small trees, two feet; medium trees, three feet; and large trees, four feet, unless in conformity with Section 148.03.

**148.07 DISTANCE FROM STREET CORNERS AND FIRE PLUGS.** No street tree shall be planted closer than 20 feet from any street corner, measured from the point of nearest intersecting curbs or curb lines. No street tree shall be planted closer than 10 feet from any fireplug.

**148.08 UTILITIES.** No street trees other than those species listed as small trees may be planted under or within 10 lateral feet of any overhead electrical wire, or over or within 10 lateral feet of any underground electrical utility line, water line or sewer line. However, the Tree Board may allow a variance of this section if it is not detrimental to the public utilities and in the judgment of the Tree Board is an enhancement to the property and community.

**148.09 PUBLIC TREE CARE.** The City has the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The City may remove or cause or order to be removed any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines or other public improvements, or is affected with any injurious fungus, insect or other pest; provided, however, such removal shall be conducted in accordance with tree removal policies of the tree plan. This section does not prohibit the planting of street trees by adjacent property owners providing that the selection and location of said trees is in accordance with this chapter, and that a valid permit for said planting has been obtained from the City Tree Board.

**148.10 TREE TOPPING.** It is unlawful as a normal practice for any person or City department to top any street tree, park tree or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical, may be exempted from this section at the determination of the Tree Board. The Tree Board shall adopt a tree topping policy in its tree plan to be followed by the City in pruning or topping trees.

**148.11 DUTY TO TRIM TREES.** The owner or agent of the abutting property shall keep the trees on private property trimmed so that all branches will be at least eight feet above the sidewalks. If the abutting property owner fails to trim the trees, the City may serve notice on the abutting property owner requiring that such action be taken within five days. If such action is not taken within that time, the City may perform the required action and assess the costs against the abutting property for collection in the same manner as a property tax.

*(Code of Iowa, Sec. 364.12[2c, d, and e])*

**148.12 REMOVAL OF DEAD OR DISEASED TREES.** The City has the right to cause the removal of any dead or diseased trees on private property within the City when such trees constitute a hazard to life and property, or harbor insects or diseases which constitute a potential threat to other trees within the City. The Tree Board will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within 60 days after the date

of service of notice. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove such trees and charge the cost of removal on the owner's property tax notice.

**148.13 REMOVAL OF STUMPS.** All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump does not project above the surface of the ground. When the City causes a tree on City property to be removed, the City shall remove the stump to six inches below ground level.

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# CHAPTER 150

# BUILDING CODE

150.01 Purpose
150.02 Adoption
150.03 Amendments and Modifications

**150.01 PURPOSE.** The purpose of this chapter is to adopt the 2015 edition of the *International Building Code*, regulating and governing the conditions and maintenance of all property, buildings, and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for occupation and use in the City.

**150.02 ADOPTION.** That a certain document, one copy of which is on file in the office of the City Clerk of the City of Grundy Center, Iowa, being marked and designated as the *International Building Code,* 2015 edition, including Appendix Chapters A, B, C, F and G, as published by the International Code Council, be and is hereby adopted as the Building Code of the City for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure the structures are safe, sanitary and fit for occupation and use; and each and all of the regulations, provisions, penalties, conditions and terms of said Building Code on file in the office of the City Clerk, are hereby referred to, adopted and made a part hereof as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in Section 150.03 of this chapter.

**150.03 AMENDMENTS AND MODIFICATIONS.** That the following sections of the *International Building Code,* 2015 edition, are hereby revised:

1. Section 101.1 is amended as follows: "101.1 Title. These regulations shall be known as the *Building Code* of the City of Grundy Center, Iowa, hereinafter referred to as "this code."

2. Section 103 shall be deleted in its entirety and the following substituted in lieu thereof:

   A. "SECTION 103 BUILDING OFFICIAL

   B. 103.1 Appointment. The Zoning Administrator of the City of Grundy Center, Iowa, shall serve as the Building Official."

3. Section 105.1 shall be deleted in its entirety and the following substituted in lieu thereof: "105.1 Required. Any owner or owner's authorized agent who intends to perform any of the work described in Section 155.02 of the Code of Ordinances of the City of Grundy Center, Iowa, or cause any such work to be performed, shall first make application to the Building Official and obtain the required permit."

4. Section 113 shall be deleted in its entirety and the following substituted in lieu thereof:

   A. "SECTION 113 BOARD OF APPEALS

B. 113.1 General. The Board of Adjustment shall hear and decide appeals of orders, decisions or determinations made by the building official and relative to the application and interpretation of this Code.

C. 113.2 Limitations on Authority. An application for appeal shall be based on a claim that the true intent of this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply or an equally good or better form of construction is proposed. The Board shall not have authority to waive requirements of this Code."

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# CHAPTER 155

# BUILDING PERMITS


**155.01 Definitions**
**155.02 Building Permit Required**
**155.03 Application**
**155.04 Action by Administrator**
**155.05 Building Permit Procedure**
**155.06 Time Limit**
**155.07 Permit Fees**
**155.08 Violation**
**155.09 Expiration of Permits**


**155.01 DEFINITIONS.** For the purpose of this chapter, the following terms and words are defined:

1. "Accessory building" means a subordinate building located on the same lot as the main building, the use of which is naturally and normally incidental to that of the dominant use of the main building or land.

2. "Building" means any structure having a roof supported by columns or walls for the shelter or enclosure of persons or property. "Building" includes a portable building.

3. "Commercial building" means a building used for the carrying on of any retail, wholesale, service or professional business.

4. "Commission" means the City Planning and Zoning Commission.

5. "Dwelling" means any building or portion thereof which is designed or used for residential purposes.

6. "Industrial building" means a building used for carrying on the manufacture, processing or distribution of any goods or materials.

7. "Project Cost" means the total construction costs of the building or addition, not including interior furnishings. These costs include, but are not limited to, dirt work, concrete, trenches, footings, water, sewer, electrical, tile lines, all framing, sheetrock/paneling, all mechanical services (furnace, water heater, fireplace, etc), labor, windows, doors, plumbing and lighting fixtures, flooring, roofing, insulation, and flatwork."

8. "Structure" means anything constructed or erected, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground.

**9.** "Structurally altered" or "structural alteration" means any structural change in exterior form, including, but not limited to, roofs, porches, decks, steps and chimneys.

**155.02 BUILDING PERMIT REQUIRED.** No building, wall or structure shall be erected, enlarged, reconstructed, structurally altered, or remodeled, and no building, wall or structure shall be moved from outside to within the City or from one part of the City to another, until a detailed written application for a building permit, in duplicate, has been filed with the City Clerk and a written permit is issued authorizing the proposed work. No fence shall be constructed until a detailed written application for building permit has been filed with the City Clerk and a written permit is issued authorizing the proposed work. No permit shall be issued except in conformity with the provisions of Chapter 165 of this Code of Ordinances, except after written

order from the Board of Adjustment. Permits shall be applied for at the office of the City Clerk and shall expire one year after the date of issue. Extensions of time may be granted in writing by the Zoning Administrator for good cause."

**155.03 APPLICATION.** All applications for building permits shall be accompanied by a drawing or plat, in duplicate, showing the lot plan, the street and house number, the location of the building on the lot, accurate dimensions of building or lot, an accurate estimate of the total cost of the proposed work, a specific time period for the construction work to take place, a specific date for completion of the work, and such other information as may be necessary to provide for the enforcement of these regulations. A careful record of the original copy of such application and plat shall be kept in the office of the Commission and the duplicate copy shall be kept at the building at all times during construction. All work carried out under a building permit issued under this chapter shall be in strict accordance with the application under which such permit was granted. In the event any variance from the original application is desired, an amendment to the original application shall be filed in the same manner as an original application and an amended permit obtained.

**155.04 ACTION BY ADMINISTRATOR.** The Zoning Administrator shall, within 10 days after the filing of a building permit application in proper form, either issue or refuse to issue the requested permit.

**155.05 BUILDING PERMIT PROCEDURE.** It is the responsibility of a property owner to obtain a building permit application. The completed application shall be submitted to the City Clerk along with the appropriate permit fee.

**155.06 TIME LIMIT.** If a permit is issued, it shall provide for a specific term as determined by the Commission. Building permits shall lapse at the end of the stated term. Upon application, the Commission may grant extensions to building permits. Applications for extensions must be filed prior to the termination of the original permit. Extensions may be applied for if extenuating circumstances (weather, shortage of material, labor problems) may delay the project. Each case will be negotiated on an individual basis. Commercial projects are to be negotiated by the Commission and the contractor. The Zoning Administrator is to keep careful records of the initial dates of projects as well as completion dates. The fees for extensions are to be prorated as to the original fee. The time limits on building permits are as follows:

| COST OF PROJECT | TIME LIMIT |
|---|---|
| $0.00 TO $10,000.00 | 60 days |
| $10,000.01 to $50,000.00 | 120 days |
| $50,000.01 to $250,000.00 | 360 days |

Time limits are to begin when construction commences and end when the project is completed. For new homes the time limit is to begin when excavation takes place and end when the building is enclosed. A building is enclosed when the outside of the building is completely finished, i.e., the roof is shingled, siding is completed, and the windows and doors are in the building. The permit fee for any project that is started without a building permit application having been filed with the City Clerk shall be double the amount.

**155.07 PERMIT FEES.**

1. Residential. No permit fee shall be charged to the United States Government, the State, or any political subdivision thereof, or to any religious group for the construction of a church or parochial school. All applications for a building permit for property zoned residential shall be accompanied by the appropriate permit fee as set forth below, and no portion of such fee shall be refunded to the applicant unless the building permit is refused. The permit fee shall be made payable to the City and upon request, the applicant shall be issued a receipt therefor. The residential building permit fees shall be as follows:

| **COST OF PROJECT** | **FEE** |
|---|---|
| $0.00 to $8,000.00 | $40.00 |
| $8,000.01 and over | One-half percent of project cost |

2. Commercial. No permit fee shall be charged to the United States Government, the State, or any political subdivision thereof, or to any religious group for the construction of a church or parochial school. All applications for a building permit for property zoned commercial shall be accompanied by the appropriate permit fee as set forth below, and no portion of such fee shall be refunded to the applicant unless the building permit is refused. The permit fee shall be made payable to the City and upon request, the applicant shall be issued a receipt therefor. The commercial building permit fees shall be as follows:

| **COST OF PROJECT** | **FEE** |
|---|---|
| $0.00 to $8,000.00 | $40.00 |
| $8,000.01 to $100,000.00 | One-half percent of project cost |
| $100,000.01 to $500,000.00 | One-quarter percent of project cost |
| $500,000.01 and over | One-tenth percent of project cost |

**155.08 VIOLATION.** Any person who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this chapter, shall be deemed to have committed a Municipal Infraction. Each day that such violation continues constitutes a separate offense.

**155.09 EXPIRATION OF PERMITS.** All permits issued in accordance with the provisions of this chapter shall be valid for one year from date of issue and shall then expire.

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# CHAPTER 156

# PRIVATE WELL INSTALLATION


156.01 Permit Required
156.02 Information to be Provided
156.03 Considerations
156.04 Underground Storage Tank Sites
156.05 Decision; Appeals
156.06 Permit Fees


**156.01 PERMIT REQUIRED.** No person shall construct a private well after January 23, 2003, or own or use a private well that was constructed after January 23, 2003, unless a permit has been issued for the well by the City. The permit application shall be made with the Public Works Department on forms provided by the City.

**156.02 INFORMATION TO BE PROVIDED.** The permit applicant shall provide the Public Works Department with data concerning the soil and groundwater contamination in the particular described application site.

**156.03 CONSIDERATIONS.** In determining whether to issue a permit or not, the Public Works Department shall consider the availability of public water to serve the facility; the estimated amount of water to be consumed; and the uses for which the water will be used.

**156.04 UNDERGROUND STORAGE TANK SITES.**

1. The Public Works Department has issued letters to the Iowa Department of Natural Resources in response to information it has received documenting the presence of petroleum contamination from underground storage tank sites. These letters provide assurance that the Public Works Department would not likely permit private wells within the documentation area of concern due to the availability of public water supply. The Public Works Department will maintain records of all leaking underground storage tank sites for which it has issued a certification letter.

2. The Public Works Department will investigate their records to determine if the proposed private well is within the area of concern from any leaking underground storage tank sites. The Public Works Department may also contact the Iowa Department of Natural Resources to determine if there are leaking underground storage tank sites within the area of concern.

3. If the Public Works Department determines that a private well application may be granted in an area of concern, the Public Works Department shall notify the Iowa Department of Natural Resources concerning the Leaking Underground Storage Tank section of the permit application.

**156.05 DECISION; APPEALS.** A decision to grant or deny a permit shall be made within 30 days after application. If a permit is denied, a written notice of denial shall be given to the applicant. The reason for the denial shall be stated in the notice and the rights of the applicant to appeal the Public Works Department's decision. If a permit is denied, the applicant may appeal the Department's decision to the Council. The appeal shall be made by written notice delivered to the Clerk within 30 days after the date of the Public Works Department's denial. The Council shall schedule a public hearing on the appeal within 30 days from the date of the appeal and upon failure to do so, the denial shall be deemed affirmed by the Council. If there

is no appeal, the decision of the Public Works Department is final. Where appeal is taken, the decision of the Council is final.

**156.06 PERMIT FEES.** Permit fees shall be set by resolution of the Council.

# CHAPTER 157

# WIND ENERGY SYSTEMS


157.01 Purpose and General Policy
157.02 Definitions
157.03 Permit Requirements
157.04 Utility Notification
157.05 Bulk Regulations
157.06 Noise
157.07 Fall Zone Required
157.08 Lighting
157.09 Climbing Apparatus
157.10 Appearance


**157.01 PURPOSE AND GENERAL POLICY.** The City Council finds that regulations are needed in order to establish uniform rules and policies to ensure that wind energy systems are appropriately designed, sited, and installed to protect the public health, safety, and welfare.

**157.02 DEFINITIONS.** For use in this chapter, the following terms are defined:

1. Approved Wind Turbine: Wind turbines used in a wind energy system must be approved under a certification program recognized by the American Wind Energy Association.

2. Commercial Wind Energy System: A wind energy system which is intended to produce electricity for sale to a rate regulated or non-regulated utility or for use off site. No commercial wind energy system shall be installed within the corporate limits of the City.

3. Height: The height above grade of the wind energy system, including the tower, generating unit, and the highest vertical extension of any blades or rotors. Height shall be measured from the adjacent grade of the tower to the tip of the turbine (blade) at its highest point.

4. Wind Energy System:

   A. Dispersed wind energy system: A system that is located on property zoned A-1, C-1, C-2, M-1, M-2 and has a rated capacity of 100 kilowatts or more which is incidental and subordinate to a permitted use on the same parcel and which is intended to produce electricity primarily for use on site.

   B. Residential wind energy system: A system that is located on a property zoned R-1, R-2, R-4 and has a rated capacity of up to 100 kilowatts and which is incidental and subordinate to a permitted use on the same parcel.

**157.03 PERMIT REQUIREMENTS.** A wind energy system shall only be allowed as an accessory use to a permitted principal use and shall require a Special Use Permit. Approval of the Board of Adjustment shall be made prior to construction, installation, alteration, or location of such structure. The owner/operator of the wind energy system shall obtain all other permits required by federal, State, and local agencies prior to construction of the system.

**157.04 UTILITY NOTIFICATION.** No wind energy system shall be installed until the City electric utility has been informed of the customer's intent to install an interconnected customer owned generator. Connection with the City electric utility's grid system will be made only upon written application, upon compliance by the applicant with the rules and regulations of the City electric utility, and after approval of the application by the City electric utility, upon

inspection for compatibility with the electric utility's grid system. Off-grid systems do not have to notify the City electric utility.

**157.05 BULK REGULATIONS.**

1. Location. Wind energy systems shall adhere to the following location requirements:

A. A wind energy system shall be located entirely in the rear yard.

B. No part of a wind energy system shall be located within or over drainage, utility or other established easements.

C. A wind energy system shall be located to be in compliance with the guidelines of the Federal Aviation Administration (FAA) regulations and those regulations codified in Chapter 167.

2. Maximum Height.

A. All wind energy systems located in any R zoning district shall have a maximum height of 80 feet.

B. All other wind energy systems located in zoning districts other than R districts shall have a maximum height of 120 feet.

3. Setback. All parts of the wind energy structure, including guy wire anchors, shall be at least 10 feet from the property line.

4. Clearance of Blade Aboveground. No portion of the wind energy system blade shall extend within 20 feet of the ground. No blades may extend over parking areas, driveways or sidewalks.

**157.06 NOISE.** Wind energy systems shall not exceed 60 dBA, as measured at the closest neighboring inhabited dwelling. The level, however, may be exceeded during short term events such as utility outages and/or severe wind storms. It shall be the responsibility of the owner to verify the noise level.

**157.07 FALL ZONE REQUIRED.** An accessory wind turbine shall meet the following fall zone requirements:

1. Fall Zone - Free Standing and Attached Towers. Free standing towers, or towers attached to a building shall be located on the lot so that the distance from the base of the tower to any adjoining property line is a minimum of 100 percent of the proposed tower height.

2. Fall Zone - Guyed Towers. Guy wire supported towers shall be located so that the distance from the base of the tower to any adjoining property line is a minimum of 70 percent of the effective height from its base.

**157.08 LIGHTING.** No lights shall be installed on the tower, unless required to meet FAA regulations.

**157.09 CLIMBING APPARATUS.** All climbing apparatus shall be located a minimum of 12 feet above the ground and the tower must be designed to prevent climbing within the first 12 feet.

**157.10 APPEARANCE.** The property owner of any wind energy system shall maintain such system in a safe and attractive manner, including replacement of defective parts, painting, cleaning, and other acts that may be required for the maintenance and upkeep of the function and appearance of such a system. The owner shall also maintain the ground upon which the system is located in an orderly manner, such that is free from debris, tall grass and weeds, and any structures remain in good appearance.

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# CHAPTER 160

# FLOODPLAIN MANAGEMENT


**160.01 Definitions**
**160.02 Statutory Authority, Findings of Fact and Purpose**
**160.03 General Provisions**
**160.04 Administration**
**160.05 Establishment of Floodplain (Overlay) District**
**160.06 Standards for Floodplain (Overlay) District**
**160.07 Establishment of Variance Procedures**
**160.08 Nonconforming Uses**
**160.09 Penalties for Violation**
**160.10 Amendments**


**160.01 DEFINITIONS.** Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

1. "Appurtenant structure" means a structure which is on the same parcel of the property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

2. "Base flood" means the flood having one percent chance of being equaled or exceeded in any given year (also commonly referred to as the "100-year flood").

3. "Base flood elevation" (BFE) means the elevation floodwaters would reach at a particular site during the occurrence of a base flood event.

4. "Basement" means any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see "lowest floor."

5. "Development" means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials. "Development" does not include minor projects or routine maintenance of existing buildings and facilities, as defined in this section. It also does not include gardening, plowing, and similar practices that do not involve filling or grading.

6. "Enclosed area below lowest floor" means the floor of the lowest enclosed area in a building when all the following criteria are met:

   A. The enclosed area is designed to flood to equalize hydrostatic pressure during flood events with walls or openings that satisfy the provisions of 160.06(4)(A) of this chapter; and

   B. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking, or storage; and

   C. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one foot above the base flood elevation; and

   D. The enclosed area is not a basement, as defined in this section.

7. "Existing construction" means any structure for which the start of construction commenced before the effective date of the first floodplain management regulations adopted by the community.

8. "Existing factory-built home park or subdivision" means a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the community.

9. "Expansion of existing factory-built home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

10. "Factory-built home" means any structure, designed for residential use which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this chapter factory-built homes include mobile homes, manufactured homes, and modular homes; and also includes recreational vehicles which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.

11. "Factory-built home park or subdivision" means a parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.

12. "500-year flood" means a flood, the magnitude of which has a two-tenths percent chance of being equaled or exceeded in any given year or which, on average, will be equaled or exceeded at least once every 500 years.

13. "Flood" means a general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.

14. "Flood insurance rate map" (FIRM) means the official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.

15. "Flood insurance study" (FIS) means a report published by FEMA for a community issued along with the community's Flood Insurance Rate Map(s). The study contains such background data as the base flood discharge and water surface elevations that were used to prepare the FIRM.

16. "Floodplain" means any land area susceptible to being inundated by water as a result of a flood.

17. "Floodplain management" means an overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of floodplains, including but not limited to emergency preparedness plans, flood control works, floodproofing, and floodplain management regulations.

18. "Flood proofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.

19. "Floodway" means the channel of a river or stream and those portions of the floodplains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one foot.

20. "Floodway fringe" means those portions of the special flood hazard area outside the floodway.

21. "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

22. "Historic structure" means any structure that is:

A. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;

B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (i) by an approved state program as determined by the Secretary of the Interior; or (ii) directly by the Secretary of the Interior in states without approved programs.

23. "Lowest floor" means the floor of the lowest enclosed area in a building including a basement except when the criteria listed in the definition of "enclosed area below lowest floor" are met.

24. "Maximum damage potential uses" means hospitals and like institutions; buildings or building complexes containing documents, data, or instruments of great public value; buildings or building complexes containing materials dangerous to the public or fuel storage facilities; power installations needed in emergency or other buildings or building complexes similar in nature or use.

25. "Minor projects" means small development activities (except for filling, grading, and excavating) valued at less than $500.00.

26. "New construction" (new buildings, factory-built home parks) means those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.

27. "New factory-built home park or subdivision" means a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the effective date of the first floodplain management regulations adopted by the community.

28. "Recreational vehicle" means a vehicle which is:

A. Built on a single chassis;

B. Four hundred (400) square feet or less when measured at the largest horizontal projection;

C. Designed to be self-propelled or permanently towable by a light duty truck; and

D. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

29. "Routine maintenance of existing buildings and facilities" means repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:

A. Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;

B. Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;

C. Basement sealing;

D. Repairing or replacing damaged or broken window panes;

E. Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.

30. "Special flood hazard area" (SFHA) means the land within a community subject to the base flood. This land is identified on the community's Flood Insurance Rate Map as Zone A, A1-30, AE, AH, AO, AR, and/or A99.

31. "Start of construction" includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

32. "Structure" means anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, storage tanks, grain storage facilities, and/or other similar uses.

33. "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair.

34. "Substantial improvement" means any improvement to a structure which satisfies either of the following criteria:

A. Any repair, reconstruction or improvement of a structure taking place during a 10-year period, the cumulative cost of which, equals or exceeds 50 percent of the market value of the structure either: (i) before the start of construction of the first improvement of the structure; or (ii) if the structure has been substantially damaged and is being restored, before the damage occurred. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of a historic structure, provided the alteration will not preclude the structure's designation as a historic structure.

B. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after the effective date of the first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

35. "Variance" means a grant of relief by a community from the terms of the floodplain management regulations.

36. "Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations.

**160.02 STATUTORY AUTHORITY, FINDINGS OF FACT AND PURPOSE.**

1. The Legislature of the State of Iowa has, in Chapter 414 of the *Code of Iowa*, as amended, delegated the power to cities to enact zoning regulations to secure safety from flood and to promote health and the general welfare.

2. Findings of Fact.

A. The flood hazard areas of the City are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare of the community.

B. These flood losses, hazards, and related adverse effects are caused by: (i) the occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding; and (ii) the cumulative effect of obstructions on the floodplain causing increases in flood heights and velocities.

C. This chapter relies upon engineering methodology for analyzing flood hazards which is consistent with the standards established by the Department of Natural Resources.

3. Statement of Purpose. It is the purpose of this chapter to protect and preserve the rights, privileges, and property of the City and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing those flood losses described in Paragraph 2(A) of this section with provisions designed to:

A. Reserve sufficient floodplain area for the conveyance of flood flows so that flood heights and velocities will not be increased substantially.

B. Restrict or prohibit uses which are dangerous to health, safety, or property in times of flood or which cause excessive increases in flood heights or velocities.

C. Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.

D. Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.

E. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

**160.03 GENERAL PROVISIONS.**

1. Lands to Which Chapter Applies. The provisions of this chapter shall apply to all lands within the jurisdiction of the City which are located within the boundaries of the Floodplain (Overlay) District as established in Section 160.05.

2. Rules for Interpretation of Floodplain (Overlay) District. The boundaries of the Floodplain (Overlay) District areas shall be determined by scaling distances on the official Flood Insurance Rate Map. When an interpretation is needed as to the exact location of a boundary, the City Clerk shall make the necessary interpretation. The City Council shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the City Clerk in the enforcement or administration of this chapter.

3. Compliance. No structure or land shall hereafter be used and no structure shall be located, extended, converted, or structurally altered without full compliance with the terms of this chapter and other applicable regulations which apply to uses within the jurisdiction of this chapter.

4. Abrogation and Greater Restrictions. It is not intended by this chapter to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail. All other ordinances inconsistent with this chapter are hereby repealed to the extent of the inconsistency only.

5. Interpretation. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

6. Warning and Disclaimer of Liability. The standards required by this chapter are considered reasonable for regulatory purposes. This chapter does not imply that areas outside the designated Floodplain (Overlay) District areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

7. Severability. If any section, clause, provision, or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

**160.04 ADMINISTRATION.**

1. Appointment, Duties and Responsibilities of Floodplain Administrator.

A. The City Clerk is hereby appointed to implement and administer the provisions of this chapter and will herein be referred to as the Administrator.

B. Duties and responsibilities of the Administrator shall include, but not necessarily be limited to the following:

(1) Review all floodplain development permit applications to assure that the provisions of this chapter will be satisfied.

(2) Review floodplain development applications to assure that all necessary permits have been obtained from federal, State, and local governmental agencies including approval when required from the Department of Natural Resources for floodplain construction.

(3) Record and maintain a record of: (i) the elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of all new or substantially improved structures; or (ii) the elevation to which new or substantially improved structures have been floodproofed.

(4) Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.

(5) Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this chapter.

(6) Submit to the Federal Insurance Administration an annual report concerning the community's participation, utilizing the annual report form supplied by the Federal Insurance Administration.

(7) Notify the Federal Insurance Administration of any annexations or modifications to the community's boundaries.

(8) Review subdivision proposals to ensure such proposals are consistent with the purpose of this chapter and advise the Council of potential conflict.

(9) Maintain the accuracy of the community's Flood Insurance Rate Maps when:

a. Development placed within the Floodway (Overlay) District results in either of the following: (i) an increase in the Base Flood Elevations; or (ii) alteration to the floodway boundary;

b. Development placed in Zones A, AE, AH, and A1-30 that does not include a designated floodway that will cause a rise of more than one foot in the base elevation; or

c. Development relocates or alters the channel.

Within six months of the completion of the development, the applicant shall submit to FEMA all scientific and technical data necessary for a Letter of Map Revision.

(10) Perform site inspections to ensure compliance with the standards of this chapter.

(11) Forward all requests for variances to the City Council for consideration. Ensure all requests include the information ordinarily submitted with applications as well as any additional information deemed necessary to the City Council.

2. Floodplain Development Permit.

A. Permit Required. A Floodplain Development Permit issued by the Administrator shall be secured prior to any floodplain development (any manmade change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations), including the placement of factory-built homes.

B. Application for Permit. Application shall be made on forms furnished by the Administrator and shall include the following:

(1) Description of the work to be covered by the permit for which application is to be made.

(2) Description of the land on which the proposed work is to be done (e.g., lot, block, track, street address or similar description) that will readily identify and locate the work to be done.

(3) Location and dimensions of all buildings and building additions.

(4) Indication of the use or occupancy for which the proposed work is intended.

(5) Elevation of the base flood.

(6) Elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of buildings or of the level to which a building is to be floodproofed.

(7) For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.

(8) Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this chapter.

C. Action on Permit Application. The Administrator shall, within a reasonable time, make a determination as to whether the proposed floodplain development meets the applicable standards of this chapter and shall approve

or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefor. The Administrator shall not issue permits for variances except as directed by the City Council.

D. Construction and Use to Be as Provided in Application and Plans. Floodplain Development Permits based on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement, or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this chapter. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building floor elevations, flood proofing, or other flood protection measures were accomplished in compliance with the provisions of this chapter, prior to the use or occupancy of any structure.

**160.05 ESTABLISHMENT OF FLOODPLAIN (OVERLAY) DISTRICT.** The areas within the jurisdiction of the City having special flood hazards are hereby designated as a Floodplain (Overlay) District and shall be subject to the standards of the Floodplain (Overlay) District (as well as those for the underlying zoning district). The Floodplain (Overlay) District boundaries shall be as shown on the Flood Insurance Rate Map (FIRM) for Grundy County and Incorporated Areas, City of Grundy Center, Panels 19075C0195C and 19075C0310C, dated December 20, 2019.

**160.06 STANDARDS FOR FLOODPLAIN (OVERLAY) DISTRICT.** All developments must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Where base flood elevations and floodway data have not been provided on the Flood Insurance Rate Map, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

1. All Development. All development within the Floodplain (Overlay) District shall:

A. Be consistent with the need to minimize flood damage.

B. Use construction methods and practices that will minimize flood damage.

C. Use construction materials and utility equipment that are resistant to flood damage.

D. Obtain all other necessary permits from federal, State, and local governmental agencies including approval when required from the Iowa Department of Natural Resources.

2. Residential Structures. All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one foot above the base flood elevations. Construction shall be upon compacted fill which shall, at all points, be no lower than one foot above the base flood elevations and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers or extended foundations) may be allowed subject to favorable consideration by the Council, where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards

associated with flooding. All new residential structures located in areas that would become isolated due to flooding of surrounding ground shall be provided with a means of access that will be passable by wheeled vehicles during the base flood. However, this criterion shall not apply where the Administrator determines there is sufficient flood warning time for the protection of life and property. When estimating flood warning time, consideration shall be given to the criteria listed in 567-75.2(3), Iowa Administrative Code.

3. Nonresidential Structures. All new or substantially improved nonresidential structures shall have the lowest floor (including basement) elevated a minimum of one foot above the base flood elevation, or together with attendant utility and sanitary systems, be flood proofed to such a level. When flood proofing is utilized, a professional engineer registered in the State of Iowa shall certify that the flood proofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood; and that the structure, below the base flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the Administrator.

4. All New and Substantially Improved Structures.

A. Fully enclosed areas below the lowest floor (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:

(1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

(2) The bottom of all openings shall be no higher than one foot above grade.

(3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

Such areas shall be used solely for parking of vehicles, building access and low damage potential storage.

B. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

C. New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities elevated or flood proofed to a minimum of one foot above the base flood elevation.

5. Factory-Built Homes:

A. All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be

elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one foot above the base flood level.

B. All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. Anchorage systems may include, but are not limited to, use of over-the-top or frame ties to ground anchors as required by the State Building Code.

6. Utility and Sanitary Systems.

A. On-site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.

B. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one foot above the base flood elevation.

C. New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one foot above the base flood elevation.

D. Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.

7. Storage of Materials and Equipment. Storage of equipment and materials that are flammable, explosive, or injurious to human, animal or plant life is prohibited unless elevated a minimum of one foot above the base flood elevation. Other material and equipment must either be similarly elevated or: (i) not subject to major flood damage and be anchored to prevent movement due to flood waters; or (ii) readily removable from the area within the time available after flood warning.

8. Flood Control Structures. Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from the base flood with a minimum of three feet of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources.

9. Watercourse Alterations. Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.

10. Subdivisions. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this chapter. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be

passable by wheeled vehicles during the base flood. Proposals for subdivisions greater than five acres or 50 lots (whichever is less) shall include base flood elevation data for those areas located within the Floodplain (Overlay) District.

11. Accessory Structures to Residential Uses.

A. Detached garages, sheds, and similar structures that are incidental to a residential use are exempt from the base flood elevation requirements where the following criteria are satisfied.

(1) The structure shall be designed to have low flood damage potential. Its size shall not exceed 600 square feet in size. Those portions of the structure located less than one foot above the BFE must be constructed of flood-resistant materials.

(2) The structure shall be used solely for low flood damage potential purposes such as vehicle parking and limited storage. The structure shall not be used for human habitation.

(3) The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.

(4) The structure shall be firmly anchored to resist flotation, collapse, and lateral movement.

(5) The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the base flood elevation.

(6) The structure’s walls shall include openings that satisfy the provisions of subsection 4(A) of this section.

Exemption from the base flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

12. Recreational Vehicles.

A. Recreational vehicles are exempt from the requirements of Subsection 5 of this section regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.

(1) The recreational vehicle shall be located on the site for less than 180 consecutive days; and

(2) The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

B. Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of Subsection 5 of this section regarding anchoring and elevation of factory-built homes.

13. Pipeline Crossings. Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

14. Maximum Damage Potential Uses. All new or substantially improved maximum damage potential uses shall have the lowest floor (including basement) elevated a minimum of one foot above the elevation of the 500-year flood, or together with attendant utility and sanitary systems, be floodproofed to such a level. When flood proofing is utilized, a professional engineer registered in the State of Iowa shall certify that the flood proofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood; and that the structure, below the base flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are flood proofed shall be maintained by the Administrator. Where 0.2% chance flood elevation data has not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determinations.

## 160.07 ESTABLISHMENT OF VARIANCE PROCEDURES.

1. The City Council may authorize upon request in specific cases such variances from the terms of this chapter that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship. Variances granted must meet the following applicable standards.

A. Variances shall only be granted upon: (i) a showing of good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.

B. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

C. In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this chapter, the applicant shall be notified in writing over the signature of the Administrator that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as $25.00 for $100.00 of insurance coverage; and (ii) such construction increases risks to life and property.

2. Factors upon Which the Decision of the City Council Shall Be Based. In passing upon applications for variances, the Council shall consider all relevant factors specified in other sections of this chapter and:

A. The danger to life and property due to increased flood heights or velocities caused by encroachments.

B. The danger that materials may be swept on to other land or downstream to the injury of others.

C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.

D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

E. The importance of the services provided by the proposed facility to the City.

F. The requirements of the facility for a floodplain location.

G. The availability of alternative locations not subject to flooding for the proposed use.

H. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

I. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.

J. The safety of access to the property in times of flood for ordinary and emergency vehicles.

K. The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.

L. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets, and bridges.

M. Such other factors which are relevant to the purpose of this chapter.

3. Conditions Attached to Variances. Upon consideration of the factors listed above, the City Council may attach such conditions to the granting of variances as it deems necessary to further the purpose of this chapter. Such conditions may include, but not necessarily be limited to:

A. Modification of waste disposal and water supply facilities.

B. Limitation of periods of use and operation.

C. Imposition of operational controls, sureties, and deed restrictions.

D. Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this chapter.

E. Floodproofing measures.

## 160.08 NONCONFORMING USES.

1. A structure or the use of a structure or premises which was lawful before the passage or amendment of the ordinance codified in this chapter, but which is not in conformity with the provisions of this chapter, may be continued subject to the following conditions:

A. If such use is discontinued for six consecutive months, any future use of the building premises shall conform to this chapter.

B. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.

2. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50 percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this chapter. This limitation does not include the cost of any alteration to comply with existing State or local health, sanitary, building, or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.

**160.09 PENALTIES FOR VIOLATION.** Violations of the provisions of this chapter or failure to comply with any of the requirements shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $500.00 or imprisoned for not more than 30 days. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy violation.

**160.10 AMENDMENTS.** The regulations and standards set forth in this chapter may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval of the Department of Natural Resources.

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## CHAPTER 165

# ZONING REGULATIONS

**EDITOR'S NOTE**

The "City of Grundy Center Zoning Ordinance," and amendments thereto, contained in Volume 2, are a part of this Code of Ordinances and are in full force and effect. The following ordinances have been adopted amending the Official Zoning Map of the City and are specifically saved from repeal.

| ORDINANCE | ADOPTED | SUBJECT |
|---|---|---|
| 485 | 2/20/2006 | Official Zoning Map |
| 492 | 11/18/2008 | Rezoning from R-1 to R-2 |
| 493 | 12/8/2008 | Rezoning from A-1 to R-1 |
| 498 | 4/19/2010 | Rezoning from A-1 to C-2 |
| 508 | 2/18/2013 | Rezoning from R-1 to C-2 |
| 511 | 2/3/2014 | Rezoning from R-1 to C-2 |
| 513 | 4/21/2014 | Rezoning from R-1 to C-2 |
| 516 | 2/2/2015 | Rezoning from R-1 to C-2 |
| 518 | 8/3/2015 | Rezoning from Unclassified to R-2 |
| 528 | 4/18/2016 | Rezoning from R-1 to C-2 |
| 530 | 9/19/2016 | Rezoning from R-1 to C-2 |
| 560 | 1/17/2022 | Rezoning from A-1 to R-1 |
| 570 | 7/10/2023 | Original Art Murals |
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# CHAPTER 166

# SUBDIVISION REGULATIONS


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**166.01 TITLE.** This chapter shall be known, referred to and cited as "The Land Subdivision Ordinance of the City of Grundy Center, Iowa."

**166.02 DEFINITIONS.** For the purpose of this chapter, the following terms and words are defined. The word "building" includes the word "structure."

1. "Aliquot Part" means a fractional part of a section within the United States Public Land Survey System. Only the fractional parts one-half, one-quarter, one-half of one-quarter, or one-quarter of one-quarter shall be considered an aliquot part of a section.

2. "Building line" means a line on a plat between which line and a street no building or structure may be erected.

3. "City Engineer" means the engineer ordinarily retained by the City for the design or construction of public improvements therein.

4. "Commission" means the City Planning and Zoning Commission.

5. "Cul-de-sac" means a minor street with only one outlet and culminated by a turnaround.

6. "Easement" means a grant by a property owner for the use by another, and for a specified purpose, of a strip of land by the general public, a corporation or a certain person.

7. "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.

8. "Major thoroughfare" means a street designated as such in the major thoroughfare plan for the City.

9. "Minor street" means a street not designated as a major thoroughfare in the major thoroughfare plan for the City.

10. "Performance bond" means a surety bond or cash deposit made out to the City in an amount equal to the full cost of the improvements which are required by this

chapter, said cost being estimated by an engineer registered in the State, and said surety bond or cash deposit being legally sufficient to secure to the City that the said improvements will be constructed in accordance with this chapter.

11. "Roadway" means that portion of the street available for vehicular traffic and where curbs are laid the portion from back to back of curbs.

12. "Street" means all property dedicated or intended for public or private use for access to abutting lands or subject to public easements therefor, and whether designated as a street, highway, parkway, thoroughfare, expressway, road, avenue, boulevard, land, place, circle, or however otherwise designated.

13. "Subdivider" means any person dividing or proposing to divide land so as to constitute a subdivision as defined herein, and includes any agent of the subdivider.

14. "Subdivision" means a tract of land divided into three or more parcels by repeated divisions or simultaneous division.

15. "Tract" means an aliquot part of a section, a lot within an official plat, or a government lot.

**166.03 PLAT REQUIRED.** It is unlawful for the owner, agent or person having control of any land within the corporate limits of the City or, pursuant to Section 354.9 of the *Code of Iowa*, within two miles thereof, to subdivide or lay out such land into lots, blocks, streets, avenues, alleys, public ways and grounds, unless by plat in accordance with Chapter 354 of the *Code of Iowa* and the provisions of this chapter.

**166.04 PROCEDURE.** In obtaining final approval of a proposed subdivision by the Commission and Council, the subdivider shall submit a preliminary plat, a performance bond and a final plat, in accordance with this chapter.

1. The subdivider shall first prepare and file with the Commission four copies of a preliminary plat conforming to the requirements set forth in this chapter. Six copies of the preliminary plat shall be submitted for subdivisions outside the corporate limits of the City. Said plats shall be accompanied by a fee of $1.00 for each lot in the subdivision, providing said subdivision does not consist of less than 10 lots, in which case a minimum fee of $10.00 is required.

2. The Commission shall forthwith refer two copies to the City Engineer. In the case of subdivisions outside the corporate limits of the City, the Commission shall refer two copies of the preliminary plat to the County Board of Supervisors and keep the County Engineer advised of the status of the plans and actions taken thereon and request one copy returned to the Commission with the County's recommendation, comments or objections noted thereon within 15 days thereafter.

3. A hearing on the proposal will be held before the Commission at its first regular meeting following the receipt of the Engineer's (and County's, if applicable) recommendation.

4. The City Engineer shall carefully examine said plat as to its compliance with the laws and regulations of the City, the existing street system, and good engineering practices, and shall, within 15 days, submit his findings in duplicate to the Commission, together with one copy of the plat received.

5. The Commission shall, upon receiving the City Engineer's report, as soon as possible, but not more than 30 days thereafter, consider said report and pass upon the

plat. It shall then set forth its recommendations in writing, whether of approval, modification or disapproval. In case of modification or disapproval, it shall give its reasons therefor. The Commission shall forthwith return one copy of the approved preliminary plat to the subdivider.

6. Upon approval of the preliminary plat by the Commission, the subdivider may proceed with the preparation of the final plat and detailed construction drawings and specifications for the improvements required under this chapter.

7. The approval of the preliminary plat by the Commission is revocable and does not constitute final approval or acceptance of the subdivision by the Council or authorization to proceed on construction of improvements within the subdivision but shall constitute approval of layout and general engineer proposals and plans.

8. Before submitting the final plat to the Commission for approval, the subdivider shall furnish all plans and information, as listed in Section 166.23 of this chapter, necessary for the detailed engineering consideration of the improvements required to obtain the approval of the City Engineer, which shall be endorsed thereon.

9. For final plat approval, the subdivider shall submit to the Commission:

A. Nine copies of the final plat;

B. A performance bond in the amount approved by the City Engineer;

C. One copy of the certified approved plans, profiles, cross sections and specifications;

D. A certificate from the City Engineer that the final plat is substantially in accord with the preliminary plat as approved by the Commission.

10. When a final plat has been passed upon by the Commission, nine copies of the final plat and performance bond shall forthwith be transmitted to the Council, together with a certificate showing the action of the Commission.

11. When the final plat has been approved by the Council, the performance bond accepted, and all nine copies duly certified, six copies shall be delivered to the Commission; one copy to the City Engineer and one copy to the Clerk, for their respective files, and one to the subdivider for filing with the County Recorder. If said plat is disapproved by the Council, such disapproval shall point out, in writing, wherein said proposed plat is objectionable.

12. The passage of the resolution accepting the plat shall constitute final approval of the platting of the area shown on the final plat, but the owner shall cause such plat to be recorded in the office of the County Recorder of Grundy County 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.

13. The State requires that certain certificates be entered of record, together with the certified plat.

14. Upon receipt of the duly certified copies of the final plat by the Commission, the Recording Secretary of the Commission will transmit copies of the plat, upon which have been placed the official house numbers as determined by the Clerk, to the subdivider, the municipal utility departments and the telephone company.

15. Receipt of the duly certified final plat by the subdivider is authorization to proceed with the installation and construction of the required improvements.

16. The Council will return the performance bond to the subdivider upon certification by the City Engineer of the satisfactory completion of the installation and construction of the required improvements. Prior to certification by the City Engineer, the subdivider shall file with the City Engineer plans, profiles and cross sections of the required improvements as they have been built.

**166.05 ACREAGE SUBDIVISIONS.** Where the parcel of land is subdivided into larger tracts than ordinarily used for building lots, such parcel shall be divided so as to allow for the opening of major thoroughfares and the ultimate extension of adjacent minor streets. Easements providing for the future opening and extension of such streets or thoroughfares may, at the discretion of the Council, be made a requirement of the plat.

**166.06 RELATION TO EXISTING STREETS.** New subdivisions shall make provisions for the continuation of the principal existing streets in adjoining areas (or their proper projection where adjoining property is not subdivided) insofar as they may be necessary for the public requirements.

**166.07 MINIMUM STREET, ALLEY AND ROADWAY WIDTHS.**

1. The widths and locations of major thoroughfares shall conform to the widths and locations designated on the Major Thoroughfare Plan of the City.

2. The minimum width of a minor street shall be 60 feet. Where streets adjoin unsubdivided property, a half street, at least 30 feet in width, shall be dedicated and whenever subdivided property adjoins a half street, the remainder of the street shall be dedicated. No homes shall be constructed on half streets.

3. Alleys need not be provided in a residential block. Alleys are required in the rear of all business lots and shall be at least 30 feet wide.

4. The minimum roadway widths for streets shall be 30 feet; the minimum roadway widths for alleys shall be 20 feet.

**166.08 CUL-DE-SAC AND DEAD-END STREETS.** Except in cases where unusual topographic conditions may make it advisable to modify these provisions, the following shall apply:

1. Maximum length of 500 feet;

2. Vehicular turnaround at the closed end of a street having a minimum radius of 50 feet and a roadway having a minimum radius of 40 feet to the exterior curb line;

3. In the case of temporary dead-end streets which are stub streets designed to provide future connection with unsubdivided areas adjoining, the Commission may require a temporary easement for a turnaround of a nature indicated above or an appropriate area for a background or a roadway at least 27 feet in width of not excessive length to connect the temporary dead end with an existing street.

**166.09 STREET GRADES.**

1. Streets shall be so arranged that grades shall not exceed five percent for major thoroughfares and seven percent for minor streets. The Commission may permit variation from these grades where it deems modification advisable to adjust to topographic situations.

2. Gutter grades on paved gutters shall not be less than one-half percent.

3. All changes in street grades shall be connected by a vertical curve of reasonable length to assure adequate visibility.

4. In approaching intersections, there should be a suitable leveling of the street at a grade generally not exceeding four percent and for a distance of generally not less than 100 feet from the nearest line of the intersecting street. The grade within the intersection should be as level as possible, permitting proper drainage.

**166.10 INTERSECTIONS.**

1. Street intersections shall be rounded by radii of at least 20 feet.

2. Streets should be laid out to intersect at right angles, and may be curved approaching the intersection in order to bring this about; no street shall intersect any other street at an angle of less than 60 degrees.

3. The design of the intersection should be such that a clear sight distance will be maintained for 75 feet at the roadway centerline, with no obstruction to sight within the triangle formed by these points.

**166.11 STREET NAMES.** Streets that are obviously in alignment with others already existing and named shall bear the name of the existing streets. The proposed names of new streets shall be shown on the final plat and such names shall not duplicate or sound similar to existing street names.

**166.12 BLOCKS.** No block shall be longer than 1,000 feet between street lines. An easement near the center of the block not less than 10 feet wide for a crosswalk may be required on blocks that are over 750 feet in length. The width of blocks, except for special reasons, shall not be less than 200 feet and not more than 350 feet.

**166.13 LOTS.** The lot arrangement and design shall be such that all lots will provide satisfactory building sites, properly related to topography and the character of surrounding development. In addition:

1. No residential lot shall be less than 80 feet in width at the building line, or less than 100 feet in depth, or less than 7,500 square feet in area.

2. The foregoing requirements apply only to residential lots served by public sanitary sewer. In the case of lots not so served, such lots shall be of sufficient additional area to properly accommodate a suitable private sewage disposal service. The Commission will determine the required lot size upon report of appropriate tests and adequate determination and recommendation of the County Health Officer or State Board of Health.

3. Corner lots shall have extra width sufficient to permit the establishment of front building lines on both adjoining streets.

4. In all lots, so far as possible, the side lines shall be at right angles to straight street lines or radial to curved street lines, except where a variation of this rule will provide a better street and lot layout.

5. Double frontage and reverse frontage lots shall be avoided, except where their use will produce definite advantage in meeting special situations in relation to topography, sound site planning and proper land use.

**166.14 BUILDING LINES.** Building lines, conforming with zoning standards, shall be shown on all lots within the platted area. Where the unsubdivided area is not under zoning control, the Commission may require building lines in accordance with the needs of each subdivision. The minimum building line permitted for residential lots shall be 25 feet. Provisions shall be made by the owner's declaration of plat, requiring all enclosed parts of buildings to be set back to such building lines.

**166.15 CHARACTER OF DEVELOPMENT.** The Commission and Council may require that certain minimum regulations regarding type and character of development be incorporated in the owner's declaration of plat. Such regulations shall be intended to protect the character and development of the platted subdivision, as well as that of the surrounding development.

**166.16 EASEMENTS FOR PUBLIC UTILITIES.** Where alleys are not provided in the plat, easements of not less than 15 feet in width shall be granted by the owners of each side of all rear and, where necessary, side lot lines for public utility requirements. Easements of greater width may be required along lot lines or across lots when necessary for the extensions of main sewers or other utilities. No buildings or structures will be permitted on easements without authorization of the Council.

**166.17 EASEMENTS ALONG STREAMS AND WATERCOURSES.** Wherever any stream or surface watercourse is located in an area that is being subdivided, the subdivider shall, at his or her own expense, make adequate provisions for the proper drainage of surface water and shall also provide and dedicate to the City an easement along said streams and watercourses meeting the approval of the Commission.

**166.18 MAINTENANCE OF IMPROVEMENTS OUTSIDE CORPORATE LIMITS.** Where a subdivision outside the corporate limits contains sewers, sewage treatment plants, water supply systems, park areas, street trees or other physical facilities necessary or desirable for the welfare of the area and which are of common use or benefit and which the City does not desire to or cannot maintain, provisions shall be made by trust agreements, made a part of the deed restrictions acceptable to the City for the proper and continuous maintenance and supervision of such facilities by the lot owners in the subdivision.

**166.19 MONUMENTS.** Monuments shall be placed at block corners, point of curves, change in direction along lot lines and at each lot corner in accordance with City specifications.

**166.20 OPEN SPACES OTHER THAN STREETS.** Where an area being subdivided includes lands proposed to be used for parks or schools under the duly adopted official plan of the City, the subdivider shall indicate the location of such areas on the subdivision plat. Park sites within the City limits are to be purchased within two years of the recording date of the subdivision by the City at the apprised raw land value prior to subdivision plus one-half of the cost of grading and paving, including curbs, of the portion of any streets that are contiguous to the site. Park sites outside the City limits are to be reserved for three years giving the County Commissioners or other authorized public agency option to purchase the land at the appraised raw land value prior to subdivision, plus one-half of the cost of grading and paving, including curbs, of any streets contiguous to the site. School sites are to be reserved for four years, giving the Grundy Center Community School District the right to purchase the land at the appraised raw land value prior to subdivision, plus one-half the cost of grading and paving, including curbs, of any streets contiguous to the site. Should the park or school sites not be purchased within the time limit specified above, the subdivider may then sell them for an alternate purpose as shown on the approved subdivision plat.

**166.21 IMPROVEMENTS.** The subdivider shall install and construct all improvements required by this chapter. All required improvements shall be installed and constructed in accordance with the specifications and under the supervision of the Council and to its satisfaction.

1. Streets and Alleys. All streets and alleys within the platted area which are dedicated for public use shall be brought to the grade approved by the Council and after receiving the report and recommendations of the City Engineer.

2. Roadways. All roadways shall be paved with concrete or equivalent as approved by the Council after receiving the report and recommendation of the City Engineer.

3. Water Lines. The subdivider shall connect with the closest public water main and provide a water line and connections for each lot of the new subdivision in accordance with standards, procedure and supervision of the Municipal Water Department.

4. Sewers. Where a public sanitary sewer is reasonably accessible, the subdivider shall connect or provide for the connection with such sanitary sewer and shall provide within the subdivision the sanitary sewer system required to make the sewer accessible to each lot in the subdivision. Sewer systems shall be subject to approval by the Council and the DNR and the construction subject to the supervision of the City Engineer. Where sanitary sewers are not available, other facilities, as approved by the Council and the Board of Health of the State, must be provided for the adequate disposal of sanitary wastes. Adequate provisions shall be made for the disposal of storm water, subject to the approval of the Council and to the supervision of the City Engineer.

**166.22 PRELIMINARY PLAT.** The preliminary plat shall be clearly and legibly drawn to a scale of one inch to 100 feet or less and shall be plainly marked "Preliminary Plat." The contents of the preliminary plat are as follows:

1. The proposed name of the subdivision and, if different, the title under which the subdivision is to be recorded.

2. The name and address of the owner and the name, address and profession of the person preparing the plat.

3. The date, scale and north point and a key map showing the general location of the proposed subdivision in relation to surrounding development.

4. The legal description of the area being platted.

5. The boundary line (accurate in scale), the dimensions and location of the property to be platted and the location of section lines. Contours with intervals of not less than five feet.

6. The names and location of adjacent subdivisions and the names of record owners and location of adjoining parcels of unplatted land.

7. The location of property lines, streets and alleys, easements, buildings, utilities, watercourses, tree masses, and other existing features affecting the plat.

8. The zoning classification and proposed use for the area being platted.

9. The layout, numbers, and approximate dimensions of proposed lots.

10. The layout of all existing and proposed building lines and easements.

11. The location, width and dimensions of all streets, alleys, and grounds proposed to be dedicated for public use.

12. Proposed names for all streets in the area being platted.

13. Written and signed statements explaining how and when the subdivider proposed to provide and install all required sewers or other disposal of sanitary wastes, pavement, sidewalks, and drainage structures.

14. Written and signed statements of the appropriate officials of the availability of gas, electricity and water to the proposed subdivision.

15. Any restriction proposed to be included in the owner's declaration of plat.

**166.23 FINAL PLAT REQUIREMENTS.** The final plat shall be clearly and legibly drawn to a scale of one inch to 100 feet or less in ink on tracing cloth. The contents of the plat are as follows

1. The title under which the subdivision is to be recorded.

2. The name or names of the owners and subdividers.

3. The date, scale and north point and a key map showing the general location of the proposed subdivision.

4. The legal description of the area being platted.

5. Accurate distances and bearings of all boundary lines of the subdivision including all sections, U.S. Survey and Congressional Township lines.

6. Centerlines of all proposed and adjoining streets with their right-of-way width and names.

7. Lines of all lots with a simple method of numbering to identify all lots and blocks.

8. All building lines and all easements provided for public service, together with their dimensions and any limitations of the easements.

9. Any and all dimensions necessary for accurate location of the boundaries of the site to be developed and of all streets, lots, easements, and dedicated areas. These dimensions shall be expressed in feet and decimals of a foot.

10. All radii, arcs, points of tangency, central angles, and lengths of curves.

11. Certification by a registered land surveyor that the final plat, as shown, is a correct representation of the survey, as made.

12. All survey monuments and benchmarks, together with their description.

13. Private restrictive covenants and their period of existence.

14. The accurate outline, dimensions and purposes of all property which is offered for dedication or is to be reserved for acquisition for public use, or is to be reserved by deed covenant for the common use of the property owners of the subdivision.

15. Attachments as prescribed by Section 354.11 of the *Code of Iowa*.

**166.24 PLANS, PROFILES AND CROSS SECTIONS.** The subdivider shall submit to the City Engineer the following plans, profiles and cross sections, drawn to a horizontal scale of one inch to 100 feet or less, and a vertical scale of one inch to 20 feet or less, and

specifications for the construction of the improvements for the subdivision as required in this chapter. All elevations shall be referred to above mean sea level.

1. The plan and profiles of each street with tentative grades and street intersection elevations.

2. The cross sections of proposed streets showing the width of roadways, present and proposed grade lines, and location and size of utility mains. The cross sections shall be taken and platted at intervals of not more than 50 feet along the centerline and shall extend out to the sides to that point where the proposed grade intersects the existing grade. In no case shall these cross sections be extended less than the full width of the right-of-way.

3. The plan and profile of proposed sanitary sewers and storm water sewers with grades and pipe sizes indicated, and a plan of the proposed water distribution system showing pipe sizes and location of valves and fire hydrants.

4. Specifications for the required improvements. Standard specifications approved by the City Engineer may be used.

**166.25 MODIFICATION OF REQUIREMENTS.** Where, in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of this chapter would result in inhibiting the achievement of the objections of this chapter, the Commission, with Council approval, may vary, modify or waive the requirements so that substantial justice may be done and the public interest secured, provided that such variance, modification or waiver will not have the effect of nullifying the intent and purpose of this chapter or interfering with carrying out the Comprehensive Plan of the City. In no case shall any variation or modification be more than a minimum easing of the requirements, and in no instance shall it have the effect of reducing the traffic capacity of any street below that shown on the Comprehensive Plan of the City or be in conflict with the zoning ordinance and map. Such variances and waivers may be granted only by the affirmative vote of three-fourths of the members of the Commission and with later approval of a majority of the Council. In granting variances and modifications the Commission may require such conditions as will, in its judgment, substantially secure the objectives of the requirements so varied or modified.

**166.26 CHANGES AND AMENDMENTS.** Any regulations or provisions of this chapter 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 in a newspaper of general circulation in the City not less than four or more than twenty days prior to such hearing.

**166.27 PENALTIES.** Any owner or agent of the owner of any land located within or adjacent to the City who knowingly or with intent to defraud transfers or sells, by reference to or exhibition of, or by other use of a plat of subdivision of such land before such plat has been approved by the City, shall forfeit and pay a penalty of not more than $500.00 for each lot so transferred or sold, or agreed or negotiated to be sold, and a description by metes and bounds shall not exempt the transaction from such penalties.

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# CHAPTER 167

# AIRPORT ZONING


167.01 Purpose and Authority
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**167.01 PURPOSE AND AUTHORITY.** The Grundy Center Municipal Airport (hereafter referred to as "the Airport") is acknowledged as an essential public facility to the State and the local community. The creation or establishment of an airport hazard is a public nuisance and poses a potential concern to the surrounding communities served by the Airport. This chapter was codified to ensure that there shall be no creation or establishment of a hazard that endangers the public health, safety, welfare, and impacts an individual's quality of life, nor prevents the safe movement of aircraft at the Airport. This chapter encompasses a general area around the Airport. Specific dimensions associated with the zoning boundary are shown in the Airport Land Use and Height Zoning Maps, as referenced in Section 167.04. For the protection of the public health, safety, and general welfare, and for the promotion of the most appropriate use of land, it is necessary to prevent the creation or establishment of airport hazards. The prevention of airport hazards shall be accomplished, to the extent legally possible, by proper exercise of the police power. The prevention of new airport hazards, and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards, are considered to be a public purpose for which the City and County may raise and expend public funds, as an incident to the operation of airports, to acquire or property interest therein. Iowa Code Section 329.3 *Airport Zoning* empowers local municipalities to zone airports including height restrictions and land uses.

**167.02 DEFINITIONS.** The following definitions shall be utilized for terms as appropriate to this chapter:

1. "Air traffic" means aircraft operating in the air or on an airport surface, exclusive of loading ramps and parking areas. *(FAA FAR Sec. 1.1)*

2. "Airport" means any areas of land or water that is used, or intended for use, for the landing and takeoff of aircraft. Any appurtenant areas that are used, or intended for use, for airport buildings, other airport facilities, or rights-of-way; and all airport buildings and facilities located on the areas specified in this definition. *(FAA FAR Sec. 152.3)*

3. "Airport elevation" means the highest point on an airport's usable landing area measured in feet from sea level. *(FAA AC 150/5190-4A)*

4. "Airport environs" means the land use and people in the areas surrounding an airport which can be directly affected by the operation of the airport.

5. "Airport hazard" means any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near a public airport that obstruct the airspace required for the flight of aircraft landing or taking off at the airport; or is

otherwise hazardous to aircraft landing or taking off at the airport. *(FAA FAR Sec. 152.3)*

6. "Airport Layout Plan (ALP)" means the plan of an airport showing the layout of existing and proposed airport facilities. *(FAA FAR Sec. 152.3)*

7. "Airport overlay zones" means zones intended to place additional land use conditions on land impacted by the airport while retaining the existing underlying zone. The FAR Part 77 Surfaces and RPZs have been combined to create five airport overlay zones. The five specific zones create a comprehensive area focused on maintaining compatible land use around airports.

A. Zone A – is intended to provide a clear area that is free of above ground obstructions and structures. This Zone is closest to the individual runway ends.

B. Zone B – is a critical overlay surface that reflects the approach and departure areas for each runway at an airport. The size of Zone B is predicated upon the type of approach (visual, non-precision, or precision) that a specific runway has and the type/size of aircraft utilizing the runway.

C. Zone C – includes those areas that are parallel to the runway pavement and extend 1,050 feet from the edge of the primary surface.

D. Zone D – is typically elliptical in shape, depending upon the runway types and configurations at an individual airport.

E. Zone E – is the outermost zone of the overlay areas and has the least number of land use restriction considerations. The zone begins at the edge of the horizontal surface and is 4,000 feet in width paralleling the horizontal surface.

8. "Airport Reference Code (ARC)" means an FAA coding system used to relate airport design criteria to the operational and physical characteristics of the airplanes intended to operate at the airport.

9. "Airport Reference Point (ARP)" means the latitude and longitude of the approximate center of the airport. *(FAA AC 150/5300-13)*

10. "Airport zoning permit" means a permit allowing new development or alteration or expansion of a nonconforming use.

11. "Airside" means that portion of the airport facility where aircraft movements take place, airline operations areas, and areas that directly serve the aircraft, such as taxiway, runway, maintenance and fueling areas.

12. "Airspace" means the space lying above the earth or above a certain area of land or water that is necessary to conduct aviation operations.

13. "Approach and Runway Protection Zone Map" means a map compiled from the criteria in FAR Part 77, "Objects Affecting Navigable Airspace." It shows the area affected by this chapter and includes the layout of runways, airport boundaries, elevations, and area topography. Applicable height limitation areas are shown in detail.

14. "Approach slopes" means the ratios of horizontal to vertical distance indicating the degree of indication of the approach surface. *(FAA Part 77)* The various ratios include:

A. 20:1 – For all utility and visual runways extended from the primary surface a distance of 5,000 feet.

B. 34:1 – For all non-precision instrument runways extended from the primary surface for a distance of 10,000 feet.

C. 50:1/40:1 – For all precision instrument runways extending from the primary surface for a distance of 10,000 feet at an approach slope of 50:1 and an additional 40,000 feet beyond this at a 40:1 approach slope.

15. "Approach surface" means a surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in this chapter. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone. *(FAA AC 150/5190-4A)*

16. "Avigation easement" means a grant of a property interest in land over which a right of unobstructed flight in the airspace is established.

17. "Building codes" means codes, either local or State, that control the functional and structural aspects of buildings and/or structures. Local ordinances typically require proposed buildings to comply with zoning requirements before building permits can be issued under the building codes.

18. "Commercial uses" means a use category including land uses or activities involving the production, processing, manufacturing, or sale of goods or services for financial gain, including uses that provide merchandise to the general public. Accessory uses may include offices, storage, food service, or other amenities primarily for the use of employees and parking.

19. "Compatibility" means the degree to which land uses or types of development can coexist or integrate.

20. "Easement" means the legal right of one party to use a portion of the total rights in real estate owned by another party. This may include the right of passage over, on, or below property; certain air rights above the property, including view rights; and the rights to any specified form of development or activity, as well as any other legal rights in the property that may be specified in the easement document. *(FAA AC 5020-1)*

21. "Federal Aviation Administration (FAA)" means the federal agency charged with regulating air commerce to promote its safety and development; encourage and develop civil aviation, air traffic control, air navigation; and promoting the development of a national system of airports.

22. "Federal Aviation Regulations (FAR)" means regulations established and administered by the FAA that govern civil aviation and aviation-related activities.

A. "FAR Part 36" means a regulation establishing noise standards for the civil aviation fleet. *(FAA FAR Sec. 36.1)*

B. "FAR Part 91" means a regulation pertaining to air traffic and general operating rules, including operating noise limits. *(FAA FAR Sec. 91.1)*

C. "FAR Part 150" means a regulation pertaining to airport noise compatibility planning. *(FAA FAR Sec. 150.1)*

D. "FAR Part 161" means a regulation pertaining to notice and approval of airport noise and access restrictions. *(FAA FAR Sec. 161.1)*

E. "FAR Part 77 (Objects Affecting Navigable Airspace) means a regulation that (a) establishes standards for determining obstructions in

navigable airspace; (b) defines the requirements for notice to the FAA Administrator of certain proposed construction or alteration; (c) provides for aeronautical studies of obstructions to air navigation to determine their effect on the safe and efficient use of airspace; (d) provides for public hearings on the hazardous effect of proposed construction or alteration on air navigation; and (e) provides for establishing antenna farm areas. *(FAA FAR Sec. 77.1)*

23. "General aviation airport" means any airport that is not an air carrier or a military facility.

24. "Height" means a measurement utilized for the purpose of determining the height limits in all zones set forth in this chapter and shown on the Official Airport Land Use and Height Zoning Map; height shall be measured as the highest point of a structure, tree, or other object of natural growth, measured from the mean sea level elevation unless otherwise specified.

25. "Hold harmless agreement" means an agreement which holds airport sponsors or jurisdictions harmless for alleged damages resulting from airport operations. Such agreements are recorded in deeds or permits as a condition of approval of a regulatory land use decision.

26. "Industrial, Wholesale Trade, and Storage Uses" means a use category including the following use types:

A. Industrial development or uses involved in the research, design, manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or customers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales (typically 10% or less of the total gross floor area). Relatively few customers come to the site.

B. Industrial, manufacturing, wholesale trade, and warehouse/storage uses including uses that produce goods from raw or finished materials, uses that distribute goods in large quantities to primarily wholesale customers, or provide for storage or warehousing of goods, either in enclosed buildings or outdoors. Few customers, especially the general public, come to the site. Accessory activities may include sales, offices, parking, and storage.

27. "Imaginary surfaces" means those areas established in relation to the airport and to each runway consistent with FAR Part 77 in which any object extending above these imaginary surface, by definition, is an obstruction. *(FAA FAR Part 77.25)*

A. Transitional surface – The transitional surface extends outward and upward at right angles to the runway centerline and extend at a slope of seven feet horizontally for each one foot vertically from the sides of the primary and approach surfaces. The transitional surfaces extend to the point at which they intercept the horizontal surface at a height of 150 feet above the established airport elevation.

B. Horizontal surface – The horizontal surface is a horizontal plane located 150 feet above the established airport elevation and encompasses an area from the transitional surface to the conical surface. The perimeter is

constructed by generating arcs from the center of each end of the primary surface and connecting the adjacent arcs by lines tangent to those arcs.

C. Conical surface – The conical surface extends upward and outward from the periphery of the horizontal surface at a slope of 20 feet horizontally for every one foot vertically for a horizontal distance of 4,000 feet.

D. Approach surface – The approach surface is longitudinally centered on the extended runway centerline and extends outward and upward from the end of the runway primary surface. The approach slope of a runway is a ratio of 20:1, 34:1, or 50:1, depending on the approach type. The length of the approach surface varies from 5,000 to 50,000 feet and also depends upon the approach type.

28. "Incompatible land use" means the use of land which is normally incompatible with the aircraft and airport operations (such as, but not limited to, homes, schools, nursing homes, hospitals, and libraries). *(FAA FAR Sec. 150.7)*

29. "Itinerant operation" means takeoff or landing operations of airplanes going from one airport to another airport that involves a trip of at least 20 miles. Local operations are excluded. *(FAA AC 150/5325-4B)*

30. "Land use compatibility" means the coexistence of land uses surrounding the airport with airport-related activities.

31. "Lighting and marking of hazards to air navigation" means installation of appropriate lighting fixtures, painted markings or other devices to such objects or structures that constitute hazards to air navigation.

32. "Mitigation" means the avoidance, minimization, reduction, elimination, or compensation for adverse environmental effects of a proposed action.

33. "Navigation Aids (NAVAID)" means any facility used by an aircraft for guiding or controlling flight in the air or the landing or takeoff of an aircraft.

34. "Navigable airspace" means the airspace above minimum altitude for safe flight, and includes the airspace needed to ensure safety in takeoff and landing of aircraft.

35. "Noise exposure contours" means lines drawn around a noise source indicating constant energy levels of noise exposure. DNL is the measure used to describe community exposure to noise.

36. "Noise impact" means a condition that exists when the noise levels that occur in an area exceed a level identified as appropriate for the activities in that area.

37. "Noise sensitive area" means an area where noise interferes with normal activities associated with the area's use. Examples of noise-sensitive areas include residential, educational, health, and religious structures and sites, and parks, recreational areas (including areas with wilderness characteristics), wildlife refuges, and cultural and historical sites where a quiet setting is a generally recognized feature or attribute. *(FAA AC 91-36D)*

38. "Nonconforming use" means any pre-existing structure, tree, or use of land that is inconsistent with the provisions of the local land use or airport master plans.

39. "Object" includes, but is not limited to above ground structures, NAVAIDs, people, equipment, vehicles, natural growth, terrain, and parked aircraft. *(FAA AC 150/5300-13)*

40. "Obstacle Free Zone (OFZ)" means the airspace below 150 feet above the established airport elevation and along the runway and extended runway centerline that is required to be clear of all objects, except for the frangible visual NAVAIDs that need to be located in the OFZ because of their function, in order to provide clearance protection for the aircraft landing or taking off from the runway, and for missed approaches. *(FAA 150/5300-13)*

41. "Obstruction" means any structure, growth, or other object, including a mobile object, which exceeds a limiting height, specific to its geographic location relative to the runway/airport. *(FAA AC 150/5190-4A)*

42. "Off-airport property" means property that is beyond the boundary of land owned by the airport sponsor.

43. "On-airport property" means property that is within the boundary of land owned by the airport sponsor.

44. "Overlay zone" means a mapped zone that imposes a set of requirements in addition to those of the underlying zoning district.

45. "Primary surface" means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in FAR Part 77. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. *(FAA AC 150/5190-4A)*

46. "Primary runway" means the runway used for the majority of airport operations. Large, high-activity airports may operate two or more parallel primary runways. *(FAA AC 150/5325-4B General Definition)*

47. "Public assembly use" means a structure or outdoor facility where concentrations of people gather for purposes such as deliberation, education, shopping, business, entertainment, amusement, sporting events, or similar activities, but excluding air shows. "Public assembly use" does not include places where people congregate for relatively short periods of time, such as parking lots and bus stops, or uses approved by the FAA in an adopted airport master plan.

48. "Public use airport" means either a publicly owned airport or a privately owned airport open for public use. *(FAA AC 150/5190-6)*

49. "Residential and accommodation uses" means a use category that includes the following use types:

A. Residential uses that provide living accommodations, including sleeping, eating, cooking and sanitary facilities, to one or more persons, and where tenancies typically last longer than 30 days.

B. Accommodation uses characterized by visitor-serving facilities that provide temporary lodging in guest rooms or guest units, for compensation, and with an average length of stay of less than 30 days. Accessory uses may include

pools and other recreational facilities for the exclusive use of guests, limited storage, restaurants, bars, meeting facilities, and offices.

50. "Runway Protection Zone (RPZ)" means an area off the runway end designed to enhance the protection of people and property on the ground. *(FAA AC 150/5300-13)*

51. "Runway safety area" means a defined surface surrounding the runway prepared or suitable for reducing the risk of damage to airplanes in the event of an overshoot, or excursion from the runway. *(FAA AC 150/5300-13)*

52. "Structure" means any object constructed or installed by humans, including, but without limitation, buildings, towers, smokestacks, and overhead transmission lines, including the poles or other structures supporting the same.

53. "Utility runway: means a runway constructed for and intended to be used by propeller driven aircraft of 12,500 pounds gross weight or less.

54. "Variance" means an authorization for the construction or maintenance of a building or structure, or for the establishment or maintenance of a use of land that is prohibited by a zoning ordinance. A lawful exception from specific zoning ordinance standards and regulations predicated on the practical difficulties and/or unnecessary hardships on the petitioner being required to comply with those regulations and standards from which an exemption or exception is sought.

55. "Visual approach" means an approach to an airport conducted with visual reference to the terrain.

56. "Visual runway" means a runway without an existing or planned straight-in instrument approach procedure. *(FAA AC 150/5300-13)*

57. "Visual Flight Rules (VFR)" means rules that govern the procedures for conducting flight under visual conditions. The term "VFR" is also used in the United States to indicate weather conditions that are equal to or greater than minimum VFR requirements. In addition, "VFR" is used by pilots and controllers to indicate the type of flight plan. *(FAA FAR Sec. 170.3)*

58. "Wetland" means land on which water covers the soil or is present either at or near the surface of the soil or within the root zone, all year or for varying periods of time during the year, including during the growing season. *(FAA AC 150/5200-33A)* Wetlands provide a variety of functions and can be regulated by local, state, and Federal laws. Normally, wetlands are attractive to many types of wildlife, including many which rank high on the list of hazardous wildlife species.

59. "Wildlife attractants" means any human-made structure, land-use practice, or human-made or natural geographic feature that can attract or sustain hazardous wildlife within the landing or departure airspace or the airport's air operations area. These attractants include, but are not limited to, architectural features, landscaping, waste disposal sites, wastewater treatment facilities, agricultural or aquaculture activities, surface mining, or wetlands.

60. "Wildlife hazards" means species of wildlife (birds, mammals, reptiles), including feral animals and domesticated animals not under the control, that are associated with aircraft strike problems, are capable of causing structural damage to airport facilities, or act as attractants to other wildlife that pose a strike hazard.

**167.03 AIRPORT ZONING COMMISSION.** The commission so appointed shall be known as the Airport Zoning Commission and shall make a formal recommendation on all changes to this chapter. In adopting, amending, and repealing airport zoning regulations, the City Council shall follow the procedure in Sections 414.4 and 414.6 of the *Code of Iowa* and the County Board of Supervisors shall follow the procedure in Sections 335.6 and 335.8 of the *Code of Iowa*.

1. The Airport Zoning Commission shall consist of five total members, two members from each jurisdiction, selected from each jurisdiction's existing planning and zoning commission by the governing body, and one additional member to act as chairperson and to be selected by a majority vote of the members selected for the Airport Zoning Commission.

2. The terms of the members of the Airport Zoning Commission shall be for six years (excepting that when the commission was first created, one of the members appointed by each jurisdiction was appointed for a term of two years and one for a term of four years).

3. Members may be removed for cause by the appointing authority upon written charges after public hearing.

4. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant in the same manner in which the member was selected.

**167.04 AIRPORT LAND USE AND HEIGHT ZONING MAP.** The Airport Land Use and Height Zoning Overlay Districts established by this chapter are illustrated on the official Grundy Center Airport Land Use and Height Zoning Map, and made part of this chapter. Such official Airport and Land Use Height Zoning Map may be amended, and all notations, references, elevations, data, zone boundaries, and other information thereon, is hereby adopted as part of this chapter.

**167.05 LAND USE SAFETY ZONES.** FAR Part 77 Surfaces and RPZs have been combined to create five airport overlay zoning districts prescribed within this chapter. These five zones are designed to maintain compatible land uses around the Airport. The zones shall be evaluated for compatible land uses, and the Airport Land Use and Height Zoning Maps should be evaluated to determine the specific area of impact associated with each zone. Specific dimensions for the individual zones for each runway end are noted in the following tables and text:

1. Zone A – Runway Protection Zone (RPZ). Zone A is intended to provide a clear area that is free of above-ground obstructions and structures. This zone is closest to the individual runway ends. The dimensional standards for this zone are the same as those described in the Airport Design AC (AC 150/5300-13 Change 11) and are shown in the following table:

**AIRPORT OVERLAY ZONE A DIMENSIONAL REQUIREMENTS**

| RUNWAY ENDS | APPROACH VISIBILITY MINIMUMS * | DIMENSIONS | | | |
|---|---|---|---|---|---|
| | | LENGTH L FEET | INNER WIDTH W1 FEET | OUTER WIDTH W2 FEET | RPZ ACRES |
| RUNWAY 17 | VISUAL | 1,000 | 250 | 450 | 8.035 |
| RUNWAY 35 | VISUAL | 1,000 | 250 | 450 | 8.035 |

*THE RPZ DIMENSIONAL STANDARDS ARE FOR THE RUNWAY END WITH THE SPECIFIED APPROACH VISIBILITY MINIMUMS. THE DEPARTURE RPZ DIMENSIONAL STANDARDS ARE EQUAL TO OR LESS THAN THE APPROACH RPZ DIMENSIONAL STANDARDS. WHEN AN RPZ BEGINS OTHER THAN 200 FEET BEYOND THE RUNWAY END, SEPARATE APPROACH AND DEPARTURE RPZS SHOULD BE PROVIDED. REFER TO FAA AC 150/5300-13, CHANGE 11, APPENDIX 14 FOR APPROACH AND DEPARTURE RPZS. (SOURCE: FAA AC 150/5300-13, CHANGE 11, AIRPORT DESIGN STANDARDS)

1. 2. Zone B – Approach Surface. Zone B is a critical airport overlay zoning surface that reflects the approach and departure areas for each runway at an airport. The size of Zone B is predicated upon the type of approach (visual, non-precision, or precision) that a specific runway has and the type/size of aircraft utilizing the runway. The following table illustrates the various sizes of Zone B based upon the specific runway criteria. A portion of Zone B is overlain by Zone A because the approach surface and RPZ overlap the entire length of the RPZ. Consequently, the length of Zone B begins at the inner edge of the RPZ.

2. 3. Zone C – Transitional Surface. Zone C includes those areas that are parallel to the runway pavement and extend 1,050 feet from the edge of the primary surface paralleling the runway and extended runway centerline until they reach the end of Zone A at a 90 degree angle. The specific dimensions for Zone C are based upon various options for the primary surface that is predicated upon the type of approach and critical aircraft.

3. 4. Zone D – Horizontal Surface. Zone D is typically elliptical in shape, depending upon the runway types and configurations at individual airports.

1. 5. Zone E – Conical Surface. Zone E is the outermost zone of the airport overlay zoning areas and has the least number of land use restriction considerations. The zone begins at the edge of the horizontal surface and is 4,000 feet in width paralleling the horizontal surface.

**AIRPORT OVERLAY ZONES B-E DIMENSIONAL STANDARDS**

| ITEM | RUNWAY DIMENSIONAL STANDARDS (FEET) | |
|---|---|---|
| | RUNWAY 17 | RUNWAY 35 |
| PRIMARY SURFACE WIDTH AND ZONE B INNER WIDTH | 250 | 250 |
| ZONE B END WIDTH | 1,250 | 1,250 |
| ZONE B LENGTH | 5,000 | 5,000 |
| ZONE C WIDTH | 1,050 | 1,050 |
| ZONE D RADIUS | 5,000 | 5,000 |
| ZONE E WIDTH | 4,000 | 4,000 |
| (SOURCE: *FAA AC 150/5300-13, CHANGE 11, AIRPORT DESIGN STANDARDS)* | | |

**167.06 ZONE COMPATIBILITY.** The following tables shall be utilized to evaluate land use compatibility for various land use classifications. Uses identified as compatible shall not require additional review. However, consideration should be given to the following areas of concern:

1. Noise sensitive related issues
2. High concentrations of people
3. Tall structures
4. Visual obstructions
5. Wildlife and bird attractants
6. Flammable substances and materials
7. Electrical, navigation, and radio interference

Uses found to be **NOT compatible** shall be precluded from development within the specific zone. Uses found to require **additional review** shall be evaluated for general compatibility utilizing the *Compatible Land Use Planning Checklist* and the seven primary areas of concern noted above.

**Airport Zone Compatibility Chart**

| ***C*** *= Compatible* | ***AR*** *= Additional Review Required* | | | ***NC*** *= Not Compatible* | |
|---|---|---|---|---|---|
| Land Uses | Zone A | Zone B | Zone C | Zone D | Zone E |
| **Residential Activities** | | | | | |
| **Single Family Uses** (1 dwelling per lot) | | | | | |
| *Detached Single Family Dwelling* (i.e. farm dwelling, detached single family house, manufactured/modular homes if converted to real property and taxed) | NC | AR | NC | AR | C |
| *Detached Zero Lot Line Dwelling* (i.e. condominium) | NC | AR | NC | AR | C |
| *Attached Single Family Dwelling* (i.e. townhouses) | NC | AR | NC | AR | C |
| **Two Family Uses** (i.e. two principal dwelling units within one building on the same parcel) | NC | AR | NC | AR | C |
| **Multi-Family Uses** (i.e. three or more principal dwelling units within a single building on the same parcel, apartments such as condominium, elder, assisted living, townhouse-style) | | | | | |
| *Low-Rise* (1-3 levels) | NC | NC | NC | AR | C |
| **Group Living Uses** (i.e. assisted living, group care facilities, nursing and convalescent homes, independent group living) | NC | NC | NC | AR | C |
| **Manufactured Housing Parks** | NC | NC | NC | AR | C |
| **Commercial Activities** | | | | | |
| **Eating and Drinking Establishments** (i.e. restaurants, cafes, coffee shops, fast food restaurants, bars, nightclubs, taverns, cocktail lounges) | NC | AR | AR | C | C |
| **Quick Vehicle Servicing Uses** (i.e. full-serve and mini-serve gas station, unattended card key service stations, car washes) | NC | AR | AR | C | C |
| **Office Uses** (i.e. business, government, professional, medical, or financial) | | | | | |
| *General Office* (i.e. professional offices, financial businesses, government offices) | NC | AR | AR | AR | C |
| *Low-Rise* (1-3 levels) | NC | AR | AR | AR | C |
| *Medical/Dental Office* (i.e. medical and dental clinics, chiropractic clinics, physical therapy clinics) | NC | AR | AR | AR | C |
| **Retail Uses** (i.e. sale, lease, or rent of new or used products) | | | | | |
| *Sales-Oriented* (i.e. appliances, convenience stores, bakeries, electronics, furniture, garden supplies, gas stations, groceries, hardware, malls, strip malls, videos) | NC | AR | AR | AR | C |
| *Personal Service-Oriented* (i.e. retail service-banking establishments, laundromats/dry cleaning, quick printing services, beauty/tanning salons, funeral homes) | NC | AR | AR | AR | C |

| ***C*** *= Compatible* | ***AR*** *= Additional Review Required* | | | ***NC*** *= Not Compatible* | |
|---|---|---|---|---|---|
| Land Uses | Zone A | Zone B | Zone C | Zone D | Zone E |
| *Repair-Oriented* (i.e. consumer goods-electronics, office equipment, appliances) | NC | AR | AR | AR | C |
| *Hospitality-Oriented* (hotels, motels, convention centers, meeting halls, event facilities) | NC | NC | NC | AR | C |
| *Low-Rise* (1-3 levels) | NC | AR | AR | AR | C |
| *Outdoor Storage and Display-Oriented* (i.e. outdoor storage-lumber yards, vehicles sales, landscape material and nursery product sales, farm supply and equipment sales) | NC | AR | AR | AR | C |
| **Surface Passenger Services** (i.e. passenger terminals for buses, rail services, local taxi and limousine services) | NC | AR | AR | C | C |
| **Vehicle Repair Uses** (i.e. vehicle repair or service shops, alignment shops, tire sales) | NC | AR | AR | C | C |
| **Industrial/Manufacturing Activities** | | | | | |
| **Industrial Service Uses** (i.e. machine shops, tool repair, towing and vehicle storage, building supply yards, heating/plumbing/electrical contractors, exterminators, janitorial services, fuel oil distributors, solid fuel yards) | NC | AR | AR | AR | C |
| **Manufacturing and Production Uses** (i.e. manufacturing, processing, fabrication, packaging or assembly of goods) | | | | | |
| *Technical/Light Manufacturing* (i.e. electrical components, engineering, scientific and research, office, computer hardware/software, optical, pharmaceuticals, printing/photo facilities, publishing) | NC | AR | AR | AR | C |
| *General Manufacturing* (i.e. manufacturing, compounding, assembling or treatment of most articles, materials, or merchandise) | NC | AR | AR | AR | C |
| *Heavy Manufacturing* (i.e. concrete and asphalt plants, meat packing plants, wet corn milling, manufacturing of animal feed, paper/paperboard mills, ethanol plants) | NC | NC | NC | AR | C |
| **Mining and Extraction Uses** | NC | NC | NC | AR | C |
| **Salvage Operations** (i.e. firms that collect, store, and dismantle damaged or discarded vehicles, machinery, appliances, and building material) | NC | C | NC | C | C |
| **Self-Service Storage Uses** (i.e. mini-warehouses/storage facilities) | NC | C | AR | C | C |

| ***C*** *= Compatible* | ***AR*** *= Additional Review Required* | | | ***NC*** *= Not Compatible* | |
|---|---|---|---|---|---|
| Land Uses | Zone A | Zone B | Zone C | Zone D | Zone E |
| **Warehouse and Freight Uses** (i.e. major wholesale distribution centers, general freight storage, railroad switching yards, bus/rail car storage lots, parcel service, grain terminals) | NC | C | AR | C | C |
| **Waste-Related Uses** (i.e. recycling centers, sanitary landfills, waste transfer stations, composting, energy recovery plants, sanitary and water treatment facilities, sanitary collection/pumping facilities, hazardous waste collection sites) | NC | NC | NC | AR | AR |
| **Wholesale Sales Uses** (i.e. sale, lease, or rental of products to retailers for industrial, institutional, or commercial business users) | NC | AR | AR | AR | C |
| **Institutional Activities** | | | | | |
| **Basic Utility Uses** (i.e. utility substation facilities, electrical substations, water and sewer lift stations, water towers) | NC | AR | NC | AR | C |
| **College and Universities** (i.e. public or private colleges and universities, technical colleges, seminaries) | NC | NC | NC | AR | C |
| **Community Service Uses** (i.e. public, nonprofit, or charitable nature providing a local service to the people | | | | | |
| *General Community Service* (i.e. libraries, museums, transit centers, park and ride facilities, senior/community/neighborhood centers, police and fire stations) | NC | AR | AR | AR | C |
| *Community Service-Shelter* (i.e. transient housing) | NC | AR | AR | AR | C |
| **Daycare Uses** (i.e. childcare centers, adult daycare, preschools, after school programs) | NC | NC | NC | AR | C |
| **Detention Facilities** (i.e. prisons, jails, probation centers, juvenile detention homes, halfway houses) | NC | NC | NC | AR | C |
| **Educational Facilities** (i.e. public and private schools) | | | | | |
| *General Educational Facilities* (i.e. public and private elementary, middle, junior, and senior high schools including religious, boarding, military schools) | NC | NC | NC | AR | C |
| *Specialized Education Facilities* (i.e. specialized trade, business, or commercial courses, nondegree-granting schools) | NC | NC | NC | AR | C |
| **Hospitals** (i.e. hospitals, medical centers) | NC | NC | NC | AR | C |
| **Religious Assembly Uses** (i.e. churches, temples, synagogues, mosques, Masonic, Eagles, Moose, or Elks lodges) | NC | NC | NC | AR | C |

| ***C*** *= Compatible* | ***AR*** *= Additional Review Required* | | | ***NC*** *= Not Compatible* | |
|---|---|---|---|---|---|
| Land Uses | Zone A | Zone B | Zone C | Zone D | Zone E |
| **Infrastructure Activities** | | | | | |
| **Communication Transmission Facility Uses** (i.e. broadcast, wireless, point to point, emergency towers and antennae) | NC | NC | NC | AR | AR |
| **Parking Uses** (i.e. ground lots, parking structures) | AR | C | AR | C | C |
| **Transportation Uses** (i.e. highways, interstates, local and county roads) | AR | C | C | C | C |
| **Utility Uses** (i.e. solar power generation equipment, wind generators, wind farms) | NC | NC | NC | AR | AR |
| **Agricultural Uses** (i.e. commercial cultivation of plants, livestock production) | | | | | |
| *Plant-related* (i.e. crop farming, vegetable, fruit, and tree, wholesale plant nurseries) | AR | AR | AR | C | C |
| *Animal-related* (i.e. livestock operations, dairy farms, horse farms) | AR | AR | AR | C | C |
| *Resident-related* (i.e. single-family home, mobile home if converted to real property and taxed) | NC | AR | NC | AR | C |
| *Facility-related* (i.e. fuel bulk storage/pumping facility, grain elevator, livestock/seed/grain sales) | NC | NC | NC | AR | AR |
| **Water Bodies** (open bodies containing water)**, Wildlife Areas, and Floodplains** | | | | | |
| *Man-made resources* (i.e. mining and extraction, water detention ponds, wetlands) | NC | AR | AR | AR | AR |
| *Naturally occurring* (i.e. lakes, ponds, prairie pot holes, rivers, streams, wetlands) | NC | AR | AR | C | C |
| **Wildlife Preservation Areas** (i.e. petting zoos, wildlife rehabilitation centers, zoos) | NC | NC | NC | AR | C |
| **Floodplains** | AR | AR | AR | C | C |
| **Parks and Recreation Activities** | | | | | |
| **Commercial Recreational Uses** (i.e. facilities used for physical exercise, recreation, or culture) | | | | | |
| *Outdoor* (i.e. campgrounds, tennis/swimming facilities, drive-in theaters, skating rinks, pavilions, amphitheaters) | NC | NC | NC | AR | C |
| *Indoor* (i.e. physical fitness centers, health clubs, bowling alleys, skating rinks, billiard halls, arcades, indoor theaters) | NC | AR | NC | AR | C |
| *Golf* (i.e. golf driving ranges, outdoor miniature golf, 9+ hole courses) | NC | AR | NC | C | C |
| **Utility Uses** (i.e. amusement/theme parks, fairgrounds, racetracks, sports arenas) | NC | NC | NC | AR | AR |
| **Parks** (i.e. aquatic, mini, private, sports, neighborhood, school, community) | NC | AR | NC | C | C |
| **Casino** | NC | NC | NC | AR | C |

**167.07 ADMINISTRATION.** It shall be the duty of the City Zoning Administrator and County Zoning Administrator, referred to herein as the "Airport Zoning Administrator," within their respective jurisdictions to administer the regulations prescribed herein for their respective communities. Applications for permits and variances shall be made to the appropriate Airport Zoning Administrator upon forms furnished by said Airport Zoning Administrator. Applications for action by the Board of Adjustment shall be forthwith transmitted by the Airport Zoning Administrator should an applicant request review. Permit applications shall be either granted or denied by the appropriate Airport Zoning Administrator according to the regulations prescribed herein.

**167.08 PERMITS.** It shall be the duty of the applicant for any airport zoning overlay permit to provide the Airport Zoning Administrator with sufficient information to evaluate the proposed action. This information shall include but not be limited to the following as noted in the *Compatible Land Use Planning Checklist*:

1. Contact information
2. Structure information
3. Site information
4. Drawing information
5. Certification
6. Identify current and potential compatibility concerns

The Airport Zoning Administrator shall evaluate the proposal based upon information provided by the applicant. The Airport Zoning Administrator shall approve the permit if after evaluation, the proposed project is found to be adequately compatible. Should the proposed project be found to be incompatible after review, the Airport Zoning Administrator shall deny the permit. Should the permit be denied, the applicant shall have the right to request a variance or an appeal as prescribed in Sections 167.15 and 167.17.

**167.09 LIGHTING AND MARKING REQUIREMENTS.** Lighting and marking requirements will be determined through an FAA 7460-1 airspace analysis. The owner of any structure, object, natural vegetation, or terrain is hereby required to install, operate, and maintain such markers, lights, and other aids to navigation necessary to indicate to the aircraft operators in the vicinity of an airport the presence of an airport hazard. Hazardous markers and lights shall be installed, operated, and maintained at the expense of the jurisdiction.

**167.10 HEIGHT LIMITATIONS.** No structure, object, natural vegetation, or terrain shall be erected, altered, allowed to grow or be maintained within any airport zoning district established by this chapter to a height in excess of the applicable height limitations set forth in this chapter. The permitted height shall not exceed the difference between the grade elevation and the height limitation numbers illustrated on the "Official Grundy Center Airport Land Use and Height Map" within the various airport zoning districts encompassed by this chapter. An FAA 7460-1 airspace review shall provide a portion of the information necessary to evaluate potential height impacts. However, it shall not be the sole source of review.

**167.11 NONCONFORMITIES.** Any preexisting nonconforming structure, tree, or use, shall not be replaced, rebuilt, altered, allowed to grow higher, or replanted, so as to constitute a greater airport hazard than it was when this chapter or amendments to it were adopted. A nonconforming structure in existence at the adoption hereof that was not lawful, or authorized

under previous zoning ordinances, shall not be authorized to continue as a nonconforming building or structure pursuant to this chapter, or amendments thereto. Nothing in this chapter shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe. It is the intent of this chapter to permit these non-conformities to continue until they are removed or abandoned, but not to encourage their survival. Further, any nonconforming structures, buildings, uses, parcels, or lots shall be subject to the nonconforming regulations of the community in which the property in question is located.

**167.12 BOARD OF ADJUSTMENT ESTABLISHED.** The governing bodies of the jurisdictions under this chapter shall provide for the appointment of an Airport Board of Adjustment, as provided in Section 414.7 for a city, or as provided in Section 335.10 for a county, of the *Code of Iowa*. The Board of Adjustment has the same powers and duties, and its procedures and appeals are subject to the same provisions as established in Sections 414.9 to 414.19 for a city, or Sections 335.12 to 335.21 for a county, of the *Code of Iowa*.

**167.13 BOARD OF ADJUSTMENT APPOINTMENT AND TERMS.** The Board of Adjustment shall consist of five total members, two members from each jurisdiction, selected from each jurisdiction's existing board of adjustment by the governing body thereof, and one additional member to act as chairperson to be selected by a majority vote of the members selected for the Airport Board of Adjustment. The terms of the members of the Board of Adjustment shall be for five years, excepting that when the board shall be created, one of the members appointed by each jurisdiction shall be appointed for a term of two years and one for a term of four years. Vacancies shall be filled for the unexpired term of any member whose office becomes vacant in the same manner in which that member was selected. Members shall be removable for cause by the appointing authority upon written charges and after public hearing.

**167.14 BOARD OF ADJUSTMENT POWERS.** The Board of Adjustment shall have the powers established in the *Code of Iowa*, Section 414.12.

**167.15 VARIANCES.** Any person desiring to erect, alter, or increase the height of any structure, object, or to permit the growth of any natural vegetation, or otherwise use his property in violation with any section of this chapter, may apply to the Board of Adjustment for variance from such regulation. No application for variance to the requirements of this chapter may be considered by the Board of Adjustment unless a copy of the application has been submitted to the Airport Zoning Administrator for an opinion as to the aeronautical effects of the variance. There shall be a non-refundable application fee of $150.00 paid by the applicant.

**167.16 VOTE ON VARIATIONS OR ORDERS.** The concurring vote of a majority of the members of the Board of Adjustment shall be sufficient to reverse any order, requirement, decision, or determination of any administrative official or to decide in favor of the applicant, on any matter upon which it is required to pass under this chapter, or to effect variations of this chapter.

**167.17 APPEALS.** Any person, property owner, or taxpayer impacted by any decision of this chapter may appeal to the Board of Adjustment. Such appeal, by application, shall be taken to the Board within a reasonable time, but not longer than 30 days. The Zoning Administrator shall forthwith transmit to the Board an application and all documentation constituting the record upon which the appealed action is requested. In exercising their powers, the Board may, in conformity with the provisions of the law, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination as it believes proper and to that end will have the

powers of the Airport Zoning Administrator. There shall be a non-refundable application fee of $150.00 paid by the applicant. The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Airport Zoning Administrator, or to decide in favor of the applicant on any matter which it is required to pass under this chapter, provided that the action of the Board shall not become effective until after the written decision or resolution of the Board, setting forth the full reason for its decision and the vote of each participating member as documented in its minutes. Said written decision or resolution shall be filed in the office of the Airport Zoning Administrator and shall be open to public inspection.

**167.18 JUDICIAL REVIEW.** Any person aggrieved or any taxpayer affected by any decision of the Board of Adjustment may appeal to the court of record as provided in the *Code of Iowa*, Section 414.15.

**167.19 CONFLICTING REGULATIONS.** Where there exists a conflict between any of the regulations or limitations prescribed in this chapter and any other regulations applicable to the same area, whether the conflict is with respect to height of structures, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

**167.20 PENALTIES.** If any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this chapter, the appropriate City or County may, in addition to other remedies, seek injunctive relief, commence a municipal or county infraction action, mandamus, or other appropriate lawful action necessary to prevent, correct, or abate such violation. A violation of this chapter shall be deemed a violation of the appropriate City or County Code and thus constitute a municipal or county infraction, a civil offense punishable by a civil penalty, order of abatement and the entry of a judgment for costs of abatement or correction, pursuant to Section 364.22 or 331.307 of the *Code of Iowa*. Any construction started without a permit or which does not comply with the requirements of the corresponding Code of Ordinances shall be removed immediately. The City Council or County Board of Supervisors may, without limitation, provide for the abatement of such infraction, and may pursue any combination of remedies available. Each day that a violation is continued shall constitute a separate violation.

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# APPENDIX TO
# CODE OF ORDINANCES

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## USE AND MAINTENANCE OF THE CODE OF ORDINANCES

The following information is provided to assist in the use and proper maintenance of this Code of Ordinances.

## DISTRIBUTION OF COPIES

**1. OFFICIAL COPY.** The "OFFICIAL COPY" of the Code of Ordinances must be kept by the City Clerk and should be identified as the "OFFICIAL COPY."

**2. DISTRIBUTION.** Other copies of the Code of Ordinances should be made available to all persons having a relatively frequent and continuing need to have access to ordinances which are in effect in the City as well as reference centers such as the City Library, County Law Library, and perhaps the schools.

**3. SALE.** The sale or distribution of copies in a general fashion is not recommended as experience indicates that indiscriminate distribution tends to result in outdated codes being used or misused.

**4. RECORD OF DISTRIBUTION.** The City Clerk should be responsible for maintaining an accurate and current record of persons having a copy of the Code of Ordinances. Each official, elected or appointed, should return to the City, upon leaving office, all documents, records and other materials pertaining to the office, including this Code of Ordinances.

*(Code of Iowa, Sec. 372.13[4])*

## NUMBERING OF ORDINANCES AMENDING THE CODE OF ORDINANCES

It is recommended that a simple numerical sequence be used in assigning ordinance numbers to ordinances as they are passed. For example, if the ordinance adopting the Code of Ordinances is No. 163, we would suggest that the first ordinance passed changing, adding to, or deleting from the Code be assigned the number 164, the next ordinance be assigned the number 165, and so on. We advise against using the Code of Ordinances numbering system for the numbering of ordinances.

## RETENTION OF AMENDING ORDINANCES

Please note that two books should be maintained: (1) the Code of Ordinances; and (2) an ordinance book. We will assist in the maintenance of the Code of Ordinances book, per the Supplement Agreement, by revising and returning appropriate pages for the Code of Ordinances book as required to accommodate ordinances amending the Code. The City Clerk is responsible for maintaining the ordinance book and must be sure that an original copy of each ordinance adopted, bearing the signatures of the Mayor and Clerk, is inserted in the ordinance book and preserved in a safe place.

## SUPPLEMENT RECORD

A record of all supplements prepared for the Code of Ordinances is provided in the front of the Code. This record will indicate the number and date of the ordinances adopting the original Code and of each subsequently adopted ordinance which has been incorporated in the Code. For each supplemented ordinance, the Supplement Record will list the ordinance number, date, topic, and chapter or section number of the Code affected by the amending ordinance. A periodic review of the Supplement Record and ordinances passed will assure that all ordinances amending the Code have been incorporated therein.

## DISTRIBUTION OF SUPPLEMENTS

Supplements containing revised pages for insertion in each Code will be sent to the Clerk. It is the responsibility of the Clerk to see that each person having a Code of Ordinances receives each supplement so that each Code may be properly updated to reflect action of the Council in amending the Code.

## AMENDING THE CODE OF ORDINANCES

The Code of Ordinances contains most of the laws of the City as of the date of its adoption and is continually subject to amendment to reflect changing policies of the Council, mandates of the State, or decisions of the Courts. Amendments to the Code of Ordinances can only be accomplished by the adoption of an ordinance.

*(Code of Iowa, Sec. 380.2)*

The following forms of ordinances are recommended for making amendments to the Code of Ordinances:

## ADDITION OF NEW PROVISIONS

New material may require the addition of a new SUBSECTION, SECTION or CHAPTER, as shown in the following sample ordinance:

# ORDINANCE NO. ___

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF GRUNDY CENTER, IOWA, BY ADDING A NEW SECTION LIMITING PARKING TO 30 MINUTES ON A PORTION OF _____ STREET**

**BE IT ENACTED** by the City Council of the City of Grundy Center, Iowa:

**SECTION 1. NEW SECTION.** The Code of Ordinances of the City of Grundy Center, Iowa, is amended by adding a new Section 69.16, entitled PARKING LIMITED TO 30 MINUTES, which is hereby adopted to read as follows:

**69.16 PARKING LIMITED TO 30 MINUTES.** It is unlawful to park any vehicle for a continuous period of more than 30 minutes between the hours of 8:00 a.m. and 8:00 p.m. on each day upon the following designated streets:

1. _____ Street, on the _____ side, from _____ Street to _____ Street.

**SECTION 2. REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 3. SEVERABILITY CLAUSE.** If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

**SECTION 4. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the Council the ___ day of _____, 20___, and approved this ___ day of _____, 20___.

_____
Mayor

ATTEST:

_____
City Clerk

First Reading: _____

Second Reading: _____

Third Reading: _____

I certify that the foregoing was published as Ordinance No. _____ on the ___ day of _____, 20___.

_____
City Clerk

# DELETION OF EXISTING PROVISIONS

Provisions may be removed from the Code of Ordinances by deleting SUBSECTIONS, SECTIONS or CHAPTERS, as shown in the following sample ordinance:

## ORDINANCE NO. ___

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF GRUNDY CENTER, IOWA, BY REPEALING SECTION 65.02, SUBSECTION 5, PERTAINING TO THE SPECIAL STOP REQUIRED ON _____ STREET.**

**BE IT ENACTED** by the City Council of the City of Grundy Center, Iowa:

**SECTION 1. SUBSECTION REPEALED.** The Code of Ordinances of the City of Grundy Center, Iowa, is hereby amended by repealing Section 65.02, Subsection 5, which required vehicles traveling south on _____ Street to stop at _____ Street.

**SECTION 2. SEVERABILITY CLAUSE.** If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

**SECTION 3. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the Council the ___ day of _____, 20___, and approved this ___ day of _____, 20___.

_____
Mayor

ATTEST:

_____
City Clerk

First Reading: _____

Second Reading: _____

Third Reading: _____

I certify that the foregoing was published as Ordinance No.___ on the ___ day of _____, 20___.

_____
City Clerk

# MODIFICATION OR CHANGE OF EXISTING PROVISION

Existing provisions may be added to, partially deleted, or changed, as shown in the following sample:

## ORDINANCE NO. ___

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF GRUNDY CENTER, IOWA, BY AMENDING PROVISIONS PERTAINING TO SEWER SERVICE CHARGES**

**BE IT ENACTED** by the City Council of the City of Grundy Center, Iowa:

**SECTION 1. SECTION MODIFIED.** Section 99.01 of the Code of Ordinances of the City of Grundy Center, Iowa, is repealed and the following adopted in lieu thereof:

> **99.01 SEWER SERVICE CHARGES REQUIRED.** Every customer shall pay to the City sewer service charges in the amount of _____ percent of the bill for water and water service attributable to the customer for the property served, but in no event less than $_____ dollars per _____.

**SECTION 2. SEVERABILITY CLAUSE.** If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

**SECTION 3. WHEN EFFECTIVE.** This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the Council the ___ day of _____, 20___, and approved this ___ day of _____, 20___.

_____
Mayor

ATTEST:

_____
City Clerk

First Reading: _____

Second Reading: _____

Third Reading: _____

I certify that the foregoing was published as Ordinance No. _____ on the ___ day of _____, 20___.

_____
City Clerk

# ORDINANCES NOT CONTAINED IN THE CODE OF ORDINANCES

There are certain types of ordinances which the City will be adopting which do not have to be incorporated in the Code of Ordinances. These include ordinances: (1) establishing grades of streets or sidewalks; (2) vacating streets or alleys; (3) authorizing the issuance of bonds; and (4) amending the zoning map.

*(Code of Iowa, Sec. 380.8)*

## ORDINANCE NO. ___

**AN ORDINANCE VACATING *(INSERT LOCATION OR LEGAL DESCRIPTION OF STREET OR ALLEY BEING VACATED)* TO GRUNDY CENTER, IOWA**

Be It Enacted by the City Council of the City of Grundy Center, Iowa:

**SECTION 1.** The *(location or legal description of street or alley)* to Grundy Center, Iowa, is hereby vacated and closed from public use.

**SECTION 2.** The Council may by resolution convey the alley described above to abutting property owners in a manner directed by the City Council.

**SECTION 3.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 4.** If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

**SECTION 5.** This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed by the Council the ___ day of _____, 20___, and approved this ___ day of _____, 20___.

_____
Mayor

ATTEST:

_____
City Clerk

First Reading: _____

Second Reading: _____

Third Reading: _____

I certify that the foregoing was published as Ordinance No. _____ on the ___ day of _____, 20___.

_____
City Clerk

These ordinances should be numbered in the same numerical sequence as any other amending ordinance and placed in their proper sequence in the ordinance book.

# SUGGESTED FORMS

## FIRST NOTICE – DANGEROUS BUILDING

TO: (Name and address of owner, agent, or occupant of the property on which nuisance is located or the person causing or maintaining the nuisance).

You are hereby notified to abate the nuisance existing at (name location of nuisance) within ____ days from service of this notice or file written request for a Council hearing with the undersigned officer within said time limit.

The nuisance consists of (describe the nuisance and cite the law or ordinance) and shall be abated by (state action necessary to abate the particular nuisance).

In the event you fail to abate or cause to be abated the above nuisance, as directed, or file written request for hearing within the time prescribed herein, the City will take such steps as are necessary to abate or cause to be abated the nuisance and the cost will be assessed against you as provided by law.

Date of Notice: _____

City of Grundy Center, Iowa

By: _____
(enforcement officer)

# NOTICE OF HEARING ON DANGEROUS BUILDING

TO: (Name and address of the owner, agent, or occupant of the property on which nuisance is located or the person causing or maintaining the nuisance).

You are hereby notified that the City Council of Grundy Center, Iowa, will meet on the ___ day of _____, 20___, at _____ p.m., in the Council Chambers of the City Hall, at (address of City Hall) for the purpose of considering whether or not the alleged nuisance consisting of (describe the nuisance) on your property, locally known as _____, constitutes a nuisance pursuant to Chapter _____ of the Code of Ordinances of Grundy Center, Iowa, and should be abated by (state action necessary to abate the particular nuisance).

You are further notified that at such time and place you may appear and show cause why the said alleged nuisance should not be abated.

You are further notified to govern yourselves accordingly.

Date of Notice: _____

City of Grundy Center, Iowa

By: _____
(enforcement officer)

# RESOLUTION AND ORDER
# REGARDING DANGEROUS BUILDING

**BE IT RESOLVED,** by the City Council of the City of Grundy Center, Iowa:

**WHEREAS,** notice has heretofore been served on the ___ day of _____, 20___, on (property owner's name), through (agent's name or "none"), agent, to abate the nuisance existing at (legal description and address) within ___ days from service of said notice upon the said (name of owner or agent). and

(EITHER)

**WHEREAS,** a hearing was requested by the said (name of property owner or agent) and the same was held at this meeting and evidence produced and considered by the City Council.

(OR, ALTERNATE TO PRECEDING PARAGRAPH)

**WHEREAS,** the said owner (agent) named above has failed to abate or cause to be abated the above nuisance as directed within the time set, and after evidence was duly produced and considered at this meeting, and said owner has failed to file a written request for hearing, as provided, after being properly served by a notice to abate.

**NOW THEREFORE, BE IT RESOLVED** that the owner of said property, or said owner's agent (name of owner or agent) is hereby directed and ordered to abate the nuisance consisting of (describe the nuisance) by (state action necessary to abate) within ___ days after the service of this Order upon said owner or agent. and

**BE IT FURTHER RESOLVED** that the enforcement officer be and is hereby directed to serve a copy of this Order upon the said property owner or agent named above. and

**BE IT FURTHER RESOLVED** that in the event the owner, or agent (name the owner or agent) fails to abate the said nuisance within the time prescribed above, then and in that event the City will abate the said nuisance and the cost will be assessed against the property and/or owner (owner's name) at (address), as the law shall provide.

Moved by _____ to adopt.

Adopted this ____ day of _____, 20___.

_____
Mayor

ATTEST:

_____
City Clerk

**Note:** It is suggested by the blank space in the resolution that additional time be allowed the owner to abate the nuisance after the passage of the resolution before any action is taken on the part of the City to abate the same. In some instances, for the sake of public safety, the time element could be stricken from the resolution and immediate action be taken to abate the nuisance after the order is given.

# NOTICE TO ABATE NUISANCE

TO: (Name and address of owner, agent, or occupant of the property on which the nuisance is located or the person causing or maintaining the nuisance).

You are hereby notified to abate the nuisance existing at (name location of nuisance) or file written request for a hearing with the undersigned officer within (hours or days) from service of this notice.

The nuisance consists of: (describe the nuisance) and shall be abated by: (state action necessary to abate the particular nuisance).

In the event you fail to abate or cause to be abated the above nuisance as directed, the City will take such steps as are necessary to abate or cause to be abated the nuisance and the costs will be assessed against you as provided by law.

Date of Notice: _____

City of Grundy Center, Iowa

By: _____
(designate officer initiating notice)

# NOTICE

# REQUIRED SEWER CONNECTION

TO: _____
(Name)
_____
(Street Address)
_____, Iowa

You are hereby notified that connection to the public sanitary sewer system is required at the following described property within _____ (____) days from service of this notice or that you must file written request for a hearing before the Council with the undersigned office within said time limit.

## Description of Property

_____
_____
_____

The nearest public sewer line within _____ (____) feet of the above described property is located

_____
_____
_____

In the event you fail to make connection as directed, or file written request for hearing within the time prescribed herein, the connection shall be made by the City and the costs thereof assessed against you as by law provided.

Date of Notice: _____

City of Grundy Center, Iowa

By: _____, _____
(Name) (Title)

# NOTICE OF HEARING

# REQUIRED SEWER CONNECTION

TO: _____
(Name)
_____
(Street Address)
_____, Iowa

You are hereby notified that the City Council of Grundy Center, Iowa, will meet on the ___ day of _____, 20___, at _____ __m. in the Council Chambers of the City Hall for the purpose of considering whether or not connection to the public sanitary sewer system shall be required at the following described property:

## Description of Property

_____
_____
_____

You are further notified that at such time and place you may appear and show cause why said connection should not be required.

You are further notified to govern yourselves accordingly.

Date of Notice: _____

City of Grundy Center, Iowa

By: _____, _____
(Name) (Title)

# RESOLUTION AND ORDER

# REQUIRED SEWER CONNECTION

**BE IT RESOLVED,** by the City Council of the City of Grundy Center, Iowa:

**WHEREAS,** notice has heretofore been served on the ____ day of _____, 20___, on _____,
(Name of Property Owner)
through _____, Agent,
(Agent's Name or "None")

to make connection of the property described as
_____
_____
_____
_____

to the public sanitary sewer located_____
within _____ (_____) days from service of notice upon said owner or agent. and

(EITHER)

**WHEREAS,** a hearing was requested by the said owner or agent and the same was held at this meeting and evidence produced and considered by the City Council.

(OR AS ALTERNATE TO THE PRECEDING PARAGRAPH)

**WHEREAS,** the said owner or agent named above has failed to make such required connection within the time set, and after evidence was duly produced and considered at this meeting, and said owner or agent has failed to file a written request for hearing after being properly served by a notice to make such connection or request a hearing thereon.

**NOW, THEREFORE, BE IT RESOLVED** that the owner of said property, or said owner's agent, _____
(Name of Owner or Agent)
is hereby directed and ordered to make such required connection within _____ days after the service of this ORDER upon said owner or agent. and

**BE IT FURTHER RESOLVED** that the City Clerk be and the same is hereby directed to serve a copy of this ORDER upon said property owner or agent named above. and

**BE IT FURTHER RESOLVED,** that in the event the owner, or agent,

_____,
(Name of Owner or Agent)

fails to make such connection within the time prescribed above, then and in that event the City will make such connection and the cost thereof will be assessed against the property and/or owner

_____
(Owner's Name)

_____, as provided by law.
(Address)

Moved by _____ to adopt.

Seconded by _____.

AYES: _____, _____, _____,

_____, _____, _____.

NAYS: _____, _____, _____,

_____, _____, _____.

Resolution approved this ___ day of _____, 20___.

_____
Mayor

ATTEST:

_____
City Clerk