Code of Ordinances

Table of Contents

Chapter 1 General Provisions	2	**Chapter 16 Public Library**	89
Chapter 2 Officers of the Municipal Corporation	8	**Chapter 17 Public Safety**	92
Chapter 3 Mayor	10	**Chapter 18 Parks and Recreation**	93
Chapter 4 City Council	12	**Chapter 19 Design Standards and Specifications for Improvements**	97
Chapter 5 City Clerk	14	**Chapter 20 Water Utility**	99
Chapter 6 State Law Offenses Adopted by Reference	15	**Chapter 21 Sanitary Sewer Utility**	110
Chapter 7 Traffic and Vehicle Offenses	33	**Chapter 22 Electric Utility**	112
Chapter 8 Regulation of Weapons	43	**Chapter 23 Stormwater Management Utility**	116
Chapter 9 Age-Based Offenses	48	**Chapter 24 Property Maintenance and Life Safety Codes**	120
Chapter 10 Public Property and Services	51	**Chapter 25 Zoning Regulations**	139
Chapter 11 Animal Offense	58	**Chapter 26 Floodplain Management Ordinance**	179
Chapter 12 Solid Waste	75	**Chapter 27 Subdivision Regulations**	196
Chapter 13 Fireworks Offenses	77	**Chapter 28 Tree Regulations**	211
Chapter 14 Parking Offenses Subject to City Penalty	80	**Chapter 29 Business Licenses and Regulated Commercial Activity**	214
Chapter 15 Cemetery and Interment	86	**Chapter 30 Fees**	224

DRAFT

Chapter 1 General Provisions

Chapter Contents

Section	Topic	Section	Topic
1.1	Home Rule Authority	1.11	Election Method
1.2	Title	1.12	Fiscal Management
1.3	Form of Government	1.13	Operating Procedures
1.4	Incorporated Territory	1.14	Procedure for Administrative Hearing
1.5	Exercise of Home Rule	1.15	Collection of Debts
1.6	General Construction of Terms	1.16	Collection of License Fees, Permit Fees, Parking Citations, Penalties, or Other Charges for Services through Utility Bill
1.7	General Definitions	1.17	Standards to Receive Accommodations
1.8	Interpretation	1.18	Amendments to the Code
1.9	Extension of Authority	1.19	Effect of Repeal
1.10	City Seal	1.20	Severability

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1.1 Home Rule Authority. Municipal corporations are granted home rule power and authority, not inconsistent with the laws of the General Assembly, to determine their local affairs and government, except that they shall not have power to levy any tax unless expressly authorized by the General Assembly. The rule or proposition of law that a municipal corporation possesses and can exercise only those powers granted in express words is not a part of the law of this state. (Iowa Const. art III, § 38A.)

1.2 Title. This code of ordinances shall be known and may be cited as the "Code of Ordinances." Legal and official citations shall be in the form of the following: Exira Code, Chapter X.XXX (2024)

1.3 Form of Government. The City has adopted the Mayor-Council form of government.

1.4 Incorporated Territory. The boundaries of the City are set out and maintained in the records of Audubon County in which the City is located.

1.5 Exercise of Home Rule. The City may, unless expressly limited by the Constitution, and if not otherwise inconsistent with State Law, exercise home rule authority. Each and every provision of the Code that is not expressly authorized or limited by the Constitution or State Law shall be deemed to be an exercise of Home Rule Authority. Home Rule Authority is exercised for the following purposes:

1.5.1. To protect and preserve the rights, privileges, and property of the City and of its residents; and

1.5.2. To preserve and improve the peace, safety, health, welfare, comfort and convenience of its residents.

1.5.3. The Code may not set standards and requirements which are lower or less stringent than those imposed by State Law, but may set standards and requirements which are higher or more stringent than those imposed by State Law, unless a State Law provides otherwise.

1.5.4. State Law Savings Clause. Nothing in this Code shall be interpreted to regulate any subject in a manner preempted by Iowa law. Any provision that would otherwise conflict with state or federal law shall apply only to the maximum extent permitted by law.

1.6 General Construction of Terms. In the construction of the Code the following rules shall be observed, unless such construction is inconsistent with the manifest intent of the Council or repugnant to the context of the provisions.

1.6.1. Verb Tense and Plurals. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular.

1.6.2. May. The word "may" confers a discretionary power.

1.6.3. Must. The word "must" is used to state a requirement.

1.6.4. Shall. The word "shall" imposes a duty.

1.6.5. Preceding and Following. The phrase "Preceding" and "following" means next before and next after, respectively.

1.7 General Definitions. The following definitions shall apply to all Chapters of this Code:

1.7.1. City Property. City property is any property, including public right-of-way, owned or possessed by the City.

1.7.2. Constitution. The Constitution of Iowa or the Constitution of the United States or both depending upon the context of the usage.

1.7.3. Person. Means any 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.

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1.7.4. Public Property. Any and all property owned or held in trust by the City or another governmental entity.

1.7.5. Public Right-of-Way. The boundaries within which the public has a right to travel, even though the property in question may be privately owned. For example, ownership of a city lot may extend to the curb, but there may be public right-of-way along the sidewalk on private land.

1.7.6. Public Way. Street, alley, boulevard, parkway, highway, sidewalk, or other place where the public has access, and which is at least 10 feet in width.

1.7.7. Seal. The City Seal of the City.

1.7.8. State. The State of Iowa.

1.7.9. State Law. A current statute of the Code of Iowa as enacted by the General Assembly or an administrative rule of the State of Iowa.

1.8 Interpretation. All general provisions, terms, phrases, and expressions contained in the Code shall be liberally construed in order that the true intent and meaning of the Council may be fully carried out.

1.9 Extension of Authority. Whenever an officer or employee is required or authorized to do an act by a provision of the Code, the provision shall be construed as authorizing performance by an assistant, subordinate, or another duly authorized designee or contractor of said officer or employee.

1.10 City Seal. The City Seal shall be a seal circular in form, the center of which shall be the words, "City Seal", and the same is declared to be the city seal. The City Seal shall be in the custody of the Clerk and attached by him or her to all transcripts, orders, certificates, or measures which it may be necessary and proper to authenticate.

1.11 Election Method. In accordance with Chapter 376.3 of the Code of Iowa, all candidates for City elective municipal office shall be nominated under the provisions of Chapter 45 of the Code of Iowa, or its successors.

1.12 Fiscal Management. The structure and procedures for the fiscal management of the City shall be governed by resolution of the Council, unless specifically provided for otherwise in another portion of the Code.

1.13 Operating Procedures. Operating procedures for departments and services of the City shall be governed by resolution of the Council, unless specifically provided for otherwise in another portion of the Code.

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1.14 Procedure for Administrative Hearing. Administrative hearings are conducted by an officer or body of the City, subject to regulations as may be prescribed by various sections of this Code. The matter involved in the hearing may be an appeal to an order or a request subject to the approval of the officer or body of the City. All administrative hearings conducted by an officer or body of the City shall be conducted according to the following rules.

1.14.1. Notice. The party requesting the hearing will be given reasonable written notice of the hearing providing the date, time, place, and subject matter of the hearing. If a public notice is required for such a hearing, the public notice providing the date, time, place, and subject matter of the hearing shall be made in accordance with the standards of Iowa law or this Code, whichever is more stringent in its requirements.

1.14.2. Location. All administrative hearings should be conducted at the City Hall. If another location is chosen, then the notice provided for such hearing shall clearly indicate the location. A hearing may be conducted electronically or telephonically if necessary to accommodate the schedule of a person requesting a hearing.

1.14.3. Order. While the officer or body conducting the hearing shall retain substantial authority over the order of the hearing, each hearing shall be conducted in a manner reasonably in accordance with the following:

1.14.3.1 The hearing officer or chairman of the body shall provide a summary of facts relating to the subject matter of the hearing.

1.14.3.2 The hearing officer or chairman of the body shall first call upon the party requesting the hearing to present any relevant information or evidence on the matter. The time limit for this presentation shall be reasonable and will be set by the hearing officer or the chairman of the body.

1.14.3.3 The hearing officer or chairman of the body shall then allow any other party, if any, aggrieved by or interested in the matter to present any relevant information and evidence. The hearing officer or the hearing body shall retain its discretion over allowing other parties to participate in the hearing and remotely affected parties will not be allowed to participate. The time limit for these presentations shall be reasonable and will be set by the hearing officer or the chairman of the body.

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1.14.3.4 A representative of the City shall then present any information or evidence relevant to the subject matter of the request. The time limit for this presentation shall be reasonable and will be set by the hearing officer or the chairman of the body.

1.14.3.5 The hearing officer or chairman of the body shall then allow the party requesting the hearing to rebut any evidence presented by any other party. The time limit for this presentation shall be reasonable and will be set by the hearing officer or the chairman of the body.

1.14.4. Conduct. The following rules shall also apply to the conduct of an administrative hearing:

1.14.4.1 Each side shall proceed without interruption and all arguments shall be addressed to the hearing officer or body.

1.14.4.2 No argument between participants will be permitted.

1.14.4.3 A party may, upon reasonable request, receive approval from the hearing officer or chairman of the body, to ask questions of witnesses offered by another party.

1.14.4.4 During the hearing, the hearing officer or members of the body will be given an opportunity to ask questions and to make any appropriate comments.

1.14.4.5 No party shall cause undue delay or needlessly present cumulative evidence.

1.14.4.6 If a person has received adequate notice and fails to appear at the hearing, the hearing officer or hearing body may make any findings in their absence, including denial of any request.

1.14.4.7 The hearing officer or body may recess and continue the appeal to another hearing as necessary or defer action whenever it concludes that additional evidence is needed or that alternate solutions need further study.

1.14.4.8 The hearing officer or body, as appropriate, shall render a decision on the matter at any time within one (1) week from the conclusion of the hearing process.

1.14.4.9 Conflict-of-Interest. A hearing officer or member of the body that has a substantial interest, whether personal or financial, in the outcome of the matter shall recuse himself or herself from participating in the matter. Legal Counsel to the City shall advise the hearing officer or body on any potential conflict of interest that may exist.

1.15 Collection of Debts. The Mayor or other appointee of the Council shall be authorized to collect any debt owed to the City and uncollected for thirty (30) days, through all lawful means, including but not limited to: the imposition of liens, use of debt collection services, small claims court, vehicle

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licensing restrictions, and the Income Offset Program of the State of Iowa. Prior to initiating any collection efforts authorized by this section, the debtor shall receive a letter served by certified mail or personal service providing the debtor the opportunity to pay the debt within thirty (30) days, or to dispute the debt in an administrative hearing before the Council. If the debt is disputed, the debtor must request an administrative hearing within fourteen (14) days by making a written request filed with the City Clerk or Mayor, or appointee of the Council charged with the collection of debts.

1.16 Collection of License Fees, Permit Fees, Parking Citations, Penalties, or Other Charges for Services through Utility Bill. For administrative convenience, the City may include license fees, permit fees, parking citation penalties, civil penalties, and other charges for services on a utility billing statement when owed by a utility account holder. Non-utility charges may be invoiced with utility charges but shall not be the basis for disconnection or termination of water, sanitary sewer, electric, stormwater, solid-waste, or other utility service unless disconnection is expressly authorized by Iowa law. Collection of parking tickets, municipal infractions, special assessments, liens, and other debts shall follow the specific procedures authorized by Iowa law and this Code. In addition to amounts lawfully owed, the Clerk may collect a service charge of $50.00 when authorized by this Code. Any account holder contesting the collection procedure may appeal to the Council for an administrative hearing.

1.17 Standards to Receive Accommodations. The City shall comply with the requirements of the Fair Housing Act, Title II, and Title III of the Americans with Disabilities Act (ADA), by providing reasonable accommodations and modifications to policies, practices, rules, services, or procedures as necessary to ensure persons with disabilities have equal opportunity to use and enjoy dwellings, public and common use areas, and City programs or services. Such accommodation or modifications shall be made unless it is demonstrated that they would fundamentally alter the nature of the service, program, activity, goods, or facilities provided by the City.

1.18 Amendments to the Code. No amendment to the City Code shall be considered for passage on first reading by the City Council unless a public hearing has first been held on the proposed amendment. Notice of such hearing shall be published in accordance with the requirements of Iowa Code Section 362.3, as amended, not less than four (4) nor more than twenty (20) days prior to the hearing, and shall include a summary of the proposed amendment. No additional public hearings shall be required unless otherwise mandated by State Law.

1.19 Effect of Repeal. If any section of the Code is repealed, the repeal does not revive the ordinance or section of the Code which had been superseded by the repealed section of the Code. Repeal of any

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section will not affect any rights which have accrued, any duty imposed, any penalty incurred, or any proceedings commenced under or by virtue of the section of this code repealed.

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

DRAFT

Chapter 2 Officers of the Municipal Corporation

Chapter Contents

Section	Topic	Section	Topic
2.1	Municipal Officers	2.5	Bonds
2.2	Oath	2.6	Duty to Defend
2.3	Qualify for Office	2.7	Liability Insurance
2.4	Officers Empowered to Administer Oaths		

DRAFT

2.1 Municipal Officers. Each municipal officer shall exercise the powers and perform the duties prescribed by law or this Code.

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

2.3 Qualify for Office. The following elected officers and appointed officers shall qualify for office by taking the prescribed oath:

2.3.1. Mayor.

2.3.2. City Council.

2.3.3. Members of all boards, commissions, or other bodies of the City created by law.

2.3.4. City Clerk.

2.3.5. 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) as now or hereinafter required by law."

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

2.4.1. Mayor.

2.4.2. Mayor Pro Tem.

2.4.3. City Clerk.

2.4.4. Chairpersons of all boards, commissions or bodies created by law.

2.5 Bonds. To protect the City from losses associated with the fraudulent or dishonest acts of the City officials, the City shall procure a fidelity or surety bond covering the Mayor, Mayor Pro Tem, Clerk, Council, and such other officers and employees as may be necessary and advisable.

2.6 Duty to Defend. The City will defend and indemnify its officers, employees, and agents, whether elected or appointed, against any tort claim or demand arising from their actions or omissions within the scope of their duties, even if the claim is groundless. However, this does not apply to punitive damages. The City will not defend or indemnify, and may seek restitution from, any officer or employee if their actions are found to be willful and wanton in a lawsuit initiated by the City. The duty to defend and indemnify applies regardless of whether the City is a party to the lawsuit and includes claims related to official duties. If the officer or employee does not cooperate in the defense, the City may seek indemnification from them.

2.7 Liability Insurance. The City shall purchase a policy of liability insurance insuring against all liability which might be incurred by the City, or its officers, employees and agents.

DRAFT

Chapter 3 Mayor.

Chapter Contents

Section	Topic	Section	Topic
3.1	Duties of Chief Executive Officer	3.6	Employees
3.2	Presiding Officer	3.7	Enforcement of Council Policy and Code of Ordinances
3.3	Mayor's Veto	3.8	Compensation
3.4	Supervisory Authority	3.9	Appointments
3.5	Voting		

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3.1 Duties of Chief Executive Officer. The Mayor shall be the Chief Executive Officer of the City, shall exercise all executive powers of the City, and will be responsible for the administration of the City government.

3.2 Presiding Officer. The Mayor shall act as presiding officer at all regular and special Council meetings. The Mayor Pro Tem shall serve in this capacity in the Mayor's absence.

3.3 Mayor's Veto. The Mayor may sign, veto or take no action on an ordinance, amendment or resolution passed by the Council. If the Mayor exercises the veto power, the Mayor must explain the reason for such veto in a written message to the Council at the time of the veto. Within thirty (30) days after the Mayor's veto, the Council may override the Mayor's veto by a two-thirds majority of the Council members.

3.4 Supervisory Authority. All employees and agents of the City shall be under the supervision of the Mayor, except for supervisory duties delegated to a City Administrator under this ordinance. If a City Administrator has been appointed, the City Administrator will be supervised by the Mayor in conformance with Iowa law. In the absence of any appointed City Administrator, the Mayor will perform all supervisory duties.

3.5 Voting. The Mayor is not a member of the Council and may not vote as a member of the Council.

3.6 Employees. The Mayor shall hire all employees authorized by the City Council, subject to the approval of the Council. The Council shall establish the compensation and benefits for all employees.

3.7 Enforcement of Council Policy and Code of Ordinances. The Mayor shall be responsible for the enforcement of all policies and ordinances adopted by the Council.

3.8 Compensation. The Mayor shall be compensated $1,000.00 per year and $100 for each Council meeting attended.

3.9 Appointments. The Mayor shall make the following appointments:

3.9.1. Chief of Police. The Mayor shall appoint a Police Chief. The appointment of a police chief shall be subject to the approval of the City Council. The Mayor may recommend the removal of the Police Chief subject to the consent of the City Council.

3.9.2. Mayor Pro Tempore. The Mayor may appoint a council member as Mayor Pro Tem, and this appointment is not subject to the consent of the Council.

3.9.2.1 Powers and Duties. The Mayor Pro Tempore will assume the Mayor's duties when the Mayor is absent or unable to perform them. However, the Mayor Pro Tempore cannot hire, appoint, terminate, or remove officers or employees that the Mayor can hire, appoint, terminate, or remove, unless approved by the Council.

3.9.2.2 Voting. If the Mayor Pro Tempore has assumed the duties of Mayor, they shall have the right to vote as a member of the Council.

3.9.2.3 Receiving Mayor Compensation. If the Mayor Pro Tempore performs the duties of the Mayor during the Mayor's absence or disability for a continuous period of fifteen (15) days or more, the Mayor Pro Tempore may be paid for that period such compensation as determined by the Council, based upon performance of the Mayor's duties and upon the compensation of the Mayor.

DRAFT

Chapter 4 City Council

Chapter Contents

Section	Topic	Section	Topic
4.1	Authority	4.6	Contracts
4.2	Membership	4.7	Employees
4.3	Wards	4.8	Appointments
4.4	Fiscal Authority	4.9	Rules
4.5	Public Improvements	4.10	Compensation

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4.1 Authority. All city powers are vested in the city council, unless otherwise provided by state law or this code of ordinances. The Council shall only act by motion, resolution, or ordinance. While individual members of the Council are officers of the City, no individual Council member has authority to exercise any power of the City.

4.2 Membership. The Council shall have five (5) members who are elected by the residents of the City.

4.3 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.

4.4 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, improvements or repairs which may be specially assessed.

4.5 Public Improvements. The Council shall make all orders for the doing of work, or the making or construction of any improvements, bridges, or buildings.

4.6 Contracts. The Council may authorize the making of contracts, and no contract shall bind or be obligatory upon the City, unless the Council approved the contract or has delegated authority for the making of the contract to another appointed officer or board of the City. Contracts shall be approved by resolution only when State Law requires it.

4.7 Employees. The Council shall authorize, by resolution, the number, duties, and compensation of employees not otherwise provided for by law or this Code.

4.8 Appointments.

4.8.1. Boards and Commissions. The Council shall appoint all members of the boards and commissions of the City. All appointments to the boards and commissions of the City shall be subject to consent of a majority of the City Council. The Council shall make all efforts to notify the public of any open board or commission position and to identify potential appointees by accepting applications.

4.8.2. City Clerk. The Council shall appoint a City Clerk to serve as secretary to the Council.

4.8.3. Administrative Agencies and Ad-Ho Committees. The council shall be responsible for the establishment of all administrative agencies and ad-hoc committees of the City, and shall appoint members to the same.

4.9 Rules. The Council shall determine the rules of its own proceedings by resolution and the Clerk shall keep such rules on file for public inspection.

4.10 Compensation. The Council members shall receive $50 per meeting attended.

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Chapter 5 City Clerk

Chapter Contents

Section	Topic	Section	Topic
5.1	Purpose	5.5	Public Records
5.2	Secretary to the City Council and Mayor	5.6	City Seal
5.3	Recording Measures Considered	5.7	Additional Duties as Assigned
5.4	Authentication of Measures		

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5.1 Purpose. The purpose of this chapter is to assign the duties and responsibilities of the Clerk.

5.2 Secretary to the City Council and Mayor. The Clerk shall be the secretary to the City Council and Mayor.

5.3 Recording Measures Considered. Promptly record each measure considered by the City Council, with a statement 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.

5.4 Authentication of Measures. Authenticate all measures with the City Clerk signature, certifying the time and manner of publication, when required.

5.5 Public Records. Serve as custodian for all public records of the City.

5.6 City Seal. The City seal shall be in the custody of the Clerk and shall be attached by the Clerk to all transcripts, orders and certificates which it may be necessary or proper to authenticate.

5.7 Additional Duties as Assigned. The Council may assign to the Clerk such additional duties as it deems necessary or appropriate for the efficient administration of City affairs.

Chapter 6 State Law Offenses Adopted by Reference

Chapter Contents

Section	Topic	Section	Topic
6.1	Purpose and Authority	6.5	Alternative Relief
6.2	Copies on File	6.6	Construction
6.3	Municipal Infraction Schedule	6.7	Express Exclusions
6.4	Simple Misdemeanor Schedule		

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6.1 Purpose and Authority. Pursuant to Iowa Code sections 364.2, 364.22, and 380.10, the City adopts by reference the low-level Iowa Code provisions identified in this chapter. The adopted provisions are adopted as now enacted and as later amended, but only to the extent permitted by Iowa law.

6.2 Copies on File. Copies of the adopted Iowa Code provisions shall be available in the office of the City Clerk as required by law.

6.3 Municipal Infraction Schedule. A violation of any Iowa Code provision listed in Schedule A of this chapter constitutes a municipal infraction. Civil penalties and enforcement shall be as provided by Iowa Code section 364.22, Chapter 4 of this Code, and other applicable law. Where Iowa law provides a scheduled fine or civil penalty for a listed section, the City may enforce the violation only to the extent the penalty does not exceed the maximum civil penalty allowed for a municipal infraction.

6.4 Simple Misdemeanor Schedule. A person who violates any Iowa Code provision listed in Schedule B of this chapter commits a simple misdemeanor under this Code. Punishment shall not exceed the simple-misdemeanor limits allowed by Iowa Code sections 380.10 and 903.1(1)(a).

6.5 Alternative Relief. Seeking enforcement under this chapter does not preclude the City from seeking any other lawful remedy, including abatement, administrative enforcement, civil action, or injunctive relief.

6.6 Construction. If an adopted Iowa Code provision contains multiple offense levels, penalty enhancements, repeat-offense tiers, collateral sanctions, or cross-referenced penalties, only the portion that remains within the City's authority is adopted. Any greater offense level, enhancement, repeat-offense tier, collateral sanction, or other nonadoptable portion is excluded.

6.7 Express Exclusions. The following are expressly excluded from this chapter:

6.7.1 Iowa Code Chapter 724 - Weapons.

6.7.2 Iowa Code Chapter 321J - Operating While Intoxicated.

6.7.3 Iowa Code 723.2 - Unlawful Assembly.

6.7.4 Iowa Code 321.218(1) - Operating Without Valid Driver's License or When Disqualified, Penalties.

6.7.5 Iowa Code 321A.32(1) - Other Violations, Penalties.

6.7.6 Iowa Code 321.236 - Powers of Local Authorities, and Iowa Code 321.239 - Counties May Restrict Parking of Vehicles.

6.7.7 Iowa Code 321.463 - Maximum Gross Weight, Exceptions, Penalties, and Iowa Code 321.466 - Increased Loading Capacity, Reregistration.

6.7.8 Iowa Code 123.49(2)(h) - Miscellaneous Prohibitions, and the collateral suspension, revocation, and civil-penalty provisions in Iowa Code 123.50(2) and (3) - Criminal and Civil Penalties.

6.7.9 Iowa Code 716.8 - Penalties, and the corresponding scheduled-violation penalties referenced in Iowa Code 805.8C(12).

6.7.10 Any section, subsection, subpart, enhancement, repeat-offense tier, or penalty variant that is or becomes a felony, aggravated misdemeanor, or serious misdemeanor.

6.7.11 Any section, subsection, subpart, enhancement, repeat-offense tier, or penalty variant whose applicable criminal penalty, scheduled fine, or municipal-infraction civil penalty exceeds the maximum allowed for adoption by reference under Iowa Code sections 380.10, 903.1(1)(a), or 364.22.

6.7.12 Any provision preempted from local regulation by state law.

6.7.13 Iowa Code Chapter 321 Provisions Adopted by Reference as Municipal Infractions. The following Iowa Code provisions are adopted by reference as municipal infractions, subject to the construction and exclusion provisions of this chapter.

6.7.13.1 Schedule A - Chapter 321 provisions adopted by reference as municipal infractions. The following Iowa Code provisions are adopted by reference as municipal infractions, subject to the construction and exclusion provisions of this chapter.

DRAFT

6.7.13.1.1 Registration, Title, Plates, and Proof of Financial Responsibility Provisions Adopted by Reference.

(i) **Iowa Code 321.17 - Misdemeanor to Violate Registration Provisions.** A general offense for violating chapter 321 registration requirements.

(ii) **Iowa Code 321.20B(1) - Financial Liability Coverage, Proof Required, Violations, Penalties, Exceptions.** Failure to carry and furnish proof of required liability coverage.

(iii) **Iowa Code 321.24 - Issuance of Registration and Certificate of Title.** Compliance required for issuance and lawful use of registration and title documents.

(iv) **Iowa Code 321.25 - Application for Registration and Title, Cards Attached.** Failure to properly complete or accompany an application for registration and title.

(v) **Iowa Code 321.32 - Registration Card Carried and Exhibited, Exception.** Failure to carry and exhibit registration card as required.

(vi) **Iowa Code 321.34 - Plates or Validation Sticker Furnished, Retained by Owner, Special Plates.** Misuse or improper retention of plates or validation stickers.

(vii) **Iowa Code 321.37 - Display of Plates.** Failure to properly display license plates.

(viii) **Iowa Code 321.38 - Plates, Method of Attaching, Imitations Prohibited.** Improper plate attachment or use of imitation plates.

(ix) **Iowa Code 321.41 - Change of Address or Name or Fuel Type.** Failure to report required changes to the department.

(x) **Iowa Code 321.45 - Title Must Be Transferred with Vehicle.** Failure to properly transfer title with a vehicle.

(xi) **Iowa Code 321.46 - New Title and Registration upon Transfer of Ownership, Credit.** Failure of a new owner to retitle or reregister as required.

(xii) **Iowa Code 321.47 - Transfers by Operation of Law.** Failure to comply with title-transfer rules for inheritance, court order, or similar transfer.

(xiii) **Iowa Code 321.48 - Vehicles Acquired for Resale.** Title/registration noncompliance for vehicles acquired for resale.

(xiv) **Iowa Code 321.52 - Out-Of-State Sales, Junked, Dismantled, Wrecked, Or Salvage Vehicles.** Title/sale noncompliance for specified salvage-type vehicles.

DRAFT

(xv) **Iowa Code 321.54 - Registration and Financial Liability Coverage Required of Certain Nonresident Carriers.** Nonresident carrier registration or insurance noncompliance.

(xvi) **Iowa Code 321.55 - Registration and Financial Liability Coverage Required for Certain Vehicles Owned or Operated by Nonresidents.** Nonresident vehicle registration or insurance noncompliance.

(xvii) **Iowa Code 321.57 - Operation under Special Plates.** Misuse of dealer, manufacturer, transporter, or similar special plates.

(xviii) **Iowa Code 321.62 - Records Required.** Failure to keep required special-plate records.

(xix) **Iowa Code 321.67 - Certificate of Title Must Be Executed.** Failure to properly execute certificate of title on sale or transfer.

(xx) **Iowa Code 321.91 - Limitation on Liability, Penalty for Abandonment.** Abandoning a vehicle.

(xxi) **Iowa Code 321.95 - Right of Inspection.** Failure to allow inspection of vehicle or component-part records as required.

(xxii) **Iowa Code 321.98 - Operation without Registration.** Operating an unregistered vehicle.

(xxiii) **Iowa Code 321.99 - Fraudulent Use of Registration.** Fraudulent or improper use of registration documents.

(xxiv) **Iowa Code 321.104 - Penal Offenses Against Title Law.** Title-law violations not otherwise specifically addressed.

(xxv) **Iowa Code 321.115 - Antique Vehicles, Model Year Plates Permitted.** Misuse of antique/model-year plate provisions.

(xxvi) **Iowa Code 321.115A - Replica Vehicles and Street Rods, Model Year Plates Permitted, Penalty.** Misuse of model-year plate provisions for replica vehicles or street rods.

6.7.13.1.2 Driver Licensing and Identification-Card Offenses

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(i) **Iowa Code 321.174 - Operators Licensed, Operation of Commercial Motor Vehicles.** Driving without the operator or commercial licensure required by law.

(ii) **Iowa Code 321.174A - Operation of Motor Vehicle with Expired License.** Driving with an expired license.

(iii) **Iowa Code 321.180 - Instruction Permits, Commercial Learner's Permits, And Chauffeur's Instruction Permits.** Violating permit terms or restrictions.

(iv) **Iowa Code 321.180B - Graduated Driver's Licenses for Persons Aged Fourteen through Seventeen.** Violating conditions of a graduated license.

(v) **Iowa Code 321.193 - Restrictions on Licenses, Penalty.** Violating restrictions printed on or attached to a license.

(vi) **Iowa Code 321.194 - Special Minor's Restricted License.** Violating conditions of a special minor's restricted license.

(vii) **Iowa Code 321.216 - Unlawful Use of License or Nonoperator's Identification Card, Penalty.** Unlawful possession, display, lending, or use of a license or ID card.

(viii) **Iowa Code 321.216B - Use of Driver's License or Nonoperator's Identification Card by Underage Person to Obtain Alcohol.** Underage use of false, altered, borrowed, or misused ID to obtain alcohol.

(ix) **Iowa Code 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.** Underage use of false, altered, borrowed, or misused ID to obtain nicotine-related products.

(x) **Iowa Code 321.219 - Permitting Unauthorized Minor to Drive.** Allowing an unauthorized minor to drive.

(xi) **Iowa Code 321.220 - Permitting Unauthorized Person to Drive.** Allowing an unauthorized person to drive.

6.7.13.1.3 Obedience to Officers, Traffic-Control Devices, Special Vehicles, and Accident Duties.

(i) **Iowa Code 321.229 - Obedience to Peace Officers.** Failure to obey lawful traffic direction from a peace officer.

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(ii) **Iowa Code 321.231 - Authorized Emergency Vehicles and Police Bicycles.** Violation of statutory rules governing emergency-vehicle or police-bicycle operation.

(iii) **Iowa Code 321.232 - Speed Detection Jamming Devices, Penalty.** Possession or use of radar/laser-jamming devices.

(iv) **Iowa Code 321.234(3)-(4) - Bicycles, Animals, Or Animal-Drawn Vehicles.** Violation of roadway rules applicable to bicyclists or animal-drawn traffic.

(v) **Iowa Code 321.234A - All-Terrain Vehicles, Highway Use.** Unlawful ATV highway use.

(vi) **Iowa Code 321.235A - Electric Personal Assistive Mobility Devices.** Violating operating rules for electric personal assistive mobility devices.

(vii) **Iowa Code 321.235B - Low-Speed Electric Bicycles, Labels, Operation.** Violating labeling or operating rules for low-speed electric bicycles.

(viii) **Iowa Code 321.247 - Golf Cart Operation on City Streets.** Violating city-street operating requirements for golf carts.

(ix) **Iowa Code 321.256 - Obedience to Official Traffic-Control Devices.** Failure to obey a traffic sign, marker, barricade, or other official control device.

(x) **Iowa Code 321.257(2) - Official Traffic-Control Signal.** Failure to obey a red, yellow, green, arrow, flashing, or pedestrian signal.

(xi) **Iowa Code 321.260(2) - Interference with Devices, Signs, Or Signals, Unlawful Possession, Traffic Signal Preemption Devices.** Unauthorized possession of an official traffic-control device.

(xii) **Iowa Code 321.262 - Leaving Scene of Traffic Accident Prohibited, Vehicle Damage Only, Removal of Vehicles.** Leaving a property-damage-only crash without fulfilling required duties.

(xiii) **Iowa Code 321.264 - Striking Unattended Vehicle.** Failure to stop and give the required notice after striking an unattended vehicle.

(xiv) **Iowa Code 321.265 - Striking Fixtures upon a Highway.** Failure to stop and report after striking a highway sign, fixture, or similar property.

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6.7.13.1.4 Motorcycle, Device-Use, Bicyclist-Protection, Open-Container, Speed, and Control Offenses.

(i) **Iowa Code 321.275(1)-(8) - Operation of Motorcycles and Motorized Bicycles.** Violation of statutory operating rules for motorcycles and motorized bicycles.

(ii) **Iowa Code 321.276 - Use of Electronic Device while Driving.** Unlawfully holding, viewing, or manipulating an electronic device while driving.

(iii) **Iowa Code 321.277A - Careless Driving.** Operating a vehicle without due care.

(iv) **Iowa Code 321.281 - Actions Against Bicyclists.** Steering unreasonably close to a bicyclist or projecting an object or substance at a bicyclist.

(v) **Iowa Code 321.284 - Open Containers in Motor Vehicles, Drivers.** Driver possession of an open alcoholic-beverage or lawful THC-beverage container in the passenger area.

(vi) **Iowa Code 321.284A - Open Containers in Motor Vehicles, Passengers.** Passenger possession of an open alcoholic-beverage or lawful THC-beverage container in the passenger area.

(vii) **Iowa Code 321.285 - Speed Restrictions.** Exceeding lawful speed or driving too fast for conditions.

(viii) **Iowa Code 321.288 - Control of Vehicle, Reduced Speed.** Failure to reduce speed or maintain proper control when required.

(ix) **Iowa Code 321.294 - Minimum Speed Regulation.** Driving so slowly as to impede traffic where prohibited.

(x) **Iowa Code 321.295 - Limitation on Bridge or Elevated Structures.** Violating posted speed or operational limits on a bridge or elevated structure.

6.7.13.1.5 Lane Use, Passing, Turning, Right-of-Way, and Pedestrian Safety

(i) **Iowa Code 321.297 - Driving on Right-Hand Side of Roadway, Exceptions.** Failure to drive on the right except where lawfully permitted.

(ii) **Iowa Code 321.298 - Meeting and Turning to Right.** Failure to keep right when meeting oncoming traffic.

(iii) **Iowa Code 321.299 - Overtaking a Vehicle.** Improper overtaking of another vehicle.

(iv) **Iowa Code 321.302 - Overtaking and Passing.** Unsafe or improper passing.

DRAFT

(v) **Iowa Code 321.303 - Limitations on Overtaking on the Left.** Passing left when prohibited by sight, lane, or hazard conditions.

(vi) **Iowa Code 321.304(1)-(3) - Prohibited Passing.** Passing in no-passing zones or other prohibited circumstances.

(vii) **Iowa Code 321.305 - One-Way Roadways and Rotary Traffic Islands.** Violating one-way or rotary-traffic rules.

(viii) **Iowa Code 321.306 - Roadways Laned for Traffic.** Improper lane usage or lane change.

(ix) **Iowa Code 321.307 - Following Too Closely.** Tailgating.

(x) **Iowa Code 321.309 - Towing.** Improper towing.

(xi) **Iowa Code 321.310 - Towing Four-Wheeled Trailers.** Improper towing of four-wheeled trailers.

(xii) **Iowa Code 321.311 - Turning at Intersections.** Improper turning movement at an intersection.

(xiii) **Iowa Code 321.312 - Turning on Curve or Crest of Grade.** Unsafe turning where visibility is limited.

(xiv) **Iowa Code 321.313 - Starting Parked Vehicle.** Moving from a parked position without required safety or yielding.

(xv) **Iowa Code 321.314 - When Signal Required.** Failure to signal when required.

(xvi) **Iowa Code 321.315 - Signal Continuous.** Failure to continuously signal for the required distance or time.

(xvii) **Iowa Code 321.316 - Stopping.** Improper stopping contrary to statutory signal/stopping rules.

(xviii) **Iowa Code 321.317 - Signals by Hand and Arm or Signal Device.** Failure to use proper turn or stop signals.

(xix) **Iowa Code 321.318 - Method of Giving Hand and Arm Signals.** Improper hand-signal method.

(xx) **Iowa Code 321.319 - Entering Intersections from Different Highways.** Right-of-way violation at an uncontrolled intersection.

DRAFT

(xxi) **Iowa Code 321.320 - Left Turns, Yielding.** Failure to yield while turning left.

(xxii) **Iowa Code 321.321 - Entering through Highways.** Failure to yield before entering a through highway.

(xxiii) **Iowa Code 321.322 - Vehicles Entering Stop or Yield Intersection.** Failure to stop or yield as required.

(xxiv) **Iowa Code 321.323 - Moving Vehicle Backward on Highway.** Unsafe backing on a highway.

(xxv) **Iowa Code 321.323A(1)-(3) - Approaching Certain Stationary Vehicles.** Failure to move over or slow for covered stationary vehicles.

(xxvi) **Iowa Code 321.324 - Operation on Approach of Emergency Vehicles.** Failure to yield to approaching emergency vehicles.

(xxvii) **Iowa Code 321.324A - Funeral Processions.** Failure to comply with lawful funeral-procession rules.

(xxviii) **Iowa Code 321.325 - Pedestrians Subject to Signals.** Pedestrian failure to obey traffic signals.

(xxix) **Iowa Code 321.326 - Pedestrians on Left.** Pedestrian walking-side violation where no sidewalk exists.

(xxx) **Iowa Code 321.327 - Pedestrians' and Bicyclists' Right-Of-Way.** Failure to yield to a pedestrian or bicyclist with the right-of-way.

(xxxi) **Iowa Code 321.328 - Crossing at Other than Crosswalk.** Jaywalking outside a crosswalk where prohibited.

(xxxii) **Iowa Code 321.329 - Duty of Driver, Pedestrians Crossing or Working on Highways.** Failure to exercise due care toward pedestrians crossing or working on the highway.

(xxxiii) **Iowa Code 321.331 - Pedestrians Soliciting Rides.** Unlawful solicitation of rides in or near the roadway.

(xxxiv) **Iowa Code 321.332 - White Canes Restricted to Blind Persons.** Misuse of white-cane protections reserved to blind persons.

DRAFT

(xxxv) **Iowa Code 321.333 - Duty of Drivers.** Failure to exercise the special statutory duty owed to blind or disabled pedestrians.

(xxxvi) **Iowa Code 321.340 - Driving through Safety Zone.** Driving through a marked safety zone.

6.7.13.1.6 Railroad-Crossing, Parking, School-Bus, and General Roadway-Safety Offenses.

(i) **Iowa Code 321.341 - Obedience to Signal Indicating Approach of Railroad Train or Railroad Track Equipment.** Failure to obey railroad warning devices.

(ii) **Iowa Code 321.342 - Stop at Certain Railroad Crossings, Posting Warning.** Failure to stop at a posted railroad crossing.

(iii) **Iowa Code 321.343 - Certain Vehicles Must Stop.** Mandatory-stop violation for specified vehicles at railroad crossings.

(iv) **Iowa Code 321.344 - Heavy Equipment at Crossing.** Unlawful railroad crossing by covered heavy equipment.

(v) **Iowa Code 321.344B - Immediate Safety Threat, Penalty.** Creating an immediate safety threat at a railroad crossing.

(vi) **Iowa Code 321.353 - Stop before Crossing Sidewalk, Right-Of-Way.** Failure to stop or yield before crossing a sidewalk from a driveway, alley, or building.

(vii) **Iowa Code 321.354 - Stopping on Traveled Way.** Stopping on the traveled portion of the roadway where prohibited.

(viii) **Iowa Code 321.358 - Stopping, Standing, Or Parking.** General no-stopping, no-standing, or no-parking violation.

(ix) **Iowa Code 321.360 - Theaters, Hotels, And Auditoriums.** Parking violation in designated loading or curb areas.

(x) **Iowa Code 321.361 - Additional Parking Regulations.** Violation of authorized additional parking restrictions.

(xi) **Iowa Code 321.362 - Unattended Motor Vehicle.** Leaving a vehicle unattended without properly securing it.

DRAFT

(xii) **Iowa Code 321.363 - Obstruction to Driver's View.** Operating with obstructed vision or unsafe loading.

(xiii) **Iowa Code 321.364 - Preventing Contamination of Food by Hazardous Material.** Hazardous-material transport conduct endangering food.

(xiv) **Iowa Code 321.365 - Coasting Prohibited.** Coasting in neutral or with clutch disengaged where prohibited.

(xv) **Iowa Code 321.366 - Acts Prohibited on Fully Controlled-Access Facilities.** Prohibited conduct on fully controlled-access highways.

(xvi) **Iowa Code 321.367 - Following Fire Apparatus.** Following too closely behind fire apparatus.

(xvii) **Iowa Code 321.368 - Crossing Fire Hose.** Driving over an unprotected fire hose.

(xviii) **Iowa Code 321.369 - Putting Debris on Highway.** Placing debris or litter on a highway.

(xix) **Iowa Code 321.370 - Removing Injurious Material.** Failure to remove injurious material from a highway.

(xx) **Iowa Code 321.371 - Clearing Up Wrecks.** Failure to remove wreckage or debris as required.

(xxi) **Iowa Code 321.372(1)-(2) - Discharging Pupils, Stopping Requirements, Penalties.** Failure to stop for a school bus or unlawful movement around a loading or unloading school bus.

6.7.131.7 Unsafe-Vehicle, Lighting, Brake, Equipment, and Occupant-Restraint Offenses.

(i) **Iowa Code 321.381 - Movement of Unsafe or Improperly Equipped Vehicles.** Operating an unsafe or improperly equipped vehicle.

(ii) **Iowa Code 321.381A - Operation of Low-Speed Vehicles.** Violation of statutory operating requirements for low-speed vehicles.

(iii) **Iowa Code 321.382 - Upgrade Pulls, Minimum Speed.** Failure to maintain minimum speed on a signed grade pull.

(iv) **Iowa Code 321.383(4) - Exceptions, Slow Vehicles Identified.** Failure to display required identification for slow vehicles.

DRAFT

(v) **Iowa Code 321.383(5) - Exceptions, Slow Vehicles Identified.** Violation of operation limits tied to slow-vehicle identification.

(vi) **Iowa Code 321.384 - When Lighted Lamps Required.** Failure to use lamps when required.

(vii) **Iowa Code 321.385 - Headlamps on Motor Vehicles.** Required headlamp equipment violation.

(viii) **Iowa Code 321.386 - Headlamps on Motorcycles, Motorized Bicycles, And All-Terrain Vehicles.** Required headlamp equipment violation for those vehicles.

(ix) **Iowa Code 321.387 - Rear Lamps.** Required rear-lamp equipment violation.

(x) **Iowa Code 321.388 - Illuminating Plates.** Required plate-light violation.

(xi) **Iowa Code 321.389 - Reflector Required.** Required reflector violation.

(xii) **Iowa Code 321.390 - Reflector Requirements.** Reflector-specification violation.

(xiii) **Iowa Code 321.392 - Clearance and Identification Lights.** Required clearance or identification light violation.

(xiv) **Iowa Code 321.393 - Color and Mounting.** Improper color or mounting of lights.

(xv) **Iowa Code 321.394 - Lamp or Flag on Projecting Load.** Failure to mark a projecting load.

(xvi) **Iowa Code 321.395 - Lamps on Parked Vehicles.** Failure to display required lamps on a parked vehicle.

(xvii) **Iowa Code 321.397 - Lamps on Bicycles.** Bicycle-lighting violation.

(xviii) **Iowa Code 321.398 - Lamps on Other Vehicles and Equipment.** Lighting-equipment violation for other vehicles or equipment.

(xix) **Iowa Code 321.402 - Spot Lamps.** Unlawful spot-lamp equipment or use.

(xx) **Iowa Code 321.403 - Auxiliary Driving Lamps.** Unlawful auxiliary-lamp equipment or use.

(xxi) **Iowa Code 321.404 - Signal Lamps and Signal Devices.** Turn-signal or signaling-device equipment violation.

DRAFT

(xxii) **Iowa Code 321.404A - Light-Restricting Devices Prohibited.** Unlawful tinting or other prohibited light-restricting device.

(xxiii) **Iowa Code 321.409 - Mandatory Lighting Equipment.** Failure to have required lighting equipment.

(xxiv) **Iowa Code 321.415 - Required Usage of Lighting Devices.** Failure to properly use required lighting devices.

(xxv) **Iowa Code 321.419 - Number of Driving Lamps Required or Permitted.** Too many or too few driving lamps as used or equipped.

(xxvi) **Iowa Code 321.420 - Number of Lamps Lighted.** Too many lamps lighted at one time.

(xxvii) **Iowa Code 321.421 - Special Restrictions on Lamps.** Violation of statutory restrictions on certain lamps.

(xxviii) **Iowa Code 321.422 - Red Light in Front, Rear Lights.** Prohibited front red light or rear-lighting noncompliance.

(xxix) **Iowa Code 321.423 - Flashing Lights.** Unlawful flashing-light use.

(xxx) **Iowa Code 321.424 - Authorized Emergency Vehicle Lights.** Unlawful use or display of emergency-style lights.

(xxxi) **Iowa Code 321.430 - Brake, Hitch, And Control Requirements.** Brake, hitch, or sway-control noncompliance.

(xxxii) **Iowa Code 321.431 - Performance Ability.** Vehicle brake or performance-capability violation.

(xxxiii) **Iowa Code 321.432 - Horns and Warning Devices.** Horn or warning-device violation.

(xxxiv) **Iowa Code 321.433 - Sirens, Whistles, Air Horns, And Bells Prohibited.** Unlawful warning device on an ordinary vehicle.

(xxxv) **Iowa Code 321.434 - Bicycle Sirens or Whistles.** Unlawful siren or whistle on a bicycle.

(xxxvi) **Iowa Code 321.436 - Mufflers, Prevention of Noise.** Improper muffler or excessive-noise violation.

(xxxvii) **Iowa Code 321.437 - Mirrors.** Mirror-equipment violation.

DRAFT

(xxxviii) **Iowa Code 321.438 - Windshields and Windows.** Windshield or window noncompliance.

(xxxix) **Iowa Code 321.439 - Windshield Wipers.** Failure to have required wipers.

(xl) **Iowa Code 321.440 - Restrictions as to Tire Equipment.** Prohibited tire equipment.

(xli) **Iowa Code 321.441 - Metal Tires Prohibited.** Operation with prohibited metal tires.

(xlii) **Iowa Code 321.442 - Projections on Wheels.** Unlawful wheel projections.

(xliii) **Iowa Code 321.444 - Safety Glass.** Failure to use required safety glass.

(xliv) **Iowa Code 321.445 - Safety Belts and Safety Harnesses, Use Required.** Seat-belt violation.

(xlv) **Iowa Code 321.446 - Child Restraint Devices.** Child-restraint violation.

6.7.13.1.8 Commercial-Motor-Vehicle, Hazardous-Material, and Load-Dimension Offenses.

(i) **Iowa Code 321.449 - Motor Carrier Safety Rules.** Violation of adopted motor-carrier safety rules.

(ii) **Iowa Code 321.449A - Rail Crew Transport Drivers.** Violation of safety or qualification rules for rail-crew transport drivers.

(iii) **Iowa Code 321.449B - Texting or Using a Mobile Telephone while Operating a Commercial Motor Vehicle.** Unlawful handheld mobile-device use while operating a commercial motor vehicle.

(iv) **Iowa Code 321.450 - Hazardous Materials Transportation Regulations.** Violation of hazardous-material transportation rules.

(v) **Iowa Code 321.454 - Width of Vehicles.** Exceeding lawful vehicle width.

(vi) **Iowa Code 321.455 - Projecting Loads on Passenger Vehicles.** Unlawful projecting load on a passenger vehicle.

(vii) **Iowa Code 321.456 - Height of Vehicles.** Exceeding lawful vehicle height.

(viii) **Iowa Code 321.457 - Maximum Length.** Exceeding lawful vehicle length.

(ix) **Iowa Code 321.458 - Loading Beyond Front.** Unlawful front overhang.

DRAFT

(x) **Iowa Code 321.460 - Spilling Loads on Highways.** Allowing material to spill onto a highway.

(xi) **Iowa Code 321.461 - Trailers and Towed Vehicles.** Unlawful trailer or towed-vehicle configuration or operation.

(xii) **Iowa Code 321.462 - Drawbars and Safety Chains.** Unlawful couplings, drawbars, or safety chains.

6.7.13.2 Schedule B - Simple-Misdemeanor City Offenses Adopted by Reference. The following Iowa Code provisions are adopted by reference as simple-misdemeanor city offenses, subject to the construction and exclusion provisions of this chapter.

6.7.13.2.1 Traffic Simple Misdemeanors.

(i) **Iowa Code 321.277 - Reckless Driving.** Driving in willful or wanton disregard for the safety of persons or property.

(ii) **Iowa Code 321.278 - Drag Racing Prohibited.** Participating in drag racing, a motor-vehicle speed contest, or an exhibition of speed on public streets or highways.

6.7.13.2.2 Alcohol and Controlled-Substance-Related Offenses.

(i) **Iowa Code 123.46(2) - Consumption or Intoxication in Public Places.** Public drinking, alcohol use on public school property, or public intoxication.

(ii) **Iowa Code 123.46(3) - Consumption or Intoxication in Public Places.** Simulated intoxication in a public place.

(iii) **Iowa Code 123.49, except 123.49(2)(h) - Miscellaneous Prohibitions.** Adopted licensee and alcohol-premises prohibitions, including furnishing alcohol to an intoxicated or simulating-intoxicated person and the adopted premises-conduct restrictions, but excluding 123.49(2)(h).

(iv) **Iowa Code 123.50(1), only as to the adopted portions of 123.49 - Criminal and Civil Penalties.** Makes violations of the adopted portions of 123.49 simple misdemeanors.

(v) **Iowa Code 124.414 - Drug Paraphernalia.** Knowingly or intentionally manufacturing, delivering, selling, or possessing drug paraphernalia.

6.7.13.2.3 Assault, Harassment, Theft, Fraud, and Criminal Mischief.

DRAFT

(i) **Iowa Code 708.1 - Assault Defined.** Defines assaultive acts, including attempts to cause pain or injury, offensive contact, fear of immediate offensive contact, and threatening display of a firearm or dangerous weapon, when done without justification.

(ii) **Iowa Code 708.2(7) - Penalties for Assault.** Makes any assault not otherwise elevated a simple misdemeanor.

(iii) **Iowa Code 708.7(4) - Harassment.** Any act of harassment not qualifying as first- or second-degree harassment.

(iv) **Iowa Code 714.1 - Theft Defined.** Defines theft, including taking, misappropriating, or obtaining property, labor, or services by prohibited means.

(v) **Iowa Code 714.2(5) - Degrees of Theft.** Theft in the fifth degree, where the property does not exceed three hundred dollars in value.

(vi) **Iowa Code 714.8 - Fraudulent Practices Defined.** Defines acts constituting fraudulent practice.

(vii) **Iowa Code 714.13 - Fraudulent Practice in the Fifth Degree.** Fraudulent practice involving money, property, or services not exceeding three hundred dollars.

(viii) **Iowa Code 716.1 - Criminal Mischief Defined.** Intentional damage, defacing, alteration, or destruction of property without right.

(ix) **Iowa Code 716.6(2) - Criminal Mischief in the Fourth and Fifth Degrees.** Criminal mischief in the fifth degree, meaning criminal mischief not elevated to a higher degree.

6.7.13.2.4 Governmental, Obstruction, and Public-Order Offenses.

(i) **Iowa Code 718.4 - Harassment of Public Officers and Employees.** Willfully preventing or attempting to prevent a public officer or employee from performing official duty.

(ii) **Iowa Code 718.6(1), only when punishable as a simple misdemeanor under state law - False Reports to or Communications with Public Safety Entities.** False report to a public-safety entity or false report of a criminal act.

(iii) **Iowa Code 718.6(4) - False Reports to or Communications with Public Safety Entities.** Knowingly placing a nonemergency 911 call.

DRAFT

(iv) **Iowa Code 718.6(5), only when punishable as a simple misdemeanor under state law - False Reports to or Communications with Public Safety Entities.** Knowingly giving false information to an officer for entry on a citation.

(v) **Iowa Code 719.1(1)(a)-(b) - Interference with Official Acts.** Resisting or obstructing covered officers, emergency personnel, firefighters, bailiffs, or the service or execution of civil or criminal process, in the simple-misdemeanor form only.

(vi) **Iowa Code 719.1A - Providing False Identification Information.** Knowingly giving false identification information to a covered officer, emergency medical care provider, or firefighter.

(vii) **Iowa Code 719.2 - Refusing to Assist Officer.** Unreasonably refusing required assistance to a magistrate or peace officer.

(viii) **Iowa Code 723.3 - Failure to Disperse.** Refusing a lawful order to disperse from the scene of a riot or unlawful assembly.

(ix) **Iowa Code 723.4(1) - Disorderly Conduct.** The simple-misdemeanor forms of disorderly conduct, including fighting, loud and raucous noise, provoking violence, disrupting lawful assemblies, and false catastrophe reports.

(x) **Iowa Code 725.19(2) - Gambling by Underage Persons.** Knowingly permitting a person under twenty-one years of age to make or attempt to make a gambling wager.

6.7.13.2.5 Health, Safety, and Welfare Offenses.

(i) **Iowa Code 727.1 - Distributing Dangerous Substances.** Leaving distributed drugs, medicines, or other injurious substances accessible without reasonable precautions.

(ii) **Iowa Code 727.2(2)(a) - Fireworks.** Unlawful offering for sale, sale, retail exposure, use, or explosion of display fireworks without lawful authorization.

(iii) **Iowa Code 727.2(2)(b)(1) - Fireworks.** Use or explosion of display fireworks in violation of a local prohibition or limitation.

(iv) **Iowa Code 727.2(2)(b)(2) - Fireworks.** Use or explosion of display fireworks while suspended by state order.

(v) **Iowa Code 727.2(3)(b) - Fireworks.** Sale of consumer fireworks to a person under eighteen, or purchase of consumer fireworks by a person under eighteen.

DRAFT

(vi) **Iowa Code 727.2(3)(c)(1) - Fireworks.** Use or explosion of consumer fireworks or novelties in violation of a local prohibition or limitation.

(vii) **Iowa Code 727.2(3)(c)(2) - Fireworks.** Use or explosion of consumer fireworks or novelties while suspended by state order.

(viii) **Iowa Code 727.2(4) - Fireworks.** Use of consumer fireworks outside the allowed dates, hours, or property-consent limits.

(ix) **Iowa Code 727.5 - Obstruction of Emergency Communications.** Obstructing, interfering with, or refusing to relinquish a telephone or line needed for an emergency call.

(x) **Iowa Code 727.6 - Falsely Claiming Emergency.** Falsely stating that a telephone or line is needed for an emergency call.

DRAFT

Chapter 7 Traffic and Vehicle Offenses.

Chapter Contents

Section	Topic	Section	Topic
7.1	Purpose	7.19	Use of Coasters, Skates, Roller Coasters, or Similar Devices
7.2	Simple Misdemeanor	7.20	Traveling on Barricaded Street
7.3	Municipal Infraction	7.21	Use of Street for Business
7.4	Alternative Relief	7.22	Load Limits Upon Certain Streets
7.5	Definitions	7.23	Use of Street by Pedestrians or Bicyclists
7.6	Speed Limit	7.24	Temporary or Construction Related Regulations
7.7	Use of Vehicles Within Lanes	7.25	Railroad Crossings
7.8	Tampering with Vehicle	7.26	School Zone and School Bus Regulations
7.9	Excessive Acceleration	7.27	Emergency Vehicles and Public Safety
7.10	Use of Engine Brakes, Compression Brakes, and Mechanical Exhaust Devices	7.28	Driver Operation; Careless and Reckless Driving
7.11	Minimum Speed	7.29	Required Vehicle Equipment
7.12	Parking Prohibited	7.30	Commercial Vehicles, Trucks, Load Limits, Routes
7.13	Yield at Intersections and Use of Turn Signals	7.31	Registration, Licensing, and Insurance
7.14	Requirement to Stop Before Entering Right-of-Way	7.32	Interference with Traffic Control Devices and Pavement Markings
7.15	Vehicles on Sidewalks	7.33	Operation of Snowmobiles
7.16	Clinging to Vehicles	7.34	Golf Cart Operation on City Streets
7.17	Unlawful Painting of Curbs	7.35	Operation of Off-Road Vehicles on City Streets
7.18	Playing in Streets		

DRAFT

7.1 Purpose. The purpose of this chapter is to provide regulations that shall govern traffic and vehicles within the City.

7.2 Simple Misdemeanor. Any person violating the provisions of this chapter may be guilty of a simple misdemeanor and, upon conviction, be subject to a fine of up to six-hundred twenty-five dollars ($625) and imprisonment not to exceed thirty days (30). Any certified police officer acting on behalf of the City may issue a citation for a simple misdemeanor offense.

7.3 Municipal Infraction. A violation of this chapter or the omission or failure to perform any act or duty required by the same, is a municipal infraction punishable by civil penalty not to exceed seven hundred and fifty dollars ($750.00) for the first offense and not to exceed one thousand dollars ($1,000.00) for each repeat offense. Each day that a violation occurs or is permitted to exist constitutes a repeat offense. Any officer authorized by the City to enforce the City Code may issue a civil citation to a person who commits a municipal infraction.

7.4 Alternative Relief. Seeking a simple misdemeanor as authorized in 6.1 or a municipal infraction as authorized in 6.2 of this Chapter does not preclude the City from seeking alternative relief in the same action. Such alternative relief may include, but is not limited to, any administrative action or abatement by city authorized in this code, any appropriate action authorized by Chapter 5 of this code, or injunctive relief sought in a court of law.

7.5 Definitions. The following definitions shall apply to this Chapter:

7.5.1. Off-Road Vehicle. Any self-propelled vehicle which is manufactured, marketed, and sold primarily for off-highway use, which are typically only incidentally used on roadways, including but not limited to the following:

7.5.1.1 All-Terrain Vehicle. Any three-wheel or four-wheel vehicle designed for operation off a roadway by an operator with no more than one passenger. Typical, but not determinative, characteristics include low-pressure tires, a single seat designed to be straddled by the operator or passenger or both, an unladen weight of 900 pounds or less, or handlebars for steering control.

7.5.1.2 Motorized Dirt Bike. Any vehicle of three-wheels or less capable of cross-country travel on natural terrain without the benefit of a road or trail.

7.5.1.3 Go-Cart. Any miniature vehicle capable of achieving speeds in excess of ten miles per hour, typically having a form of roll-bar, and commonly used on courses or racetracks specifically designed for such vehicles.

DRAFT

7.5.1.4 Other vehicles that have similar configurations, design, and operations as other off-road vehicles.

7.5.2. Park or Parking. The standing of a vehicle, whether occupied or not, other than while actually engaged in loading or unloading merchandise or passengers.

7.5.3. Residential or School District. Residence district means the territory contiguous to and including a highway not comprising a business, suburban or school district, where forty percent (40%) or more of the frontage on such a highway for a distance of three hundred (300) feet or more is occupied by dwellings or by dwellings and buildings in use for business. School district means the territory contiguous to and including a highway for a distance of two hundred (200) feet in either direction from a schoolhouse.

7.5.4. Safety Easement. That area of the public right-of-way between the lot line and the curb line or street edge, where curbs do not exist. This area may be used for, but is not limited for, sidewalks, driveway approaches, utility easements, and tree plantings.

7.5.5. Snowmobile. For purposes of this section, a snowmobile is defined as any self-propelled vehicle designed for travel on snow or ice steered by skis or runners.

7.5.6. Suburban District. A suburban district means all other parts of the City not included in the business, school, or residence districts. A speed in excess of forty-five (45) miles per hour in any suburban district is unlawful.

7.5.7. Traffic Control Device and Pavement Markings. Traffic control device means all signs, signals, markings, and devices that are lawfully placed or erected for the purpose of regulating, warning, or guiding traffic. Traffic control devices shall comply with standards established by The Manual of Uniform Traffic Control Devices for Streets and Highways. Traffic control devices and pavement markings include the following:

7.5.7.1 Pavement markings. Any line, pattern, symbol, word legend, or colored surface applied to, embedded in, or otherwise placed upon the roadway, shoulder, or bikeway for the purpose of regulating, warning, or guiding traffic. Pavement markings include, without limitation: (1) centerlines, lane lines, edge lines, channelizing lines and areas, and no-passing zone markings; (2) stop lines, yield lines, and crosswalks; (3) word and symbol legends (e.g., ONLY, SCHOOL, lane-use arrows, bicycle symbols); and (4) colored pavement used for designated facilities or operations where authorized. Pavement markings shall conform to the MUTCD and any Iowa DOT supplements. Unless otherwise authorized, white markings

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separate traffic moving in the same direction and mark the right-hand edge; yellow markings separate traffic moving in opposite directions and mark the left-hand edge on divided or one-way roadways. Colored pavement, when used, supplements required lines and symbols and does not by itself replace the legal requirements of signs or other markings unless expressly permitted by the MUTCD or Iowa DOT.

7.5.7.2 Construction sign. A construction sign means any temporary, MUTCD-compliant sign used to regulate, warn, or guide road users through or around construction, maintenance, utility, or emergency work activities. Construction signs include, without limitation:

7.5.7.2.1 Temporary regulatory signs (e.g., WORK-ZONE SPEED LIMIT, ROAD CLOSED, ONE WAY, NO LEFT/RIGHT/U-TURN, LOCAL TRAFFIC ONLY);

7.5.7.2.2 Temporary warning signs (e.g., ROAD WORK AHEAD, FLAGGER AHEAD, LANE ENDS, LANE SHIFT, BUMP/DIP, SHOULDER WORK);

7.5.7.2.3 Temporary guide and detour signs (e.g., DETOUR, DETOUR ARROWS, END ROAD WORK), and legends on barricades or channelizing devices.

7.5.7.2.4 Construction signs shall conform to the MUTCD and applicable Iowa DOT supplements; be retroreflective; and be orange with black legend for warning/guide signs unless the MUTCD specifies a standard regulatory color scheme (e.g., black on white for speed limits). Signs shall be used only under an approved traffic control plan, installed before work affects traffic, maintained in correct position and condition (including nighttime visibility), and promptly removed or covered when no longer applicable. Restrictions shown on construction signs (e.g., closures, detours, speeds, turns, parking) are enforceable to the same extent as permanent signs.

7.5.7.3 Stop Sign. Octagonal sign that requires a vehicle to completely cease movement before entering or crossing a public way, even if no other vehicle is present, or

7.5.7.4 Yield Sign. Triangular sign requiring a vehicle to yield the right-of-way to another vehicle(s), with such yield to include stopping if necessary to allow the other vehicle(s) to pass, or

7.5.7.5 Speed Limit Sign. Rectangular sign providing the maximum or minimum speed a vehicle is permitted to travel any portion of a roadway regulated by the sign, or

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7.5.7.6 Crosswalks. A portion of a roadway, marked off by two parallel white stripes, which provides that pedestrians have a right-of-way to cross as this portion of the roadway, or

7.5.7.7 One-Way, Turn, and Movement Control Signs. A sign that requires a specific direction of travel, assigns lane-use movements, or prohibits specified movements, including but not limited to One Way, Left/Right Lane Must Turn Only, and No U-Turn. Drivers must follow indicated movements and are prohibited from making movements the sign forbids, or

7.5.7.8 Do Not Enter/Wrong Way Signs. A sign used to prohibit entry into a roadway or ramp against the lawful direction of traffic. A driver shall not proceed past a "DO NOT ENTER" or "WRONG WAY" sign, or

7.5.7.9 Parking, Stopping, and Standing Signs or Pavement Marking. A sign or pavement marking that regulates where, when, and under what conditions a vehicle may park, stop, or stand, including time limits, permit requirements, loading zones, bus or taxi stands, disabled parking, fire lanes, snow routes, and event-based restrictions. A vehicle may remain only as allowed by the sign or pavement markings, or

7.5.7.10 Weight, Size, and Truck Restriction Sign. A sign that prohibits or limits vehicles based on gross weight, axle weight, length, height, width, or vehicle type, and includes bridge postings, seasonal restrictions, and designated or prohibited truck routes. Vehicles exceeding posted limits shall not enter or shall comply with any posted detour or route, or

7.5.7.11 Any additional sign type, device type, or pavement marking recognized by the MUTCD or the Iowa DOT MUTCD Supplement for the purpose of regulation is hereby included within the meaning of "traffic control device."

7.6 Speed Limit. No person shall drive at a speed greater than is reasonable and prudent under existing conditions or in excess of the posted speed limit, including in school zones and work zones when posted or beacons/times apply. The following shall be the lawful speed in each district and any speed in excess thereof shall be per se unlawful:

7.6.1. Business District. A speed in excess of twenty (20) miles per hour in the business district, unless specifically designated otherwise in this chapter, is unlawful.

7.6.2. Parks, Cemeteries, or Parking Lots. A speed in excess of ten (10) miles per hour in any public park, cemetery or parking lot, unless specifically designated otherwise in this chapter, is unlawful.

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7.6.3. Residential or School District. A speed in excess of twenty-five (25) miles per hour in any school or residence district, unless specifically designated otherwise in this chapter, is unlawful.

7.6.4. Suburban District. A speed in excess of forty-five (45) miles per hour in any suburban district, unless specifically designated otherwise in this chapter, is unlawful.

7.6.5. Traffic Control Devices. It shall be unlawful to disobey the requirements of any traffic control device.

7.7 Use of Vehicles Within Lanes. A vehicle shall be driven entirely within a single lane and shall not be moved from its lane until the movement can be made safely and in compliance with lane lines and devices. No passing is permitted in no-passing zones or when prohibited by signs/markings; following too closely is prohibited.

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

7.9 Excessive Acceleration. It is unlawful for any person in the operation of a motor vehicle, including motorcycles, to 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 (2) inches, except when such acceleration is reasonably necessary to avoid a collision.

7.10 Use of Engine Brakes, Compression Brakes, and Mechanical Exhaust Devices. It shall be unlawful for the driver of any vehicle to use or operate or cause to be used or operated within the corporate limits of the City any engine brake, compression brake or mechanical exhaust device designed to aid in the braking or deceleration of any vehicle that results in excessive, loud, unusual, or explosive noise from such vehicle.

7.11 Minimum Speed. Minimum speed or "impeding traffic" postings must be obeyed. No person shall 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.

7.12 Parking Prohibited. It is unlawful to stop, stand, or park a vehicle where posted restrictions prohibit or limit such activity, including fire lanes, sidewalks, crosswalks, loading zones, disabled spaces without permit, snow emergency routes, bike lanes, or within specified distances of hydrants,

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driveways, intersections, or devices. Time limits, meter rules, and permit zones are enforceable as posted.

7.13 Yield at Intersections and Use of Turn Signals. Drivers shall yield as required at intersections, to pedestrians within crosswalks, when turning left across oncoming traffic, and when entering a roadway from a driveway, alley, or private road. Turns must comply with posted turn controls and lane-use arrows, and drivers shall use turn signals as required by law.

7.14 Requirement to Stop Before Entering Right-of-Way. 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.

7.15 Vehicles on Sidewalks. The driver of a vehicle shall not drive or park any type of vehicle, other than a bicycle, upon or within any sidewalk area except at a driveway.

7.16 Clinging to Vehicles. 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 shall ride on the running board of a motor vehicle or in any other place not customarily used for carrying passengers. 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.

7.17 Unlawful Painting of Curbs. It shall be unlawful for any person to place or maintain paint or other material upon any curb, sidewalk or pavement in the City in a manner which purports to be, or is, an imitation of or resembles official indication of parking regulations.

7.18 Playing in Streets. It shall be unlawful for any person to coast, slide, or play games on streets or highways, unless said street has been designated as a "Play Street" by the Council.

7.19 Use of Coasters, Skates, Roller Coasters, or Similar Devices. No person upon roller skates, or riding in or by means of any coaster, toy vehicle or similar device shall go upon any roadway except when crossing a street on a crosswalk.

7.20 Traveling on Barricaded Street. It shall be unlawful for any person to travel or operate any vehicle on any street or public way the City has temporarily closed by barricades, lights, signs, or flares placed thereon.

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7.21 Use of Street for Business. It shall be unlawful to park, store or place any machinery, or any other goods, wares, and merchandise of any kind upon any street, unless done so in compliance with a peddler's, solicitor's, or transient merchant permit, or under the approval of the City.

7.22 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 streets or parts of streets for which said signs are erected.

7.23 Use of Street by Pedestrians or Bicyclists. Pedestrians shall obey pedestrian signals and shall not suddenly leave a curb into the path of a vehicle. Bicyclists and micromobility users shall obey applicable signs and signals, use required lights/reflectors at night, and comply with any posted path or sidewalk or bike-lane rules and speed limits.

7.24 Temporary or Construction Related Regulations. When work-zone devices are in place, road users shall obey these controls, shall not enter closed areas or go around barricades, and shall comply with any work-zone speed limits. It is unlawful to move, damage, or interfere with work-zone devices.

7.25 Railroad Crossings. A driver shall stop and remain stopped when active railroad warning devices are operating, gates are down or moving, or a train or rail vehicle is occupying or approaching the crossing; stopping on the tracks is prohibited. When only a crossbuck control is present, the driver shall yield as required and proceed only when safe.

7.26 School Zone and School Bus Regulations. Drivers shall obey school-zone postings (times or beacons), shall not block crosswalks or school loading zones, and shall stop as required for school bus stop-arm signals, proceeding only when permitted.

7.27 Emergency Vehicles and Public Safety. Upon the immediate approach of an emergency vehicle displaying lights or siren, drivers shall yield the right-of-way, pull to the right, and stop until the vehicle has passed, and shall not follow within a prohibited distance. Driving over a fire hose without permission or interfering with a lawful incident detour is prohibited.

7.28 Driver Operation; Careless and Reckless Driving. No person shall operate a vehicle in a manner that is reckless, careless, or creates an unreasonable risk to persons or property, including failure to maintain control, unsafe backing, or while operating a vehicle while using handheld devices prohibited by state law.

7.29 Required Vehicle Equipment. It is unlawful to operate a vehicle that fails to meet state equipment requirements, including lamps, brakes, mirrors, windshield wipers, mufflers, tires, and unobstructed display of plates.

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7.30 Commercial Vehicles, Trucks, Load Limits, Routes. Drivers and owners shall comply with truck route designations, weight or axle or bridge limits, size or height or width limits, hazmat route/time restrictions, and load limit or securement rules. Vehicles not compliant with these rules shall not enter posted streets and must use designated detours or obtain permits where available.

7.31 Registration, Licensing, and Insurance. It is unlawful to operate or park a vehicle with expired or no registration, to operate without a valid driver's license or in a wrong class, or to operate without proof of financial responsibility, as provided by state law adopted by reference for local enforcement.

7.32 Interference with Traffic Control Devices and Pavement Markings. It is unlawful to remove, deface, cover, obscure, relocate, or tamper with any official traffic control device or pavement markings, or to place any unauthorized sign or device in the public right-of-way or that imitates or interferes with official controls.

7.33 Operation of Snowmobiles. Snowmobiles may be operated within the City only as authorized by Iowa Code chapter 321G, including Iowa Code section 321G.9, as amended. The City does not authorize recreational snowmobile operation on public ways except on a route, street, or area expressly designated by the Council and only to the extent the designation is permitted by Iowa law. The following regulations shall apply to any snowmobile operation within the City:

7.33.1.1 The operator must comply with Iowa Code chapter 321G and all applicable registration, equipment, lighting, speed, crossing, and right-of-way requirements.

7.33.1.2 A snowmobile may cross a street or highway only in the manner authorized by Iowa Code section 321G.9.

7.33.1.3 A snowmobile shall not be operated within the right-of-way of an interstate highway or freeway, on a limited-access highway or approach, or on a primary highway except as Iowa Code section 321G.9 allows.

7.33.1.4 When operation is lawfully permitted, the operator shall obey applicable traffic-control devices and shall travel single-file and in the same direction as motor-vehicle traffic where required by state law.

7.33.1.5 A snowmobile shall have required lights and a muffler in good working order and shall not be operated in a manner that creates excessive or unusual noise.

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7.33.1.6 The following areas are not designated for snowmobile operation unless specifically authorized by Iowa law: public parks and recreation areas, federal and state highways, public sidewalks, and any area between a street and sidewalk.

7.34 Golf Cart Operation on City Streets. The City may allow golf cart operation on city streets only as permitted by Iowa Code section 321.247, as amended. It shall be unlawful to operate a Golf Cart upon a public right-of-way unless the following requirements are met:

7.34.1. The Golf Cart is operated on a public street or alley between sunrise and sunset, and

7.34.2. The Golf Cart is equipped with a slow-moving vehicle sign and a bicycle safety flag, and

7.34.3. The Golf Cart is equipped with adequate brakes and meets any other safety requirements imposed by the Council, and

7.34.4. The individual controlling the Golf Cart has a valid driver's license, and

7.34.5. The Golf Cart is not operated on a city street that is a primary road extension, except that a Golf Cart may directly cross such a street where crossing is permitted by Iowa Code section 321.247.

7.34.6. For Golf Carts operated in conjunction with an approved parade or event, the Council may place reasonable restrictions and limits on the numbers and uses of Golf Carts.

7.35 Operation of Off-Road Vehicles on City Streets. Off-road vehicles, including all-terrain vehicles, off-road utility vehicles, motorized dirt bikes, go-carts, and similar vehicles, may be operated on a public street, highway, alley, or other public right-of-way only to the extent authorized by Iowa law and this section.

7.35.1. Registered all-terrain vehicles and registered off-road utility vehicles may be operated only on streets or routes designated by the Council under Iowa Code sections 321.234A and 321I.10, as amended, or as otherwise expressly authorized by those sections.

7.35.2. The operator must hold a valid driver's license, be at least eighteen (18) years of age when state law requires, operate at thirty-five (35) miles per hour or less, maintain financial liability coverage and proof of coverage when required, and comply with all registration, equipment, lighting, speed, and safety requirements imposed by Iowa law.

7.35.3. The vehicle must be equipped and maintained as required by Iowa Code chapter 321 and chapter 321I for roadway operation, including lamps, brakes, turn signals where required, mirrors, and other required equipment.

DRAFT

7.35.4. Operation on an interstate, freeway, limited-access highway, prohibited primary highway, undesignated street, sidewalk, park, or public grounds is prohibited except for a direct crossing or other operation expressly authorized by Iowa law.

7.35.5. Motorized dirt bikes, go-carts, and other off-road vehicles that are not all-terrain vehicles or off-road utility vehicles may not be operated on public streets or public rights-of-way unless independently authorized by Iowa law and by any City designation required by law.

DRAFT

Chapter 8 Regulation of Weapons.

Chapter Contents

Section	Topic	Section	Topic
8.1	Purpose	8.6	Offensive Weapons; State Law Controls
8.2	Simple Misdemeanor	8.7	Dangerous Weapon
8.3	Municipal Infraction	8.8	Discharge or Use of Dangerous Weapons
8.4	Alternative Relief	8.9	State-Law Savings Clause; No General Weapon-Free Park Rule
8.5	Offensive Weapons	8.10	Security Screening and Searches

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8.1 Purpose. This chapter regulates only the discharge or use of weapons and restrictions in City-controlled buildings or physical structures to the extent not preempted by Iowa law. This chapter shall not regulate the ownership, possession, carrying, legal transfer, lawful transportation, modification, registration, or licensing of firearms, firearm attachments, dangerous weapons, or other weapons when such activity is otherwise lawful under Iowa law.

8.2 Simple Misdemeanor. Any person violating the provisions of this chapter may be guilty of a simple misdemeanor and, upon conviction, be subject to a fine of up to six-hundred twenty-five dollars ($625) and imprisonment not to exceed thirty days (30). Any certified police officer acting on behalf of the City may issue a citation for a simple misdemeanor offense.

8.3 Municipal Infraction. A violation of this chapter or the omission or failure to perform any act or duty required by the same, is a municipal infraction punishable by civil penalty not to exceed seven hundred and fifty dollars ($750.00) for the first offense and not to exceed one thousand dollars ($1,000.00) for each repeat offense. Each day that a violation occurs or is permitted to exist constitutes a repeat offense. Any officer authorized by the City to enforce the City Code may issue a civil citation to a person who commits a municipal infraction.

8.4 Alternative Relief. Seeking a simple misdemeanor as authorized in 6.1 or a municipal infraction as authorized in 6.2 of this Chapter does not preclude the City from seeking alternative relief in the same action. Such alternative relief may include, but is not limited to, any administrative action or

abatement by city authorized in this code, any appropriate action authorized by Chapter 5 of this code, or injunctive relief sought in a court of law.

8.5 Offensive Weapons. An offensive weapon is any of the following:

8.5.1. Machine Gun. A firearm capable of firing more than one shot with a single trigger pull without manual reloading.

8.5.2. Short-Barreled Rifle or Shotgun. A rifle with a barrel less than 16 inches long or a shotgun with a barrel less than 18 inches long, measured from the closed bolt or standing breech to the muzzle. Any rifle or shotgun with an overall length of less than 26 inches.

8.5.3. Large-Bore Weapons. Any weapon (excluding shotguns, muzzle-loading firearms, pistols, revolvers, or muskets) with a barrel bore over 0.6 inches, or its ammunition, except antique weapons kept for display or lawful shooting.

8.5.4. Explosives and Incendiary Devices. Bombs, grenades, mines, rockets with more than 4 ounces of propellant, missiles with explosive charges over 1/4 ounce, or similar devices.

8.5.5. Ballistic Knife. A knife with a detachable blade propelled by a spring, elastic material, or compressed gas.

8.5.6. Conversion Devices. Any parts or combinations of parts intended to convert a device into an offensive weapon or assemble an offensive weapon, excluding lawful sporting firearm parts and ammunition components.

8.5.7. Explosive Projectiles. Bullets or projectiles containing explosive compounds or shotgun shells with incendiary materials designed to simulate a flamethrower.

8.5.8. Exceptions.

8.5.8.1 Antique Firearms: Firearms manufactured in or before 1898 or their replicas, provided they are not redesigned for modern ammunition or use ammunition that is no longer commercially available.

8.5.8.2 Collector's Items: Firearms (excluding machine guns) designated as collector's items due to age, design, or value and unlikely to be used as weapons, as determined by the commissioner of public safety.

DRAFT

8.5.8.3 Non-Weapons: Devices not designed for use as weapons, such as signaling, pyrotechnic, line-throwing, or safety devices, or firearms rendered permanently unserviceable and incapable of being restored to firing condition.

8.6 Offensive Weapons; State Law Controls. Offensive weapons and any other weapons regulated by Iowa Code chapter 724 shall be governed by state law. Nothing in this chapter creates a local prohibition on carrying, possessing, displaying, transferring, transporting, registering, licensing, or modifying weapons when the activity is lawful under Iowa law. The City may enforce state-law offenses only to the extent authorized by Iowa law and Chapter 6 of this Code.

8.7 Dangerous Weapon. A "dangerous weapon" is any instrument or device designed primarily for use in inflicting injury upon a human being or animal or which is capable of inflicting injury to property when used in the manner for which it was designed. Dangerous weapons include but are not limited to any pellet gun, bow and arrow, air rifle, pistol, revolver, dagger, razor, stiletto, switchblade knife, knife having a blade exceeding five inches in length, or any portable device or weapon directing an electric current, impulse, wave, a beam that produces a high-voltage pulse designed to immobilize a person, or other devices which can expel or may be readily converted to expel any form of projectile so as to strike an object or person. Additionally, any instrument or device of any sort whatsoever which is actually used in such a manner as to indicate that the possessor intends to inflict injury upon a human being or animal, and which, when so used, is capable of inflicting death upon a human being, is a dangerous weapon.

8.7.1. Dangerous Weapons on City Property. No provision of this section prohibits carrying, possessing, or transporting firearms or dangerous weapons on City Property when such conduct is lawful under Iowa law. The City may restrict carrying, possession, or transportation of firearms or other dangerous weapons within a building or physical structure located on property under the City's control only when the restriction and all screening and armed-security arrangements comply with Iowa Code section 724.28. A City building restriction must be adopted, posted, and administered in accordance with state law.

8.7.1.1 Scope of City Property Restrictions. Any City restriction in a building or physical structure shall not apply beyond the building or physical structure and shall not be interpreted to prohibit lawful possession in parks, open grounds, parking areas, streets, sidewalks, or other outdoor public property unless Iowa law expressly permits the restriction.

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8.8 Discharge or Use of Dangerous Weapons. It shall be unlawful to discharge or use a firearm, dangerous weapon, or projectile device within the incorporated limits of the City when such discharge or use is not authorized by Iowa law, this Code, a City permit, lawful defense of person or property, or another lawful exception. This section regulates discharge and use only and shall not be construed to regulate lawful ownership, possession, carrying, transportation, transfer, registration, or licensing.

8.9 State-Law Savings Clause; No General Weapon-Free Park Rule. This chapter is intended to comply with Iowa Code chapter 724, including Iowa Code section 724.28. No City park, public grounds, public way, or City Property shall be deemed a weapons-free zone by this chapter except to the extent expressly required or permitted by Iowa law. Any provision of this chapter that would otherwise be preempted shall be applied only to the maximum extent permitted by Iowa law.

8.10 Security Screening and Searches. Persons entering a building or physical structure where the City has lawfully adopted a weapons restriction may be screened only in a manner authorized by Iowa law and constitutional standards. Nothing in this section authorizes a search of a person or property without consent, warrant, recognized exception to the warrant requirement, or other lawful authority.

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Chapter 9 Age-Based Offenses

Chapter Contents

Section	Topic	Section	Topic
9.1	Simple Misdemeanor	9.4	Curfew and Truancy
9.2	Municipal Infraction	9.5	Sale or Gift of Tobacco Products to Minors
9.3	Alternative Relief		

9.1 Simple Misdemeanor. Any person violating the provisions of this chapter may be guilty of a simple misdemeanor and, upon conviction, be subject to a fine of up to six-hundred twenty-five dollars ($625) and imprisonment not to exceed thirty days (30). Any certified police officer acting on behalf of the City may issue a citation for a simple misdemeanor offense.

9.2 Municipal Infraction. A violation of this chapter or the omission or failure to perform any act or duty required by the same, is a municipal infraction punishable by civil penalty not to exceed seven hundred and fifty dollars ($750.00) for the first offense and not to exceed one thousand dollars ($1,000.00) for each repeat offense. Each day that a violation occurs or is permitted to exist constitutes a repeat offense. Any officer authorized by the City to enforce the City Code may issue a civil citation to a person who commits a municipal infraction.

9.3 Alternative Relief. Seeking a simple misdemeanor as authorized in 6.1 or a municipal infraction as authorized in 6.2 of this Chapter does not preclude the City from seeking alternative relief in the same action. Such alternative relief may include, but is not limited to, any administrative action or abatement by city authorized in this code, any appropriate action authorized by Chapter 5 of this code, or injunctive relief sought in a court of law.

9.4 Curfew and Truancy. Individuals under the age of eighteen (18) shall be subject to the following regulations:

9.4.1. Night-Time Curfew. It is unlawful for any person under the age of eighteen (18) years old to be upon the streets, sidewalks, parks, public places and vacant lots, places of public accommodation, or to ride in or upon, drive or otherwise operate or be a passenger of any automobile, bicycle, or other vehicle in, upon, over or through the streets, or other public places between the hours of twelve a.m. and five a.m.

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9.4.2. Truancy. It is unlawful for any person under the age of eighteen (18), who is subject to compulsory education, alone or in concert with others, to be present in or upon streets, sidewalks, parks, public places and vacant lots, places of public accommodation, or to ride in or upon, drive or otherwise operate or be a passenger of any automobile, bicycle, or other vehicle in, upon, over or through the streets, or other public places during the hours of the day when the school, which the person would normally attend, is in session, on days when that school is in session.

9.4.3. Exceptions. The provisions of this Section do not apply under the following conditions:

9.4.3.1 A person under the age of eighteen (18) who has been legally emancipated from his or her guardian(s); or

9.4.3.2 A person under the age of eighteen (18) accompanied by his or her guardian(s); or

9.4.3.3 A person under the age of eighteen (18) traveling to or returning from their employment, or a religious, political, economic, or cultural assembly, or a legitimate parentally approved errand, or any function related to schooling.

9.4.3.4 A person under the age of eighteen (18) who is married; or

9.4.3.5 A person under the age of eighteen (18) engaged in interstate travel for a lawful purpose with the consent of the parent; or

9.4.3.6 A person under the age of eighteen (18) on the sidewalk in front of his or her parent's home, with the permission of his or her parent; or

9.4.3.7 A person under the age of eighteen (18) on the sidewalk in front of the home of someone else, with the permission of his or her parent and the permission of the abutting property owner of the sidewalk the minor is on.

9.4.4. Duty of Guardians. It is unlawful for the guardian(s) of a person under the age of eighteen (18) to knowingly permit or allow such minor person to violate this section.

9.5 Sale or Gift of Tobacco Products to Minors. The following shall apply:

9.5.1. Transfer to Minors Prohibited. It is unlawful for a person to sell, give, or otherwise supply any tobacco, tobacco products, or cigarettes to any person under twenty-one (21) years of age.

9.5.2. Use by Minors. A person under twenty-one (21) years of age shall not smoke, use, possess, purchase, or attempt to purchase any tobacco, tobacco products, e-cigarettes, or cigarettes. Nor shall a person under twenty-one (21) smoke, use, possess, purchase, or attempt to purchase any vapes.

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9.5.3. Exception. Possession of cigarettes or tobacco products by an individual under eighteen years of age does not constitute a violation under this section if the individual under eighteen years of age possesses the cigarettes or tobacco products as part of the individual's employment and the individual is employed by a person who holds a valid permit under this chapter or who lawfully offers for sale or sells cigarettes or tobacco products.

DRAFT

Chapter 10 Public Property and Services

Chapter Contents

Section	Topic	Section	Topic
10.1	Purpose	10.10	Destruction or Damage of Public Grounds, Property, Notices, or Proclamations
10.2	Scope	10.11	Obstructing Drainage
10.3	Simple Misdemeanor	10.12	Unauthorized Entry
10.4	Municipal Infraction	10.13	Placing Debris on Street or Sidewalk
10.5	Alternative Relief	10.14	Operating of Curb Stops, Valve, and Fire Hydrants
10.6	Definitions	10.15	Dumping of Snow
10.7	Private Communication and Energy System Equipment	10.16	Illegal Dumping of Waste
10.8	Discharge Into Sanitary and Storm Sewers	10.17	Right-of-Way Regulations
10.9	Illicit Connections and Cross Connections of Utilities		

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10.1 Purpose. The purpose of this chapter is to protect the public health, safety, and welfare by preserving public property and public services; safeguarding the City's public water, sanitary sewer, and municipal separate storm sewer systems; regulating the use of public rights-of-way, easements, streets, sidewalks, alleys, and other public places; preventing damage, obstruction, unauthorized use, illicit discharges, illicit connections, cross connections, and illegal dumping; assigning maintenance responsibilities where authorized by law; and providing for permitting, enforcement, abatement, and other remedies authorized by this Code.

10.2 Scope. This chapter applies to all persons, property owners, occupants, contractors, utilities, and other entities who use, enter upon, place improvements in, make connections to, discharge into, alter, obstruct, damage, or otherwise affect public property, public rights-of-way, public easements, public grounds, public buildings, or the City's public utility systems within the corporate limits of the City. The provisions of this chapter are intended to supplement other applicable provisions of this Code, and the remedies provided in this chapter are cumulative.

10.3 Simple Misdemeanor. Any person violating the provisions of this chapter may be guilty of a simple misdemeanor and, upon conviction, be subject to a fine of up to six-hundred twenty-five dollars ($625) and imprisonment not to exceed thirty days (30). Any certified police officer acting on behalf of the City may issue a citation for a simple misdemeanor offense.

10.4 Municipal Infraction. A violation of this chapter or the omission or failure to perform any act or duty required by the same, is a municipal infraction punishable by civil penalty not to exceed seven hundred and fifty dollars ($750.00) for the first offense and not to exceed one thousand dollars ($1,000.00) for each repeat offense. Each day that a violation occurs or is permitted to exist constitutes a repeat offense. Any officer authorized by the City to enforce the City Code may issue a civil citation to a person who commits a municipal infraction.

10.5 Alternative Relief. Seeking a simple misdemeanor as authorized in 6.1 or a municipal infraction as authorized in 6.2 of this Chapter does not preclude the City from seeking alternative relief in the same action. Such alternative relief may include, but is not limited to, any administrative action or abatement by city authorized in this code, any appropriate action authorized by Chapter 5 of this code, or injunctive relief sought in a court of law.

10.6 Definitions. The following definitions shall apply:

10.6.1. Cross-connection (water). Means any physical connection or arrangement between a public water supply and another water source, system, fixture, or a separate customer/premises that could allow backflow or unmetered use.

10.6.2. Cross-connection (sewer). Means any physical connection or arrangement by which a building sewer serving one customer/premises is tied to, or receives flow from, a different customer/premises, or by which sanitary and storm systems are interconnected in violation of this code.

10.6.3. Illicit connection. Any physical connection or arrangement to the public water, sanitary sewer, or storm sewer systems that is not expressly authorized in writing by the City, or that conveys a flow contrary to this code or the Iowa State Plumbing Code. Illicit connections include, without limitation:

10.6.3.1 Any connection that allows stormwater, groundwater, or surface water to enter the sanitary sewer, or

10.6.3.2 Any connection that allows sanitary sewage, process wastewater, or prohibited pollutants to enter the stormwater conveyance system, or

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10.6.3.3 Any cross-connection of water service between separate customers or separate properties, or

10.6.3.4 Any cross-connection of building sewers between separate customers or separate properties, or

10.6.3.5 Any unmetered or meter-bypassed connection to the public water system, except as expressly authorized by the City (e.g., dedicated fire service as permitted), or

10.6.3.6 Inter-premises water piping or hoses, shared service lines, meter bypasses, or any arrangement enabling unmetered or backflow-prone exchange between separate customers/properties is prohibited. Where required by the City, approved backflow prevention assemblies shall be installed, maintained, and tested at the owner's expense, or

10.7 Private Communication and Energy System Equipment. It shall be unlawful for any person to place any private communication equipment or energy system equipment within any public right-of-way.

10.8 Discharge Into Sanitary and Storm Sewers. No person shall discharge, or cause, permit, or allow the discharge, directly or indirectly, into the public sanitary sewer system or the municipal separate storm sewer system as follows:

10.8.1. Any flammable or explosive material, or

10.8.2. Any toxic or poisonous substance or any pharmaceutical, including prescription drugs and illicit or controlled substances, or

10.8.3. Any corrosive waste, including any liquid, sludge, vapor, or gas with a pH less than 5.0 or greater than

11.5, or any substance that, by chemical action, will corrode, deteriorate, or damage sewers, appurtenances, treatment works, equipment, or endanger personnel, or

10.8.4. Any other illicit materials such as trash, garbage, rubbish, litter, offal, leaves, cement, or grass clippings which could clog the system.

10.8.5. The prohibition of this section applies to disposal by dumping, flushing, rinsing, or allowing leakage or wash-down to enter any toilet, sink, floor drain, inlet, manhole, catch basin, ditch, or other connection to either system. Causing any prohibited or illicit material to be deposited on a roadway where it could drain into the public sanitary sewer system or the municipal separate storm sewer system is also prohibited.

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10.9 Illicit Connections and Cross Connections of Utilities. Illicit Connections and Cross-Connections. The purpose of this section is to protect the public water, sanitary sewer, and municipal separate storm sewer system, and to prevent unauthorized or unsafe connections between systems or premises.

10.10 Destruction or Damage of Public Grounds, Property, Notices, or Proclamations. It shall be unlawful for a person to destroy or damage any publicly owned grounds or property, personal or real, or to destroy or damage any notice or proclamation set up at any place within the City by authority of the law or by order of any court.

10.11 Obstructing Drainage. It shall be unlawful to divert, obstruct, impede, or fill up, without legal authority, any ditch, drain, or watercourse, or break down any levee lawfully established, constructed or maintained.

10.12 Unauthorized Entry. No person shall enter any public building or public enclosure unless authorized to do so. An entry into public buildings and enclosures shall be considered to be unauthorized when said buildings or enclosures are closed and secured against entry and not open to the public. When open to the public, a failure to pay a required admission fee, if any, shall also constitute an unauthorized entry.

10.13 Placing Debris on Street or Sidewalk. It shall be unlawful for any person to throw or deposit on any street or sidewalk any yard waste, glass, glass bottle, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or any other substance likely to injure any person, animal, vehicle, or city services.

10.14 Operating of Curb Stops, Valve, and Fire Hydrants. No person, unless specifically authorized by the City, shall operate a curb stop, valve, or fire hydrant of the public water utility.

10.15 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; however, it is lawful for a person to redeposit into the street any snow accumulation that snow plows have pushed onto private driveways or sidewalks.

10.16 Illegal Dumping of Waste. The following regulations shall constitute unlawful illegal dumping of waste:

10.16.1. It is unlawful for any person in the City to throw or deposit any waste upon any street or other public way.

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10.16.2. It is unlawful for any person to dump any waste at the Municipal Tree and Leaf Site other than those types of yard waste and tree waste that are permitted.

10.17 Right-of-Way Regulations. The purpose of this section is to ensure that all public grounds, utility easements, streets, sidewalks, alleys, bridges, culverts, overpasses, underpasses, grade crossing separations and approaches, public ways, squares, and commons are open, in repair, and free from nuisance.

10.17.1. Building, Planting, or Using Property Located in the Public Right-of-Way or Easement. Any person who builds any structure or plants any foliage of any kind in the public right-of-way does so at said person's own risk. Should the City or other utility find it necessary to disturb the ground or otherwise clear structures, bushes, trees or plants located in the safety easement or in any way use any utility easement to maintain, replace or relocate any utility structure or device, the City or utility shall not be responsible for replacing, repairing, replanting or restoring any structure or plant placed in the easement right-of-way by any property owner.

10.17.2. Damage to Mailboxes. Should the City or other utility, damage or destroy any mailbox erected by a property owner within the confines of the street, road, or alley right-of-way, through use of the right-of way including but not limited to snow removal or street cleaning, the City or responsible utility shall pay the actual costs of replacement or repair.

10.17.3. Maintenance of Area Between Lot Line and Curb Line. It shall be the responsibility of the abutting property owner to maintain all property outside the lot and property lines and inside the curb lines or edge of public streets, except that the abutting property owner shall not be required to remove diseased trees or dead wood on the publicly owned property or right-of-way. Maintenance includes timely mowing, trimming trees and shrubs and picking up litter.

10.17.4. Permit Required. No person shall perform any of the following work in the public right-of-way, 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:

10.17.4.1 Connections to the public water system.

10.17.4.2 Installation or replacement of private water service pipes or water service shut-off valves.

10.17.4.3 Connections to the public sanitary sewer system.

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10.17.4.4 Installation or replacement of private sanitary sewer service pipes.

10.17.4.5 Construction or reconstruction of driveways.

10.17.4.6 Construction or reconstruction of sidewalks.

10.17.4.7 Installation of stormwater control devices, including driveway culverts.

10.17.4.8 Planting of trees or shrubs.

10.17.4.9 Structures in the Right-of-Way. No property owner shall construct any structure, such as a retaining wall, in the public right-of-way.

10.17.5. 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.

10.17.6. Restoration of Public Property. Any street, sidewalk, or other public property that is affected by any work shall be restored to as good a condition as it was previous to the excavation. After refilling, the affected area shall be maintained in good repair.

10.17.7. Ground Cover. Living ground cover, such as grass, shall be provided within the area between the lot line and curb line of properties, exclusive of sidewalks and other improvements. Non-living materials (such as walk on bark, mulch, and ornamental rock) may be used for up to twenty-five percent (25%) of the right-of-way exclusive of access.

10.17.8. Responsibility for Maintenance of Driveways and Sidewalks. It is the responsibility of the property owners abutting any public right-of-way to repair, replace or reconstruct, or cause to be repaired, replaced, or reconstructed, all broken or defective driveways and sidewalks and maintain it in a safe and hazard-free condition.

10.17.9. Removal of Snow and Ice Accumulations. It is the responsibility of the abutting property owners to remove snow, ice and accumulations promptly from sidewalks. If a property owner does not remove snow, ice or accumulation within twenty-four (24) hours after being deposited, the City may do so and assess the costs against the property owner for collection in the same manner as a property tax.

10.17.10. Responsibility for Sidewalk Maintenance and Liability for Injuries. It is the responsibility of the abutting property owners to repair, replace or reconstruct, or cause to be

DRAFT

repaired, replaced or reconstructed, all broken or defective sidewalks and to maintain in a safe and hazard-free condition any sidewalk outside the lot and property lines and inside the curb lines or traveled portion of the public street. An abutting property owner who fails to maintain or repair defective or broken sidewalks as set forth in this section shall be liable for damages caused by said failure to repair, replace or reconstruct broken or defective sidewalks. The City's general duty to maintain public places pursuant to Section 364.12 of the Code of Iowa does not include a duty to remove natural accumulations of snow or ice from sidewalks or to repair, replace or reconstruct all broken or defective sidewalks. However, when the City is the abutting property owner, it has the specific duty of the abutting property owner as set forth in this section.

10.17.11. Sidewalk Repairs Required. If the abutting property owner does not maintain sidewalks as required, the Mayor or their designee may serve notice on such owner 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 City 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.

10.17.12. Failure to Perform. If, following proper notice allowing a reasonable time to perform the requirements of an order, the abutting property owner does not perform an action required under this Chapter, 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.

DRAFT

Chapter 11 Animal Offense

Chapter Contents

Section	Topic	Section	Topic
11.1	Purpose	11.15	Dead Animals
11.2	Definitions	11.16	Responsibility for Damage by Animals
11.3	Types and Numbers of Animals Permitted	11.17	Keeping of Livestock
11.4	Animal At-Large Prohibited	11.18	Animal Abuse
11.5	Humane Treatment	11.19	Animals for Entertainment
11.6	Habitual Irresponsible Animal Owner or Custodian	11.20	Poisoning Animals
11.7	Procedure When Person Bitten By Animal	11.21	Killing Animals
11.8	Keeping of Dangerous Animals	11.22	Allowing Animals At-Large
11.9	Animals Suspected of Rabies Infection	11.23	Excessive Numbers of Animals
11.10	Seizure and Impound	11.24	Owners and Custodians of Animals
11.11	Pet Retailers	11.25	Simple Misdemeanor
11.12	Vicious Dog Declaration	11.26	Municipal Infraction
11.13	Trapping	11.27	Alternative Relief
11.14	Feeding or Providing Habitat for Feral or Wild Animals		

DRAFT

11.1 Purpose. This chapter establishes responsibilities for animal owners or custodians in order to effectively manage animals, control the danger to the public health, safety, and welfare presented by animals in the City, and provides a mechanism to address animal control issues, problems, and complaints.

11.2 Definitions.

11.2.1. Abandoned Animal. Leaving an animal for a period in excess of twenty-four (24) hours without appropriate provisions having been made for the feeding, watering, and care of such animal.

11.2.2. Adequate Food. Food that is not spoiled or contaminated and is of sufficient quantity and quality to meet the normal daily requirements for the species, condition and size of the animal and the environment in which it is kept.

11.2.3. Adequate Shelter. 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. When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to allow all animals kept outdoors to protect themselves from the direct rays of the sun. All animals kept outdoors shall be provided with access to shelter to allow them to remain dry during rain or snow. Shelter shall be provided for all animals kept outdoors when the atmospheric temperature falls below fifty (50) degrees Fahrenheit. Sufficient clean bedding material or other means of protection from the weather shall be provided when the ambient temperature falls below that temperature to which the species is acclimated. A suitable method shall be provided to rapidly eliminate excess water from the living area of the animal. Shelter for a dog shall include one or more of the following:

11.2.3.1 The residence of the dog's owner or other individual.

11.2.3.2 A doghouse that is an enclosed structure with a roof and of appropriate dimensions for the breed and size of the dog.

11.2.3.3 A structure, including, but not limited to, a garage, barn, or shed that is sufficiently insulated and ventilated to protect the dog from exposure to extreme temperatures or, if not sufficiently insulated and ventilated, contains a doghouse that is accessible to the dog. A minimum of 16 square feet shall be required for each dog sharing a pen or structure.

11.2.4. Adequate Water. Water that is clean, uncontaminated, in liquid form and is of sufficient quantity and quality to meet the normal daily requirements for the species, condition and size of the animal and the environment in which it is kept. An uncontaminated pond, stream or river is considered adequate water for livestock. Water must be reachable by the animal. Snow and ice are not considered an adequate water source.

11.2.5. Altered. An animal that is either spayed or neutered.

11.2.6. Animal. Any member of the animal kingdom except human beings.

11.2.7. Animal Shelter. A facility which is used to house or contain dogs, cats, or other animals, and which is owned, operated or maintained by the City or which boards such animals as a fee-for-service to the City.

DRAFT

11.2.8. At Large. Off the premises of the owner or custodian, whether by accident, design, or otherwise.

11.2.9. Bite. Any puncture, laceration, abrasion, scratch or any other break in the skin of a human, caused by an animal.

11.2.10. Cat. Members of the Felis domesticus species, male or female, altered or unaltered.

11.2.11. Dangerous Animal. A dangerous animal is any of the following:

11.2.11.1 Wild and Exotic Animals: Animals classified as dangerous wild animals under Iowa Code

Chapter 717F, including but not limited to:

11.2.11.1.1 Members of the families Canidae (e.g., wolves, coyotes, jackals), Felidae (e.g., lions, tigers, leopards), Ursidae (e.g., bears), and Crocodylia (e.g., crocodiles, alligators).

11.2.11.1.2 Venomous snakes, lizards, and spiders, as well as large constricting snakes (e.g., pythons, anacondas).

11.2.11.1.3 Non-human primates, such as monkeys, gibbons, and apes. Animals exempt under Chapter 717F, such as those in zoos, wildlife sanctuaries, or research facilities, are not included.

11.2.11.1.4 Hybrids of any animal listed above.

11.2.11.2 Dangerous Dogs:

11.2.11.2.1 Aggressive Behavior: Any dog that attacks a human or domestic animal without provocation, as determined by the Animal Control Official.

11.2.11.2.2 History of Violations: Any dog with a history of aggressive behavior, cited for running "at large" three or more times within a year, or that expresses an aggressive demeanor as determined by the Animal Control Official.

11.2.11.2.3 Trained for Violence: Any dog trained for dog fighting or to attack humans, except those under the control of law enforcement or military agencies.

11.2.12. Euthanasia. The humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or a method that involves anesthesia, produced by an agent which causes painless loss of consciousness, and death during the loss of consciousness.

DRAFT

11.2.13. Impound. The act of placing an animal in an enclosure. To confine an animal within an enclosure. To seize and retain possession of an animal.

11.2.14. Kennel. Any 'boarding kennel', 'commercial kennel', as defined in chapter 162 of the Code of Iowa.

11.2.15. Kennel Dogs. Dogs which are kept or raised solely for the bona fide purpose of sale and which are kept under constant restraint in a kennel pursuant to chapter 162 of the Code of Iowa.

11.2.16. Livestock. Farm animals, such as beef cattle, dairy cows, sheep, hogs, goats, rabbits, chickens and turkeys.

11.2.17. Necessary Medical Attention. Supplying an animal with necessary medical attention when the animal is currently or has been, suffering from illness, injury, disease, excessive parasitism, excessive hair matting, malformed or overgrown hoof or similar conditions.

11.2.18. Owner. Any person having a right of property in an animal, or who keeps or harbors an animal, or who has it in his or her care, or who acts as its custodian, or who knowingly permits an animal to remain on or about any premises owned or occupied by him or her for more than seven (7) consecutive days other than veterinary hospital, licensed kennel or animal shelter.

11.2.19. Service Animals. Any animal which is owned by a person who is disabled and that has been properly trained at a special school to guide its owner in going from place to place.

11.3 Types and Numbers of Animals Permitted. The following animals may be owned as pets under the following conditions:

11.3.1. Dogs not to exceed three in number.

11.3.2. Cats not to exceed three in number.

11.3.3. Rabbits not to exceed three in number, and which must be maintained in a hutch or other type of enclosure. The hutch must be ten (10) feet from the property line and twenty-five (25) feet from the nearest neighboring dwelling.

11.3.4. Urban hens not to exceed six (6) in number, and which must be maintained in a fenced pen with not less than four (4) square-feet per hen. The pen must be ten (10) feet from the property line and twenty-five (25) feet from the nearest neighboring dwelling. Roosters are not permitted.

11.3.5. Vietnamese Pot Bellied Pigs, Asian Pot Bellied Pigs or pot-bellied pigs not to exceed two in number of the types considered together at or in a residential dwelling.

DRAFT

11.3.6. Any combination of cats and dogs, not to exceed four.

11.3.7. The young produced by any pets permitted herein may be maintained at or in a residential dwelling with the parent animals for a period of approximately eight weeks but in no case longer than ten weeks.

11.3.8. Common rodents, such as gerbils, mice, and hamsters, and common fish, hamsters, and similar animals, except those enumerated above may be kept without the license required.

11.4 Animal At-Large Prohibited.

11.4.1. It shall be unlawful for the owner or custodian of any animal to fail to keep the same from running "at large" in the City. The following shall apply:

11.4.2. Any animal found to be "at large" within the City shall be deemed a public nuisance.

11.4.3. Animals found "at large" may be apprehended and impounded, costs of which shall be paid by the animal's owner or custodian.

11.4.4. An animal shall not be deemed "at large" if the animal is on the premises or property of the animal owner or custodian or the property of another, so long as the property owner has given his or her permission and the animal cannot enter onto the public streets, sidewalks, alleys, other public areas, or property not owned by the animal's owner or custodian.

11.4.5. Animals injured or killed on or along public streets or public rights-of-way shall be deemed "at large" and the Enforcement Officer may remove all such animals and at his or her discretion take such animal needing medical attention to a veterinarian or animal shelter. The owner or custodian of such animal shall be responsible and liable for the expenses of medical treatment and care as well as impoundment fees and any other penalties imposed by this chapter.

11.4.6. It is lawful for any person who finds an animal "at large" to seize and hold the animal. Any person so seizing and holding an animal may confine it within a fenced yard, house, garage or other structure owned by them, or by physically restraining such animal on a harness, collar or leash. The person seizing and holding the animal shall be responsible for the humane treatment of the animal while it is under that person's custody, and shall notify the Enforcement Officer within forty-eight (48) hours that the animal is in their custody. The provisions of this Chapter shall not infringe upon any right or duty created by Section 351.25 or Section

351.27 of the Iowa Code.

DRAFT

11.4.7. Any dog that has been impounded by the City shall have an identifying microchip inserted under its skin at its owner/custodian's expense prior to being released to the owner/custodian. The fee for this procedure shall be equal to the reasonable costs incurred by the City for the procedure.

11.4.8. Notwithstanding the above, "at large" means off the premises of the owner or custodian, whether by accident, design, or otherwise, unless:

11.4.8.1 The animal is on a leash, cord, chain, or similar restraint not more than fifteen (15) feet in length and is under the control of a person competent to restrain and control the animal, or;

11.4.8.2 The animal is within a motor vehicle of its owner or custodian such that it cannot escape or have contact with a person outside the vehicle and such that said confinement does not endanger the animal's health or well-being, or;

11.4.8.3 The animal is housed within a veterinary hospital, licensed kennel, pet shop, or animal shelter.

Owners and Custodians of Animals. Owners and custodians of animals shall comply with the following duties and standards:

11.5 Humane Treatment. Owners and custodians must provide adequate food, water, shelter, humane treatment, and necessary medical care for any animal in their care. It is unlawful under this Chapter for any person to beat, starve, or otherwise abuse any animal.

11.5.1. Sanitary Conditions. All structures, pens, or yards where dogs or cats are confined shall be kept clean, free of vermin, and devoid of odors arising from urine or feces.

11.5.2. Removal of Feces. Owners and custodians shall not permit their animal to discharge feces on any public or private property, other than their own. However, a violation shall not occur if the owner or custodian promptly removes and cleans up the feces. All removed feces shall be placed in an airtight container and stored in a sanitary manner in an appropriate refuse container until disposed of in accordance with refuse collection procedures or by other sanitary means.

11.5.3. Tethering. No animal shall be staked, tied, or fastened in a way that allows it to cross onto any public sidewalk, street, alley, or the private property of another. Animals shall not be fastened directly by a rope, chain, or cord to the neck. Any animal restrained in such manner must wear a properly fitted collar or harness, not of the choker type. The proper use of choker collars for training is not prohibited. Any tying device must be at least ten (10) feet in length and securely attached to the collar or harness.

DRAFT

11.5.4. Abandonment. No owner or custodian shall abandon an animal in a manner that causes it to become a public charge, a nuisance, or exposes it to injury, hunger, or environmental hazards. If an animal is restrained or confined outdoors without food, water, or proper care, the Enforcement Officer or authorized agent may enter the premises to provide necessary care for as long as the animal remains abandoned.

11.5.5. Rabies Vaccination. Every dog or cat owner must obtain and maintain a current rabies vaccination for each animal, in accordance with Chapter 351 of the Code of Iowa. A current certificate of vaccination signed by a licensed veterinarian is required, and the vaccination tag must be affixed to the animal's collar at all times. It is unlawful for any person to possess a dog or cat six months of age or older that has not been vaccinated against rabies.

11.5.6. Minimum Age. A dog may not be licensed unless at least one of its registered owners or custodians is eighteen (18) years of age or older. All such owners or custodians shall be personally, jointly, and severally liable for compliance with this Chapter.

11.5.7. Transfer of Ownership. A new owner or custodian must apply and pay for a new license within ten (10) days of acquiring ownership of a dog, as provided in this Chapter.

11.5.8. Reporting a Bite or Attack. Any animal owner or custodian, or any person with knowledge of an animal bite or attack upon a person, must report the incident to the Enforcement Officer.

11.5.9. Deceased Animals. The owner or custodian of any deceased animal, including livestock, must dispose of the carcass within twenty-four (24) hours. Disposal may be by delivery to a licensed facility for rendering or incineration, or by burial in the case of small domestic animals. Burial must be at a depth such that no part of the body is less than four feet from the surface, and the carcass must be covered with quicklime and at least four feet of earth. Any person violating this provision shall be responsible for the full cost of disposal incurred by the City and shall be subject to a municipal infraction under Chapter 4.

11.5.10. Annual License Required. All dogs and cats six (6) months of age or older must be licensed annually. Any animal under six (6) months of age as of March 1 must be licensed within one month after reaching six (6) months of age. Licensing requirements shall not apply if the animal:

11.5.10.1 Is in transit through the City only;

11.5.10.2 Is within its first thirty (30) days of residency;

DRAFT

11.5.10.3 Is housed in a veterinary hospital;

11.5.10.4 Is temporarily housed in an animal grooming shop;

11.5.10.5 Is housed in a licensed kennel; or

11.5.10.6 Is kept solely for accredited institutional research purposes.

11.6 Habitual Irresponsible Animal Owner or Custodian. Any animal owner or custodian that has been deemed responsible for three violations of this chapter within a twelve (12) month period may be designated an "irresponsible animal owner." Upon such designation, the City may confiscate and dispose of all animals owned or under the custodial care of the "irresponsible animal owner." Unless exigent circumstances exist, the City must provide notice and opportunity for a hearing, under the procedures of this Code, prior to the confiscation and disposal by the City of any animals from the "irresponsible animal owner." No animal licenses shall be issued to anyone at the irresponsible animal owner's residence for a period of thirty-six (36) months from the date of the third court order. No person designated as an irresponsible animal owner shall sell or otherwise transfer ownership of any animal to another person residing at the same address. Any designation as an irresponsible animal owner shall expire after thirty-six (36) months provided the person so designated shall avoid any further violations of this Chapter during that time. Any further violations of this Chapter may result in immediate confiscation and disposal of any animals, at the discretion of the Enforcement Officer, or as otherwise provided by law.

11.7 Procedure When Person Bitten By Animal. This Chapter incorporates all regulations and duties imposed by Iowa Code Chapter 351.

11.7.1. Whenever an animal bites any person, or another animal causing injury, it shall be the duty of the Enforcement Officer to have such animal immediately removed from the owner's premises and either taken to the animal shelter or a veterinary hospital for quarantine, or destroyed for examination if the animal appears to be diseased. If not destroyed, such animal must be placed under quarantine for a period of ten (10) days. It is the duty of the owner or custodian of the animal that has bitten any person to deliver or surrender the possession of such animal to the City holding facility for quarantine when so ordered by the Enforcement Officer, or his or her designee. Any confinement of an animal under quarantine shall be at the expense of the owner of such animal.

11.7.2. If any animal that has bitten any person, or another animal causing injury, is suspected of having rabies, the Enforcement Officer may destroy the animal and have the carcass examined in lieu of quarantine. A wild or stray animal that has bitten any person may be destroyed immediately.

DRAFT

11.7.3. It shall be the duty of the Enforcement Officer to cause at least one examination at the end of the quarantine period and such other examinations as may be deemed necessary to ensure that the animal is alive and well and not apparently infected with rabies. If deemed necessary, animal control may order such examinations done by a licensed veterinarian, and the owner of the animal shall pay all costs of such examinations.

11.7.4. The owner of any animal quarantined may redeem such animal after any quarantine period upon the payment in full of all costs of confinement, including reasonable costs of food and care of such animal, and medical examination before the animal is released. If the animal is not claimed after the ten (10) day quarantine period, whether the owner is known or unknown, the animal may be disposed of pursuant to this chapter.

11.8 Keeping of Dangerous Animals. No person shall keep or permit to be kept any dangerous animal as a pet or for display or for exhibition purposes, whether gratuitously or for a fee. The Enforcement Officer may immediately seize such dangerous/vicious animal which shall be held for ten (10) days. If, by the end of the impoundment period the person keeping, harboring, or sheltering said vicious animal, has not petitioned the court seeking return of the animal the Enforcement Officer shall have cause for the euthanasia of the animal. The owner must permanently remove the dangerous animal from the City as a condition of return of the animal. The following exceptions shall apply:

11.8.1. Dangerous animals kept at state-licensed veterinary hospitals, humane societies, licensed rehabilitator or animal control pounds for treatment or impoundment purposes.

11.8.2. Dangerous animals kept by federal, state, City and municipal authorities and their designees or veterinarians pursuant to the enforcement of this or any animal control ordinance.

11.8.3. Dangerous animals kept by governmental agencies, educational institutions, medical institutions or research laboratories for instructional or research purposes.

11.8.4. Dangerous animals kept in publicly owned zoos.

11.8.5. Dangerous animals kept for fur pelting businesses, subject to compliance with the Zoning Ordinance.

11.8.6. Dangerous animals kept by individuals meeting USDA permit requirements.

11.8.7. Dangerous animals commercially exhibited for three (3) days or less in a one-year period.

11.8.8. Animals being commercially transported through the City.

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11.8.9. Dogs used in security or police work shall not be classified as dangerous/vicious if a bite or bites occur while the dog is actually performing in such a capacity.

11.9 Animals Suspected of Rabies Infection. It shall be the duty of the Enforcement Officer to order the owner of any animal which has bitten a person or another animal, or any animal suspected of being infected with rabies to confine such animal for a period of fourteen (14) days at the animal shelter, a veterinary clinic, or a registered kennel at the expense of the owner.

11.10 Seizure and Impound. Any animal found in violation of the provisions of this Chapter may be seized and impounded. The following shall apply:

11.10.1. Notice of the seizure and impound shall be given, if known, to the owner or custodian of the impounded animal. In the case of a dangerous dog, a vicious dog, an animal attack, or an animal at-large, the Enforcement Officer may seize the animal and provide notice to the owner or custodian, if known, as soon as reasonably possible. In other cases, the Enforcement Officer must provide the owner or custodian reasonable advance notice that the animal will be seized and impounded if the violations are not corrected.

11.10.2. A person claiming an impounded animal shall pay impoundment fees and boarding fees as established by the animal shelter.

11.10.3. A person claiming an impounded animal shall provide proof of current rabies vaccination and City license if applicable.

11.10.4. A person claiming an impounded animal shall also pay veterinary charges, if any, and such other costs actually incurred by the animal shelter in the care of the claimed animal.

11.10.5. No animal need be kept for the period of notification or impoundment if a licensed veterinarian or an Enforcement Officer certifies that the animal is so diseased or injured that it is unduly suffering or cannot survive. In such cases the animal may be humanely euthanized. The owner or custodian shall pay any fees associated with the euthanasia.

11.10.6. Animals not reclaimed within the time limitations provided by the chapter shall become the property of the City or animal shelter and shall be placed for adoption in a suitable home or humanely euthanized. No unclaimed animal shall be released for adoption to a suitable home without being sterilized, or without a written agreement from the adopter, guaranteeing that such animal will be sterilized.

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11.10.7. The refusal to reclaim any impounded animal shall not relieve the owner or custodian of the duty to pay the impoundment fees, boarding fees, veterinarian expenses, euthanizing fees or any other costs incurred in the care of the animal.

11.10.8. If the owner does not redeem the dog within seven days of the date of notice, or if the owner cannot be located within seven days, the dog may be humanely destroyed or otherwise disposed of in accordance with law, at the discretion of the Mayor, or his or her designee.

11.11 Pet Retailers.

11.11.1. It shall be unlawful for any person who owns, conducts, manages or operates any commercial animal establishment for which a license is required by the State of Iowa, to fail to comply with each of the following conditions:

11.11.2. Every dog and cat offered for sale shall have been vaccinated against distemper. A certificate providing the name of the veterinarian and the date and treatment must be provided to the purchaser at the time of sale;

11.11.3. No animal shall be transported by a pet shop or dealer, whether by private or public means, unless housed in a container appropriate for the size of the animal, and designed for that purpose including provisions for adequate ventilation, food and water;

11.11.4. Each animal shall at suitable intervals and at least once every twenty-four (24) hours, receive a quantity of wholesome foodstuff suitable for the species' physical condition and age, sufficient to maintain an adequate level of nutrition for the animal.

11.11.5. Each animal shall have available at all times an adequate supply of clean, fresh, potable water;

11.11.6. Reasonable precautions shall be used to ensure that animals are not teased, abused, mistreated, annoyed, tormented or in a manner made to suffer by any person or means;

11.11.7. Sick animals shall be sufficiently isolated so as not to endanger the health of other animals;

11.11.8. Every building or enclosure wherein animals are maintained, shall be constructed of material easily cleaned, shall be kept in a sanitary condition and shall be properly ventilated to prevent drafts and to remove odors. Heating and cooling shall be provided as required, according to the physical needs of the animal, with sufficient light to allow observation of animals and sanitation;

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11.11.9. Any animal shall be taken to a veterinarian for treatment if the Enforcement Officer orders the owner or custodian to do so as necessary to maintain the health of the animal;

11.11.10. All animal rooms, cages, shipping containers, and runs shall be of sufficient size to provide adequate and proper accommodations and protection from the weather for the animals kept therein. At a minimum, sufficient space must be provided for every animal within an enclosure to separately and together, stand up, lie down, and turn around in a natural position;

11.11.11. No animals bearing evidence of malnutrition, ill health, infectious disease, unhealed injury or having been kept in an unsanitary condition shall be displayed or sold to the public.

11.11.12. Records pertaining to the sale, purchase, transfer and medical treatment, including vaccinations, for all animals shall be open and available for inspection by a City Enforcement Officer during reasonable hours. All such records shall be maintained on the premises for a minimum period of twelve (12) months after the date of sale or transfer of any animal. Records shall include the source of the animal sold/transferred, the date of sale/transfer, identification and sex of the animal sold/transferred, and the name and address of the purchaser.

11.11.13. No pet shop shall sell a dangerous animal or dangerous animal, per se, as defined in this chapter.

11.12 Vicious Dog Declaration. The following process shall be used in declaring a vicious dog:

11.12.1. Any Enforcement Officer, in his or her discretion or upon receipt of a complaint alleging that a particular dog is a vicious dog as defined herein, may declare such dog a vicious dog.

11.12.2. Upon seizure of the animal and notice thereof, the owner(s) or person in possession of the dog must notify the Mayor within three (3) business days of their desire for a hearing on the matter.

11.12.3. If the owner contests said vicious dog designation, a hearing on the matter shall be conducted by the Mayor or his or her designee according to the process set forth in Chapter 1.14

11.12.4. The person owning, keeping, sheltering, or harboring the dog in question shall be given not less than three (3) business days' 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 is required to remove the dog from the City, as required by this chapter or have the animal humanely destroyed. The notice shall be served upon any adult residing at the premises where the animal is located, or may be posted on those premises if no adult is present to accept service.

DRAFT

11.12.5. If the Mayor or his or her designee, affirms the vicious dog declaration, the Mayor shall order in writing that the individual or entity owning, sheltering, harboring, or keeping such vicious dog remove the animal from the City or have the animal humanely destroyed.

11.12.6. Any dog which is alleged to be vicious and which is under impoundment or quarantine at the 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.

11.13 Trapping. No person shall set or use a steel, claw, string, or box trap outside of any structure or building for the purpose of taking, killing, maiming, wounding, ensnaring, trapping, or capturing an animal or which is injurious to persons or animals except for the following:

11.13.1. Any trap designed for the primary use of capturing mice, rats, gophers, moles, or aquatic rodents which are trapped in water; or

11.13.2. Any trapping by a governmental unit to capture animals which are creating a public nuisance or for the protection of public or private property.

11.14 Feeding or Providing Habitat for Feral or Wild Animals. No person may place any salt, mineral, grain, fruit, or vegetable material outdoors on any public or private property within the City limits for the purpose of feeding feral or wild animals. No person may provide for the habitation of any feral or wild animals on any public or private property within the City limits. The following exceptions shall apply:

11.14.1. Naturally growing materials, such as lawns, gardens, ornamental plantings, or mulch.

11.14.2. Unmodified commercially purchased bird feeders or such equivalent used only for the purpose of feeding birds.

11.14.3. Stored crops provided such crops are not stored in a fashion intended to make food available to the deer.

11.14.4. Incidental spills of salt, mineral, grain, fruit, or vegetable material.

11.15 Dead Animals. It is unlawful for any person to bury any dead animal except small household pets upon any property within the City in conformance with Chapter 7.

DRAFT

11.16 Responsibility for Damage by Animals. It is unlawful for an owner or custodian to allow or permit an animal to attack persons or domestic animals, to destroy property, to cause personal injury or to place persons in danger of attack or injury.

11.17 Keeping of Livestock. It is unlawful for a person to keep livestock within the City except in compliance with the City's zoning regulations.

11.18 Animal Abuse. It shall be unlawful for any person to beat, starve or otherwise abuse any animal.

11.19 Animals for Entertainment. It shall be unlawful for any person to use animals for entertainment purposes, including but not limited to: horse tripping, steer tailing, selling or giving away any animal as an incentive, prize or novelty; owning, breeding or training any animal (or other similar activity) for purposes of fighting between such animal with another animal or human being; intentionally killing or injuring any animal for sport, wagering or entertainment.

11.20 Poisoning Animals. It shall be unlawful under this Chapter for any person to knowingly poison or cause to be poisoned any domestic animal, except for euthanasia performed by a licensed veterinarian.

11.21 Killing Animals. It shall be unlawful under this Chapter for any person to knowingly kill any domestic animal, subject to the following exceptions:

11.21.1. In an emergency situation to end the immediate suffering of the animal; or

11.21.2. When the animal is not under the supervision of its owner or custodian and is in the process of injuring, wounding or killing another animal or a human being; or

11.21.3. Any public safety official when such killing is reasonably necessary in the course of duty, or

11.21.4. Under the direction of a licensed veterinarian.

11.22 Allowing Animals At-Large. It shall be unlawful for the owner or custodian of any animal to fail to keep the same from running "at large" in the City.

11.23 Excessive Numbers of Animals. It shall be unlawful for any person to own, keep, harbor, or maintain animals in violation of the limitations and conditions set forth in this section, including exceeding the permitted number of animals, maintaining prohibited combinations, failing to properly confine animals as required, or retaining offspring beyond the time period allowed herein. Each day a violation continues shall constitute a separate offense.

DRAFT

11.24 Owners and Custodians of Animals. It shall be unlawful for the owners or custodians of animals to violate the following duties and standards of animal ownership:

11.24.1. Humane Treatment. Owners and custodians must provide adequate food, water, shelter, humane treatment, and necessary medical care for any animal in their care. It is unlawful under this Chapter for any person to beat, starve, or otherwise abuse any animal.

11.24.2. Sanitary Conditions. All structures, pens, or yards where dogs or cats are confined shall be kept clean, free of vermin, and devoid of odors arising from urine or feces.

11.24.3. Removal of Feces. Owners and custodians shall not permit their animal to discharge feces on any public or private property, other than their own. However, a violation shall not occur if the owner or custodian promptly removes and cleans up the feces. All removed feces shall be placed in an airtight container and stored in a sanitary manner in an appropriate refuse container until disposed of in accordance with refuse collection procedures or by other sanitary means.

11.24.4. Tethering. No animal shall be staked, tied, or fastened in a way that allows it to cross onto any public sidewalk, street, alley, or the private property of another. Animals shall not be fastened directly by a rope, chain, or cord to the neck. Any animal restrained in such manner must wear a properly fitted collar or harness, not of the choker type. The proper use of choker collars for training is not prohibited. Any tying device must be at least ten (10) feet in length and securely attached to the collar or harness.

11.24.5. Abandonment. No owner or custodian shall abandon an animal in a manner that causes it to become a public charge, a nuisance, or exposes it to injury, hunger, or environmental hazards. If an animal is restrained or confined outdoors without food, water, or proper care, the Enforcement Officer or authorized agent may enter the premises to provide necessary care for as long as the animal remains abandoned.

11.24.6. Rabies Vaccination. Every dog or cat owner must obtain and maintain a current rabies vaccination for each animal, in accordance with Chapter 351 of the Code of Iowa. A current certificate of vaccination signed by a licensed veterinarian is required, and the vaccination tag must be affixed to the animal's collar at all times. It is unlawful for any person to possess a dog or cat six months of age or older that has not been vaccinated against rabies.

11.24.7. Minimum Age. A dog may not be licensed unless at least one of its registered owners or custodians is eighteen (18) years of age or older. All such owners or custodians shall be personally, jointly, and severally liable for compliance with this Chapter.

DRAFT

11.24.8. Transfer of Ownership. A new owner or custodian must apply and pay for a new license within ten (10) days of acquiring ownership of a dog, as provided in this Chapter.

11.24.9. Reporting a Bite or Attack. Any animal owner or custodian, or any person with knowledge of an animal bite or attack upon a person, must report the incident to the Enforcement Officer.

11.24.10. Deceased Animals. The owner or custodian of any deceased animal, including livestock, must dispose of the carcass within twenty-four (24) hours. Disposal may be by delivery to a licensed facility for rendering or incineration, or by burial in the case of small domestic animals. Burial must be at a depth such that no part of the body is less than four feet from the surface, and the carcass must be covered with quicklime and at least four feet of earth. Any person violating this provision shall be responsible for the full cost of disposal incurred by the City.

11.24.11. Annual License Required. All dogs and cats six (6) months of age or older must be licensed annually. Any animal under six (6) months of age as of March 1 must be licensed within one month after reaching six (6) months of age. Licensing requirements shall not apply if the animal:

11.24.11.1 Is in transit through the City only;

11.24.11.2 Is within its first thirty (30) days of residency;

11.24.11.3 Is housed in a veterinary hospital;

11.24.11.4 Is temporarily housed in an animal grooming shop;

11.24.11.5 Is housed in a licensed kennel; or

11.24.11.6 Is kept solely for accredited institutional research purposes.

11.25 Simple Misdemeanor. Any person violating the provisions of this chapter may be guilty of a simple misdemeanor and, upon conviction, be subject to a fine of up to six-hundred twenty-five dollars ($625) and imprisonment not to exceed thirty days (30). Any certified police officer acting on behalf of the City may issue a citation for a simple misdemeanor offense.

11.26 Municipal Infraction. A violation of this chapter or the omission or failure to perform any act or duty required by the same, is a municipal infraction punishable by civil penalty not to exceed seven hundred and fifty dollars ($750.00) for the first offense and not to exceed one thousand dollars ($1,000.00) for each repeat offense. Each day that a violation occurs or is permitted to exist constitutes

DRAFT

a repeat offense. Any officer authorized by the City to enforce the City Code may issue a civil citation to a person who commits a municipal infraction.

11.27 Alternative Relief. Seeking a simple misdemeanor as authorized in 6.1 or a municipal infraction as authorized in 6.2 of this Chapter does not preclude the City from seeking alternative relief in the same action. Such alternative relief may include, but is not limited to, any administrative action or abatement by city authorized in this code, any appropriate action authorized by Chapter 5 of this code, or injunctive relief sought in a court of law.

DRAFT

Chapter 12 Solid Waste.

Chapter Contents

Section	Topic	Section	Topic
12.1	Purpose	12.6	Burning of Solid Waste
12.2	Simple Misdemeanor	12.7	Collection Service
12.3	Municipal Infraction	12.8	Collection Practices
12.4	Alternative Relief	12.9	Non-Residential Service
12.5	Burying Solid Waste		

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12.1 Purpose. The purpose of this section is to regulate and provide a means for the removal of solid waste and refuse from the City.

12.2 Simple Misdemeanor. Any person violating the provisions of this chapter may be guilty of a simple misdemeanor and, upon conviction, be subject to a fine of up to six-hundred twenty-five dollars ($625) and imprisonment not to exceed thirty days (30). Any certified police officer acting on behalf of the City may issue a citation for a simple misdemeanor offense.

12.3 Municipal Infraction. A violation of this chapter or the omission or failure to perform any act or duty required by the same, is a municipal infraction punishable by civil penalty not to exceed seven hundred and fifty dollars ($750.00) for the first offense and not to exceed one thousand dollars ($1,000.00) for each repeat offense. Each day that a violation occurs or is permitted to exist constitutes a repeat offense. Any officer authorized by the City to enforce the City Code may issue a civil citation to a person who commits a municipal infraction.

12.4 Alternative Relief. Seeking a simple misdemeanor or a municipal infraction as authorized in this Chapter does not preclude the City from seeking alternative relief in the same action. Such alternative relief may include, but is not limited to, any administrative action or abatement by city authorized in this code, any appropriate action authorized by this code, or injunctive relief sought in a court of law.

12.5 Burying Solid Waste. It shall be unlawful for any person to bury solid waste upon any property in the City and it shall be unlawful for any person to deposit solid waste upon any property in the City except in a container for collection and removal of the solid waste.

12.6 Burning of Solid Waste. It shall be unlawful for any person or entity, at any time, to burn any solid waste on any property within the limits of the City. Solid waste includes garbage, refuse, rubber tires, chemicals, furniture, carpeting, household appliances, vinyl products (such as flooring or siding), trade waste, rubbish, building materials, residential waste, and other nonstructural materials shall not be burned. Solid waste shall not include landscape materials originating on the premises where the burning occurs.

12.7 Collection Service. The collection of solid waste from residences within the City shall be only by the designated collector approved by the Council. Each household in the City shall be a subscriber for the collection of garbage and refuse and shall pay the fees for collection thereof as set forth herein with the monthly utility bill.

12.8 Collection Practices. Subject to the conditions and limitations set forth in the contract with the designated collector, the City or its contractor shall make collection of garbage and rubbish as follows:

12.8.1. The City shall enter into a contract with the designated collector which shall establish appropriate rules for collections and containers.

12.8.2. Residential collections of matter in containers shall be made on a regular schedule once each week.

12.8.3. Each residential customer shall place containers near the street edge in the public right-of-way in order to receive collection service. Containers shall be promptly removed from the public right-of-way following collection.

12.8.4. City staff shall remove containers left in the public right-of-way forty-eight (48) hours after collection and a fee of $25.00 for such removal shall be charged to the account holder.

12.8.5. This service charge is to be paid as an addition to the water bill. All residential units of the City will be charged for collection services, except for vacant units that have shut-off water service. Residential units that have a private water-service will be billed for collection services.

12.8.6. All delinquent accounts are subject to a late payment penalty in the amount of 5% of the fee due and further subject to a stoppage of service with a ten-day notice. Any service charge not paid, when due, shall constitute a lien upon the premises served and shall be collected as follows.

12.9 Non-Residential Service. Non-residential property owners or occupants shall be required to arrange for removal of solid waste at such intervals so there is no excess accumulation of solid waste.

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Chapter 13 Fireworks Offenses.

Chapter Contents

Section	Topic	Section	Topic
13.1	Purpose	13.4	Alternative Relief
13.2	Simple Misdemeanor	13.5	Fireworks
13.3	Municipal Infraction		

13.1 Purpose. The following provisions shall regulate the possession and use of fireworks.

13.2 Simple Misdemeanor. Any person violating the provisions of this chapter may be guilty of a simple misdemeanor and, upon conviction, be subject to a fine of up to six-hundred twenty-five dollars ($625) and imprisonment not to exceed thirty days (30). Any certified police officer acting on behalf of the City may issue a citation for a simple misdemeanor offense.

13.3 Municipal Infraction. A violation of this chapter or the omission or failure to perform any act or duty required by the same, is a municipal infraction punishable by civil penalty not to exceed seven hundred and fifty dollars ($750.00) for the first offense and not to exceed one thousand dollars ($1,000.00) for each repeat offense. Each day that a violation occurs or is permitted to exist constitutes a repeat offense. Any officer authorized by the City to enforce the City Code may issue a civil citation to a person who commits a municipal infraction.

13.4 Alternative Relief. Seeking a simple misdemeanor as authorized or a municipal infraction as authorized in this Chapter does not preclude the City from seeking alternative relief in the same action. Such alternative relief may include, but is not limited to, any administrative action or abatement by city authorized in this code, any appropriate action authorized by Chapter 5 of this code, or injunctive relief sought in a court of law.

13.5 Fireworks. The use of consumer fireworks, display fireworks, and novelty fireworks, as defined in the American Pyrotechnics Association Standard 87-1 and Iowa Law, are subject to the following regulations.

Display Fireworks. The use of display fireworks, as defined by Iowa law, is prohibited, subject to the following exceptions:

13.5.1.1 The City may use display fireworks for public events in accordance with Iowa Law.

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13.5.1.2 Other organizations or groups of individuals using display fireworks for public and private events under a permit approved by the Council. The form of such permit shall be on an application provided by the City and subject to rules or limitations as approved by the Council.

Consumer Fireworks and Novelties. The use of consumer fireworks and novelties is subject to the following regulations:

13.5.1.3 The use of Novelties is not restricted in any way beyond that imposed by Iowa Law.

13.5.1.4 The use of Consumer Fireworks is permitted, subject to the following restrictions:

13.5.1.4.1 Consumer Fireworks may only be used on days and at times permitted by Iowa Code section 727.2 and Iowa Code section 364.2, as amended. Subject to those state-law limits, the City permits consumer fireworks only during the periods of July 1 through July 7 and December 25 through January 3, except that this limitation shall not prohibit or limit lawful use on July 3, July 4, or December 31. On permitted days, consumer fireworks may be used from 9:00 AM to 10:00 PM, except that use is permitted from 9:00 AM to 11:00 PM on July 4 and on the Saturdays and Sundays immediately preceding and following July 4, from 9:00 AM on December 31 until 12:30 AM on January 1, and from 9:00 AM to 11:00 PM on the Saturdays and Sundays immediately preceding and following December 31.

13.5.1.4.2 The following types of Consumer Fireworks may be used without regard to distance from the nearest structure:

(i) Fireworks,

(ii) Cone Fountains,

(iii) Ground and Handheld Sparkling Devices,

(iv) Cylindrical Fountains,

(v) Illuminating Torches,

(vi) Wheels,

(vii) Toy Smoke Devices,

(viii) Ground Spinner,

(ix) Flitter Sparkler, and

(x) Wire Sparkler and Dipped Stick.

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13.5.1.4.3 The following types of Consumer Fireworks may only be used if the products are ignited no closer than twenty (20) feet from the nearest structure and only if the products are shot from a level surface straight up into the air:

(i) Aerial shell kits and reloadable tubes,

(ii) Helicopter and aerial spinners,

(iii) Missile type rockets,

(iv) Roman candles,

(v) Sky rockets and bottle rockets, and

(vi) Mine and shell devices.

13.5.1.4.4 Consumer Fireworks may not be used if the County has declared a burn ban due to conditions which elevate the risk of grassland fire.

13.5.1.4.5 All Consumer Fireworks must be used by a person with an ownership or leasehold interest in the subject property or any person age sixteen (16) or older with the permission of any person with an ownership or leasehold interest in the subject property.

13.5.1.4.6 No Consumer Fireworks may be used upon public property or public ways.

DRAFT

Chapter 14 Parking Offenses Subject to City Penalty

Chapter Contents

Section	Topic	Section	Topic
14.1	Parking Violations	14.5	Contested Parking Tickets
14.2	Alternative Relief	14.6	Funds Retained by City
14.3	Towing of Vehicles	14.7	Refusal of Registration of Vehicle
14.4	Official Responsible for Issuing Violations	14.9	Parking Violations and Fines

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14.1 Parking Violations. Parking violations shall be charged and collected upon a simple notice of a fine payable to the Clerk. The fine for each violation charged under a simple notice of a fine shall be established by this Chapter.

14.2 Alternative Relief. Seeking a simple parking penalty does not preclude the City from seeking alternative relief in the same action. Such alternative relief may include, but is not limited to, criminal penalties as authorized by this code, or injunctive relief sought in a court of law, and any administrative action or abatement by city authorized in this code.

14.3 Towing of Vehicles. In addition to the issuance of a simple notice of a fine, the City may remove or cause to be removed any vehicle parked or standing in violation of this Chapter when such vehicle hinders or interferes with the provision of public services, obstructs or impedes the use of any public street, alley, or right-of-way, creates a hazard to public safety, or otherwise interferes with the orderly operation of City functions. Prior to towing, the City shall make a reasonable attempt to notify the owner of the vehicle, unless immediate removal is necessary to protect public safety or restore essential services. The owner of the vehicle shall be responsible for all towing and storage fees and costs associated with such removal, and such costs shall be paid prior to the release of the vehicle. The imposition of towing or removal shall be in addition to, and not in lieu of, any fine assessed under this Chapter.

14.4 Official Responsible for Issuing Violations. Any person authorized by the City to enforce the City Code may issue a simple notice of a fine to any person committing a parking violation.

14.5 Contested Parking Tickets. Contested parking tickets shall be charged in the District Court the same as other traffic violations. Under Iowa Code 321.236(1)(a), filing fees and court costs shall be assessed in these cases as provided in Iowa Code section 602.8106(1) and Iowa Code section 805.6(1),

paragraph "a" for parking violation cases. The party contesting the violation shall deliver notice in writing to the Clerk as notice that the parking ticket is being contested.

14.6 Funds Retained by City. All fines collected by the City pursuant to this Chapter shall be retained by the City and shall be deposited into the General Fund.

14.7 Refusal of Registration of Vehicle. Upon an agreement between the City and County conforming to

Chapter Iowa Code 321.236(1)(d), the County Treasurer shall refuse to renew the registration of a vehicle registered to an applicant if the County Treasurer knows that the applicant has one or more uncontested, delinquent parking tickets issued by the City.

14.8 The Clerk shall take the appropriate steps to notify the County Treasurer of any uncontested parking tickets which are more than three months' delinquent and the Council may enter into an agreement with the County Treasurer related to the collection of uncontested parking tickets. Every simple notice of fine shall contain the following statement:

FAILURE TO PAY RESTITUTION OWED BY YOU CAN BE GROUNDS FOR REFUSING TO RENEW YOUR MOTOR VEHICLE'S REGISTRATION.

14.9 Parking Violations and Fines. The following violations shall be unlawful and shall be subject to a fine as provided.

14.9.1. Adjacent to Curb – Two-Way Street. 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 twelve (12) 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. The fine for this violation shall be $25.

14.9.2. Adjacent to Curb – One-Way Street. No person shall stand or park a vehicle on the left-hand side of a one-way street other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the left-hand wheels of the vehicle within eighteen (18) inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking. The fine for this violation shall be $25.

14.9.3. Angle Parking. Upon those streets or portions of streets which have been signed or marked for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge

DRAFT

of the roadway or in the center of the roadway as indicated by such signs and markings. No part of any vehicle, or the load thereon, when parked within a diagonal parking district, shall extend into the roadway more than a distance of nineteen (19) feet when measured at right angles to the adjacent curb or edge of roadway. The fine for this violation shall be $25.

14.9.4. Upon a Public Way. No person shall stand or park a vehicle upon a public way for more than forty-eight (48) hours, unless the vehicle has been moved a minimum of twenty (20) feet during the course of that forty-eight (48) hours. The fine for this violation shall be $25.

14.9.5. Crosswalk. No person shall stand or park a vehicle within ten (10) feet of a crosswalk. The fine for this violation shall be $25.

14.9.6. Sidewalks. No person shall stand or park a vehicle on or across a sidewalk. The fine for this violation shall be $25.

14.9.7. Driveway. No person shall stand or park a vehicle in front of a public or private driveway. The fine for this violation shall be $25.

14.9.8. Intersection. No person shall stand or park a vehicle within an intersection of streets. The fine for this violation shall be $25.

14.9.9. Fire Hydrant. No person shall stand or park a vehicle within five (5) feet of a fire hydrant. The fine for this violation shall be $25.

14.9.10. Stop Sign or Signal. No person shall stand or park a vehicle within twenty-five (25) feet upon the approach to any flashing beacon, stop or yield sign, or traffic control signal located at the side of a roadway. The fine for this violation shall be $25. This does not pertain to public parking.

14.9.11. Excavations. No person shall stand or park a vehicle alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic. The fine for this violation shall be $25.

14.9.12. Double Parking. No person shall stand or park a vehicle on the roadway side of any vehicle stopped or parked at the edge or curb of a street. The fine for this violation shall be $25.

14.9.13. Using More Than One Space. No person shall stand or park a vehicle 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. The fine for this violation shall be $25.

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14.9.14. Direction of Traffic. No person shall stand or park a vehicle upon a street in a direction opposite to that in which traffic normally moves upon that half of the roadway on which the vehicle is stopped or parked. The fine for this violation shall be $25.

14.9.15. No Parking Areas. No person shall stand or park a vehicle upon a street in an area that the City has designated as a "No Parking Area." No parking areas may be designated by the City and properly posted by signage limiting parking to one side of the street or limiting hours during which parking may occur or otherwise prohibiting parking along a portion of the street. The fine for this violation shall be $25.

14.9.16. Snow Emergency Parking. No person shall park, abandon or leave unattended any vehicle on any public street, alley, or City-owned or leased off-street parking area during any snow emergency for a forty-eight (48) hour period after cessation of such storm. The fine for this violation shall be $25.

14.9.17. Parking for Persons with Disabilities. Parking spaces may be designated by the City for use only by persons with disabilities, provided appropriate signage is posted. Persons with disabilities must display documentation of official status as a person with a disability by displaying an official removable windshield placard, plate, or sticker. The fine for this violation shall be $100.

14.9.18. Parking Within the Safety Easement. No person shall stand or park a vehicle or any portion thereof, within the public right-of-way from the curb face, or where there is no curb, from the edge of the street pavement to the adjacent property line. The fine for this violation shall be $25. The following exceptions shall apply:

14.9.18.1 Parking areas located entirely within the public right-of-way and not extending onto the adjacent property, and constructed of an improved surface such as concrete, asphalt, laid brick, or other impervious material, and in use prior to the adoption of this ordinance shall be considered a nonconforming permitted use. These parking areas shall not be repaired, reconstructed, or replaced. Upon deterioration into a condition of disrepair or nuisance, the City will remove the parking area from the public right-of-way.

14.9.18.2 Qualified exceptions may be made in residential districts, which allow personal vehicles to be parked in the public right-of-way from the curb face, or where there is no curb, from the edge of the street pavement to the adjacent property line, under the following conditions:

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14.9.18.2.1 Upon the approval of the City Council, a residential right-of-way parking permit may be issued for a single personal vehicle, excluding recreational vehicles, to be parked within the Safety Easement.

14.9.18.2.2 Prior to issuance of a residential right-of-way parking permit, the Council shall find that handicap accessibility is not adequately provided or other irremediable site characteristics exist which make other parking alternatives unsuitable.

14.9.18.2.3 All vehicles stored in the Safety Easement under a residential right-of-way parking permit must be located on an improved surface such as concrete, asphalt, laid brick, or other impervious material.

14.9.18.2.4 No vehicle authorized to park in the Safety Easement under a residential right-of-way parking permit shall be parked or stored in a manner which limits or blocks pedestrian access to a sidewalk within the public right-of-way.

14.9.18.2.5 The residential right-of-way permit will be issued at no cost.

14.9.19. Recreational Vehicles. Recreational vehicles and boats hauled on a trailer attached to a conforming vehicle may be parked on a public street or way as necessary for loading or unloading for periods not exceeding 48 hours. The fine for this violation shall be $25.

14.9.20. Inoperable Vehicles. The parking or storage of inoperable vehicles is prohibited on any lot or any public street or way, except in enclosed buildings or where otherwise permitted by this Code. The fine for this violation shall be $25 per violation.

14.9.21. Non-Motorized Vehicles. The storage or parking of any non-motorized vehicle, other than those equipped to motorized vehicles necessary for normal operation, in any public way, right-of-way, or in any required front yard or side yard shall not be permitted, except in the case of conforming commercial uses. The fine for this violation shall be $25 per violation.

14.9.22. Oversized Vehicles. Any vehicle or off-highway vehicle (excluding recreational vehicles and boats) the length of which is greater than two hundred thirty (230) inches or the width of which is over eighty-two (82) inches or the height of which is over eighty-two (82) inches or the weight of which exceeds eight thousand (8,000) pounds. Oversized Vehicles shall not be stored on any lot, except in enclosed buildings or garages, or on any public street or way within a residential zoning district. The fine for this violation shall be $25 per violation.

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14.9.23. Off-Road Vehicles. No more than two off-road vehicles per household may be stored on any lot, except in enclosed buildings or garages, or on any public street or way within a residential zoning district. The fine for this violation shall be $25 per violation.

14.9.24. Post Office Boxes. The parking or storage of vehicles, in a manner which inhibits the delivery of mail and requires mail carriers to leave their vehicle to deliver mail shall be unlawful. The fine for this violation shall be $25 per violation.

14.9.25. Preventing or Inhibiting Ingress/Egress. The parking or storage of vehicles, in a manner which inhibits or prevents the proper ingress or egress to any real property shall be unlawful. The fine for this violation shall be $25 per violation.

14.9.26. Penalty for Late Payments. The fines set forth in this Chapter may be increased by five percent per month overdue if the parking violation is not paid within thirty (30) days of the date upon which the violation occurred.

14.9.27. Penalty for Habitual Violators. The fines set forth in this Chapter may be doubled if the person receiving the simple notice of violation has committed three or more violations in the previous year from the date of the most recent violation.

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Chapter 15 Cemetery and Interment.

Chapter Contents

Section	Topic	Section	Topic
15.1	Purpose	15.6	Containers
15.2	Licenses	15.7	Plantings
15.3	Granting and Transfer of Licenses for Public Cemetery	15.8	Removal of Receptacles, Flowers, or Other Decorations
15.4	Limit of Burials Per Space	15.9	Rules
15.5	Supervision		

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15.1 Purpose. The City may establish a cemetery for the interment of deceased people. The interment of deceased people shall be governed by the following rules and regulations:

15.2 Licenses. No burial or interment shall be made within the public cemetery unless within a burial lot in a public cemetery under an irrevocable license purchased from the City.

15.3 Granting and Transfer of Licenses for Public Cemetery. All licenses for the right of interment in a public cemetery shall be granted and transferred by the Clerk. Each license shall be granted for the right of interment in a described lot in a public cemetery upon payment of $500.00. Each license shall be irrevocable, except that the license is revoked if the City refunds the consideration paid for the license or the license is transferred back to the City. Each license must be granted to an individual or an individual and their spouse jointly. A licensee, whether an individual or an individual and their spouse jointly, may make a Family Transfer of the license to any of their heirs within three (3) degrees of consanguinity, as shown below in Table 1, provided the transfer is made in the official records by the Clerk and the transfer fee of $75 is also paid. A licensee may make a Non-Family Transfer of the license to any other person chosen by the licensee according to the following process: 1) the licensee shall transfer the license back to the City in exchange for the consideration paid for the license and 2) the City shall then transfer the license to the identified person for the fee of $500.00.

15.4 Limit of Burials Per Space. There shall be only one burial of one body on each grave space. Burials of cremains are limited to two per space.

15.5 Supervision. All burials shall be supervised by a designee of the City.

15.6 Containers. All burials shall be in an outside container of cement or some substance of equal durability.

15.7 Plantings. All plantings, whether permanent or seasonal, on the cemetery shall be approved by the Manager.

15.8 Removal of Receptacles, Flowers, or Other Decorations. All receptacles, flower arrangements or decorative items shall be removed within a reasonable length of time, and if the same are not removed may be removed by the caretakers. Flower arrangements and decorative items shall be permitted in the Memorial Section for such period even though the same are not flush with the ground.

15.9 Rules. The Council shall make such rules, not in conflict with the provisions of this section, as may be needed for the detailed operation of the cemetery. The Mayor may make temporary rules necessary for the operation of the cemetery that shall remain in effect for a period not to exceed sixty (60) days or until the Council acts upon the rule(s), whichever comes first.

Table 1

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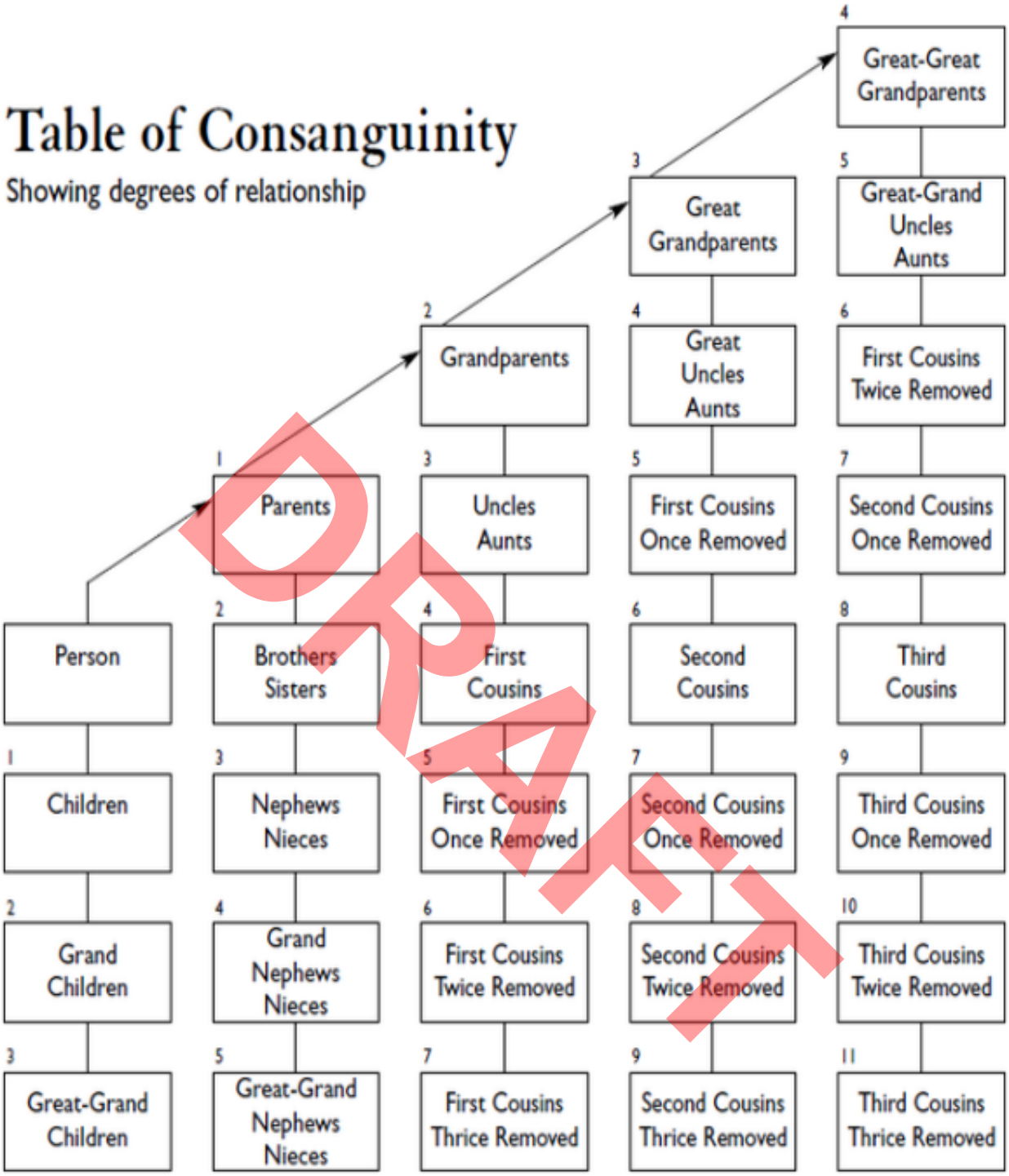
Table of Consanguinity

Showing degrees of relationship



DRAFT

Chapter 16 Public Library.

Chapter Contents

Section	Topic	Section	Topic
16.1	Purpose	16.12	Hiring of Personnel
16.2	Board of Trustees	16.13	Removal of Personnel
16.3	Term of Office	16.14	Purchases
16.4	Vacancies	16.15	Uses by Nonresidents
16.5	Compensation	16.16	Rules and Regulations
16.6	Membership	16.17	Expenditures
16.7	Qualifications	16.18	Gifts
16.8	Duties and Responsibilities of Board	16.19	Enforce the Performance of Conditions on Gifts
16.9	Officers	16.20	Record of Proceedings
16.10	Physical Plant	16.21	Historical Materials
16.11	Charge of Affairs	16.22	Annual Report

DRAFT

16.1 Purpose. This chapter establishes a free public library for the City, which shall be governed by a Board of Trustees.

16.2 Board of Trustees. The Public Library shall be governed by a Board of Trustees which shall be organized as follows:

16.3 Term of Office. All appointments to the Board shall be for four (4) years, except to fill vacancies. Each term shall commence on July first. Appointments shall be made every two (2) years of one-third (1/3) the total number or as near as possible, to stagger the terms.

16.4 Vacancies. The position of any resident Trustee shall be vacated if such member moves permanently from the City. The position of a nonresident Trustee shall be vacated if such member moves permanently from the County or into the City. The position of any Trustee shall be deemed vacated if such member is absent from six (6) consecutive regular meetings of the Board, except in the case of sickness or temporary absence from the City or County. Vacancies in the Board shall be filled in the same manner as an original appointment except that the new Trustee shall fill out the unexpired term for which the appointment is made.

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

16.6 Membership. The Board shall consist of five (5) members. two (2) members shall be residents of Exira and two (2) members shall be rural residents of the area. All resident members are to be appointed by the City Council. The rural resident member is to be appointed by the County Board of Supervisors.

16.7 Qualifications. All resident members of the Board shall be bona fide citizens and residents of the City. The rural resident members shall be bona fide citizens and residents of East Pottawattamie County. Members shall be over the age of eighteen (18) years.

16.8 Duties and Responsibilities of Board. The board shall have and exercise the following duties and responsibilities:

16.9 Officers. To meet and elect from its members a President, a Secretary, and such other officers as it deems necessary. The City Treasurer shall serve as Board Treasurer, but shall not be a member of the Board.

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

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

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

16.13 Removal of Personnel. To remove the librarian, by a two-thirds (2/3) vote of the Board, and provide procedures for the removal of the assistants or employees for misdemeanor, incompetency or inattention to duty.

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

16.15 Uses by Nonresidents. To authorize the use of the Library by nonresidents and to fix charges for such use.

16.16 Rules and Regulations. To make and adopt, amend, modify or repeal rules and regulations, not inconsistent with this Code 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.

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16.17 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.

16.18 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.

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

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

16.21 Historical Materials. To have authority to make agreements with the local county historical or genealogical society to set apart the necessary room and to care for such books, film and other research materials as may come into the possession of the local county historical or genealogical society. The Trustees are further authorized to purchase necessary receptacles and materials for the preservation and protection of the research materials of a historical or educational nature and to pay for the same out of funds allocated for Library purposes.

16.22 Annual Report. The Board shall make an annual report to the Council.

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Chapter 17 Public Safety.

Chapter Contents

Section	Topic	Section	Topic
17.1	Purpose	17.3	Police Division
17.2	Fire and Emergency Medical Division	17.4	Other Activities

17.1 Purpose. The purpose of this chapter is to establish a Public Safety Department. The Public Safety Department shall be responsible for police protection, fire protection, rescue and emergency medical services, animal control, building inspections, and code enforcement.

17.2 Fire and Emergency Medical Division. The Public Safety Department shall have a Fire and Emergency Medical Division to prevent and extinguish fires and to protect lives and property against fires, to promote fire prevention and fire safety, to provide out-of-hospital emergency medical services, to respond to and mitigate hazardous materials incidents, and to answer all emergency calls for which there is no other established agency within the corporate limits of the City and in service of intergovernmental agreements made under Chapter 28E of the Code of Iowa.

17.2.1. Organization. The Fire and Emergency Medical Division shall consist of the Fire Chief and such other officers and personnel as may be authorized by the Council or by contract fire and emergency medical services as authorized by the Council. The Fire Chief shall be appointed by the Council.

17.3 Police Division. The Public Safety Department shall have a Police Division.

17.3.1. Organization. The Police Division shall consist of the Police Chief and other law enforcement personnel or contract police protection service as authorized by the Council. A police chief shall be appointed by the Mayor with the consent of the Council, or the Council shall enter into a contract for law enforcement services.

17.3.2. Appointment and Removal of Police Chief. A Police Chief may be appointed or removed under the procedures of Iowa Code 372.4(2).

17.4 Other Activities. The Public Safety Department shall provide animal control and code enforcement services.

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Chapter 18 Parks and Recreation.

Chapter Contents

Section	Topic	Section	Topic
18.1	Purpose	18.7	Fees
18.2	Definitions	18.8	Enforcement
18.3	Administration	18.9	Simple Misdemeanor
18.4	General Rules of Use	18.10	Municipal Infraction
18.5	Animals	18.11	Alternative Relief
18.6	Reservations, Rentals, and Permit		

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18.1 Purpose. The purpose of this chapter is to establish and regulate the City's parks and recreation facilities, programs, services, and offerings; to promote safe and orderly public use; to protect public property; and to authorize reasonable rules, permits, fees, and enforcement.

18.2 Definitions.

18.2.1. Facility. Means any park, trail, playground, athletic field, court, pool, splash pad, community center, shelter, open space, greenway, natural area, or other recreation amenity owned, leased, operated, or managed by the City.

18.2.2. Program. Means any class, camp, league, lesson, event, rental, reservation, activity, or service offered, sponsored, or authorized by the City through the Department.

18.2.3. Permit. Means any written approval, reservation, rental agreement, license, or authorization issued by the City for use of a facility or participation in an activity.

18.2.4. Posted Rules. Means signs, notices, schedules, policies, or facility-specific rules approved by the Department and displayed at a facility or published by the City.

18.3 Administration. The Mayor shall administer the City's parks and recreation facilities and programs under the following regulations:

18.3.1. The Council may adopt administrative rules, forms, schedules, and procedures consistent with this chapter for the operation of facilities and programs.

18.3.2. The Council may designate areas for particular uses, establish facility schedules, limit use based on capacity or safety, and temporarily close any facility or portion of a facility when necessary for maintenance, weather, public safety, emergency response, staffing, or special events.

18.3.3. Posted rules adopted under this chapter shall have the same force and effect as the provisions of this chapter, provided they are consistent with this chapter and other applicable law.

18.3.4. Parks and recreation facilities shall be open only during posted hours unless otherwise authorized by permit or written approval.

18.3.5. No person shall enter or remain in any facility when the facility is closed, reserved for another use, or posted as restricted.

18.3.6. The Mayor may close any facility or cancel any program due to weather, unsafe conditions, maintenance needs, rule violations, emergency conditions, or other good cause.

18.4 General Rules of Use. No person using a City park or recreation facility shall:

18.4.1. Fail to comply with this chapter, posted rules, or lawful directions of City staff or law enforcement.

18.4.2. Damage, deface, misuse, remove, or destroy City property, equipment, landscaping, signs, or natural features.

18.4.3. Litter or leave trash, recyclables, or waste except in designated receptacles.

18.4.4. Engage in disorderly, abusive, threatening, harassing, or unsafe conduct.

18.4.5. Interfere with the lawful use of the facility by others.

18.4.6. Use a facility for a purpose other than its intended or designated use.

18.4.7. Enter any area marked closed, restricted, under maintenance, or for authorized personnel only.

18.4.8. Start or maintain a fire except in grills, fire rings, or other areas specifically designated for that purpose.

18.4.9. Camp, sleep overnight, or remain after hours except where expressly authorized.

18.4.10. Possess or use fireworks, explosives, or hazardous materials except as authorized by law and permit.

18.4.11. Discharge any weapon or projectile device except as authorized by law and in an approved area or approved activity.

18.4.12. Possess, consume, or distribute alcoholic beverages except as authorized by law and by City permit or policy.

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18.4.13. Possess, use, or distribute controlled substances except as lawfully prescribed.

18.4.14. Operate a motor vehicle except on designated roads, drives, or parking areas, or park in violation of posted restrictions.

18.4.15. Operate ATVs, snowmobiles, minibikes, or similar motorized vehicles except where specifically authorized.

18.4.16. Bring glass containers into any area where prohibited by posted rule or facility policy.

18.4.17. Disturb wildlife, remove plants, cut trees, or injure natural resources except as specifically authorized.

18.4.18. Place signs, markings, banners, or decorations without permission.

18.4.19. Conduct sales, vending, advertising, commercial activity, or solicitation without a permit.

18.4.20. Use amplified sound, loudspeakers, or sound equipment in a manner not authorized by permit or posted rule.

18.4.21. Launch or operate drones or remote-controlled devices except as allowed by posted rule or permit.

18.4.22. Violate any lawful condition of a permit, rental agreement, or program registration.

18.5 Animals.

18.5.1. Domestic animals are allowed only in areas where permitted.

18.5.2. Any animal brought into a park or facility shall be under control at all times and, unless in an authorized off-leash area, shall be restrained by leash or other physical means.

18.5.3. The owner or handler shall remove and properly dispose of animal waste.

18.5.4. Animals are prohibited in playgrounds, athletic competition areas, aquatic facilities, buildings, or other areas where posted rules prohibit them, except for service animals as required by law.

18.6 Reservations, Rentals, and Permit.

18.6.1. A permit may be required for exclusive use of any facility or area, including shelters, athletic fields, courts, pools, community rooms, trails, streets related to events, or other public recreation spaces.

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18.6.2. The Council may approve, deny, condition, suspend, or revoke a permit based on facility availability, public safety, staffing, maintenance needs, prior violations, incomplete information, conflicting uses, or failure to comply with this chapter.

18.7 Fees. The Council may establish by resolution a schedule of fees, deposits, rental charges, user fees, program fees, cancellation fees, and damage charges for facilities and programs.

18.8 Enforcement.

18.8.1. Any person violating this chapter or posted rules may be directed to stop the violation, leave the facility, or cease participation in a program.

18.8.2. The Mayor may suspend or revoke permits, reservations, rentals, and program privileges for violations of this chapter, posted rules, or permit conditions.

18.8.3. The City may seek restitution or recovery for damage to public property, cleanup costs, staff time, or other losses caused by a violation.

18.9 Simple Misdemeanor. Any person violating the provisions of this chapter may be guilty of a simple misdemeanor and, upon conviction, be subject to a fine of up to six-hundred twenty-five dollars ($625) and imprisonment not to exceed thirty days (30). Any certified police officer acting on behalf of the City may issue a citation for a simple misdemeanor offense.

18.10 Municipal Infraction. A violation of this chapter or the omission or failure to perform any act or duty required by the same, is a municipal infraction punishable by civil penalty not to exceed seven hundred and fifty dollars ($750.00) for the first offense and not to exceed one thousand dollars ($1,000.00) for each repeat offense. Each day that a violation occurs or is permitted to exist constitutes a repeat offense. Any officer authorized by the City to enforce the City Code may issue a civil citation to a person who commits a municipal infraction.

18.11 Alternative Relief. Seeking a simple misdemeanor as authorized or a municipal infraction as authorized in this Chapter does not preclude the City from seeking alternative relief in the same action. Such alternative relief may include, but is not limited to, any administrative action or abatement by city authorized in this code, any appropriate action authorized by Chapter 5 of this code, or injunctive relief sought in a court of law.

DRAFT

Chapter 19 Design Standards and Specifications for Improvements.

Chapter Contents

Section	Topic	Section	Topic
19.1	Purpose	19.2	Design Standards

19.1 Purpose. The purpose of this section is to allow the City Council discretion to determine the appropriate level of design standards and specifications for improvements within the City. The intent is to allow the Council discretion to determine the appropriate level of standards and specifications on a case-by-case basis.

19.2 Design Standards. For purposes of this Chapter, public improvements are those that meet any of the following criteria:

19.2.1. Public improvements initiated, designed, and constructed by or under the supervision of the City as a public improvement, and maintained by the City.

19.2.2. Improvements initiated, designed, and constructed by a private owner/developer's private engineer and contractor, which, upon acceptance by the City, are then maintained by the City.

19.2.3. Improvements that require review and approval by the Council, but remain under private ownership.

19.2.4. The City Council may choose to apply, modify, or waive specific standards and specifications based on the unique circumstances and feasibility of each individual infrastructure project. In making such determinations, the following criteria will be the primary considerations driving the Council's decisions:

19.2.4.1 The existing conditions of the subject infrastructure.

19.2.4.2 Conformance with the priorities of the comprehensive land use plan of the City.

19.2.4.3 Financial considerations, both short-term and long-term.

19.2.4.4 The willingness of those benefiting from the improvements to participate in the cost through special assessments.

19.2.4.5 As a general guide, the Iowa Statewide Urban Standard Specifications for Public Improvements and the Iowa Statewide Urban Design Standards for Public Improvements, as published by the Center for Transportation Research and Education of Iowa State University

DRAFT

and amended or supplemented from time to time, are adopted by reference. These standards may serve as the default specifications for public improvements unless the City Council determines that an alternative approach is more appropriate for a given project.

DRAFT

Chapter 20 Water Utility

Chapter Contents

Section	Topic	Section	Topic
20.1	Definitions	20.16	Payment Methods; Automatic and Online Payments
20.2	Authority to Establish Utility	20.17	Late Charges; Delinquency; Notices
20.3	Authority to Manage Utility	20.18	Customer-Requested Termination of Service; Final Bills
20.4	Establishment of Rates	20.19	New Service Connections; New and Replacement Meters
20.5	Mandatory Connections	20.20	Door Tags and Administrative Notices
20.6	Temporary Rules	20.21	Access to Premises
20.7	Ownership, Maintenance, Assignment of Costs, and Emergency Abatement of Utility Infrastructure	20.22	Interruptions in Service
20.8	Lien for Failure to Pay	20.23	Installment Agreements and Alternative Payment Arrangements
20.9	Failure to Maintain	20.24	Collection of Miscellaneous Charges and Delinquent Accounts
20.10	Service Outside of the City	20.25	Returned Payments and Chargebacks
20.11	Shutting-Off the Water Supply to a Property	20.26	Leak Adjustments
20.12	Information Available to Customers	20.27	Reconnection of Service
20.13	Application for Service; Deposits	20.28	Confidential and Personal Information
20.14	Account Responsibility; Name Changes	20.29	Fees, Deposits, and Charges
20.15	Billing Cycle; Contents of Bill; Due Date	20.30	Adoption of State Plumbing Code

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20.1 Definitions.

20.1.1. Account Holder. Means the person or entity in whose name municipal utility service is established.

20.1.2. Authorized Representative. Means a person whom the account holder has authorized in writing to act on the account.

20.1.3. Delinquent. Means a bill or charge that remains unpaid after the due date or after default of a written payment arrangement.

20.1.4. Utility Clerk. Means the city clerk or other officer or employee designated by the City to administer this chapter.

20.1.5. Utility service. Means any water, sewer, solid waste, stormwater, or other municipal utility or related service billed by the City.

20.2 Authority to Establish Utility. Under the authority of Chapter 388 of the Code of Iowa, the City has established a municipal water utility.

20.3 Authority to Manage Utility. The Council has retained authority to manage the Water Utility and shall act as the Water Board.

20.4 Establishment of Rates. The Council shall establish water utility rates by ordinance.

20.5 Mandatory Connections. All residences and business establishments within the City limits intended or used for human habitation, occupancy or use shall be connected to the public water system, if it is reasonably available.

20.6 Temporary Rules. The Mayor or the Council's designee 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 Utility Staff may make temporary rules for the protection of the system until due consideration by the Council may be had.

20.7 Ownership, Maintenance, Assignment of Costs, and Emergency Abatement of Utility Infrastructure. The utility shall own and maintain all appurtenances, equipment, and service lines necessary to provide utility services that are located on public property, within the public right-of-way, or within designated easements. The utility may enter private property to perform emergency abatement actions needed to repair or replace any appurtenances, equipment, or service lines owned by a property owner and essential for serving a customer if such entry is necessary to prevent or mitigate losses to the public. The cost of furnishing, repairing, or replacing any appurtenance, equipment, or service line owned by the utility, or of conducting emergency abatement on private property, may be assigned or

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assessed to the owner of the property that directly benefits from these actions. The City's authority to assign or assess such costs shall only be limited by specific prohibitions found in state or federal law.

20.8 Lien for Failure to Pay. In conformance with State Law, the City shall have a lien upon each property served by the Water Utility for all delinquent rates and charges.

20.9 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.

20.10 Service Outside of the City. The following rules shall govern the provision of water service to properties outside of the City limits:

20.10.1. Annexation May Be Required. From the effective date of this section, requests for utility extensions outside the city limits will be subject to Council discretion. All properties and subdivisions seeking to be served by the water service system may be required to annex into the City limits prior to the extension of services.

20.10.2. Rates for Existing Customers Outside City Limits. Utility service may be provided to any customer located outside the corporate limits, but such service may be provided under a different rate classification than is provided to similarly situated properties located within the corporate limits.

20.10.3. Connection Points. Connection points for extraterritorial customers shall be made within city limits at the closest possible point to the City's existing water distribution system. The meter for extraterritorial customers must be placed at the connection point.

20.10.4. Agreement Required. Extraterritorial customers shall execute a service agreement with the City prior to any service being authorized.

20.11 Shutting-Off the Water Supply to a Property. The following rules shall govern how the water supply to a customer may be shut-off by the City:

20.11.1. Failure to Make Payment. In conformance with State Law, the Water Utility may shut-off the water supply to any customer for failure to make payment for any services, materials, or labor supplied in relation to the customer's account for water service, or

20.11.2. Vacant or Abandoned Property. The City may disconnect water service to a property that is vacant or abandoned only when no lawful occupancy is occurring and disconnection is requested by the customer or owner, is necessary to protect the utility system or property from

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damage, is required by a court or administrative order issued after notice and opportunity to be heard, or is otherwise authorized by Iowa law.

20.11.3. Violations or Unsafe Service Conditions. A property standards, zoning, habitability, safety, or nuisance violation shall not by itself authorize water disconnection. The City may disconnect water service for an unsafe service condition, unlawful connection, cross-connection, tampering, emergency, system-protection need, or a court or administrative order issued after notice and opportunity to be heard to the extent permitted by Iowa law. Water service to an occupied dwelling shall not be disconnected if disconnection would violate state or federal law or create an unlawful threat to health or safety.

20.11.4. Duration of Shut-Off. Following a lawful shutoff, the water supply shall not be turned on again until the cause for disconnection has been corrected and all lawful reconnection conditions have been satisfied.

20.12 Information Available to Customers.

20.12.1. Upon request, the City shall make available current rates, fees, deposits, and utility billing policies. Reasonable copying or reproduction charges may be assessed.

20.12.2. Upon proper identification, the account holder or authorized representative may obtain account history, usage data, and meter-profile or similar consumption information in the manner established by the City. The City may provide one routine consumption profile during any twelve-month period without charge.

20.12.3. The City may provide utility notices and other customer information by mail, hand delivery, posting, newspaper, radio, website, social media, electronic message, or other customary means.

20.13 Application for Service; Deposits.

20.13.1. No utility service shall be established until the applicant completes the City's application for service and provides all information reasonably required by the City.

20.13.2. The City may require government-issued identification, proof of occupancy or ownership, a correct service address, a mailing or forwarding address, and payment of any required deposit or other charges due at the time of application.

20.13.3. The City may require immediate payment of all past-due charges owed by the applicant at any other service address before service is established at a new location.

DRAFT

20.13.4. The Council may establish separate deposit amounts for owners, tenants, management companies, commercial customers, and other classes of service.

20.13.5. The City may require separate written authorizations for co-applicants, authorized users, or automatic payment enrollment.

20.14 Account Responsibility; Name Changes. The account holder is responsible for all charges billed to the account until the account is closed or transferred in accordance with this chapter and applicable law.

20.14.1. A request to change the name on an existing account may be approved for death, divorce, incompetency, changes in occupancy, or similar circumstances. The City may require supporting documentation and a new application.

20.14.2. The City may require a new deposit when the responsible party on an account changes or when a prior deposit has been refunded or applied.

20.14.3. The City may approve or deny a requested name change and may require the incoming responsible party to acknowledge responsibility for charges associated with the account to the extent permitted by law.

20.15 Billing Cycle; Contents of Bill; Due Date.

20.15.1. Utility bills shall be issued monthly unless another billing cycle is established by the Council.

20.15.2. Meters shall be read on dates established administratively by the City. A rate schedule shall be available upon request.

20.15.3. Each bill shall state, at a minimum, the due date, the amount due, the amount due after penalties, and usage or other billing units where applicable.

20.15.4. Due dates are not adjustable except as required by law or when the due date falls on a weekend or legal holiday, in which event payment received on the next business day shall be deemed timely.

20.15.5. Failure to receive a bill does not excuse timely payment, penalties, or other lawful collection action.

20.16 Payment Methods; Automatic and Online Payments.

DRAFT

20.16.1. Payments may be made in person, by mail, through a drop box, by recurring automated payment, through an online payment processor, or by any other method authorized by the City.

20.16.2. Customers enrolling in recurring automated payments shall provide the information and written authorization required by the City. Initial setup may take up to one billing cycle.

20.16.3. The City may suspend or terminate recurring automated payment privileges after two or more rejected or returned payment attempts within any twelve-month period.

20.16.4. Mailed payments and payments left in a drop box are the customer's responsibility until actually received and posted by the City in a form acceptable to the City.

20.16.5. Online payments are timely only if submitted and posted in accordance with deadlines established by the City or its authorized processor.

20.17 Late Charges; Delinquency; Notices.

20.17.1. A late penalty in the amount established by the Council shall be added to bills not paid by the due date.

20.17.2. If any amount remains unpaid after the due date, the account may be treated as delinquent and the City may issue a delinquency, disconnect, or other collection notice.

20.17.3. If the unpaid amount remains outstanding for thirty days after the due date, or for such other period as may be required by law, utility service may be disconnected and collection proceedings may begin.

20.17.4. The City may post a door tag or door hanger before disconnection or for other utility matters, and a fee may be assessed when authorized by this Code.

20.18 Customer-Requested Termination of Service; Final Bills.

20.18.1. Only the account holder or an authorized representative may request termination of service. The City may require verification of identity before acting on the request.

20.18.2. The customer shall provide the requested termination date and a forwarding address. The City may require the request to be made in person, in writing, or through another method approved by the utility clerk.

20.18.3. Final charges shall be billed through the effective date of termination. A minimum charge may be assessed on a final bill when authorized by rate ordinance or resolution.

DRAFT

20.18.4. Any deposit on file may be applied first to the final bill and then to any other lawful charges. Any remaining deposit balance shall be refunded to the person or entity entitled to the refund under City policy and applicable law.

20.18.5. No final bill shall be mailed to the disconnected service address unless the account holder directs otherwise in writing.

20.18.6. When a tenant closes an account, service may be disconnected unless the owner of record has provided prior written instructions and any documentation required by the City to continue service in another name.

20.19 New Service Connections; New and Replacement Meters.

Before a new tap or new utility connection is prepared, the applicant shall obtain all required building permits and pay all required fees.

New service installations shall comply with all adopted building, plumbing, utility, and design standards of the City and any applicable state standards.

The City may require proof of ownership, a deed, or notarized authorization from the property owner before proceeding with a new connection for a non-owner applicant.

The City may furnish a standard meter for new construction. The customer shall pay the cost of replacement meters when replacement is required because of freezing, damage, neglect, or when an additional meter is requested for a purpose such as irrigation or a sprinkler system.

Fixed charges or billing for a newly issued or installed meter may commence when service is made available in the manner established by the City.

20.20 Door Tags and Administrative Notices.

The City may issue or post door tags, door hangers, or similar notices for excessive or irregular utility use, returned or rejected payments, chargebacks, interruption of service, delinquent billing, scheduled disconnection, or other utility-related matters requiring customer attention.

20.21 Access to Premises.

20.21.1. As a condition of receiving utility service, the customer shall provide the City reasonable and safe access to meters, service lines, and related utility facilities at reasonable hours, or at any time in an emergency.

DRAFT

20.21.2. Authorized City personnel may enter the premises to read, inspect, test, remove, repair, service, or replace meters and related utility facilities and to inspect piping or fixtures connected to the municipal utility system, to the extent permitted by law.

20.21.3. The City may discontinue service to any premises where safe or reasonable access to the meter or utility facilities is denied or obstructed.

No person shall hinder, obstruct, or interfere with authorized City personnel in the lawful discharge of duties under this chapter.

20.22 Interruptions in Service.

20.22.1. The City shall use reasonable efforts to provide uninterrupted utility service, but service may be interrupted for repairs, maintenance, emergencies, or other causes.

20.22.2. When practical, the City shall provide advance notice of a planned interruption. Under emergency conditions, advance notice is not required.

20.22.3. Except as otherwise required by law, the City shall not be liable for claims or damages arising from an interruption, reduction, or temporary suspension of utility service.

20.23 Installment Agreements and Alternative Payment Arrangements.

20.23.1. It is not the policy of the City to provide routine financing of delinquent utility charges. Requests for installment arrangements shall be handled on a case-by-case basis.

20.23.2. Any installment agreement or alternative payment arrangement shall be in writing and may require a promissory note, acknowledgment of indebtedness, consent to additional collection remedies, or other documentation required by the City.

20.23.3. Unless the City approves otherwise, the term of an installment agreement shall not exceed six months.

20.23.4. While an approved agreement is in effect and not in default, late penalties on the covered delinquent amount may be suspended if so provided in the agreement; however, the customer must continue to pay all current charges when due in addition to the agreed installment payment.

20.23.5. Default in any installment agreement or alternative arrangement may result in immediate termination of service and collection of the full unpaid balance.

DRAFT

20.23.6. Depending on the amount due and as permitted by law, the City may record or certify a lien, special assessment, or other claim against the property, and administrative or legal costs may be included in the agreement.

20.23.7. To avoid imminent disconnection, the City may require payment of not less than seventy-five percent of the delinquent amount, together with any applicable fees, and may deny use of that alternative in consecutive monthly billing periods.

20.24 Collection of Miscellaneous Charges and Delinquent Accounts.

20.24.1. Charges for miscellaneous utility-related services, assessments, repairs, investigations, meter work, or other billable items may be invoiced separately or included on the utility bill.

20.24.2. If an invoice or delinquent utility charge is not paid within thirty days after billing, and no approved payment arrangement is entered into, the City may pursue all collection remedies permitted by law, including certification to the county for collection, special assessment, lien, civil action, or other lawful remedy.

20.24.3. The City may establish and apply a de minimis threshold below which formal collection action will ordinarily not be pursued.

20.24.4. For owner-occupied or rental property, the City may provide notice to the occupant, the owner of record, or both, and may pursue collection from any person or property to the extent permitted by law and contract.

20.24.5. The City may refuse new service at another address to an applicant who owes delinquent charges to the City.

20.25 Returned Payments and Chargebacks.

20.25.1. If the City receives notice that a check, automated clearing house payment, card payment, or other payment has been dishonored, rejected, reversed, or charged back, the payment shall be reversed on the account and a returned-payment fee may be assessed.

20.25.2. The City may issue a notice or door tag requiring the account holder to cure the delinquency within the time stated in the notice, after which service may be disconnected.

20.25.3. After two returned, rejected, or charged-back payments within any twelve-month period, the City may refuse further payment by personal check or automated payment and may require future payment by cash, money order, certified funds, or another method acceptable to the City for a period of up to twelve months.

DRAFT

20.26 Leak Adjustments.

20.26.1. The City may review a customer's account when actual usage exceeds the customer's twelve-month average because of a leak. No adjustment shall be made when the total adjustment would be less than the minimum amount of basic usage.

20.26.2. No customer shall receive more than one leak adjustment within any twenty-four-month period unless otherwise approved by the City.

20.26.3. No adjustment shall be made until the customer provides proof that the leak has been repaired. Proof may include a plumber's invoice, contractor statement, receipts for repair materials, photographs, or other evidence acceptable to the City showing the repair date, materials used, and location of the leak.

20.26.4. The City may verify that the leak has been repaired. If repeated verification visits are required, a service-call or trip charge may be assessed for visits after the first. No adjustment shall be granted if the meter or other available data still indicates a continuing leak.

20.26.5. For a sudden or concealed leak within a building, including a ruptured line or a hidden leak in a wall, crawl space, or similar location not reasonably discoverable, the City may grant an adjustment of up to twenty percent of the water charges above the twelve-month average and up to one hundred percent of the sewer charges above the twelve-month average.

20.26.6. For leaks that should have been discoverable by ordinary means, including running toilets, dripping faucets, exterior hose bibs, or malfunctioning appliances, the City may grant an adjustment of up to ten percent of the water charges above the twelve-month average and up to fifty percent of the sewer charges above the twelve-month average.

20.26.7. No water adjustment shall be made for leaks in buildings without heat during winter months, for unoccupied property, or for new buildings less than one year old; however, a sewer adjustment may be granted when the City determines the leaked water did not enter the wastewater system.

20.26.8. No adjustment shall be granted if the leak was not repaired within a reasonable time after the customer was notified or should reasonably have discovered the leak.

20.27 Reconnection of Service.

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20.27.1. Before utility service is reconnected, the delinquent balance, returned-payment charges, reconnect charges, and all other fees required by the City must be paid in full unless the City has approved another written arrangement.

20.27.2. Reconnection may take up to twenty-four hours after all conditions have been satisfied. After-hours reconnection is at the discretion of the City.

20.27.3. If service is not reconnected and the account is made final, the City may send a final bill or notice of unpaid charges to the customer, the owner of record, or both, as permitted by law.

20.28 Confidential and Personal Information.

20.28.1. The City may require personal identifying information, financial account information, and other information reasonably necessary to administer utility accounts, collect charges, and process payments.

20.28.2. Information collected under this chapter shall be used for administrative, collection, and customer-service purposes and may be shared with City employees, agents, contractors, financial institutions, and collection professionals working on behalf of the City as reasonably necessary for those purposes.

20.28.3. Utility account information shall be released only as required or permitted by applicable public-records, privacy, and confidentiality laws. Social security numbers, driver's license numbers, bank account numbers, and other confidential identifiers shall be protected to the extent required by law.

20.29 Fees, Deposits, and Charges. The deposits, fees, penalties, and charges applicable to this chapter shall be as set forth in another Chapter of this Code as the same may be amended by the Council by ordinance to the extent permitted by law.

20.30 Adoption of State Plumbing Code. The installation, alteration, repair, and replacement of all water systems and connections to the water system shall conform to the State Plumbing Code.

DRAFT

Chapter 21 Sanitary Sewer Utility.

Chapter Contents

Section	Topic	Section	Topic
21.1	Authority to Establish Utility	21.6	Lien for Failure to Pay
21.2	Authority to Manage Utility	21.7	Service Outside of the City
21.3	Establishment of Rates	21.8	Terms of Service
21.4	Rates for Users with Private Water Systems	21.9	Adoption of State Plumbing Code
21.5	Mandatory Connections		

DRAFT

21.1 Authority to Establish Utility. A municipally owned Sanitary Sewer Utility is hereby established by the Council. The purpose of this section is to establish rules and regulations governing the treatment and disposal of sanitary sewage within the City.

21.2 Authority to Manage Utility. The Council has retained authority to manage the Sanitary Sewer Utility.

21.3 Establishment of Rates. The Council shall establish Sanitary Sewer utility rates by ordinance.

21.4 Rates for Users with Private Water Systems. Users whose premises have private water systems and discharge wastewater to the public sanitary sewer shall pay sewer rates established by ordinance. The Council may establish a reasonable rate classification for private-water users, including a flat rate, metered private-water rate, estimated usage rate, or other reasonable method. Premises with private water systems that do not discharge to the public sanitary sewer may be exempt from sewer rates to the extent permitted by law.

21.5 Mandatory Connections. The owners of all residences and business establishments intended or used for human habitation, occupancy, or use, must connect their sewage facilities to the public sewers, if reasonably available.

21.6 Lien for Failure to Pay. The City shall have a lien upon the property served by the Sanitary Sewer Utility for all delinquent rates and charges, and these delinquent rates and charges shall be collected in the same manner as other taxes.

21.7 Service Outside of the City. The following rules shall govern the provision of sewer service to properties outside of the City limits:

21.7.1. Annexation May Be Required. From the effective date of this section, requests for utility extensions outside the city limits will be subject to Council discretion. All properties and subdivisions seeking to be served by the water service system may be required to annex into the City limits prior to the extension of services.

21.7.2. Rates for Existing Customers Outside City Limits. Utility service may be provided to any customer located outside the corporate limits, but such service may be provided under a different rate classification than is provided to similarly situated properties located within the corporate limits.

21.7.3. Connection Points. Connection points for extraterritorial customers shall be made within city limits at the closest possible point to the City's existing water distribution system. The customer shall be responsible for all costs of maintaining the facility from the connection point.

21.7.4. Agreement Required. Extraterritorial customers shall execute a service agreement with the City prior to any service being authorized.

21.8 Terms of Service. The utility shall provide services under the same terms as the Water Utility, subject to any constraints of State Law.

21.9 Adoption of State Plumbing Code. The installation, alteration, repair and replacement of all plumbing systems and connections to the sanitary sewer shall conform to the State Plumbing Code.

DRAFT

Chapter 22 Electric Utility.

Chapter Contents

Section	Topic	Section	Topic
22.1	Establishment of Utility	22.7	Service Equipment
22.2	Operating Policies	22.8	Overhead Service Requirements
22.3	Rates	22.9	Underground Service Requirements
22.4	Service Characteristics	22.10	Emergency Generators
22.5	Continuity of Service	22.11	Line Extensions and Modification
22.6	Customer Duty to Maintain Safety of Equipment Used		

DRAFT

22.1 Establishment of Utility. A municipally owned electric utility is hereby established, subject to the following:

22.2 Operating Policies. The electric utility shall be operated according to policies adopted by resolution of the Council, subject to any controlling regulation of the Iowa Utilities Board.

22.3 Rates. Rates shall be established by ordinance in Chapter 10 of this Code.

22.4 Service Characteristics. Service voltages available to each customer:

22.4.1. Single Phase, 120 volt, 2 wire. Single Phase, 120/240 volt, 3 wire.

22.4.2. Three Phase, 120/240 volt, 4 wire delta.

22.4.3. Three Phase, 120/208 volt, 4 wire wye.

22.4.4. Higher service voltages may be available for customers with specific needs. Contact the City for more information.

22.5 Continuity of Service. The City will use reasonable diligence to supply continuous electric service to all customers that meets or exceeds all regulatory requirements. Severe weather and other conditions beyond the control of the City may cause momentary or sustained outages or other abnormalities. The customer is advised to provide protection against the effects of outages or voltage spikes in accordance with the National Electrical Code (NEC) and other standards and recommended practices. Appliances and equipment should be protected against all forms of irregularity of service, including:

22.5.1. Transients, voltage spikes, or surges.

22.5.2. Loss of voltage, both momentary and sustained.

22.5.3. Low or high voltage.

22.5.4. Loss of phase (for three phase services).

22.5.5. Phase reversal (for three phase services).

22.5.6. Harmonics or other waveform irregularities.

22.5.7. Return of normal service after any of the foregoing.

22.6 Customer Duty to Maintain Safety of Equipment Used. The City will not furnish electric service to any Customer whose utilization equipment is determined to have a detrimental effect upon the service rendered to the City's other Customers. Existing service may be discontinued until any such conditions are corrected.

22.7 Service Equipment.

22.7.1. The location of new services and the requested characteristics of service, including service voltage and ampere rating, must be approved by the City prior to installation of any equipment by the customer.

22.7.2. All service equipment and the service grounding must meet all applicable requirements of the current Iowa Electrical Code, and must be inspected and approved in accordance with the Code prior to being energized by the City.

22.7.3. The Customer must provide, install, and maintain all equipment necessary for the service, including the meter socket. Residential services shall have a rated ampacity of at least 100 amperes at 120/240 volts, 3 wire, single phase. The meter socket for underground residential services shall be rated at a minimum of 200 amps. Services rated at 400 amps shall use a 320 amp meter socket. Contact the City for information on metering equipment and meter sockets to be used for services larger than 400 amps.

22.7.4. All meter sockets must be UL approved. All meter socket covers shall be one piece ringless type and shall be lockable using a hasp-type lock. All three phase meter sockets and single phase 320 amp sockets must have a manually operated clamping jaw bypass lever.

22.7.5. For three phase 120/240 volt 4-wire delta services the high phase (wild leg) must be marked orange and must be located on the right hand terminals of the meter socket.

DRAFT

22.7.6. The service grounding electrode conductor shall be connected to the neutral bus in the service disconnect or overcurrent device. It may not be connected to the neutral bus in the meter socket. The grounding electrode conductor may not be run through the meter socket.

22.7.7. All services must be "hot sequence", with the meter socket ahead of the main disconnect.

22.7.8. The City will provide, install, own, and maintain the electric revenue meter.

22.8 Overhead Service Requirements. The City will install, own, operate, and maintain the service drop conductors from the utility system to the first point of attachment to the customer's building or other structure. The Customer will install, own, operate, and maintain the attachment point for the service drop, and all service entrance wiring and equipment, including the service conductors from the weatherhead to the main disconnect. Conductors between the weatherhead and meter socket and between the meter socket and the main disconnect must be installed in conduit.

22.9 Underground Service Requirements.

22.9.1. Residential customers. The City will install, own, operate, and maintain the underground service conductors from the utility system to the meter socket on or adjacent to the customer's building or other structure (defined as the Point of Attachment). The Customer will furnish, install, own, operate, and maintain the meter socket and all service entrance wiring and equipment, including the conduit riser from below grade to the meter socket. The conduit riser must include an expansion joint.

22.9.2. Commercial and Industrial Customers. The customer is responsible for and will install, own, operate, and maintain the underground service conductors from the City's transformer or other equipment (defined as the Point of Attachment) to the customer's building or other structure. The City will terminate the underground service conductors in the transformer or other City owned equipment. The Customer will install, own, operate, and maintain the meter socket and all service entrance wiring and equipment, including the conduit riser from below grade to the meter socket.

22.9.3. If multiple conductors are installed in parallel for each phase, the phase of each conductor shall be identified with colored tape at all termination points.

22.10 Emergency Generators. Customers are allowed to have standby generators for temporary or emergency electric service. There must be a positive means to guarantee that the standby generator cannot be accidentally connected in parallel with the City's utility system. A manual or automatic transfer switch meeting the following requirements must be installed at the customer's expense.

DRAFT

22.10.1. Must be designed and installed such that under no conditions will the standby generator and the City's electrical system operate in parallel, with a positive break-before-make configuration.

22.10.2. Must include a visual indication or other positive means to determine the physical position of the switch.

22.10.3. Must meet all requirements of the NEC and the Iowa Electrical Code.

22.11 Line Extensions and Modification.

22.11.1. Customers requesting a new electric service or a modification to an existing service must complete an application form available from the City, and submit the completed application to the City Clerk. All new or upgraded electric service laterals will be underground. All new residential services must be rated for a minimum of 200 amperes.

22.11.2. Residential services that supply a single family dwelling or duplex will be installed by the City at no cost to the customer.

22.11.3. Services that supply a minimal or speculative load, including residential garages, outbuildings, seasonal loads, or other installations with an expected usage that is less than a standard single family dwelling will be installed by the City after the customer pays the City a Nonrefundable Contribution equal to the full estimated cost of the installation.

22.11.4. The electric distribution facilities required to supply Commercial or Industrial customers up to the Point of Attachment will be installed by the City. The Customer must pay to the City a Nonrefundable Contribution equal to the estimated cost of the installation less the estimated cost to serve a similarly located residential customer. This payment must be received by the City before any construction will be started on the required facilities.

22.11.5. The full cost of any modification or relocation of the City's electric supply facilities that is required to accommodate a change or addition to the Customer's buildings or property, including grade changes and driveway construction will be billed to the Customer.

DRAFT

Chapter 23 Stormwater Management Utility.

Chapter Contents

Section	Topic	Section	Topic
23.1	Utility Established	23.4	Credits for Water Quantity Portion of the Stormwater Utility
23.2	Establishment of the Fees	23.5	Billing
23.3	Exemption from Stormwater Management Charges	23.6	Appeals

DRAFT

23.1 Utility Established. Pursuant to the authority of Section 384.84, Code of Iowa, as amended, the Council hereby establishes a storm water management utility in the City. The entire City, as may be increased from time to time, shall constitute a single storm and surface water drainage district. The purpose of this section is to establish the Storm Water Management Utility, to authorize charges for use of, and discharge to, the storm and surface water drainage systems of the City, and to provide for collection of delinquent charges.

23.2 Establishment of the Fees. Fees shall be established for each property according to Equivalent Service Units (ESU).

23.2.1. ESU Rate. The rate per ESU shall be $4.00.

23.2.2. Residential Property. The storm water management charge for a parcel classified as single-family residential (R) by the county assessor's office shall be one ESU.

23.2.3. Multi-Family Residential Property. The storm water management charge for a multi-family residential property shall be the ESU rate multiplied by the number of individual dwelling units existing on the property. Separately metered units shall be charged their pro rata share of the fees for the property.

23.2.4. Undeveloped Property Classified. The storm water management charge for an unimproved parcel classified as agriculture (A), commercial (C), or industrial (I), defined as a parcel of land with no impervious surfaces, shall be the ESU rate multiplied by 0.40 for each acre of land, or part thereof in the assessed parcel. A minimum fee of one-half (1/2) of an ESU shall be charged on all parcels containing less than one (1) acre.

23.2.5. Developed Property Classified as Commercial or Industrial or Any Other Classification Not Previously Assigned. The storm water management charge for a developed commercial, industrial, or other classification of parcel on a parcel less than 1.0 acres in size shall be equivalent to the charge for two (2) ESU. For such parcels bigger than 1.0 acres in size, there shall be an additional charge for one (1) ESU per acre above the 1.0 acre base.

23.3 Exemption from Stormwater Management Charges. Users of properties for which all storm water is disposed of on-site, as defined by City standards, may request an exemption from storm water management system charges. The following shall apply:

23.3.1. No partial exemptions for disposal of only a portion of the storm and surface waters on-site shall be allowed. In order to qualify for utility charge exemption, the user must design, construct, and maintain an on-site facility that keeps all storm and surface water for the full range of storms during the year. The applicant for exemption must pay an initial inspection or review fee. For the purpose of this section, the term "property" means a parcel of land, or a group of adjacent parcels working in cooperation. The term "on-site disposal" means on the parcel, or on another parcel in the near vicinity of the parcel requesting the exemption.

23.3.2. In order to qualify for the exemption, the on-site system must encompass the entire property, except for incidental impervious areas as defined below, must be completely separated from the public system, and must provide adequate on-site disposal. Incidental area such as sidewalks, decks, and driveway aprons shall not exceed 10 percent of the total impervious area.

23.3.3. On-site disposal facilities that may qualify are dry wells, injection wells, retention basins with percolation or evaporation capacity, and retention basins with capacity large enough to accommodate the total of all storms through the year. Many of these may have a possible adverse effect on ground water, and some techniques may require approval of federal, state, and other local agencies.

23.3.4. To qualify, an applicant must submit a request to the City for a waiver of utility charges relating to the property. This request shall include a certification from an engineer, or other evidence acceptable to the City, that shows the system is separate and will dispose of the full range and volume of storm water through the year on-site. The applicant shall also submit a maintenance plan for assuring the system will function as designed. The application must be signed by the property owner.

DRAFT

23.3.5. An inspection or review fee shall be paid at the time of application. If the application is denied, the inspection or review fee will be credited to the utility charges due. If the request for the waiver is made as part of the construction plans, this fee shall be waived.

23.3.6. A decision denying an exemption may be appealed to the Board. If approved, the waiver will be effective for the next billing cycle.

23.3.7. The City retains the right to inspect the on-site measures to assure they are functioning as designed. If at any time the measures are found not to be effective, the exemption shall cease.

23.4 Credits for Water Quantity Portion of the Stormwater Utility. New developments that provide on-site retention, disposal, or detention, or provide off-site conveyance system enlargements are entitled to a credit in storm water management system charges. To be eligible, new development, or portions of new development, must include design and construction of a facility that meets one of the following standards:

23.4.1. The retention facility sized to accommodate the full volume of storm water through the year with no overflow or release into the storm water management system. Eligible facilities shall be exempt from storm water management system charges.

23.4.2. A disposal facility which keeps all storm and surface water separated from the public system, and disposes of it on-site for the full range of storms during the year, including the winter, through on-site disposal, including dry wells, injection wells, and percolation or evaporation basins. Eligible facilities shall be exempt from storm water management system charges.

23.4.3. A detention facility which meets or exceeds the standards defined in City rules for on-site storm water detention facilities. Eligible facilities shall be entitled to a reduction of one-half of the actual number of ESUs calculated. For upsizing of the downstream conveyance system, credit shall be determined by the City on a case-by-case basis. The term "on-site" means on the parcel, or on another parcel in the near vicinity of that for which the credit or reduction is requested. To be eligible for a credit or reduction of storm water management system charges, the request must be submitted prior to, or as part of, the development process, but in all cases the request must be made prior to the payment of the storm water management system charges.

23.4.4. To be eligible for a credit, the request can be made at any time, in accordance with the provisions of this ordinance. The request shall demonstrate the property meets one of the above conditions. For on-site facilities, the City reserves the right to inspect the facilities installed at any

DRAFT

time. If it is found that the system no longer functions, then the storm water management system charges that were waived will become due and payable.

23.5 Billing. The City shall collect stormwater management charges for the service. Bills shall be sent by regular mail to every parcel owner in the City. Charges will be calculated according to the application of the ESU rate as above. All delinquent accounts are subject to a late payment penalty in the amount of 10% of the fee due and further subject to a stoppage of service with a ten-day notice. Any service charge not paid, when due, shall constitute a lien upon the premises served and shall be collected as follows. In addition to remedies provided for collection of a debt, the City may seek a temporary or permanent injunction prohibiting continued occupancy of premises, may require disconnection of the premises from the public storm water utility system, may refuse to issue any permit to the user, and may terminate water and sewer service to the user's premises. The stormwater management charges shall be collected regardless of whether the parcel is otherwise served by water, sewer, or garbage services.

23.6 Appeals. All appeals must be filed in writing. The following may be appealed to the Council:

23.6.1. A determination that the person is obligated to pay the service charge imposed herein.

23.6.2. A dispute as to the proper calculation of the amount due from the person. This shall not include, however, an objection to the overall establishment of the storm water utility charge or the amount per ESU.

DRAFT

Chapter 24 Property Maintenance and Life Safety Codes.

Chapter Contents

Section	Topic	Section	Topic
24.1	Purpose	24.10	Administrative Enforcement
24.2	Definitions	24.11	Emergency Abatement
24.3	Scope	24.12	Habitual Violators
24.4	Nuisance	24.13	Compliance Agreements
24.5	Exterior Structure	24.14	Alternative Relief
24.6	Interior Structure	24.15	Simple Misdemeanor
24.7	Standard for Work	24.16	Municipal Infraction
24.8	Rental Housing Certification Program	24.17	Injunctive Relief
24.9	Vacant Building Registration		

DRAFT

24.1 Purpose. This Chapter creates minimum property maintenance and life safety standards and accompanying enforcement measures. This section provides standards for a "Housing Code" applicable to residences, life safety standards and maintenance standards for nonresidential uses, and other standards applicable to all properties.

24.2 Definitions. The following definitions shall apply to terms used in this chapter.

24.2.1. Anchored. Securely attached to something to prevent movement.

24.2.2. Approved. Accepted by the code official.

24.2.3. Attractive Nuisance. A hazardous condition or object on a property that may attract children or other individuals, presenting a danger to them due to their inability to recognize the associated risks.

24.2.4. Basement. The part of a building that is either partially or fully underground.

24.2.5. Bathroom. A room that contains plumbing fixtures such as a bathtub or shower.

24.2.6. Bedroom. A room used or intended to be used for sleeping.

24.2.7. Blight. A condition of property characterized by neglect, decay, or deterioration that can decrease the value of surrounding properties and negatively impact public health, safety, and welfare.

24.2.8. Code Official. The person responsible for enforcing the rules of this code.

24.2.9. Compliance Agreement. A formal written agreement between a property owner and the city outlining steps for the property to meet required health, safety, or aesthetic standards within a specified timeframe.

24.2.10. Condemn. To declare a building unfit to live in.

24.2.11. Detached. When something is physically separated and not connected to another part.

24.2.12. Deterioration. The process of something weakening, rusting, or decaying.

24.2.13. Dwelling Unit. A space with living, sleeping, cooking, and sanitation facilities for one or more people.

24.2.14. Easement. A part of land set aside for use by someone other than the owner, like for utilities or pathways.

24.2.15. Equipment Support, Structures or parts that help hold up equipment like pipes or electrical systems.

24.2.16. Exterior Property. The outdoor space surrounding a building that the owner controls.

24.2.17. Fire-Resistance Rating. The measure of a building component's ability to resist fire or prevent the spread of fire for a specified period.

24.2.18. Garbage. Waste from food preparation and consumption.

24.2.19. Guard. A safety feature like a railing that prevents people from falling from higher levels.

24.2.20. Habitable Space, A room used for living, sleeping, eating, or cooking. Bathrooms, closets, and storage rooms don’t count as habitable space.

24.2.21. Housekeeping Unit. A living space with facilities for living and sleeping, but may not have a bathroom or kitchen.

24.2.22. Imminent Danger. A condition that could cause serious injury or death at any moment.

24.2.23. Ill Fame. A reputation of a building or property as a place associated with unlawful or immoral activities, attracting persons for such purposes.

24.2.24. Infestation. When pests like insects or rodents are present in or near a building.

24.2.25. Inoperable Vehicle. A vehicle that cannot be legally operated on public roads due to mechanical issues or lack of legally required parts or registration.

DRAFT

24.2.26. Labeled. When equipment or materials are marked by an authorized agency to show they meet certain standards.

24.2.27. Nuisance. Any condition on a property that contributes to blight, is harmful to health, offends the senses, or obstructs the use of property, thereby interfering with the enjoyment of life or property by others.

24.2.28. Quiet Enjoyment. The right of a property owner or tenant to use and enjoy their property without interference from external disruptions, such as excessive noise, odors, or other disturbances.

24.3 Scope. The owner of the property must ensure that both the building(s) and the surrounding land meet the minimum standards for health, safety, welfare, and quiet enjoyment of property as provided in this chapter.

24.4 Nuisance. Both property owners and any person(s) in possession of the property, whether they own or rent it, are responsible for keeping real property free from nuisance. A nuisance is any condition that 1) contributes to blight, or 2) is injurious to health, or 3) is indecent or offensive to the senses, or 4) is an obstruction to the free use of property so as essentially to interfere with the comfortable enjoyment of life or property. The following are declared to be nuisances:

24.4.1. Barking Dog. The habitual barking, whining, yelping, howling, or other loud noises which cause serious or repeated annoyance to a surrounding property or properties.

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

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

24.4.4. Water Pollution. The 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.

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

DRAFT

24.4.6. Storing of Junk, Trash, or Rubbish. The storage or accumulation of junk, including old rags, rope, cordage, rubber, bones, paper, or solid waste, is prohibited unless done in accordance with the zoning code or other regulations. This includes, but is not limited to, old appliances or their parts, vehicle or equipment parts, non-operational machinery, scrap metal, paper, cardboard, old lumber or wood, discarded mattresses or furniture, and any other waste or junk that is flammable, attracts vermin or rodents, or poses a hazard.

24.4.7. Trees, Vegetation, and Grass. Trees, vegetation, and grass will constitute nuisances as follows:

24.4.7.1 Dead or Diseased Trees. Any dead, diseased, damaged, or deteriorating trees that could fall or harbor insects or rodents.

24.4.7.2 Obstructing View at Intersections. All trees or hedges which prevent persons from having a clear view of traffic approaching an intersection from cross streets in sufficient time to bring a motor vehicle driven at a reasonable speed to a full stop before the intersection is reached.

24.4.7.3 Dense Growth. Dense growth of all weeds, grass, vines, brush or other vegetation in the City so as to constitute a health, safety or fire hazard, or which otherwise constitute a nuisance. For purposes of this paragraph, all growths of grass or weeds in excess of eight inches (8") in height shall be deemed to be a nuisance.

24.4.7.4 Exception to Dense Growth. A bona fide Landscaped Area shall not be considered a nuisance provided the growth and appearance of the area is maintained appropriately.

24.4.7.5 Cottonwood Trees. Cotton-bearing cottonwood trees and all other cotton-bearing poplar trees.

24.4.7.6 Tree Limbs. All tree limbs that are less than eight (8) feet above the surface of any public sidewalk or are less than fifteen (15) feet above the traveled way of any public street.

24.4.8. Stagnant Water. Stagnant water likely to afford breeding places for mosquitoes.

24.4.9. Obscenity. Signs accessible to the general public containing statements, words, or pictures of an obscene or pornographic character.

24.4.10. Accumulation of Rubbish or Garbage. Property owners and occupants must ensure that trash is regularly collected and properly disposed of. Trash should not be allowed to accumulate. Rubbish must be placed in proper containers, and arrangements should be made for regular

DRAFT

collection. Garbage, especially food waste, must be disposed of in a sanitary manner in containers that prevent pest infestations.

24.4.11. Depositing Debris. Depositing or permitting to be deposited dirt, debris, or other sedimentation resultant from grounds maintenance, grading, construction, demolition, or other activities onto public rights of way or into public storm sewers or drainage ways.

24.4.12. Snow and Ice left Standing on Sidewalks. All snow and ice not removed from public sidewalks forty-eight (48) hours after the snow and ice have ceased being deposited thereon from one continuous event.

24.4.13. Infestation. The property must be free of rats, mice, insects, or other pests. If a building is infested with pests, the property owner is responsible for arranging pest control services to eliminate the problem.

24.4.14. Structures Damaged by Fire or Decay. All buildings, walls and other structures which have been damaged by fire or day that render a structure uninhabitable.

24.4.15. Lighting. Permitting or allowing the illumination of flood lights, yard lights or similar lights to be focused in such a fashion so as to encroach upon the peaceful enjoyment of neighboring property.

24.4.16. Unguarded Machinery. All dangerous, unguarded machinery in any public place, or so situated or operated on private property as to attract the public.

24.4.17. Obstructing View of Streets. All fences, billboards, or other obstructions, whether natural or man-made, including moveable objects, which materially impede persons from having an adequate view of the public street for the safe and prudent ingress and egress to or from a public street.

24.4.18. Nuisance Buildings. Dilapidated building means any structure or mobile home meeting any of the following criteria:

24.4.18.1 Manifestly Unsafe. Whenever, for any reason, the building or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

24.4.18.2 Deterioration. Whenever the building, exclusive of the foundation, shows thirty-three percent (33%) or more damage or deterioration of its supporting member or members, or fifty percent (50%) damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.

DRAFT

24.4.18.3 Damaged Structurally. Whenever the building has been so damaged by fire, wind, earthquake or flood that repair costs would exceed 40% of the replacement value of the entire structure.

24.4.18.4 Inadequacy. Whenever a building is unfit for human use due to its condition of dilapidation, decay, damage, faulty construction or arrangement, lack of insulation, or inadequate light, air or sanitation facilities.

24.4.18.5 Fire Hazard. Whenever any building, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause.

24.4.18.6 Portion of Building or Accessory. Whenever any portion of a primary building or accessory structure remains on a site after the demolition or destruction of the primary building.

24.4.18.7 Vacancy. Whenever any building is left vacant for a period in excess of six (6) months, without being served by the public water utility, electric utility, or without necessary property maintenance being performed.

24.4.18.8 Ill Fame and Attractive Nuisance. Whenever the building has become any of the following: (a) an attractive nuisance to children; (b) a harbor for vagrants, criminals or immoral persons; or as to (c) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

24.4.18.9 Inoperable Vehicle. Any vehicle not capable of lawful operation upon a public street or highway is an Inoperable Vehicle. Inoperable Vehicles shall not be stored on any property in the City, except for within an enclosed building or on private property in conformance with the Zoning Ordinance by a person licensed as an authorized vehicle recycler under the provisions of the Code of Iowa. One or more of the following conditions shall be presumptive evidence that a vehicle is not capable of lawful operation upon a public street or highway:

24.4.18.9.1 It is not equipped with one or more operable headlamps as required by law; or

24.4.18.9.2 It is not equipped with one or more operable rear lamps when required by law; or

24.4.18.9.3 It is not equipped with one or more operable signal lamps when required by law; or

24.4.18.9.4 It is not equipped with operable brakes when required by law; or

DRAFT

24.4.18.9.5 It is not equipped with an operable horn when required by law; or

24.4.18.9.6 It is not equipped with a muffler in good working order as required by law; or

24.4.18.9.7 It is not equipped with adequate mirrors when required by law; or

24.4.18.9.8 It is not equipped with a windshield and one or more windows as required by law; or

24.4.18.9.9 It is not equipped with operable windshield wipers as required by law; or

24.4.18.9.10 It is not equipped with tires or when the tires attached to the vehicle do not meet standards; or

24.4.18.9.11 It is not equipped with any other part the lack of which renders the vehicle inoperable; or

24.4.18.9.12 Any vehicle or part of a vehicle which has become a habitat for rats, mice or snakes or any other vermin or insects; or

24.4.18.9.13 Any vehicle which is not capable of moving in both forward and reverse gears; or

24.4.18.9.14 Any vehicle which because of its condition or method of storage constitutes a threat to public safety; or

24.4.18.9.15 Any other machinery which because of its condition or method of storage constitutes a threat to public safety; or

24.4.18.9.16 Any vehicle or other machinery that is not properly licensed or registered for operation as required by law.

24.4.18.9.17 Excessive collection of vehicles, equipment, or other machinery.

24.4.19. Swimming Pools. Pools must be clean, well-maintained, and free from hazardous conditions. Water must be properly treated to prevent the spread of disease. Pools, hot tubs, and spas with capacity to hold water more than two (2) feet deep must have fences or other barriers around them to prevent accidental entry, especially by children. Any gates in pool enclosures must be self-closing and self-latching to ensure safety.

24.4.20. Grading, Drainage, and Water Pollution. All land must be graded in a way that prevents soil erosion and stops water from pooling on the property. Water shall not collect in a way that could cause stand water upon the property, unless in an approved detention or retention structure.

DRAFT

Water shall not be directed onto adjacent property in manner which creates a nuisance. The 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.

24.4.21. Sidewalks and Driveways. Walkways and driveways must be kept in good condition. They should be free of structural cracks, or dangerous or uneven surfaces.

24.4.22. Accessory Structures. Garages, sheds, fences, and other additional structures on the property must be kept in good condition and not pose any hazards.

24.4.23. Defacement of Property. It is illegal to deface buildings or structures with graffiti or other marks. Owners must remove any defacement promptly.

24.4.24. Excessive Noise. The purpose of this Section is to prevent excessive sound, which is a serious hazard to the public health and welfare and to the quality of life in the City. No person shall engage or participate in the making and creating of an excessive or unusually loud sound within the city heard and measured in the manner prescribed below, except when done under and in compliance with a permit issued by the City.

24.4.24.1 Measurement of Noise. The measurement of sound or noise shall be made with a sound level meter meeting the standards prescribed by the American National Standards Institute. The instruments shall be maintained in calibration and good working order. A calibration check shall be made of the system at the time of any noise measurement. Measurements recorded shall be taken so as to provide a proper representation of the noise source. The microphone during measurement shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. A windscreen for the microphone shall be used when required. The measurement shall be a slow, A-weighted sound level.

24.4.24.2 It shall be the duty of persons in a position of ownership, possession or control of premises to prevent such premises from being the site of activities producing sound levels in excess of what is permitted under this chapter. Failure or refusal to perform such duty shall constitute a violation of this section.

24.4.24.3 It shall be the duty of persons in positions of leadership or responsibility with respect to unincorporated associations, groups, gatherings and assemblages of people to prevent such from causing or making sound levels in excess of what is permitted under this chapter. Failure or refusal to perform such duty shall constitute a violation of this section.

DRAFT

24.4.24.4 For the purpose of determining and classifying any sound as excessive or unusually loud, the following test measurement and requirements are to be applied:

24.4.24.5 The sound shall be measured at the edge of the city street or alley right-of-way reasonably appearing to be nearest to the source of the sound, or if in a park or agriculturally zoned area, approximately 25' from the source of the sound. When a complaint is received, a measurement may also be taken at a location on the property where the complaining party was disturbed.

24.4.24.6 The sound shall be measured on a sound level meter of standard design and quality operated in the "A" slow response weighing scale.

24.4.24.7 A sound measured or registered in excess of the maximum permitted levels according to the following table, is declared to be excessive and unusually loud and is unlawful.

Neighborhood Characteristic	Maximum Sound Level Permitted
Residential	60 between 7 a.m. to Midnight
Residential	55 between Midnight to 7 a.m.
Commercial	65
Industrial	80
Park or Agriculturally Zoned	80

DRAFT

24.4.24.8 Other Conditions. Any other condition that, by a majority vote of the Council, is determined to be injurious to health, indecent or offensive to the senses or an obstruction to the free use of property so as essentially to interfere with the comfortable enjoyment of life or property.

24.5 Exterior Structure. The outside of a building, including walls, roofs, and foundations, must be kept in good condition to protect against weather, pests, and decay. The exterior of a structure must also be kept in conformance with the following standards:

24.5.1. Protective Treatment. All parts of the building exposed to the elements (like wood or metal) must be treated or painted to prevent damage from weather. A building or structure shall be

deemed dangerous if it lacks proper protective coverings that expose it to the elements or deterioration, including:

24.5.2. Missing or Damaged Siding. Any exterior wall of the building with missing, cracked, or severely damaged siding, stucco, brick, or other protective materials that leave the underlying structure exposed to weather and other environmental factors.

24.5.3. Exposed Framework. Any portion of the structural framework (such as beams, joists, or studs) that is exposed due to the absence or degradation of protective coverings, leading to rot, rust, or weakening of the structure.

24.5.4. Unsealed Openings. Any openings, such as windows, doors, vents, or other access points, that lack adequate sealing or covering, allowing the intrusion of water, pests, or debris into the structure.

24.5.5. Inadequate Weatherproofing. Any failure to apply or maintain weatherproofing materials, such as paint, sealants, or waterproof membranes, that results in exposure to moisture, leading to structural deterioration.

24.5.6. Deteriorated Exterior Finishes. Any exterior surface of the building that has deteriorated, rusted, rotted, or corroded to the extent that it no longer provides adequate protection against the elements.

24.5.7. Failing Roof. Any roof that exhibits these conditions must be repaired or replaced to meet the minimum safety standards and prevent further damage to the structure and its occupants.

24.5.8. Structural Damage. Any portion of the roof that is sagging, cracked, or otherwise structurally compromised, making it unable to bear the weight of expected loads, such as snow, water, or roofing materials, creating a risk of collapse.

24.5.9. Leaks and Water Intrusion. Any roof that is leaking or allows water intrusion, resulting in water damage to the interior of the structure, promoting mold growth, or weakening structural elements such as walls, ceilings, and floors.

24.5.10. Missing or Damaged Roofing Materials. Any roof with missing, cracked, or damaged shingles, tiles, or other roofing materials, exposing the structure to weather conditions and contributing to further deterioration.

DRAFT

24.5.10.1 Inadequate Drainage. Any roof with improperly installed or blocked drainage systems (gutters, downspouts, etc.), causing water pooling or drainage issues that can lead to leaks, water damage, or roof collapse.

24.5.10.2 Improper Repairs. Any roof that has been improperly patched, repaired, or modified in a way that compromises its structural integrity or weatherproofing abilities.

24.5.11. Building Numbering. The owner of each property in the City shall obtain the number street number assigned to the principal building from the Clerk. Building numbers shall be assigned in accordance with the building numbering plan on file in the office of the Clerk. The owner of each property in the City shall place or cause to be installed and maintained on the principal building the assigned number in a conspicuous place to the street in figures not less than two and one-half (2 ½) inches in height and of a contrasting color with their background.

24.5.12. Structural Members. Parts of the building that support weight, like beams or columns, must be in good repair and able to handle the loads they were designed for.

24.5.13. Foundation Walls. Foundation walls must be kept in good condition without cracks or openings that could let in water or pests, or otherwise undermine the integrity of the structure.

24.5.14. Exterior Walls. Exterior walls must be free of cracks, holes, or other damage, and must be properly painted or treated.

24.5.15. Decorative Features. Any decorative parts of the building, like trim or cornices, must be secure and in good condition.

24.5.16. Overhang Extensions. Gutters, canopies, and other extensions from the roof must be properly maintained and free of damage.

24.5.17. Stairways, Decks, and Porches. These areas must be safe and able to support their intended loads. They must also be kept in good condition to prevent accidents.

24.5.18. Chimneys and Towers. Chimneys and towers must be structurally sound and not present any hazards.

24.5.19. Handrails and Guardrails. Any area where there is a significant drop-off (such as stairways or balconies) must have secure handrails or guardrails to prevent falls. Anytime more than four (4) standard steps are constructed for ingress/egress than a handrail is required. Anytime ledge with a drop-off of thirty (30) inches requires a guardrail.

DRAFT

24.5.20. Windows, Skylights, and Door Frames. Windows and doors must be watertight and free of cracks or broken glass. Window frames and doors should be secure and fit properly.

24.5.21. Insect Screens. Screens must be installed on windows from April 1 to November 1 of each year to prevent insects from entering the building.

24.5.22. Doors. Exterior doors must be maintained, secure, and able to close tightly.

24.5.23. Basement Hatchways. Basement doors or hatchways must be kept in good condition to prevent water from getting into the building.

24.6 Interior Structure. The inside of a building must be kept in good condition, safe, and sanitary. The interior of a structure must also be kept in conformance with the following standards:

24.6.1. Structural Members. The parts of the building that support weight (such as beams or floors) must be in good condition and able to bear the loads they were designed for.

24.6.2. Interior Surfaces. Walls, ceilings, and floors inside the building must be free of holes, cracks, and other damage.

24.6.3. Stairs and Railings. Stairs and handrails must be in good condition and safe to use.

24.6.4. Component Serviceability. Any equipment or parts of the building (like elevators, plumbing, or heating) must be maintained to perform their intended function.

24.6.5. Handrails and Guardrails. Any stairway with more than four steps must have a handrail. Stairways must have continuous handrails on both sides at a height between 34 and 38 inches. Guardrails must be provided on open sides of stairways, landings, balconies, and ramps higher than 30 inches above the floor.

24.6.6. Electrical Systems. Any electrical wiring, fixtures, or equipment that is defective, improperly installed, or insufficient to safely handle the current loads, posing a risk of fire, shock, or electrocution must be repaired.

24.6.7. Mechanical Systems. Any heating, ventilation, or air conditioning (HVAC) system that is damaged, malfunctioning, or insufficient to maintain a safe and habitable environment, including systems that produce harmful gases or fail to properly circulate air must be repaired.

24.6.8. Plumbing Systems. Any plumbing that is leaking, clogged, improperly installed, or insufficient to provide safe drinking water, sanitary sewage disposal, or proper drainage, creating a risk of contamination or water damage must be repaired.

DRAFT

24.6.9. Fuel Connections. Any fuel storage, piping, or connection systems that are corroded, leaking, or improperly installed, creating a risk of fire, explosion, or carbon monoxide poisoning must be repaired.

24.6.10. Ventilation Systems. Any lack of adequate ventilation, or malfunctioning or obstructed ventilation systems, that creates unsafe air quality conditions, including the accumulation of harmful gases, fumes, or mold must be repaired.

24.6.11. Fire Protection Systems. Any fire suppression, detection, or alarm systems that are missing, defective, or improperly maintained, rendering the building or premises vulnerable to fire hazards must be repaired.

24.6.12. Other Systems. Any other structural or system deficiencies, including elevators, escalators, or other mechanical devices, that present a risk to life, safety, or health due to improper maintenance, damage, or lack of functionality must be repaired.

24.6.13. Fire-Resistance Rating. Buildings with multiple units must have fire-rated separation walls between the different occupancies. The separation walls must provide a minimum fire-resistance rating of two hours. Doors leading to common areas from individual units must be self-closing and fire-rated.

24.6.14. Penetrations. Any penetrations through fire-rated walls (e.g., for utilities such as electrical or plumbing) must be sealed with approved firestop materials to maintain the integrity of the fire barrier or they must be repaired.

24.6.15. Number of Exits. Each structure must have at least two distinct means of egress leading directly to a safe area outside as a requirement for occupancy and habitation. Each sleep room shall have access to two distinct means of egress from the story on which it is located. In buildings with three or more stories, each story must be served by two means of egress. In multi-unit buildings egress from each unit must not pass through another unit.

24.6.16. Doorway Width. Doorways must provide a minimum clear width of 32 inches.

24.6.17. Hallway Width. Hallways and corridors leading to an exit must be at least 36 inches wide.

24.6.18. Stairway Standards. Stairways used for egress must have a minimum clear width of 36 inches. All steps must be uniform in height and width, with a maximum riser height of 7.75 inches and a minimum tread depth of 10 inches. In multi-unit buildings, all common area stairways must be illuminated at all times to provide safe egress.

DRAFT

24.6.19. Egress Routes. Egress routes must remain unobstructed and free from any hazards or storage.

24.6.20. Egress Windows. Windows used as egress must have a clear opening of at least 5.7 square feet, with a minimum height of 24 inches and a minimum width of 20 inches. Windowsills must not be more than 44 inches above the floor. The well of an egress window must be a minimum of thirty-six (36) inches in height, width, and depth. If the well of any egress window is more than forty-four (44) inches in depth, an access ladder shall be present.

24.6.21. Exit Signage and Lighting. Illuminated exit signs must be installed in multi-family dwellings to indicate primary and secondary egress routes, with a backup power supply for at least 90 minutes of illumination in case of power failure. Stairways, hallways, and other exit routes must have emergency lighting.

24.6.22. Smoke Alarm Placement. A smoke alarm must be installed outside sleeping rooms in the immediate vicinity, and on every level, including basements.

24.6.23. Smoke Alarm Systems in Multi-Unit Buildings. Buildings with two or more units must have interconnected smoke detection systems, connected to a central fire alarm system that notifies occupants of a fire in real-time. Smoke alarms in multi-unit buildings must be hardwired and equipped with battery backup. Alarms must be tested monthly and maintained in operable condition by both the owner and occupants.

24.6.24. Fire Extinguishers. Every residential unit must be equipped with at least one portable Class ABC fire extinguisher installed in or near the kitchen. In multifamily dwellings, extinguishers must be provided on each floor in common areas and must be within 75 feet of any unit entrance. Extinguishers must be mounted in visible, easily accessible locations, and maintained according to the manufacturer's instructions.

24.6.25. Automatic Fire Sprinkler Systems. All buildings three stories or more, or containing four or more units, must have automatic sprinkler systems installed. Sprinkler systems must cover all habitable areas, corridors, and stairways, and be maintained in good working order, subject to annual inspections.

24.6.26. Accessibility. Buildings with four or more units must ensure that egress routes, stairways, and elevators meet accessibility standards for persons with disabilities, ensuring barrier-free access during an emergency.

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24.6.27. Fire Doors. All fire-rated doors must be equipped with automatic closers and must not be blocked or propped open under any circumstances.

24.6.28. Hazardous or Flammable Materials Storage. Flammable liquids and other hazardous materials must not be stored inside residential units. Any storage of hazardous materials must comply with fire safety regulations regarding quantity and container types and must be stored in separate storage rooms with fire-rated walls.

24.6.29. Carbon Monoxide Alarms. Carbon monoxide alarms must be installed on each floor of buildings with fuel-burning appliances or attached garages. Carbon monoxide alarms must be maintained in operable condition, with battery backup to ensure continuous operation.

24.6.30. Emergency Evacuation Plans. Multi-unit residential buildings with common egress exits must display emergency evacuation plans in common areas and provide copies to all residents.

24.7 Standard for Work. All construction work performed to comply with this Chapter must be completed in a workmanlike manner in accordance with industry standards.

24.8 Rental Housing Certification Program. This section regulates rental housing facilities and conditions to protect and promote the health, safety, and welfare of occupants.

24.8.1. Rental Certificate Required. Every person offering a dwelling unit for rent within the City must possess a valid Rental Certificate issued by the City. No person may rent, lease, operate, or allow occupancy of any dwelling unit without such a certificate. The Rental Certificate is issued by the Clerk once rental registration and inspection requirements are satisfied.

24.8.2. Rental Registration. All dwelling units offered for rent—both existing and new—must be registered annually with the Clerk using City-provided forms. The standard registration fee is $100 for the first unit, plus $50 for each additional unit. Units acquired and registered after June 30 of each year are charged at half the full fee. Registration is due by December 31 each year. A late fee of $15 per unit applies to any unit not renewed by January 31 of the following year.

24.8.3. Rental Inspection. An inspection is required for every dwelling unit at the time of initial registration. The inspection fee is $100 per inspection. Any violations identified must be corrected prior to rental occupancy, unless corrected under a compliance agreement. Subsequent inspections are required only to:

24.8.3.1 Verify compliance with the initial inspection,

24.8.3.2 Enforce a compliance agreement, or

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24.8.3.3 Investigate valid, substantiated complaints of property standard violations.

24.8.4. Certificate Issuance. Upon successful registration and initial inspection (or approved compliance agreement), the Clerk shall issue the Rental Certificate for the dwelling unit, authorizing lawful rental occupancy.

24.8.5. Access to Occupied Dwelling Units. Inspections of an occupied dwelling unit may occur only with lawful consent, proper tenant notice, a warrant, court order, emergency authority, abandonment or surrender of the premises, or other authority recognized by Iowa and federal law. Refusal of warrantless entry alone shall not constitute a violation of this Code; however, the City may seek an administrative warrant, court order, or other lawful authority to complete an inspection required by this chapter.

24.9 Vacant Building Registration. All qualifying vacant buildings must register with the Vacant Building Program.

24.9.1. All classes of buildings that have one or more of the following conditions are vacant for the purposes of the Vacant Building Program:

24.9.1.1 Any property unoccupied for ninety (90) days or more, including those subject to a mortgage which is in default or that has been foreclosed by and is owned by a mortgage lender; or

24.9.1.2 Any property unoccupied for ninety (90) days or more, unless the property has been seasonally vacated by the owner; or

24.9.1.3 Any property with any housing maintenance, fire, or building code violations which require the property to be unoccupied for safety purposes.

24.9.1.4 The registrant must provide contact information related to the building owner or property Mayor or Council's designee, disclose all lienholders on the property, provide a Vacant Building Plan indicating how the property will be reoccupied and kept in compliance with various codes, or demolished, and pay any fees required by chapter 10.

24.10 Administrative Enforcement. The Mayor or their designee shall be responsible for the enforcement of this Chapter. Whenever the Mayor or other authorized person finds that a violation exists, the officer shall, unless seeking alternative relief, cause to be served upon the property owner a proper notice to abate the condition within a reasonable time after notice. If the person notified to abate a nuisance or condition neglects or fails to abate as directed, the City may perform the required action

DRAFT

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. The Clerk shall certify costs of the abatement incurred by the City to the county auditor and it shall then be collected with, and in the same manner, as general property taxes. The following shall apply:

24.10.1. Notice to Abate. The notice to abate shall contain:

24.10.1.1 Description of Nuisance. A description of what constitutes the nuisance or other condition to be abated; and

24.10.1.2 Location of Nuisance. The location of the nuisance or condition; and

24.10.1.3 Acts Necessary to Abate. A statement of the act or acts necessary to abate the nuisance or condition; and

24.10.1.4 Reasonable Time. A reasonable time within which to complete the abatement; and

24.10.1.5 Right to Hearing. A statement that the notified party has a right to a hearing before the Mayor or their designee, or his or her designee, by filing a written request therefore with such officer within a reasonable time; and

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

24.10.2. Method of Service. The notice may be served upon a property owner by any of the following methods:

24.10.2.1 Personal Service. Personal service of the notice to the property owner by an employee or other contracted agent of the City; or

24.10.2.2 Certified mail to the property owner. By certified mail to the property owner of record and any persons in possession of the property. If a certified mailing has not been signed for by the property owner within ten (10) days of mailing, reasonable notice will be considered to have been given; or

24.10.2.3 Sign on Property. Posting a sign containing the notice in a conspicuous place on or near the property upon which action is pending. Such posted notice shall be of sufficient size and so placed upon the property that is easily visible from the street. It shall be unlawful for any person to remove, mutilate, destroy or change such posted notice; or

DRAFT

24.10.2.4 Publishing. Publication in a newspaper of general circulation in the City.

24.10.3. Request for Hearing. Any person ordered to abate a nuisance may have a hearing with the Mayor, or his or her designee, as to contest whether a condition exists. The following shall apply:

24.10.3.1 A request for a hearing must be made in writing and delivered to the Clerk, within the reasonable time stated in the notice, or it will be conclusively presumed that a nuisance exists and it must be abated as ordered.

24.10.3.2 The Mayor, or his or her designee, shall serve as the hearing officer and the Clerk shall serve as secretary for the hearing.

24.10.3.3 The hearing will be conducted according to the provisions of this Code.

24.10.3.4 The findings of the hearing officer shall be conclusive and, if a nuisance is found to exist, it shall be ordered abated within a reasonable time under the circumstances.

24.10.3.5 Any person requesting a hearing will have the right to appeal for further review and decision to the appropriate Iowa District Court within thirty (30) days of the final orders of the hearing officer.

24.11 Emergency Abatement. If it is determined that an emergency exists by reason of the continuing maintenance of the nuisance or condition, the City may perform any action which may be required under this

Chapter without prior notice. Following the action, the City shall provide a post-abatement notice and opportunity for a hearing.

24.12 Habitual Violators. If a person is found responsible for the maintenance or creation of two or more violations of the same class within a twelve (12) month period, the Mayor or other authorized person may declare the person to be a habitual violator, thereby allowing the City to abate further violations without notice and assess the abatement costs thereof to the owner of the private property involved. Once a person has been declared a habitual violator, this designation shall be in effect for three (3) years. Prior to determining any person as a habitual violator, the City shall provide the person reasonable notice and opportunity for a hearing to contest the designation.

24.13 Compliance Agreements. The Mayor or other authorized person may enter into a compliance agreement with any person owning property not in compliance with the standards of this chapter. The compliance agreement is a written, executed agreement with the property owner which sets terms for

DRAFT

the property owner to complete improvements necessary for the property to be in substantial compliance with the standards of this chapter. The voluntary compliance agreement shall provide reasonable terms for compliance and a description of necessary corrective action.

24.14 Alternative Relief. In lieu of the provisions for administrative enforcement, the Mayor or their designation may also seek alternative relief for violations of this Chapter. Such alternative relief may include, but is not limited to, issuing a simple misdemeanor, municipal infraction, or seeking injunctive relief in a court of law.

24.15 Simple Misdemeanor. Any person violating the provisions of this chapter may be guilty of a simple misdemeanor and, upon conviction, be subject to a fine of up to six-hundred twenty-five dollars ($625) and imprisonment not to exceed thirty days (30). Any certified police officer acting on behalf of the City may issue a citation for a simple misdemeanor offense.

24.16 Municipal Infraction. A violation of this chapter or the omission or failure to perform any act or duty required by the same, is a municipal infraction punishable by civil penalty not to exceed seven hundred and fifty dollars ($750.00) for the first offense and not to exceed one thousand dollars ($1,000.00) for each repeat offense. Each day that a violation occurs or is permitted to exist constitutes a repeat offense. Any officer authorized by the City to enforce the City Code may issue a civil citation to a person who commits a municipal infraction.

24.17 Injunctive Relief. If a person is in violation of this regulation, the Mayor or other authorized persons may seek injunctive relief or any other remedy available by civil action.

DRAFT

Chapter 25 Zoning Regulations.

Chapter Contents

Section	Topic	Section	Topic
25.1	Purpose	25.25	Zoning District Description and Purpose,
25.2	Further Intent	25.26	Use Classification System; Intensity of Use
25.3	Housing Intent	25.27	Development and Base-district Standards
25.4	Administrative Intent	25.28	Residential District Standards and Conditional Uses
25.5	Comprehensive Plan	25.29	Permitted Accessory Dwelling Units
25.6	Statutory Purpose	25.30	Home-Based Businesses and Similar Residential Uses
25.7	Applicability	25.31	Accessory Uses, Accessory Structures, Foundations, Encroachments, and Temporary Structures
25.8	Interpretation in Favor of Reasonable Use	25.32	Yard Encroachments
25.9	State Law Control	25.33	Bufferyards and Screening
25.10	Protected Residential Uses	25.34	Parking, Loading, and Vehicle Storage
25.11	Specific Over General	25.35	Fences and Hedges
25.12	Unlisted Uses	25.36	Overlay Districts
25.13	Definitions	25.37	Planned Unit Development
25.14	Administration	25.38	Site Plan Review
25.15	Objective Administration	25.39	Conditional Use Permits
25.16	Records and Written Findings	25.40	Variances
25.17	Public Hearing Notice Generally	25.41	Appeals to the Board
25.18	Optional Review Meetings	25.42	Authority to Amend
25.19	Fees	25.43	Nonconformities and Amortization
25.20	Zoning Permit Required	25.44	Temporary Moratorium on Uses and Approvals
25.21	Certificate of Zoning Compliance or Occupancy	25.45	Signs
25.22	Boundary Determinations	25.46	Enforcement

DRAFT

25.23	Official Map	25.47	Remedies
25.24	Boundary Interpretation	25.48	Separate violations

25.1 Purpose. The purpose of this chapter is to promote the productive, lawful, and beneficial use of real estate; protect private property rights; prevent public and private nuisance conditions; and reduce conflicts between adjacent uses of materially different intensity.

25.2 Further Intent. This chapter is intended to separate incompatible uses only to the extent reasonably necessary to protect health, safety, access, infrastructure, drainage, and surrounding property from nuisance effects such as noise, smoke, dust, odor, glare, vibration, congestion, unsafe loading, and similar off-site impacts.

25.3 Housing Intent. The City intends to allow a practical range of housing opportunities within one residential district while ensuring that increased residential intensity occurs only on sites with sufficient area, safe access, adequate parking and service arrangements, and adequate public services.

25.4 Administrative Intent. Permits, site-plan review, conditional-use review, and variance procedures shall be applied so as to provide clear standards, predictable administration, and written findings tied to facts in the record.

25.5 Comprehensive Plan. This chapter shall be interpreted and applied in a manner consistent with the Comprehensive Plan, while recognizing that the prevention of nuisances, the protection of surrounding land values, and the accommodation of reasonable beneficial use of land are primary zoning purposes.

25.6 Statutory Purpose. This chapter is adopted pursuant to Iowa Code chapter 414 and other applicable law.

25.7 Applicability. This chapter applies to all land, structures, uses, and development within the City and, where authorized by law, within the City's zoning jurisdiction.

25.8 Interpretation in Favor of Reasonable Use. Where the text of this chapter is silent or ambiguous, it shall be interpreted to allow a reasonable beneficial use of property unless a more restrictive reading is clearly necessary to prevent a nuisance, protect public health or safety, or comply with state or federal law.

DRAFT

25.9 State Law Control. If a provision of this chapter conflicts with state or federal law, the higher law controls, and this chapter shall be administered so as to conform to that law without requiring formal amendment before day-to-day administration.

25.10 Protected Residential Uses. Any housing type, residential activity, or home-based activity that Iowa law requires the City to treat as residential, permitted, or ministerial shall be administered accordingly notwithstanding a conflicting district table entry or supplemental standard.

25.11 Specific Over General. If a specific standard conflicts with a general standard, the more specific standard controls. Overlay standards control over base-district standards when expressly stated. PUD approvals control over otherwise applicable standards to the extent specifically approved.

25.12 Unlisted Uses. When a use is not expressly listed, the Administrator shall classify the use by written interpretation according to the most similar listed use and the actual intensity of use, giving due regard to site area, public-service demand, nuisance potential, infrastructure capacity, and effects on surrounding properties.

25.13 Definitions. The following words and phrases, when used in this chapter, shall have the meanings given below unless the context clearly indicates otherwise.

25.13.1. Accessory dwelling unit (ADU). An additional dwelling unit located on the same lot as a single-family residence and either attached to or detached from the principal residence.

25.13.2. Accessory Structure. A structure customarily incidental and subordinate to a principal building or principal use and located on the same lot.

25.13.3. Accessory Use. A use customarily incidental and subordinate to a principal use and located on the same lot.

25.13.4. Adjacent or Abutting. Sharing a common boundary or separated only by a public street, alley, easement, or similar right-of-way.

25.13.5. Administrator. The Zoning Administrator or other official designated by the Council to administer and enforce this chapter.

25.13.6. Agricultural Use. The on-site production of crops, livestock, or horticultural products, together with customary accessory buildings and incidental on-site sales permitted by this chapter.

25.13.7. Applicant. The owner of property or the owner's authorized agent filing an application under this chapter.

DRAFT

25.13.8. Board. The Board of Adjustment established pursuant to Iowa Code chapter 414 and this chapter.

25.13.9. Buffer Yard. A landscaped area intended to separate uses or districts of differing intensity and reduce visual, noise, light, loading, or operational impacts.

25.13.10. Building Coverage. The percentage of lot area covered by buildings or roofed structures, excluding minor eaves and similar projections allowed by this chapter.

25.13.11. City Services. Public street access, water supply, sanitary sewer capacity, stormwater management, police protection, fire protection, emergency medical service access, and other public facilities reasonably necessary to serve a development.

25.13.12. Commission. The Planning and Zoning Commission of the City.

25.13.13. Conditional Use Permit. A discretionary permit, functioning as a special exception under Iowa law, authorizing a use listed as conditional in a zoning district subject to conditions necessary to ensure compatibility.

25.13.14. Density. The number of dwelling units permitted on a site, tract, or lot, commonly expressed as units per acre or site area per unit.

25.13.15. Detached. Not structurally connected to the principal building.

25.13.16. Development. Any man-made change to land or structures, including construction, reconstruction, conversion, enlargement, site grading, paving, excavation, filling, or change in use.

25.13.17. District. A zoning district established by this chapter and shown on the Official Zoning Map.

25.13.18. Driveway. An improved access area serving a lot, building, or parking area.

25.13.19. Duplex. A building containing two dwelling units on one lot.

25.13.20. Dwelling Unit. One or more rooms arranged for occupancy by one household for living, sleeping, cooking, and sanitation.

25.13.21. Floor Area, Gross. The total enclosed floor area of all stories of a building measured to the inside face of the exterior walls, excluding unheated parking and similar service space unless otherwise stated.

25.13.22. Frontage. The width of a lot measured along the front lot line or along the public street from which principal access is taken.

DRAFT

25.13.23. Home-Based Business. A business for the manufacture, provision, or sale of lawful goods or services that is owned and operated by the owner or tenant of residential property on which the business operates.

25.13.24. Impervious Coverage. The percentage of lot area covered by buildings, paving, sidewalks, driveways, and other surfaces that materially reduce infiltration.

25.13.25. Intensity of Use. The actual or likely level of activity associated with a land use, as measured by site area available, dwelling-unit concentration, building floor area, parking and loading demand, traffic generation, public-service demand, hours of operation, outside storage, and nuisance potential.

25.13.26. Loading Berth. An off-street area used for the standing, loading, or unloading of service vehicles or trucks.

25.13.27. Lot. A parcel, tract, or legally described unit of land recognized by law for development or transfer.

25.13.28. Lot Area. The horizontal land area within lot lines, excluding public rights-of-way.

25.13.29. Lot of Record. A lot lawfully created and existing in the public record at the time an application is filed.

25.13.30. Mixed-Use Development. Development combining residential and nonresidential uses on the same lot, in the same structure, or in coordinated structures on one site.

25.13.31. Multifamily Dwelling. A building containing three or more dwelling units, excluding townhouse buildings with separately owned fee-simple lots.

25.13.32. Nonconforming Lot. A lot lawfully existing prior to the adoption or amendment of this chapter that does not conform to one or more current dimensional standards.

25.13.33. Nonconforming Structure. A structure lawfully existing prior to the adoption or amendment of this chapter that does not conform to one or more current structural or dimensional standards.

25.13.34. Nonconforming Use. A use of land or structure lawfully existing prior to the adoption or amendment of this chapter that does not conform to the uses now permitted in the district.

25.13.35. Open Storage. Outdoor storage of materials, products, equipment, containers, or vehicles not located within a fully enclosed building.

DRAFT

25.13.36. Overlay District. A mapped district superimposed over one or more base districts to impose additional or modified standards within the overlay area.

25.13.37. Parking Space. An off-street area designed and available for the parking of one motor vehicle, exclusive of aisles and driveways.

25.13.38. Permitted Use. A use allowed by right in a district, subject to compliance with all applicable standards of this chapter.

25.13.39. Principal Building or Principal Use. The main building or primary use of land on a lot, as distinguished from an accessory structure or accessory use.

25.13.40. Planned Unit Development (PUD). A development approved as a unified project under a master plan that may allow flexible land use, lot arrangement, and development standards in return for coordinated design and infrastructure.

25.13.41. Screening. A fence, wall, berm, hedge, landscaping, or similar measure intended to reduce visibility or nuisance effects from one property to another.

25.13.42. Service Area. An area used for loading, refuse collection, mechanical equipment, outdoor work, or similar support activities.

25.13.43. Setback. The minimum required horizontal distance between a lot line and a building or structure.

25.13.44. Site Plan. A plan, drawn to scale, showing the boundaries of a site and the location of proposed and existing buildings, parking, access, utilities, drainage, screening, landscaping, and other relevant features.

25.13.45. Story. That portion of a building between the upper surface of a floor and the upper surface of the floor or roof next above.

25.13.46. Street Side Yard. On a corner lot, the yard extending from the front yard to the rear yard between the street side lot line and the required setback line.

25.13.47. Townhouse. A building composed of at least two and not more than twelve attached dwelling units with common or abutting walls extending from foundation to roof.

25.13.48. Use. The conduct of an activity, or the performance of a function or operation, on land or within a building or structure.

DRAFT

25.13.49. Variance. Relief from the strict application of a zoning standard granted by the Board in accordance with Iowa law and this chapter.

25.13.50. Yard. An open area on a lot between a lot line and the nearest building line, required to be unobstructed except as otherwise specifically allowed by this chapter.

25.14 Administration.

25.14.1. Planning and Zoning Commission Established. There is hereby continued a Planning and Zoning Commission, hereinafter referred to as the Commission, to perform the functions assigned by Iowa Code chapter 414 and this chapter.

25.14.1.1 Commission Membership and Appointment. The Commission shall consist of five members. Members shall be residents of the City unless otherwise required by Iowa law when zoning jurisdiction is extended beyond the corporate limits. Members shall be appointed by the Council. In making appointments, the Council should give due regard to persons with knowledge of land use, agriculture, business, construction, public improvements, neighborhood concerns, or community planning. No person holding elective city office shall serve on the Commission unless otherwise permitted by law.

25.14.1.2 Commission Terms, Vacancies, and Expenses. Commission members shall serve staggered five-year terms unless the Council establishes a different lawful term structure. Vacancies shall be filled for the unexpired term. Members shall serve without compensation except for actual and necessary expenses approved by the Council.

25.14.1.3 Commission Organization and Meetings. The Commission shall elect a chairperson and such other officers as it deems necessary, shall hold meetings as needed to conduct its duties, and shall keep minutes and records of its proceedings as public records.

25.14.1.4 Commission Powers and Duties. The Commission shall prepare and recommend zoning districts and regulations when required by law; hold hearings and make recommendations on text amendments, map amendments, planned unit developments, and conditional use permits where required by this chapter; review site plans, variances, or other applications when this chapter assigns the Commission an advisory role; recommend comprehensive-plan amendments or related planning policies; and make such reports and recommendations to the Council or Board as this chapter or Iowa law may require.

DRAFT

25.14.2. Board of Adjustment Established. There is hereby continued a Board of Adjustment, hereinafter referred to as the Board, to exercise the powers conferred by Iowa Code chapter 414 and this chapter.

25.14.2.1 Board Membership and Appointment. The Board shall consist of five members. Members shall be appointed by the Council approval. A majority of the members shall represent the public at large and shall not be involved in the business of purchasing or selling real estate. Members shall be residents of the City unless otherwise required by Iowa law when zoning jurisdiction is extended beyond the corporate limits.

25.14.2.2 Board Terms, Vacancies, Removal, Organization, Meetings, and Voting. Board members shall serve staggered five-year terms as provided by Iowa law. Vacancies shall be filled for the unexpired term. Members may be removed for cause after written charges and public hearing. The Board shall elect a chairperson and such other officers as it deems necessary, and shall keep minutes and records of its proceedings as public records. Board meetings shall be open to the public. The chairperson, or acting chairperson, may administer oaths and compel attendance of witnesses. A five-member board shall not carry out its business without three members present. The concurring vote required by Iowa law shall be necessary to reverse an administrative decision, decide in favor of an applicant on any matter the Board is required to pass upon, or effect any variation from this chapter.

25.14.2.3 Board Powers and Duties. The Board shall hear and decide appeals from administrative decisions; hear and decide conditional use permits, special exceptions, or special use permits when assigned by this chapter; hear and decide variances; impose conditions and safeguards reasonably related to this chapter; and issue written findings and decisions.

25.14.2.4 Extended Zoning Jurisdiction. If the City extends zoning jurisdiction beyond its corporate limits, the membership of the Commission and Board shall be increased and appointed as required by Iowa law, and the additional members shall have the same rights, privileges, and duties as other members.

25.14.3. Zoning Administrator. The Administrator shall be appointed by the Council or designated by ordinance or resolution. The Administrator shall receive applications; issue zoning permits and certificates; maintain the Official Zoning Map and records of decisions; inspect property for compliance; classify unlisted uses; prepare or obtain staff reports; ensure approved site

DRAFT

plans, conditional use permits, variances, and amendments are faithfully executed; order correction of violations; and otherwise administer and enforce this chapter.

25.15 Objective Administration. The Administrator, Commission, Board, and Council shall confine review to factors reasonably related to land use, infrastructure, safety, nuisance prevention, compatibility, and the standards of this chapter, and shall not impose conditions unrelated to those purposes.

25.16 Records and Written Findings. The City shall keep records of permits, approvals, denials, site-plan decisions, conditional-use permits, variances, interpretations, enforcement actions, recommendations of the Commission, and decisions of the Board and Council. All discretionary decisions shall include written findings or an explanation of the grounds for the action taken.

25.17 Public Hearing Notice Generally. When a public hearing is required under this chapter, notice of the time, place, and nature of the hearing shall be published in the newspaper of record in accordance with Iowa Code section 362.3 or any successor provision. The published notice shall briefly describe the request, identify the subject property when a specific property is involved, and state where application materials may be examined. In addition to newspaper publication, the City shall mail letters to the owners of record of property located within 200 feet of the subject property using the most recent tax or assessor records reasonably available to the City.

25.18 Optional Review Meetings. Before a required public hearing on a variance, a conditional use permit or special use permit, or a planned unit development application, the Commission, the Board, and, in the case of a planned unit development, the Council, may hold one or more review meetings or work sessions to review submitted materials, receive staff reports, identify issues, and request revisions or additional information. No final action shall be taken at a review meeting, and a review meeting shall not substitute for the required public hearing.

25.19 Fees. Application fees, escrow deposits, and review fees may be established by separate resolution or ordinance. Failure to pay required fees shall render an application incomplete.

25.20 Zoning Permit Required. No person shall erect, enlarge, relocate, structurally alter, demolish, or convert a building or structure; pave or expand a driveway or parking area; substantially grade or excavate a site; or change the use of land or a structure without first obtaining any zoning permit required by the City, unless the work is expressly exempt.

DRAFT

25.20.1. Application. A zoning permit application shall be submitted on forms provided by the City and include plans, dimensions, setbacks, site-use information, and other material reasonably necessary to verify compliance.

25.20.2. Expiration. Unless a different period is stated in the approval, a zoning permit expires one year after issuance if the authorized work has not substantially commenced. The Administrator may grant one extension of up to six months for good cause shown.

25.20.3. After-the-Fact Permits. If work is commenced before a permit is obtained, the Administrator may process the application, but the fee may be increased up to three hundred percent of the ordinary fee.

25.21 Certificate of Zoning Compliance or Occupancy. No structure or land shall be occupied after new construction, material reconstruction, or change of use until a certificate of zoning compliance or occupancy has been issued verifying that the use and improvements conform to this chapter.

25.22 Boundary Determinations. When compliance depends on the location of property lines or easements, the Administrator may require a survey or other reliable evidence. Where adjacent owners disagree on a boundary, the City may require a survey at the applicant's expense before acting on the application.

25.23 Official Map. The zoning districts established by this chapter are shown on the Official Zoning Map maintained by the City. The map, as amended from time to time, is incorporated into this chapter by reference.

25.24 Boundary Interpretation. District boundaries shall be interpreted by reference to lot lines, centerlines of rights-of-way, section lines, or other mapped features. Where uncertainty remains, the Administrator shall make an initial written interpretation subject to appeal to the Board.

Table 1. Zoning District Summary

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District	Name	Intent
AR	Agriculture Reserve	Preserves productive agricultural land and other low-intensity interim uses within the City while preventing urban conflicts with more intensive activity.
R	Residential	Single residential district intended to allow the full range of neighborhood housing, while treating single-family detached dwellings and duplexes as routine forms and higher-density housing as conditional based on intensity of use and service capacity.
FMU	Flexible Mixed Use	Transition district recognizing historic and evolving areas where residential, civic, office, and commercial uses may coexist when their intensity is compatible with surrounding development.
TC	Town Center	Downtown and main-street district encouraging storefront development, civic life, upper-story housing, and compact mixed-use development.

District	Name	Intent
GCI	General Commercial and Industrial	Combined commercial and industrial district, including former highway-oriented commercial uses, intended for sales, service, travel-oriented activity, warehousing, and industrial activity where buffering and infrastructure are adequate.
Overlay	Overlay District	Mapped district superimposed over one or more base districts to apply additional standards tailored to gateways, corridors, transitions, hazards, historic areas, or other special local conditions.
PUD	Planned Unit Development	Master-planned district allowing flexible land use and development standards under unified control where the approved plan provides equal or better compatibility, infrastructure planning, and site design.

DRAFT

NOTE: The overlay district is supplemental to a base district. The PUD district is governed by an approved master plan and written development standards.

25.25 Zoning District Description and Purpose,

25.25.1. Agriculture Reserve (AR). The AR district is intended to preserve productive agricultural land, very low-intensity uses, and agricultural buildings and structures within the incorporated area of the City until such land is appropriately converted to urban use. Because intensive agricultural activity may conflict with urban development, higher-intensity agricultural operations are conditional.

25.25.2. Residential (R). The R district is intended to provide one residential district accommodating the full range of neighborhood housing opportunities. Single-family detached dwellings and duplexes are permitted by right. Residential forms of greater intensity are treated as

conditional uses and are evaluated primarily on site area, public-service demand, nuisance potential, infrastructure capacity, and effects on surrounding properties.

25.25.3. Flexible Mixed Use (FMU). The FMU district is intended to recognize transitional areas in which residential, civic, office, and commercial uses may coexist. The district is designed for flexibility while still requiring site design, buffering, and conditions where necessary to protect adjacent lower-intensity uses.

25.25.4. Town Center (TC). The TC district is intended to preserve and enhance the main-street and downtown environment. The district encourages storefront buildings, coordinated signage, pedestrian-oriented development, civic presence, and upper-story housing above nonresidential uses.

25.25.5. General Commercial and Industrial (GCI). The GCI district combines the former highway commercial pattern with general commercial and industrial activity. It is intended for travel-related commercial uses, regional retail, service uses, trade and contractor activity, warehousing, and industrial uses where streets, utilities, and buffers are adequate.

25.25.6. Overlay Districts and Planned Unit Development (PUD). Overlay districts and PUD approvals are supplemental to or in substitution for the base-district standards to the extent specifically provided in this chapter or the adopting ordinance.

25.26 Use Classification System; Intensity of Use.

25.26.1. Primary Role of Intensity of Use. Intensity of use shall be a primary factor in determining the proper use classification for a proposed activity, the district or districts in which the use may locate, and whether the use should be permitted by right or only as a conditional use.

25.26.2. Primary Intensity Factors. The Administrator, Commission, and Board shall give primary weight to the site area available for the proposed use, the anticipated demand on public services, the potential nuisance conditions likely to be created, the capacity of streets and utilities to serve the use, and the likely effect of the use on the value and enjoyment of surrounding properties.

25.26.3. Additional Factors. Additional relevant factors include the number of dwelling units or floor area proposed; parking and loading demand; traffic generation and turning movements; hours of operation; outside storage or service activity; and noise, glare, odor, smoke, dust, vibration, or similar off-site effects.

DRAFT

25.26.4. Classification of Mixed or Unlisted Uses. When a proposed use combines multiple functions or is not expressly listed, the Administrator shall classify the use according to its principal character and highest reasonably anticipated intensity. If reasonable doubt remains, the use should initially be classified with the less intensive comparable use unless objective facts show the higher-intensity classification is more accurate.

25.26.5. Agricultural Use Types. Agricultural use types include the on-site production of plant and animal products by agricultural methods, together with customary accessory buildings and incidental on-site sales permitted by this chapter.

25.26.5.1 Crop Production and Horticulture. The raising and harvesting of field crops, tree crops, flowers, shrubs, or similar horticultural specialties, including plant nurseries and greenhouses when not otherwise classified as a commercial sales use.

25.26.5.2 Animal Production. The raising of livestock, poultry, dairy animals, or similar animals where grazing or crop production on the site remains the principal character of the operation.

25.26.5.3 Intensive Agriculture. Animal feeding, confinement, or related agricultural operations of a scale or operational intensity that may create substantial odor, traffic, drainage, or compatibility concerns in urban or urbanizing areas.

25.26.6. Residential Use Types. Residential use types include uses providing wholly or primarily nontransient living accommodations.

25.26.6.1 Single-Family Detached Dwelling. One dwelling unit on one lot, occupied by one household, with no common walls with another dwelling unit.

25.26.6.2 Duplex. A building containing two dwelling units on one lot.

25.26.6.3 Townhouse. A building composed of attached dwelling units separated by vertical walls from foundation to roof, each unit having individual ground-level access.

25.26.6.4 Multifamily Dwelling. A building containing three or more dwelling units, including apartments and similar arrangements, but excluding townhouses on separate lots.

25.26.6.5 Upper-story Residential. Residential occupancy located above a ground-floor nonresidential use or above the first story of a mixed-use building. Residential use at the ground floor is allowed only when the residential occupancy does not occupy the principle nonresidential use of the building along the street frontage.

DRAFT

25.26.6.6 Group Residential or Congregate Living. A residential use housing multiple unrelated persons in a managed or shared arrangement for a week or longer, excluding uses expressly protected or regulated by state law as ordinary residential uses.

25.26.6.7 Retirement Residence or Assisted Living. A residential use designed primarily for older adults and persons needing limited supportive services, and which may include common dining, activity, or care areas.

25.26.7. Civic and Institutional Use Types. Civic use types include governmental, educational, cultural, medical, utility, recreational, religious, and other uses vested with social or public importance.

25.26.7.1 Administration and Public Safety. Governmental offices, police, fire, emergency medical, and similar public service uses.

25.26.7.2 Cemetery. Land used for burial, cremation, columbarium, or related memorial purposes.

25.26.7.3 Clubs and Assembly Halls. Private or nonprofit meeting, social, or recreational facilities primarily used by members, guests, or organized groups.

25.26.7.4 Cultural Services. Libraries, museums, galleries, and similar cultural or educational facilities.

25.26.7.5 Day Care, Limited. A small child-care or adult-care use of limited scale, including family child-care homes and similar uses of low operational intensity.

25.26.7.6 Day Care, General. A day-care center or similar care use of greater intensity, including larger child-care or adult-care facilities.

25.26.7.7 Guidance, Counseling, and Social Services. Counseling, rehabilitation, or similar services provided on an outpatient or daytime basis.

25.26.7.8 Health Care, Outpatient. Medical, dental, therapeutic, diagnostic, or similar outpatient treatment uses.

25.26.7.9 Hospital or Convalescent Services. Inpatient medical, surgical, nursing, rehabilitation, or convalescent facilities.

25.26.7.10 Park and Recreation Services. Publicly or privately operated parks, playgrounds, trails, open spaces, recreation centers, and similar facilities.

DRAFT

25.26.7.11 Primary and Secondary Educational Facilities. Public, private, or parochial schools and related educational facilities.

25.26.7.12 Religious Assembly. A permanent place of organized religious worship and incidental religious education.

25.26.7.13 Utilities and Public Service Facilities. Facilities for the production, transmission, or distribution of water, sewer, stormwater, electricity, gas, communications, or similar services.

25.26.8. Office Use Types. Office use types include professional, financial, administrative, and medical office uses generally having fewer external effects than commercial sales or industrial uses.

25.26.8.1 General Office, Financial, and Medical Office. Business, professional, administrative, banking, or outpatient medical office uses.

25.26.9. Commercial Use Types. Commercial use types include the sale, rental, service, and distribution of goods, and the provision of services other than those classified as civic, office, or industrial.

25.26.9.1 Agricultural Sales and Service. Feed, seed, fertilizer, nursery, farm implement, and similar sales or service uses serving agriculture.

25.26.9.2 Automobile and Vehicle Sales and Rental. The sale or rental of automobiles, pickup trucks, motorcycles, recreational vehicles, trailers, or boats.

25.26.9.3 Auto Service and Repair. Fueling, lubrication, washing, tire service, brake service, mechanical repair, and similar vehicle service uses excluding body repair unless separately approved.

25.26.9.4 Body Repair. Vehicle body, frame, refinishing, painting, or collision repair.

25.26.9.5 Business Support, Trade School, and Consumer Service. Printing, copying, equipment repair, photography, training, and similar support or consumer-service uses.

25.26.9.6 Convenience Storage. Mini-warehouse and similar self-storage uses.

25.26.9.7 Food Sales and Grocery. Retail sale of food, beverages, and household products for off-premises consumption.

25.26.9.8 General Retail, Personal Service, and Consumer Service. Retail stores, salons, studios, dry cleaning pick-up, and similar sales or service uses serving individual customers.

DRAFT

25.26.9.9 Liquor Sales. Retail sale of alcoholic beverages for off-premises consumption.

25.26.9.10 Restaurant or Café. Preparation and retail sale of food and beverages for on-premises or carryout consumption, excluding drive-in or fast-food service when separately classified.

25.26.9.11 Drive-in or Fast-food Restaurant. A restaurant characterized by automobile orientation, drive-through service, or high-turnover counter service.

25.26.9.12 Tavern or Lounge. A use primarily engaged in the sale of alcoholic beverages for on-premises consumption.

25.26.9.13 Bed and Breakfast. A lodging use in a dwelling or residential-scale building in which overnight accommodations are provided in a manner subordinate to the residential character of the structure.

25.26.9.14 Hotel or Motel. A building or group of buildings providing transient lodging accommodations to paying guests.

25.26.9.15 Commercial Recreation, Limited. Indoor or small-scale entertainment or recreation uses having limited site area, parking demand, or operational effects.

25.26.9.16 Commercial Recreation, General. Recreation or entertainment uses of greater intensity, larger site area, or larger building area than limited commercial recreation.

25.26.9.17 Funeral Services. Mortuaries, funeral homes, and similar funeral service uses.

25.26.9.18 Kennel, Veterinary, and Pet Services. Boarding, grooming, health-care, and similar service uses for animals.

25.26.9.19 Trade Services, Contractor Shops, and Equipment Rental. Operating bases, workshops, and service establishments for building trades and equipment rental, with or without limited screened storage.

25.26.9.20 Campground. A use providing temporary camping, cabin, or recreational vehicle accommodations.

25.26.9.21 Outside Sales or Surplus Sales. Businesses involving regular outdoor display or sale of merchandise.

DRAFT

25.26.10. Industrial, Transportation, and Miscellaneous Use Types. Industrial and related use types are classified according to their likely impact on surrounding property and the public infrastructure.

25.26.10.1 Custom Manufacturing. Small-scale on-site production of goods, often by hand or with light equipment, within an enclosed building.

25.26.10.2 Light Industry. Manufacturing, assembly, packaging, processing, or similar operations with no major external effects across property lines.

25.26.10.3 General Industry. Manufacturing, processing, assembly, distribution, or similar operations of moderate to high intensity, but less severe than heavy industry.

25.26.10.4 Heavy Industry. Industrial operations involving substantial noise, odor, smoke, vibration, hazardous materials, or other impacts likely to extend beyond property lines.

25.26.10.5 Warehousing, Distribution, and Open Storage. Storage, distribution, transfer, and handling of goods and materials, including outdoor storage areas.

25.26.10.6 Construction Yards. Establishments housing contractor equipment, vehicles, materials, and related service functions.

25.26.10.7 Recycling collection or processing. Facilities receiving, sorting, or processing recyclable materials.

25.26.10.8 Salvage Services and Long-term Vehicle Storage. Storage, dismantling, or processing of used or waste materials, or long-term storage of operating or inoperable vehicles.

25.26.10.9 Resource Extraction. The extraction of mineral products or natural resources, including quarries, pits, and similar uses.

25.26.10.10 Truck Terminal and Transportation Terminal. Facilities for the transfer, short-term storage, dispatch, loading, or unloading of freight or passengers.

25.26.10.11 Alternative Energy Production Facility, Utility-Scale. A facility principally used for the generation of energy from solar, wind, geothermal, or similar sources at a scale greater than accessory on-site use.

25.26.10.12 Broadcasting and Communication Towers. Structures used for radio, television, microwave, wireless, or similar transmission or communication functions.

DRAFT

25.26.10.13 Construction Batch Plant or Landfill. A temporary or permanent facility for the production of paving materials or for the disposal of solid waste, whether putrescible or nonputrescible.

25.26.11. Use Tables. Land uses shall be regulated by district as shown in the following tables. Any use not listed is prohibited unless classified by written interpretation of the Administrator or approved through a lawful amendment, overlay, or PUD.

25.26.11.1 Legend. P means permitted by right; C means conditional use permit required; A means accessory use only; and a dash means the use is not permitted in the district.

25.26.11.2 Site-Plan Review. Commercial, office, industrial, mixed-use, townhouse, multifamily, and other uses identified in this chapter remain subject to site-plan review even when permitted by right.

Table 2A. Land Use Regulations — Agricultural, Residential, and Civic Uses.

DRAFT

Use	AR	R	FMU	TC	GCI
Crop production and horticulture	P	-	-	-	-
Animal production	P	-	-	-	-
Intensive agriculture	C	-	-	-	-
Single-family detached dwelling	C	P	P	C	C
Duplex	C	P	P	C	C
Townhouse	-	C	P	C	C
Multifamily dwelling	-	C	P	C	C
Upper-story residential	-	-	P	P	C
Group residential / congregate living	-	C	C	C	C
Retirement residence / assisted living	-	C	C	C	C
Accessory dwelling unit	A	A	A	A	-
Parks, trails, playgrounds, and open space	P	P	P	P	P
Day care, limited	C	P	P	P	P
Day care, general	C	C	P	P	P
Schools and educational facilities	C	C	P	P	C
Religious assembly	C	C	P	P	C
Government administration and public safety	C	C	P	P	C
Community centers, libraries, museums, and cultural facilities	C	C	P	P	C
Health care, outpatient	C	C	P	P	P
Hospital / convalescent services	-	C	C	C	P
Cemetery	P	C	C	-	C
Utilities and public service facilities	C	C	C	C	C

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Notes 1: Uses that Iowa law requires the City to treat as residential or permitted in a residential district shall be administered as required by state law notwithstanding this table.

Table 2B. Land Use Regulations — Office and Commercial Uses.

Use	AR	R	FMU	TC	GCI
General office, financial service, and medical office	C	-	P	P	P
Agricultural sales and service	P	-	C	-	P
Business support services and trade schools	C	-	P	P	P
General retail, personal service, and consumer service	C	-	P	P	P
Food sales and grocery	C	-	P	P	P
Restaurant or café	C	-	P	P	P
Drive-in / fast-food restaurant	-	-	C	C	P
Tavern or lounge	-	-	C	C	C
Liquor sales (off-premises)	-	-	C	C	P
Bed and breakfast	C	C	C	C	-
Hotel or motel	-	-	C	C	P
Commercial recreation, limited	C	-	C	C	P
Commercial recreation, general	-	-	C	C	P
Automobile / vehicle sales and rental	-	-	C	-	P
Auto service and repair	-	-	C	-	P
Body repair	-	-	-	-	C
Trade services, contractor shops, and equipment rental	C	-	C	-	P
Convenience storage / mini-warehouse	C	-	C	-	P
Funeral services	C	-	P	P	P
Kennel / veterinary / pet services	C	-	C	-	P
Campground	C	-	-	-	C
Outside sales / surplus sales	C	-	C	-	P
Freestanding parking lot or parking structure	-	-	P	P	P

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Note 1: Commercial, office, and mixed-use projects remain subject to site-plan review. **Note 2:** Any use with substantial outdoor storage, late-night operation, loading intensity, or nuisance potential may be subject to buffering, screening, or conditional-use conditions. **Table 2C. Land Use Regulations — Industrial, Transportation, and Miscellaneous Uses.**

Use	AR	R	FMU	TC	GCI
Custom manufacturing	C	-	C	C	P
Light industry	-	-	C	-	P
General industry	-	-	-	-	C
Heavy industry	-	-	-	-	C
Warehousing / distribution / open storage	C	-	C	-	P
Construction yards	C	-	-	-	C
Recycling collection / processing	C	-	-	-	C
Salvage services / long-term vehicle storage	-	-	-	-	C
Resource extraction	C	-	-	-	C
Truck terminal / transportation terminal	C	-	C	-	C
Alternative energy production facility, utility-scale	C	-	-	-	C
Broadcasting / communication towers	C	-	C	-	C
Construction batch plant / landfill	-	-	-	-	C

Notes 1: In the GCI district, more intense industrial uses shall be located, designed, and buffered so as to avoid nuisance conditions on adjoining lower-intensity property.

25.27 Development and Base-district Standards. Minimum lot, yard, height, and coverage standards for the base districts are set out in Tables 3A and 3B. Supplemental standards elsewhere in this chapter control over a general district standard when applicable. Development standards in an approved PUD or an adopted overlay district may vary from Tables 3A and 3B to the extent specifically authorized in the applicable approval or adopting ordinance.

Table 3A. Minimum Lot and Yard Standards.

Dist.	Min lot area	Min width	Front	Side	Street side	Rear
AR	40,000 sf for new nonfarm residential lots	100 ft	30 ft	15 ft	30 ft	30 ft
R	6,000 sf single-family; 8,000 sf duplex	50 ft single-family; 70 ft duplex	20 ft	5 ft each / 10 ft total	15 ft	20 ft
FMU	None	None	0-10 ft build-to zone	0 ft	10 ft	10 ft

DRAFT

Dist.	Min lot area	Min width	Front	Side	Street side	Rear
TC	None	None	0 ft	0 ft	0 ft	10 ft
GCI	10,000 sf where a new principal structure is proposed	80 ft	25 ft	0 ft	25 ft	20 t

Table 3B. Height, Coverage, and District Notes.

Dist.	Max height	Max lot coverage	Notes
AR	40 ft	30%	Livestock shelters and permanent animal housing shall be at least 320 feet from all property lines. Agricultural buildings related to bona fide farming need not meet urban lot-area standards.
R	35 ft	40%	Higher-density residential uses are allowed only as conditional uses under Table 4 and §25.10. Detached houses and duplexes remain the routine neighborhood forms.
FMU	45 ft	80%	Where abutting R or AR, side or rear setbacks shall be increased as necessary by this chapter and buffering shall be provided.
TC	45 ft or 3 stories	90%	Upper-story residential uses are encouraged. Ground-floor residential use is limited along principal main-street frontage as provided in this chapter.
GCI	50 ft	70%	Former highway-oriented commercial uses are included in this district. Greater setbacks, screening, and buffers may be required when adjacent to R, FMU, or TC.

DRAFT

25.28 Residential District Standards and Conditional Uses. The Residential district is intended to allow all common residential forms in one district while keeping detached houses and duplexes as the ordinary neighborhood pattern and requiring conditional review for more intense residential development.

25.28.1. Primary Factors. In evaluating any higher-density residential conditional use in the R district, the Board shall treat the following as primary factors: the site area available for the proposed development; the expected demand on public services; the nuisance conditions likely to be created by the proposal; the capacity of surrounding infrastructure to serve the proposal; and the likely effect of the proposal on the use and value of surrounding properties.

25.28.2. City Services and Infrastructure. Townhouses, multifamily dwellings, group residential uses, and retirement or assisted living uses shall not be approved in the R district unless the applicant demonstrates adequate public street access, water service, sanitary sewer capacity, stormwater management, and emergency access.

25.28.3. Parking and Loading Arrangement. Parking areas, refuse areas, loading spaces, delivery areas, and mechanical equipment serving a higher-density residential use shall be placed to the side or rear of principal buildings where practical and shall be screened from detached and duplex lots.

25.28.4. Building Orientation. Principal entries should face a street, courtyard, or common open space. Long blank walls, exposed service areas, and uninterrupted parking fields along residential street frontage shall be avoided or mitigated.

25.28.5. Conditions. The Board may impose conditions addressing driveway placement, sidewalks, pedestrian circulation, building orientation, open space, drainage, landscaping, buffering, lighting, refuse handling, hours of operation for accessory facilities, and similar matters directly related to compatibility and nuisance prevention.

Table 4. Conditional Residential Intensity Standards in the Residential District.

DRAFT

Use	Min tract	Min site area / unit	Max units / bldg.	Open space	Parking	Key additional standards
Townhouse	8,000 sf	2,400 sf per unit	8 units	10% of site	2 spaces per unit	Public water and sanitary sewer required; parking and service areas shall be to the side or rear where practical and screened from detached and duplex lots.
Multifamily dwelling	12,000 sf	3,000 sf per unit	16 units	15% of site	See Table 6	Principal access shall be from an improved public street; safe pedestrian circulation, refuse storage, and loading/service screening required.
Group residential / congregate living	12,000 sf	Equivalent to multifamily unless reduced demand is shown	As approved	10% of site	See Table 6	Applicant shall demonstrate management capability, emergency access, and compliance with applicable state licensing laws.
Retirement residence / assisted living	20,000 sf	2,500 sf per dwelling or bed unit	As approved	15% of site	See Table 6	Applicant shall demonstrate adequacy of emergency access, water supply, sanitary sewer, off-street loading, and compatibility with surrounding property.

DRAFT

25.29 Permitted Accessory Dwelling Units. One accessory dwelling unit is permitted as an accessory use on a lot containing a principal single-family residence, subject to compliance with this section and applicable state law.

25.29.1. Standards of State Law. An accessory dwelling unit shall comply with all applicable building regulations and shall not exceed 1,000 square feet or fifty percent of the size of the principal single-family residence, whichever is larger.

25.29.2. Attached or Detached. An accessory dwelling unit may be attached to the principal dwelling or detached. A detached unit may be located within an accessory structure, including a detached garage.

25.29.3. Manufactured ADU. A manufactured home may be used as an accessory dwelling unit, provided the structure complies with all other accessory dwelling regulations. Mobile homes may not be used for an accessory dwelling unit.

25.29.4. Limitations the City Shall Not Impose. Except as expressly authorized by state law, the City shall not impose on an accessory dwelling unit a more restrictive placement, appearance, setback, frontage, lot-coverage, density, architectural, parking, owner-occupancy, occupancy-relationship, utility-line, impact-fee, or street-improvement requirement than is allowed under current Iowa law.

25.29.5. Ministerial Review. Accessory dwelling unit applications shall be reviewed administratively, without discretionary hearing, and on the same general timeline as an application for a single-family residence. Any denial shall be in writing and shall identify the remedy necessary to secure approval.

25.30 Home-Based Businesses and Similar Residential Uses. The following regulations shall govern home-based businesses.

25.30.1. No-Impact Home-Based Businesses. No-impact home-based businesses are permitted as required by Iowa law and shall not require a conditional use permit, special exception, variance, or similar discretionary approval.

25.30.2. Other Home-Based Businesses. Other home-based businesses are permitted as accessory uses to a dwelling so long as they remain secondary to the residential use of the property and comply with narrowly tailored regulations addressing fire safety, traffic control, parking, waste handling, and neighborhood compatibility.

25.30.3. Nuisance Controls. A home-based business shall not create smoke, glare, dust, odors, vibration, or noise discernible at the property line beyond what is normal for residential use, and shall not generate sustained traffic or parking demand incompatible with the neighborhood.

25.30.4. Employees and Customer Visits. The City may regulate customer visits, parking arrangements, or the number of nonresident employees only to the extent reasonably necessary to avoid congestion, parking overflow, or other nuisance effects.

25.30.5. Short-term Residential Rentals. Short-term rental activity within a dwelling shall be treated as a residential use and shall not be classified as a hotel, motel, or bed-and-breakfast when state law requires otherwise. This subsection does not prevent enforcement of generally applicable health, safety, building, sanitation, noise, property-maintenance, or nuisance regulations.

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25.31 Accessory Uses, Accessory Structures, Foundations, Encroachments, and Temporary Structures.

25.31.1. Accessory Structures Generally. Accessory structures are permitted only on a lot containing a lawful principal use unless specifically authorized as a temporary construction or storage structure.

25.31.2. Location of Accessory Structures. An accessory structure shall not be located in a required front yard and shall meet a minimum side and rear setback of five feet, except that a seven-foot setback from an alley is required. On a corner lot, an accessory structure shall also satisfy the required street-side setback for the district.

25.31.3. Rear-yard Occupancy. Accessory structures shall not occupy more than thirty percent of the required rear yard.

25.31.4. Permitted Accessory Uses. Customary accessory uses include private garages and parking areas; greenhouses, gazebos, pools, and similar residential amenities; offices incidental to a permitted civic, office, commercial, industrial, or agricultural use; and, in the AR district, roadside stands not exceeding 400 square feet for sale of products grown on the premises.

25.31.5. Foundations. Structures intended for human habitation shall be placed on a permanent foundation as required by the building code. Accessory structures exceeding 200 square feet shall be adequately anchored or founded. Nothing in this subsection shall be interpreted to impose manufactured-housing standards prohibited by state law.

25.31.6. Temporary Tents and Storage Containers. Private tents may be erected for not more than seven days without a permit. Portable storage containers may remain for not more than fourteen days without a permit. The Administrator may approve a longer period not exceeding thirty days for good cause.

25.31.7. Height Exceptions. Flagpoles, chimneys, cooling towers, elevator bulkheads, ornamental towers, storage towers, silos, and other customary appurtenances may exceed district height limits when required for a permitted use and not in conflict with airport or other applicable height restrictions.

25.32 Yard Encroachments. Eaves, cornices, open steps, uncovered terraces at or near grade, fire escapes, chimneys, signs, awnings, canopies, porches, and similar minor features may encroach into required yards to the limited extent customarily allowed by sound building practice, provided sight-distance and safety requirements are maintained and no encroachment creates a nuisance or hazard.

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25.33 Bufferyards and Screening.

25.33.1. When Required. When a more intensive use or district adjoins a less intensive district or actual lower-intensity use, the more intensive use shall provide the buffer yard and screening required by

Table 5.

25.33.2. Responsibility. The owner of the more intensive use, and not the neighboring owner, bears responsibility for installing and maintaining required buffer yards and screening.

25.33.3. Additional Screening. The Administrator or Board may require additional screening through site-plan review or a conditional-use permit when necessary to prevent nuisance impacts associated with loading, parking, lighting, outdoor storage, noise, or similar activity.

25.33.4. Screening of Service Areas. Dumpsters, loading docks, outdoor storage, exposed mechanical equipment, and major service areas shall be screened from adjoining lower-intensity property and, where practical, from public streets.

Table 5. Bufferyard and Screening Provisions

More intensive use	Adjacent lower-intensity use	Min width	Screening	Planting standard	Notes
Townhouse or multifamily in R	Detached or duplex use in R	10 ft	Landscape screen; 6-ft fence where parking, service, or loading is visible	1 canopy tree / 50 ft and 4 shrubs / 50 ft	Parking and service features shall be kept out of required front yards where practical.
Nonresidential use in FMU or TC	Residential or AR district, or detached/duplex use	10 ft	Landscape screen; 6-ft fence or wall where parking, loading, or dumpsters are adjacent	1 canopy tree / 50 ft and 4 shrubs / 50 ft	Greater width may be required by site-plan or conditional-use approval when operating hours, lighting, or loading intensity warrants.

DRAFT

More intensive use	Adjacent lower-intensity use	Min width	Screening	Planting standard	Notes
Commercial use in GCI	Residential, AR, FMU, or TC district	15 ft	Opaque 6-ft fence or wall where loading, parking, or service areas face the lower-intensity use	1 canopy tree / 40 ft and 6 shrubs / 40 ft	Outdoor storage shall not be visible from adjoining lower-intensity property unless specifically screened.
Industrial use, outdoor storage, or contractor yard in GCI	Residential, AR, FMU, or TC district	20 ft	Opaque 8-ft fence or wall plus year-round landscaping	1 canopy tree / 30 ft and 8 shrubs / 30 ft	Truck circulation shall be directed away from residential streets where feasible.

25.34 Parking, Loading, and Vehicle Storage.

25.34.1. General Design. All off-street parking areas, drive aisles, and loading spaces shall be arranged for safe ingress and egress and, except as expressly allowed below, shall be surfaced with concrete, asphalt, pavers, or another durable all-weather material approved by the Administrator.

25.34.2. Town Center Exception. In the Town Center district, off-street parking is not required for uses that can reasonably rely on on-street or public parking, except that drive-through uses, new stand-alone surface lots, and uses with unusual parking demand may be required to provide parking or shared parking.

25.34.3. Shared and Off-site Parking. Shared parking, off-site parking, and parking reductions may be approved upon written evidence that the arrangement is reasonably located, legally available, and sufficient for the use served.

25.34.4. Loading and Circulation. Parking and loading areas shall not be designed so that trucks or service vehicles must routinely back across public sidewalks or local residential streets where a practical alternative exists.

25.34.5. Inoperable Vehicles and Parts. Inoperable vehicles, dismantled vehicles, and loose parts or scrap materials shall not be stored outdoors except as part of a lawfully approved use specifically allowing such activity.

25.34.6. Oversized Vehicles and Heavy Equipment. Within the Residential district, oversized commercial vehicles, heavy equipment, and similar equipment may be parked or stored outdoors only if stored in an enclosed building.

DRAFT

25.34.7. Recreational Vehicles and Boats. Recreational vehicles and boats may be stored in a side or rear yard or on another lawful paved or graveled surface. They shall not be used for permanent habitation and utility connections shall not disturb the public right-of-way.

Table 6. Minimum Parking and Loading Standards

Use	Minimum parking	Loading	Notes
Single-family dwelling	2 spaces per dwelling unit	None	Garage and driveway spaces may count.
Duplex	2 spaces per dwelling unit	None	Shared driveways may be approved if safe and practical.
Accessory dwelling unit	No additional off-street parking required	None	Additional parking may be provided voluntarily but shall not be required as a condition of approval.
Townhouse	2 spaces per dwelling unit	None or 1 berth for 8 or more units	Guest spaces may be required where on-street parking is limited.
Multifamily or upper-story residential	1.5 spaces per studio or 1-bedroom unit; 2 spaces per 2+ bedroom unit; plus 1 guest space per 4 units	1 berth for 12 or more units	In TC, public parking and shared parking may be credited where reasonably available.
Retirement residence / assisted living / group residential	1 space per 2 dwelling units or beds, plus 1 per employee on the largest shift, unless a lower parking demand is demonstrated	As determined with site plan or conditional use review	Emergency access and service loading shall be demonstrated.
Office / medical / financial	1 space per 300 sf of gross floor area	1 berth for over 10,000 sf	Shared parking may be approved where demand periods differ.
Retail / personal service / food sales	1 space per 300 sf of gross floor area	1 berth for over 8,000 sf	Town Center uses are generally exempt unless a drive-through or unusual demand is proposed.
Restaurant / tavern	1 space per 150 sf of customer floor area or 1 per 4 seats, whichever is greater	1 berth for over 5,000 sf	Outdoor seating counts toward customer floor area.
Lodging	1 space per guest room plus 1 per 3 employees on the largest shift	1 berth for hotels with 20 or more rooms	

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Use	Minimum parking	Loading	Notes
Industrial / warehouse / contractor yard	1 space per 1,000 sf plus spaces for employees on the largest shift	1 berth for 10,000-40,000 sf; 2 berths for 40,001-100,000 sf; plus 1 for each additional 100,000 sf	Truck circulation shall not conflict with nearby residential streets where reasonable alternatives exist.
Assembly / educational / religious / civic uses	As determined by the Administrator based on seats, floor area, employees, or the most similar listed use	As determined with site plan review	Parking may be shared or reduced where staggered demand is demonstrated.

25.35 Fences and Hedges. The following regulations shall govern fences and hedges.

25.35.1. Corner Visibility. No fence, wall, hedge, or planting shall obstruct the visibility triangle formed by measuring twenty-five feet from the intersection of two streets, or fifteen feet from the intersection of a street and an alley, and drawing a line between those points. Within the triangle, no opaque obstruction shall exceed thirty inches in height above the nearest curb or grade, except tree canopies trimmed to at least five feet above grade.

25.35.2. Height Outside Corner Visibility Areas. Elsewhere on a lot, fence and hedge height shall not exceed forty-two inches in a required front yard, forty-eight inches in a side yard between the front lot line and the front wall of the principal building, and seventy-two inches in a rear yard or behind the front wall of the principal building.

25.35.3. Materials. Fences in a required front or street-side yard within a residential district shall be of wood, ornamental metal, vinyl-coated chain link, masonry, stone, or comparable finished material. Sheet metal fencing is prohibited. Barbed wire and electrified fencing are prohibited except lawful agricultural fencing on large AR-zoned tracts by approval of the Administrator.

25.35.4. Condition. All fences shall be maintained in a neat, presentable, and structurally sound condition.

25.35.5. Additional Fence or Hedge Height Through Special Use Permit. The Board may authorize fencing or hedges in excess of the height limits in this section by Special Use Permit.

25.36 Overlay Districts.

25.36.1. Purpose. The Council may establish one or more overlay districts by map amendment in order to apply additional standards within a defined area that includes one or more base districts.

DRAFT

25.36.2. Potential Subjects. An overlay district may address gateway corridors, neighborhood edges, historic character, flood or drainage constraints, access management, institutional campuses, highway corridors, or other local circumstances warranting heightened standards.

25.36.3. Permissible Standards. Overlay standards may include additional requirements for building placement, access, buffering, signs, landscaping, lighting, parking placement, stormwater management, design character, or uses, so long as the overlay is consistent with state law.

25.36.4. Relationship to Base Districts. Where the standards of an overlay district conflict with the standards of the underlying base district, the more specific standard controls unless the overlay ordinance expressly provides otherwise.

25.36.5. Scope. An overlay district may apply to a single district, multiple districts, an individual corridor, or a defined neighborhood area.

25.36.6. Initiation of Process. The Commission, Council, or a petition of at least 25% of the property owners in proposed Overlay District may initiate the process to deliberate on a proposed Overlay District.

25.37 Planned Unit Development.

25.37.1. Purpose. A Planned Unit Development may be approved as a zoning-map amendment for land intended to be developed under unified control according to an approved master plan.

25.37.2. Flexibility. A PUD may vary use classifications, lot sizes, setbacks, densities, block patterns, open-space layout, and similar standards where the approved plan provides equal or better results with respect to compatibility, buffering, open space, access, infrastructure, and stormwater management.

25.37.3. Application. A PUD application shall include a master plan, written development standards, phasing plan, utility and drainage information, common open-space provisions, ownership and maintenance documents, and such other material as the Commission or Council reasonably requires.

25.37.4. Optional Review Meetings. Before the required public hearing on a PUD application, the Commission may hold one or more review meetings and the Council may also hold one or more review meetings to review submitted materials, receive staff reports, identify issues, and request revisions or additional information. No final action shall be taken at a review meeting.

DRAFT

25.37.5. Commission Review and Hearing. The Commission shall review a complete PUD application, may request revisions or additional materials, and shall hold a public hearing after notice. The Commission shall forward a recommendation and written findings to the Council.

25.37.6. Council Hearing and Decision. After receiving the Commission's recommendation, the Council shall hold a public hearing after notice and may approve, approve with conditions, or deny the PUD. In acting on the application, the Council shall consider the master plan, the proposed development standards, compatibility with surrounding property, infrastructure capacity, and the degree to which the PUD will avoid nuisance conditions while allowing productive use of real estate.

25.37.7. Conditions and Agreements. The Council may require development agreements, performance guarantees, maintenance obligations, phasing schedules, common-area provisions, or other conditions and safeguards as part of a PUD approval.

25.38 Site Plan Review.

25.38.1. Purpose. The Site Plan Review procedure provides for review and evaluation of site-development features for permitted uses and mitigation of unfavorable effects on surrounding property.

25.38.2. Uses Requiring Site-Plan Review. Site-plan review is required for townhouse or multifamily developments containing three or more dwelling units; mixed-use developments; civic or institutional facilities other than ordinary parks and open space; and commercial, office, or industrial uses. Any development requiring a conditional-use permit shall satisfy site-plan requirements as part of the conditional-use process.

25.38.3. Application. A completed site plan shall be filed with the Administrator together with the required fee. The application may be filed by the owner or the owner's authorized agent.

25.38.4. Application Contents. The application shall identify the applicant and owner, describe the proposed use and operating characteristics, and include a scaled site plan showing boundaries, easements, setbacks, existing and proposed buildings, access points, parking and loading, pedestrian circulation, landscaping, lighting, utilities, drainage, service areas, and any other information reasonably required for review.

25.38.5. Review Authority. The Board shall review the site plan and may approve the site plan, approve it with conditions necessary to meet the objective standards of this chapter, or deny the site plan. Any denial or condition of approval may be appealed to the Board. If a site plan is

DRAFT

consolidated with a conditional-use permit, the Board shall act on the site plan as part of that process.

25.38.6. Primary Review Factors. In reviewing a site plan, primary consideration shall be given to the site area available; the demand the development will place on public services; the nuisance conditions likely to be created or prevented by the site design; the capacity of streets, utilities, drainage, and emergency access to serve the development; and the likely effect of the project on the use and value of surrounding properties.

25.38.7. Additional Review Criteria. Additional review criteria include building placement and massing; compatibility of height and bulk; lot coverage; street frontage and visibility; parking and internal circulation; emergency access; preservation of drainageways and sensitive site features; landscaping and buffering; outside storage; operating hours; stormwater management; lighting; and consistency with the Comprehensive Plan.

25.38.8. Conditions and Modifications. The Board may require modifications to a site plan, including additional landscaping or screening, erosion-control measures, changes in access or circulation, relocation of structures, or similar modifications reasonably necessary to protect public health, safety, welfare, community character, surrounding land values, and nuisance prevention.

25.38.9. Expiration. A site-plan approval becomes void one year after approval unless a zoning permit has been issued and substantial work has commenced. One extension of up to six months may be granted for good cause.

25.38.10. Minor Amendments and Revocation. The Administrator may approve a minor modification to an approved site plan if the modification does not materially affect the basis for approval. A site-plan approval may be revoked after notice and an opportunity to be heard if the development materially departs from the approved plan or from conditions of approval.

25.39 Conditional Use Permits.

25.39.1. Purpose. A Conditional Use Permit, sometimes referred to as a special use permit or special exception, allows the Board to authorize a use that may be compatible with the general plan and zoning district, but which is not routinely allowed by right because its development or operational characteristics may adversely affect surrounding property if not specifically reviewed and conditioned.

25.39.2. Application. An application for a Conditional Use Permit shall be filed with the Administrator, accompanied by the required fee, and shall include the information required for site-

DRAFT

plan review together with any additional operational information reasonably required, including hours of operation, anticipated traffic, service and loading arrangements, licensing, utilities, and nuisance-mitigation measures.

25.39.3. Optional Review Meetings. Before the required public hearing on a Conditional Use Permit application, the Commission may hold one or more review meetings and the Board may also hold one or more review meetings to review submitted materials, receive staff reports, identify issues, and request revisions or additional information. No final action shall be taken at a review meeting.

25.39.4. Commission Review and Hearing. The Commission shall review a complete application, may request revisions or additional materials, and shall hold a public hearing after proper notice. The Commission shall forward a recommendation and written findings to the Board.

25.39.5. Board Hearing and Decision. The Board shall hold a public hearing after proper notice. The Board may approve, approve with conditions, or deny the application and shall issue written findings supporting its decision.

25.39.6. Primary Conditional-Use Factors. In deciding a conditional use, the Board shall treat the following as primary factors: the site area available for the proposed use; the expected demand on public services; the nuisance conditions likely to be created by the use; the capacity of streets, utilities, drainage, and emergency services to serve the use; and the likely effect of the use on the value and enjoyment of surrounding property.

25.39.7. Additional Conditional-Use Factors. The Board shall also consider consistency with the Comprehensive Plan; adequacy of streets, access, utilities, and drainage; bulk, density, and intensity of use; building and site design; traffic effects; lighting; operating hours; outside storage; environmental or historic impacts; public health and safety; and the extent to which reasonable conditions can prevent nuisance impacts or material injury to neighboring property.

25.39.8. Conditions. Conditions may address any findings of the Board necessary to fulfill the goals of this Chapter, including but not limited to buffering, screening, lighting, parking, loading, traffic circulation, access points, landscaping, building placement, hours of operation, outdoor activity, sound attenuation, drainage, or similar matters directly related to the proposed use.

25.39.8.1 Nature of Permit. A Conditional Use Permit runs with the land unless the Board expressly states that it is personal to the applicant.

DRAFT

25.39.8.2 Compliance and Revocation. A Conditional Use Permit may be revoked after notice and hearing for material noncompliance, misrepresentation, or because the approved use has been discontinued for twelve consecutive months.

25.39.8.3 Consolidation with Site-Plan Review. Where an application requires both site-plan review and a Conditional Use Permit, the two reviews shall be consolidated and decided in one Board action.

25.40 Variances.

25.40.1. Authority. The Board may hear and decide variances and appeals in accordance with Iowa Code section 414.12 and this section.

25.40.2. Use Variances. The Board may authorize a variance from a use restriction only where, because of special conditions unique to the property, literal enforcement of the ordinance would result in unnecessary hardship, the hardship is not self-created, the requested relief is the minimum necessary to permit a reasonable beneficial use of the property, and the variance will not be contrary to the public interest.

25.40.3. Area, Dimensional, and Numerical Variances. The Board may authorize a variance from lot size, setbacks, yard widths, height, bulk, sidewalks, fencing, signage, parking, loading, and similar area, dimensional, or numerical requirements where the applicant proves practical difficulties unique to the property, not self-created, in making a beneficial use allowed by the zoning ordinance, and further proves that the variance will not significantly alter the essential character of the surrounding neighborhood.

25.40.4. Minimum Necessary Relief. A variance shall not be granted merely to relieve personal inconvenience, to avoid ordinary development expense, to authorize a use more properly addressed by rezoning, or to create a special privilege inconsistent with similarly situated property. Any approved variance shall be the minimum relief reasonably necessary.

25.40.5. Application. A variance application shall be filed with the Administrator together with the required fee and such plans, narratives, or supporting materials as are reasonably necessary to evaluate the request.

25.40.6. Optional Review Meetings. Before the required public hearing on a variance application, the Commission may hold one or more review meetings and the Board may also hold one or more review meetings to review submitted materials, receive staff reports, identify issues, and request revisions or additional information. No final action shall be taken at a review meeting.

DRAFT

25.40.7. Commission Review and Hearing. The Commission shall review the application and shall hold a public hearing after notice under Sections 25.4.14 through 25.4.16. The Commission shall forward a recommendation and written findings to the Board.

25.40.8. Board Hearing and Decision. The Board shall hold a public hearing after proper notice. The Board shall approve, approve with conditions, or deny the application and shall issue written findings addressing the applicable variance standard.

25.40.9. Conditions. The Board may impose conditions reasonably necessary to minimize adverse effects and preserve the intent of this chapter.

25.41 Appeals to the Board.

25.41.1. Appeals from Administrative Decisions. The Board shall hear appeals from any person aggrieved by a decision, interpretation, order, or determination made by the Administrator in the enforcement of this chapter.

25.41.2. Time for Appeal. An appeal shall be filed in writing within thirty days after the challenged decision is served or otherwise made known to the appellant, unless a different time is required by law.

25.41.3. Contents. The appeal shall state the decision appealed from, the grounds for the appeal, and the relief requested, and shall be accompanied by any required fee.

25.41.4. Record on Appeal. The Administrator or other officer from whom the appeal is taken shall promptly transmit to the Board the papers and materials constituting the record of the action appealed from.

25.41.5. Hearing and Decision. The Board shall hold a hearing after notice to the appropriate parties, and shall affirm, reverse, or modify the decision appealed from. The Board shall issue a written decision stating the basis for its action.

25.41.6. Tolling. An appeal shall stay further enforcement of the challenged decision to the extent required by law and consistent with protection of public health and safety.

25.41.7. Remand. The council may remand a decision to grant a variance to the board of adjustment for further study. The effective date of the variance is delayed for thirty days from the date of the remand.

25.42 Authority to Amend. The Council may amend, supplement, change, modify, or repeal the text of this chapter or the boundaries of districts established herein.

DRAFT

25.42.1. Initiation. A text or map amendment may be initiated by the Council, the Commission, the Administrator, or by petition of by the owners of twenty percent or more of the area of the lots included in the proposed map amendment.

25.42.2. Commission Hearing and Recommendation. Any proposed amendment shall first be submitted to the Commission for hearing, review, and recommendation. The Commission shall give notice of the hearing.

25.42.3. Council Hearing. After receiving the Commission's recommendation, the Council shall hold a public hearing after notice and may approve, modify, or deny the amendment. If a written protest is filed with the city clerk and signed by the owners of twenty percent or more of the area of the lots included in the proposed map amendment, or by the owners of twenty percent or more of the property which is located within two hundred feet of the exterior boundaries of the property for which the proposed map amendment is proposed, the proposed map amendment shall not become effective except by the favorable vote of at least three-fourths of all the members of the council.

25.42.4. Review Standards. In considering an amendment, the Commission and Council shall consider consistency with the Comprehensive Plan; the suitability of the subject property for the uses permitted under the proposed amendment; infrastructure and service capacity; intensity of use; compatibility with nearby property; and any demonstrated need to prevent or reduce nuisance conditions.

Resubmittal after denial. A substantially similar map or text amendment denied by the Council shall not be reconsidered for one year unless the Council finds that material new facts or changed conditions justify earlier reconsideration.

25.43 Nonconformities and Amortization.

25.43.1. Continuation of Lawful Nonconformities. A lawful lot, structure, or use existing on the effective date of this chapter or of a later amendment may continue as a legal nonconformity subject to this section.

25.43.2. Expansion Prohibited. A nonconforming use shall not be enlarged, extended to additional land, intensified in a manner that increases its incompatibility, or changed to another nonconforming use.

25.43.3. Nonconforming Structures. A nonconforming structure devoted to a conforming use may be repaired, maintained, or altered so long as the degree of nonconformity is not increased.

DRAFT

25.43.4. Nonconforming Lots. A lawful nonconforming lot of record may be developed with a permitted use if the lot can reasonably comply with this chapter or obtain lawful variance relief.

25.43.5. Damage or Destruction. If a structure containing a nonconforming use is damaged more than fifty percent of its replacement cost, the structure and use shall thereafter comply with district regulations unless restoration without increased nonconformity is specifically allowed by law.

25.43.6. Discontinuance. A nonconforming use discontinued for six consecutive months shall lose its nonconforming status. Evidence of discontinuance may include vacancy, cessation of operations, or removal of essential equipment.

25.43.7. Ordinary Repairs. Ordinary repairs and maintenance may be performed on a nonconforming structure provided that the work does not increase the nonconforming aspects of the use or structure.

25.43.8. Amortization of Certain Nonconforming Nonresidential Uses. The Council may establish by ordinance a reasonable amortization schedule for lawful nonconforming nonresidential uses or structures that create material nuisance impacts or are plainly incompatible with surrounding development.

25.43.8.1 Contents of amortization ordinance. Any amortization ordinance shall identify the affected use or structure, the area to which it applies, the compliance date, and findings supporting the public purpose served by the amortization.

25.43.8.2 Reasonableness. In determining a reasonable amortization period, the Council shall consider the character of the use, the owner's capital investment, the extent of neighborhood impact, the expected useful life of improvements, and the reasonable opportunity to recoup investment or relocate. No lawful dwelling unit or ordinary residential accessory use shall be terminated by amortization under this subsection.

25.44 Temporary Moratorium on Uses and Approvals.

25.44.1. Authority. When reasonably necessary to protect public health or safety, prevent incompatible development during the study of a use or area, or allow the City to evaluate infrastructure or service capacity, the Council may adopt a temporary moratorium on permits or approvals for a defined use, development type, or geographic area.

DRAFT

25.44.2. Required Findings. A moratorium ordinance shall contain findings describing the problem to be addressed, the approvals affected, the area and duration of the moratorium, and any exemptions for complete applications, emergency work, or other limited circumstances.

25.44.3. Duration. An initial moratorium shall not exceed six months. The Council may extend the moratorium once, for not more than an additional six months, after public hearing and updated findings showing that continued study or action remains reasonably necessary.

25.44.4. No Vested Rights Created. Nothing in this section creates vested rights beyond those recognized by Iowa law.

25.45 Signs.

25.45.1. Purpose. Sign regulations are intended to permit reasonable communication while protecting traffic safety, property rights, and neighborhood character through objective standards.

25.45.2. General Prohibitions. No sign shall be erected in a public right-of-way except an official governmental sign. Roof signs and off-premises billboards are prohibited unless expressly authorized by another ordinance or overlay district.

25.45.3. Unsafe and Abandoned Signs. Signs shall not obstruct sight distance, resemble traffic-control devices, flash or animate in a manner creating a traffic hazard, or be maintained in an unsafe or abandoned condition.

25.45.4. Measurement. Sign area is measured on one face only. Signs within a required buffer yard are prohibited except directional signs.

25.45.5. Exempt Signs. Address numerals, flags, governmental signs, legal notices, incidental signs, temporary signs within table limits, and other signs exempted by law may be displayed without a permit.

25.45.6. Permit Requirement. Permanent signs not expressly exempt shall require a sign permit and shall be kept in good repair and in a workmanlike condition.

Table 7. Signage Standards by District

DRAFT

District	Wall / awning	Projecting	Freestanding	Temporary	Electronic message center
AR / R	Residential identification: 4 sf; civic or institutional: 32 sf	Not permitted except civic: 8 sf	Residential subdivision or civic monument: 24 sf, 6 ft high	16 sf per lot or event site	Not permitted
FMU	1.0 sf per linear foot of frontage, max 50 sf	12 sf per sign	32 sf, 8 ft high	24 sf	Allowed as part of a monument or wall sign up to 20 sf
TC	1.0 sf per linear foot of frontage, max 60 sf	12 sf per sign	Not permitted on principal main-street frontage; rear or side monument sign 24 sf, 8 ft high	24 sf	Generally prohibited on principal main-street frontage; may be approved at rear or side entrances up to 12 sf
GCI	1.5 sf per linear foot of frontage, max 150 sf	24 sf per sign	80 sf, 20 ft high	48 sf	Allowed up to 40 sf as part of a monument or freestanding sign

Note 1: Sign area is measured on one face only. Temporary signs shall be removed when the event, campaign, or listing has concluded. **Note 2:** Nothing in this section prohibits noncommercial signs protected by federal or state law. Enforcement, Remedies, and Severability.

25.46 Enforcement. The Administrator may issue written notices of violation, stop-work orders, permit revocations, and other lawful orders necessary to enforce this chapter.

25.47 Remedies. The City may pursue any lawful remedy, including civil action, municipal infraction, injunction, abatement, permit denial or revocation, and recovery of costs where authorized by law

25.48 Separate violations. Each owner, occupant, contractor, builder, architect, agent, or other person participating in a violation may be treated as responsible for a separate violation to the extent allowed by law.

DRAFT

Chapter 26 Floodplain Management Ordinance.

Chapter Contents

Section	Topic	Section	Topic
26.1	Purpose	26.11	Action on Permit Application
26.2	Definitions	26.12	Construction and Use to be as Provided in Application and Plans
26.3	General Provisions	26.13	Variances
26.4	Floodplain Management Standards	26.14	Nonconforming Uses
26.5	Accessory Structures	26.15	Amendments
26.6	Recreational Vehicles	26.16	Enforcement
26.7	Special Floodway Provisions	26.17	Civil Action for Violations
26.8	Special Provisions for Shallow Flooding Areas	26.18	Separate Offenses
26.9	Administration	26.19	Other Remedies
26.10	Floodplain Development Permit		

DRAFT

26.1 Purpose. The purpose of this section is to minimize flood losses within the City by the following regulations: 1) Restricting or prohibiting uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities, 2) requiring 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, 3) protecting individuals from buying lands which may not be suited for intended purposes because of flood hazard, 4) Assuring that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

26.2 Definitions. The following definitions shall apply to this Chapter:

26.2.1. Base Flood. The flood having one (1) percent chance of being equaled or exceeded in any given year. (See 100-year flood).

26.2.2. Basement. Any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see "lowest floor."

26.2.3. Block. An area of land within a subdivision that is entirely bounded by streets, railroad rights-of-way, rivers, tracts of public land, or by streets and the exterior boundaries of the subdivision, or by a combination of the above with a watercourse or lake, and which has been designated as such on a plat for the purposes of legal description of a property.

26.2.4. Existing Construction. Any structure for which the "start of construction" commenced before the effective date of the first floodplain management regulations adopted by the community. May also be referred to as "existing structure".

26.2.5. Existing Factory-Built Home Park or Subdivision. 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.

26.2.6. Expansion of Existing Factory-Built Home Park or Subdivision. 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).

26.2.7. Factory-Built Home. 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 floodplain regulations factory-built homes include mobile homes, manufactured homes, and modular homes; and also include "recreational vehicles" which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.

26.2.8. Factory-Built Home Park. A parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.

26.2.9. Federal. Pertaining to the Government of the United States of America.

26.2.10. Flood. 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.

26.2.11. Flood Elevation. The elevation floodwaters would reach at a particular site during the occurrence of a specific flood. For instance, the 100-year flood elevation is the elevation of flood waters related to the occurrence of the 100-year flood.

DRAFT

26.2.12. Flood Hazard Area. Any area subject to flooding by a one percent (1%) probability flood, otherwise referred to as a one hundred (100) year flood; as designated by the Iowa Department of Natural Resources or the Federal Emergency Management Agency.

26.2.13. Flood Insurance Rate Map (FIRM). 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.

26.2.14. Floodplain. Any land area susceptible to being inundated by water as a result of a flood.

26.2.15. Floodplain Management. An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of flood plains, including but not limited to emergency preparedness plans, flood control works, flood proofing and floodplain management regulations.

26.2.16. Flood Proofing. 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.

26.2.17. Floodway. The channel of a river or stream and those portions of the flood plains adjoining the channel, which are reasonably required to carry and discharge 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 (1) foot.

26.2.18. Floodway Fringe. Those portions of the flood plain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities.

26.2.19. Historic Structure. Any structure that is listed individually in the National Register of Historic Places, maintained by the Department of the Interior, or preliminarily determined by the Secretary of the Interior to qualify for listing or is 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 to qualify for such designation or that is individually listed on a state inventory of historic places in states with historic preservation programs approved by the Secretary of the Interior.

26.2.20. Lowest Floor. The floor of the lowest enclosed area in a building including a basement, except when all the following criteria are met:

DRAFT

26.2.20.1 The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Chapter 8.9 of this Code; and

26.2.20.2 The enclosed area is unfinished (not carpeted, dry walled, etc.) and used solely for low damage potential uses such as building access, parking or storage; and

26.2.20.3 Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the 100-year flood level, and

26.2.20.4 In cases where the lowest enclosed area satisfies criteria A, B, C, and D above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

26.2.21. Minor Projects. Small development activities (except for filling, grading and excavating) valued at less than $500.

26.2.22. New Construction (new buildings, factory-built home parks). 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.

26.2.23. New Factory-Built Home Park or Subdivision. A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the first floodplain management regulations adopted by the community.

26.2.24. One Hundred (100) Year Flood. A flood, the magnitude of which has a one (1) percent chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded a least once every one hundred (100) years.

26.2.25. Parcel. A part of a tract of land.

26.2.26. Special Flood Hazard Area. The land within a community subject to the "100-year flood". This land is identified as Zone A, AE, A1-A30, AO and AH on the community's Flood Insurance Rate Map.

26.2.27. 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,

DRAFT

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.

26.2.28. Substantial Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed forty (40) percent of the market value of the structure before the damage occurred.

26.2.29. Substantial Improvement. For purposes of chapter 8.9, any improvement to a structure which satisfies either of the following criteria:

26.2.29.1 Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds forty (40) percent of the market value of the structure either (i) before the "start of construction" of the improvement, or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred.

26.2.29.2 Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after the effective date of the first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

26.2.29.3 Exceptions. 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 an "historic structure", provided the alteration will not preclude the structure's designation as an "historic structure."

26.2.29.4 Variance. A grant of relief by a community from the terms of the floodplain management regulations.

26.3 General Provisions. The following shall apply:

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26.3.1. Lands to Which Ordinance Apply. The provisions of this Ordinance shall apply to all lands and uses which have significant flood hazards. The applicable Federal Flood Insurance Rate Map (FIRM) shall be used to identify such flood hazard areas and all areas shown thereon to be within the boundaries of the 100-year flood shall be considered as having significant flood hazards. Where uncertainty exists with respect to the precise location of the 100-year flood boundary, the location shall be determined on the basis of the 100-year flood elevation at the particular site in question. The applicable County Flood Insurance Study is hereby adopted by reference and is made a part of this ordinance for the purpose of administering floodplain management regulations.

26.3.2. Compliance. No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this section and other applicable regulations which apply to uses within the jurisdiction of this section.

26.3.3. Abrogation and Greater Restrictions. It is not intended by this section to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this section imposes greater restrictions, the provision of this section shall prevail. All other ordinances inconsistent with this section are hereby repealed to the extent of the inconsistency only.

26.3.4. Interpretation. In their interpretation and application, the provisions of this section shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

26.3.5. Warning and Disclaimer of Liability. The standards required by this section are considered reasonable for regulatory purposes. This section does not imply that areas outside the designated areas of significant flood hazard will be free from flooding or flood damages. This section shall not create liability on the part of the City, or any officer or employee thereof for any flood damages that result from reliance on this Section or any administrative decision lawfully made there under.

26.3.6. Severability. If any section, clause, provision or portion of this Section is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Section shall not be affected thereby.

26.4 Floodplain Management Standards.

26.4.1. General Floodplain Standards. All uses must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Where 100-year flood data has not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources

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shall be contacted to determine (i) whether the land involved is either wholly or partly within the floodway or floodway fringe and (ii) the 100 year flood level. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

26.4.2. All development within the areas of significant flood hazard shall:

26.4.2.1 Be consistent with the need to minimize flood damage.

26.4.2.2 Use construction methods and practices that will minimize flood damage.

26.4.2.3 Use construction materials and utility equipment that are resistant to flood damage.

26.4.2.4 Obtain all other necessary permits from federal, state and local governmental agencies including approval when required from the Iowa Department of Natural Resources.

26.4.3. Residential Buildings. All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the 100-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than 1.0 ft. above the 100-year flood level and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers) may be allowed subject to favorable consideration by the City Council, where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstand the various forces and hazards associated with flooding. All new residential structures shall be provided with a means of access which will be passable by wheeled vehicles during the 100-year flood.

26.4.4. Non-residential buildings. All new or substantially improved non-residential buildings shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the 100-year flood level, or together with attendant utility and sanitary systems, be flood proofed to such a level. When flood proofing is utilized, a professional engineer registered in the State of Iowa shall certify that the flood proofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood; and that the structure, below the 100-year flood level is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are flood proofed shall be maintained by the Administrator.

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26.4.5. All new and substantially improved structures. 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:

26.4.5.1 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.

26.4.5.2 The bottom of all openings shall be no higher than one foot above grade.

26.4.5.3 Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

26.4.5.4 Such areas shall be used solely for parking of vehicles, building access and low damage potential storage.

26.4.6. 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.

26.4.7. New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

26.4.8. Factory-built homes. All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the 100-year flood level. All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

26.4.9. Utility and Sanitary Systems.

26.4.9.1 On-site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.

26.4.9.2 All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into

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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 (1) foot above the 100-year flood elevation.

26.4.9.3 New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one (1) foot above the 100-year flood elevation.

26.4.9.4 Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.

26.4.10. Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the 100-year flood level. Other material and equipment must either be similarly elevated or (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters or (ii) be readily removable from the area within the time available after flood warning.

26.4.11. Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from a 100-year flood with a minimum of 3 ft. 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.

26.4.12. 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.

26.4.13. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this Section. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the 100-year flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include 100-year flood elevation data for those areas located within the area of significant flood hazard.

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26.5 Accessory Structures. Detached garages, sheds, and similar structures accessory to a residential use are exempt from the 100-year flood elevation requirements where the following criteria are satisfied:

26.5.1. The structure shall not be used for human habitation.

26.5.2. The structure shall be designed to have low flood damage potential.

26.5.3. The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.

26.5.4. The structure shall be firmly anchored to prevent flotation which may result in damage to other structures.

26.5.5. The structure's service facilities such as electrical and heating equipment shall be elevated or flood proofed to at least one foot above the 100-year flood level.

26.5.6. Exemption from the 100-year flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

26.6 Recreational Vehicles. Recreational vehicles are subject to the requirements regarding anchoring and elevation of factory-built homes unless the following criteria are satisfied:

26.6.1. The recreational vehicle shall be located on the site for less than 180 consecutive days, and,

26.6.2. 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.

26.6.3. 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.

26.7 Special Floodway Provisions. In addition to the General Floodplain Standards, uses within the floodway must meet the following applicable standards. The floodway is that portion of the floodplain which must be protected from developmental encroachment to allow the free flow of flood waters. Where floodway data has been provided in the Flood Insurance Study, such data shall be used to define the floodway. Where no floodway data has been provided, the Department of Natural Resources shall be contacted to provide a floodway delineation. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

DRAFT

26.7.1. No use shall be permitted in the floodway that would result in any increase in the 100-year flood level. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

26.7.2. All uses within the floodway shall:

26.7.2.1 Be consistent with the need to minimize flood damage.

26.7.2.2 Use construction methods and practices that will minimize flood damage.

26.7.2.3 Use construction materials and utility equipment that are resistant to flood damage.

26.7.2.4 No use shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch or any other drainage facility or system.

26.7.2.5 Structures, buildings and sanitary and utility systems, if permitted, shall meet the applicable General Floodplain standards and shall be constructed or aligned to present the minimum possible resistance to flood flows.

26.7.2.6 Buildings, if permitted, shall have a low flood damage potential and shall not be for human habitation.

26.7.2.7 Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited, storage of other material may be allowed if readily removable from the floodway within the time available after flood warning.

26.7.2.8 Watercourse alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.

26.7.2.9 Any fill allowed in the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.

26.7.2.10 Pipeline river or stream crossings shall be buried in the streambed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.

26.8 Special Provisions for Shallow Flooding Areas. In addition to the General Floodplain Standards, uses within shallow flooding areas must meet the following applicable standards:

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26.8.1. In shallow flooding areas designated as an AO Zone on the Flood Insurance Rate Map (FIRM), the minimum flood proofing/flood protection elevation shall be equal to the number of feet as specified on the FIRM (or a minimum of 2.0 ft. if no number is specified) above the highest natural grade adjacent to the structure.

26.8.2. In shallow flooding areas designated as an AH Zone on the Flood Insurance Rate Map, the minimum flood proofing/flood protection elevation shall be equal to the elevation as specified on the FIRM.

26.9 Administration. The Zoning Administrator (hereafter Administrator) is hereby appointed to implement and administer the floodplain regulations. Duties of the Administrator shall include, but not necessarily be limited to the following: **26.9.1.** Review all floodplain development permit applications to assure that the provisions of this Section will be satisfied.

26.9.2. 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.

26.9.3. Record and maintain a record of the elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of all new or substantially improved structures.

26.9.4. Record and maintain a record of the elevation (in relation to North American Vertical Datum 1988) to which all new or substantially improved structures have been flood proofed.

26.9.5. Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency.

26.9.6. Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this Section.

26.10 Floodplain Development Permit. A Floodplain Development Permit issued by the Administrator shall be secured prior to any floodplain development (any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations), including the placement of factory-built homes. The permit application shall be made on forms furnished by the Administrator and shall include the following:

26.10.1. Description of the work to be covered by the permit for which application is to be made.

DRAFT

26.10.2. Description of the land on which the proposed work is to be done (i.e., lot, block, track, street address or similar description) that will readily identify and locate the work to be done.

26.10.3. Indication of the use or occupancy for which the proposed work is intended.

26.10.4. Elevation of the 100-year flood.

26.10.5. 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 flood proofed.

26.10.6. For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.

26.10.7. Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this section.

26.11 Action on Permit Application. The Administrator shall, within a reasonable time, make a determination as to whether the proposed floodplain development meets the applicable standards of this Section and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefore. The Administrator shall not issue permits for variances except as directed by the Board of Appeals (hereafter the Board), which shall be the Board of Zoning Appeals created in

Chapter 8.8(A)(2).

26.12 Construction and Use to be as Provided in Application and Plans. Floodplain Development Permits based on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Section. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building floor elevations, flood proofing, or other flood protection measures were accomplished in compliance with the provisions of this Section, prior to the use or occupancy of any structure.

26.13 Variances. The Board may authorize upon request in specific cases such variances from the terms of this section that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this section will result in unnecessary hardship. Variances granted must meet the following applicable standards.

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26.13.1. Variances shall only be granted upon: (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or sections.

26.13.2. Variances shall not be issued within any designated floodway if any increase in flood levels during the 100-year flood would result. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

26.13.3. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

26.13.4. In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this Section, the applicant shall be notified in writing over the signature of the Administrator that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage and (ii) such construction increases risks to life and property.

26.13.5. All variances granted shall have the concurrence or approval of the Department of Natural Resources.

26.13.6. The Board shall consider the following factors in passing upon applications for variance:

26.13.6.1 The danger to life and property due to increased flood heights or velocities caused by encroachments.

26.13.6.2 The danger that materials may be swept on to other land or downstream to the injury of others.

26.13.6.3 The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

26.13.6.4 The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

26.13.6.5 The importance of the services provided by the proposed facility to the City.

26.13.6.6 The requirements of the facility for a floodplain location.

DRAFT

26.13.6.7 The availability of alternative locations not subject to flooding for the proposed use.

26.13.6.8 The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

26.13.6.9 The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.

26.13.6.10 The safety of access to the property in times of flood for ordinary and emergency vehicles.

26.13.6.11 The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.

26.13.6.12 The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.

26.13.6.13 Such other factors which are relevant to the purpose of this section.

26.13.7. Conditions Attached to Variances. Upon consideration of the factors listed in Chapter 8.9(G)(6), the Board may attach such conditions to the granting of variances as it deems necessary to further the purpose of this section. Such conditions may include, but not necessarily be limited to:

26.13.7.1 Modification of waste disposal and water supply facilities.

26.13.7.2 Limitation of periods of use and operation.

26.13.7.3 Imposition of operational controls, sureties, and deed restrictions.

26.13.7.4 Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this section.

26.13.7.5 Flood proofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Council shall require that the applicant submit a plan or document certified by a registered professional engineer that the flood proofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

DRAFT

26.14 Nonconforming Uses. A structure or the use of a structure or premises which was lawful before the passage or amendment of this section, but which is not in conformity with the provisions of this section, may be continued subject to the following conditions:

26.14.1. If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this section.

26.14.2. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.

26.14.3. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this Section. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.

26.15 Amendments. The regulations and standards set forth in this section may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval of the Department of Natural Resources.

26.16 Enforcement. The Administrator shall issue enforcement orders in writing. An enforcement order shall provide notice to the property owner or occupant of any violation by indicating the nature of the violation and the action necessary to correct it. The Administrator shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures, or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to insure compliance with or to prevent violation of its provisions. The following shall apply:

26.17 Civil Action for Violations. If a person is in violation of this regulation, the Mayor or Council's designee or other designated official shall seek any remedy provided for by Chapters 4.2, 4.5, or by civil action.

26.18 Separate Offenses. The owners or tenant of any building, structure, land or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains a violation may each be charged with a separate offense and upon conviction suffer the penalties herein provided.

DRAFT

26.19 Other Remedies. In case 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 ordinance, nothing herein contained shall prevent the City from taking other lawful action as is necessary to prevent or remedy any violation.

DRAFT

Chapter 27 Subdivision Regulations.

Chapter Contents

Section	Topic	Section	Topic
27.1	Purpose	27.17	Preliminary Plat Review by Council
27.2	Definitions	27.18	Final Plat Process
27.3	Jurisdiction	27.19	Requirements of the Final Plat
27.4	Definitions	27.20	Improvements Required
27.5	Recording of Plat	27.21	Performance Bond In Lieu of Improvements
27.6	Acceptance of Improvements Required	27.22	Maintenance Bond
27.7	Permits Subject to Subdivision	27.23	Review and Recommendation by Planning Commission
27.8	Approval Prior to Effectiveness of Recording	27.24	Consideration by Council
27.9	Plat of Survey Review and Approval	27.25	Duty to Record
27.10	Professional Survey	27.26	Acceptance of Public Improvements
27.11	Pre-Application Conference	27.27	Variances
27.12	Minor Plat Process	27.28	Fees
27.13	Conformance with Comprehensive Plan and Zoning Regulations	27.29	Civil Action for Violations
27.14	Major Plat Process	27.30	Plats Outside Corporate Limits
27.15	Preliminary Plat Requirements	27.31	Public Parkland Requirement
27.16	Preliminary Plat Review by Commission		

DRAFT

27.1 Purpose. This section provides minimum standards for the design, development, and improvement of all plats, subdivisions, and re-subdivisions of land, so that existing developments will be protected, and so that adequate provisions are made for public facilities and services, and so that growth occurs in an orderly manner, consistent with the Comprehensive Plan.

27.2 Definitions. The following definitions shall be used in the administration of this Chapter:

Cul-de-Sac. A street having one end connecting to another street, and the other end terminated by a vehicular turn around.

Development. Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials. “Development” does not include “minor projects” or “routine maintenance of existing buildings and facilities” as defined in this section. It also does not include gardening, plowing, and similar practices that do not involve filling, grading.

Division. Dividing a tract or parcel of land into two (2) parcels of land by conveyance or for tax purposes. The conveyance of an easement, other than public highway easement, shall not be considered a division.

Easement. An authorization by a property owner for another to use a designated part of said owner's property for a specified purpose.

Forty-Acre Aliquot Part. One-quarter of one-quarter of a section.

Frontage. The length of a property line of any one premise abutting and parallel to a public street, private way, or court.

Government Lot. A tract, within a section, that is normally described by a lot number as represented and identified on the township plat of the United States public land survey system.

Improvements. Changes to land necessary to prepare it for building sites, including but not limited to, grading, filling, street paving, curb paving, sidewalks, walk ways, water mains, sewers, drainage ways and other public works and appurtenances.

Metes and Bounds Description. A description of land that uses distances and angles, uses distances and bearings, or describes the boundaries of the parcel by reference to physical features of the land.

Official Plat. An auditor's plat or a subdivision plat that meets the requirements of this Chapter and has been filed for record in the offices of the Recorder, Auditor, and Assessor.

Original Parcel. Forty (40) acres or part thereof entered of record in the office of the County Recorder as a single lot or parcel on or before October 6, 1970.

Owner. The legal entity holding title to the property being subdivided, or such representative or agent as is fully empowered to act on its behalf.

DRAFT

Performance Bond. A surety bond or cash deposit made out to the City, in an amount equal to one-hundred twenty percent (120%) of the full cost of the improvements which are required by chapter 8.10, said cost estimated by the City Engineer and said surety bond or cash bond being legally sufficient to secure to the City that the said improvements will be constructed in accordance with chapter 8.10.

Permanent Real Estate Index Number. A unique number or combination of numbers assigned to a parcel of land pursuant to section 441.29 of the Code of Iowa.

Plat. A map drawing, or chart on which a sub-divider's plan for the subdivision of land is presented, that said sub-divider submits for approval and intends, in final form, to record.

Plat of Survey. The graphical representation of a survey of one or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a registered land surveyor.

Replatting. Any subdivision of land that has previously been included in a recorded plat. In appropriate context, it may be a verb referring to the act of preparing a plat of previously subdivided land.

Street. Public property, not an alley, intended for vehicular circulation. In appropriate context the term "street" may refer to the right-of-way bounded by the property lines of such public property, or may refer to the paving installed within such right-of-way.

Street, Arterial. A street primarily intended to carry traffic from one part of the City to another, and not intended to provide access to abutting property.

Street, Collector. The term “Collector Street” shall mean a street primarily designed to connect smaller areas of the community, and to carry traffic from local streets to arterial streets.

Street, Local. The term “Local Street” shall mean a street primarily designed to provide access to abutting property.

Subdivider. The owner of the property being subdivided, or such other person or entity empowered to act on the owner's behalf.

Subdivision. The accumulative effect of dividing an original lot, tract, or parcel of land, as of October 6, 1970 into three (3) or more lots for the purpose of immediate or future sale or transfer for development purposes excluding public roadways, public utility extensions and land taken by condemnation. The term includes a re-subdivision or re-platting. When appropriate to the context, the word may relate to the process of subdividing or the land subdivided.

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Subdivision Plat. The graphical representation of the subdivision of land, prepared by a registered land surveyor, having a number or letter designation for each lot within the plat and succinct name or title that is unique for the county where the land is located.

Surveyor. A registered land surveyor who engages in the practice of land surveying pursuant to chapter 542B of the Code of Iowa.

Tract. An aliquot part of a section, a lot within an official plat or a government lot.

Utilities. The systems for the distribution or collection of water, gas, electricity, wastewater and storm water.

27.3 Jurisdiction. The regulations of this section are in accordance with the provisions of chapter 354 of the Code of Iowa, and amendatory acts thereto, governing all plats and subdivisions in the City or within two (2) miles thereof.

27.4 Definitions. The following definitions shall apply:

27.4.1. Cul-de-Sac. A street having one end connecting to another street, and the other end terminated by a vehicular turn around.

27.4.2. Development. Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials. “Development” does not include “minor projects” or “routine maintenance of existing buildings and facilities” as defined in this section. It also does not include gardening, plowing, and similar practices that do not involve filling, grading.

27.4.3. Division. Dividing a tract or parcel of land into two (2) parcels of land by conveyance or for tax purposes. The conveyance of an easement, other than public highway easement, shall not be considered a division.

27.4.4. Easement. An authorization by a property owner for another to use a designated part of said owner's property for a specified purpose.

27.4.5. Forty-Acre Aliquot Part. One-quarter of one-quarter of a section.

27.4.6. Frontage. The length of a property line of any one premise abutting and parallel to a public street, private way, or court.

27.4.7. Government Lot. A tract, within a section, that is normally described by a lot number as represented and identified on the township plat of the United States public land survey system.

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27.4.8. Improvements. Changes to land necessary to prepare it for building sites, including but not limited to, grading, filling, street paving, curb paving, sidewalks, walk ways, water mains, sewers, drainage ways and other public works and appurtenances.

27.4.9. Metes and Bounds Description. A description of land that uses distances and angles, uses distances and bearings, or describes the boundaries of the parcel by reference to physical features of the land.

27.4.10. Official Plat. An auditor's plat or a subdivision plat that meets the requirements of this Chapter and has been filed for record in the offices of the Recorder, Auditor, and Assessor.

27.4.11. Original Parcel. Forty (40) acres or part thereof entered of record in the office of the County Recorder as a single lot or parcel on or before October 6, 1970.

27.4.12. Owner. The legal entity holding title to the property being subdivided, or such representative or agent as is fully empowered to act on its behalf.

27.4.13. Performance Bond. A surety bond or cash deposit made out to the City, in an amount equal to one-hundred twenty percent (120%) of the full cost of the improvements which are required by chapter 8.10, said cost estimated by the City Engineer and said surety bond or cash bond being legally sufficient to secure to the City that the said improvements will be constructed in accordance with chapter 8.10.

27.4.14. Permanent Real Estate Index Number. A unique number or combination of numbers assigned to a parcel of land pursuant to section 441.29 of the Code of Iowa.

27.4.15. Plat. A map drawing, or chart on which a sub-divider's plan for the subdivision of land is presented, that said sub-divider submits for approval and intends, in final form, to record.

27.4.16. Plat of Survey. The graphical representation of a survey of one or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a registered land surveyor.

27.4.17. Replatting. Any subdivision of land that has previously been included in a recorded plat. In appropriate context, it may be a verb referring to the act of preparing a plat of previously subdivided land.

DRAFT

27.4.18. Street. Public property, not an alley, intended for vehicular circulation. In appropriate context the term "street" may refer to the right-of-way bounded by the property lines of such public property, or may refer to the paving installed within such right-of-way.

27.4.19. Street, Arterial. A street primarily intended to carry traffic from one part of the City to another, and not intended to provide access to abutting property.

27.4.20. Street, Collector. The term “Collector Street” shall mean a street primarily designed to connect smaller areas of the community, and to carry traffic from local streets to arterial streets.

27.4.21. Street, Local. The term “Local Street” shall mean a street primarily designed to provide access to abutting property.

27.4.22. Subdivider. The owner of the property being subdivided, or such other person or entity empowered to act on the owner's behalf.

27.4.23. Subdivision. The accumulative effect of dividing an original lot, tract, or parcel of land, as of October 6, 1970 into three (3) or more lots for the purpose of immediate or future sale or transfer for development purposes excluding public roadways, public utility extensions and land taken by condemnation. The term includes a re-subdivision or re-platting. When appropriate to the context, the word may relate to the process of subdividing or the land subdivided.

27.4.24. Subdivision Plat. The graphical representation of the subdivision of land, prepared by a registered land surveyor, having a number or letter designation for each lot within the plat and succinct name or title that is unique for the county where the land is located.

27.4.25. Surveyor. A registered land surveyor who engages in the practice of land surveying pursuant to chapter 542B of the Code of Iowa.

27.4.26. Tract. An aliquot part of a section, a lot within an official plat or a government lot.

27.4.27. Utilities. The systems for the distribution or collection of water, gas, electricity, wastewater and storm water.

27.5 Recording of Plat. No plat or subdivision shall be recorded or filed with the County Auditor or County Recorder, nor shall any plat or subdivision have any validity until it complies with the provisions of this chapter and has been approved as prescribed herein.

27.6 Acceptance of Improvements Required. The Council shall not permit any public improvements over which it has any control to be made, nor shall any City funds be expended for street maintenance, street improvements, or other services in any area that has been subdivided after the date on which this

DRAFT

ordinance is adopted, unless such subdivision and improvements have been approved in accordance with the provisions of this chapter and the improvements accepted by the Council.

27.7 Permits Subject to Subdivision. No building permit and no certificate of occupancy shall be issued for any division unless such division has been approved.

27.8 Approval Prior to Effectiveness of Recording. No subdivision plat, re-subdivision plat or street dedication within the City of Shelby, Iowa, or within two (2) miles of the corporate limits of the City as recorded in the appropriate office of the County Recorder and filed with the appropriate County Auditor, as provided in Section 354.9, Code of Iowa, shall be filed for record with the appropriate County Recorder, or recorded by the appropriate County Recorder, until the plat of such subdivision, re-subdivision, or street dedication has been reviewed and approved in accordance with the subdivision regulations of the City.

27.9 Plat of Survey Review and Approval. Any division or combination of a tract, lot or parcel, not constituting a formal subdivision, shall be administratively reviewed and approved by the Administrator for compliance with zoning and subdivision regulations. A Plat of Survey shall be required. Prior to recording with the County Recorder, a division shall be certified as approved by the Zoning Administrator (hereafter Administrator).

27.10 Professional Survey. A licensed land surveyor or engineer shall make all plats required by this section.

27.11 Pre-Application Conference. The subdivider may present a sketch plan of a division or combination to the Administrator and Commission or Council for review, prior to incurring significant costs preparing the preliminary or final plat.

27.12 Minor Plat Process. The Administrator shall review a Minor Plat to assure that it is in full conformance with all applicable ordinances, rules, and regulations, and shall approve or disapprove the final plat accordingly.

27.13 Conformance with Comprehensive Plan and Zoning Regulations. The arrangement, character, extent, width, grade and location of all improvements, the general nature and extent of the lots, and uses proposed shall conform to the Comprehensive Plan and zoning regulations of the City and shall conform to such other plans, including but not limited to a Major Street Plan, a Sanitary Sewer System Plan, or a Parks and Open Space Plan, provided such plan has been adopted by the City.

DRAFT

27.14 Major Plat Process. In order to secure approval of a Major Plat, the sub-divider shall comply with the requirements for a preliminary plat and a final plat. The Council must approve the Major Plat for the subdivision to be effective.

27.15 Preliminary Plat Requirements. The sub-divider of any tract of land to be subdivided as a "Major Plat" shall cause a preliminary plat to be prepared of the subdivision containing the information specified herein and shall file three (3) copies of the plat with the Clerk. The preliminary plat shall contain the following information:

27.15.1. A location map showing:

27.15.2. The subdivision name.

27.15.3. An outline of the area to be subdivided.

27.15.4. The existing streets and town utilities on adjoining property.

27.15.5. North point and scale.

27.15.6. A preliminary plat of the subdivision drawn to the scale of one hundred feet (100') to one inch (1"), said preliminary plat to show:

27.15.7. Legal description, acreage and name of proposed subdivision.

27.15.8. Name and address of the owner.

27.15.9. Name of person who prepared the plat, and date thereof.

27.15.10. North point and graphic scale.

27.15.11. Contours at two foot (2') intervals, based on City datum.

27.15.12. Location of existing lot lines, streets, public utilities, water mains, sewers, drain pipes, culverts, watercourses, bridges, railroad and buildings in the proposed subdivision.

27.15.13. Layout of proposed blocks, if used, and lots including the dimensions of each, and the lot and block number in numerical order.

27.15.14. Location and widths, other dimensions and names of the proposed streets, alleys, roads, utility and other easements, parks and other open spaces or reserved areas.

27.15.15. Names of adjacent property owners.

27.15.16. Grades of proposed streets and alleys.

DRAFT

27.15.17. A cross-section of the proposed streets showing the roadway location, the type of curb and gutter, the paving and sidewalks to be installed.

27.15.18. The layout of proposed water mains and sanitary sewers.

27.15.19. The drainage of the land including proposed storm sewers, ditches, culverts, bridges and other structures.

27.15.20. Proposed building lines, if different than the yard requirements established in the Zoning Regulations.

27.16 Preliminary Plat Review by Commission. The Clerk shall immediately transmit two (2) copies of the preliminary plat to the Planning Commission for study and recommendation. The Commission shall examine the preliminary plat as to its compliance with this chapter, and the comprehensive plan of the City and shall have forty-five (45) days within which to submit a recommendation to the Council, provided that the owner or developer may agree to an extension of time not to exceed sixty (60) days.

27.17 Preliminary Plat Review by Council. The Council, upon receipt of the Commission's recommendation, or after the forty-five (45) days, or any extension thereof shall have passed, shall by resolution grant approval to or reject the preliminary plat, and such action shall be noted on all copies and tracings of the plat on file with the City. Approval of preliminary plat by the Council shall constitute approval to proceed with preparation of the final plat but shall not be deemed approval of the subdivision.

27.18 Final Plat Process. The sub-divider shall submit to the City four (4) copies of a final plat containing the necessary information for approval. The final plat shall conform to the preliminary plat approval and to this Code and the required public improvements shall be completed or assurance provided for their completion. The following shall also apply:

27.19 Requirements of the Final Plat. The final plat shall conform to the requirements of Chapter 355 of the Code of Iowa, and shall be clearly and legibly drawn to a scale of not more than one hundred (100) feet to one (1) inch with permanent ink on a reproducible tracing material. It shall show:

27.19.1. The title under which the subdivision is to be recorded.

27.19.2. The linear dimensions in feet and decimals of a foot of the subdivision boundary, lot lines, streets and alleys. These should be exact and complete to include all distances, radii, arc, chords, points of tangency and central angles.

DRAFT

27.19.3. Street names and clear designations of public alleys. Streets that are continuations of present streets should bear the same name. If new names are needed, they should be distinctive.

27.19.4. Location, type, materials, and size of all monuments and markers including all U.S., county or other official bench marks.

27.19.5. The signature and acknowledgement of the subdivision land owner and the subdivision land owner's spouse.

27.19.6. A sealed certification of the accuracy of the plat and that the plat conforms to section 354.8 of the Code of Iowa by the professional engineer or land surveyor who drew the final plat.

27.19.7. Final Plat Attachments. The final plat shall have the following attached to it:

27.19.7.1 A correct description of the subdivision land.

27.19.7.2 A certificate by the owner and the owner's spouse, if any, that the subdivision is with the free consent, and is in accordance with the desire of the owner and spouse. This certificate must be signed and acknowledged by the owner and spouse before some officer authorized to take the acknowledgements of deeds.

27.19.7.3 A certificate from the County Treasurer that the subdivision land is free from outstanding property tax liens and obligations.

27.19.7.4 A certificate of dedication of streets and other public property.

27.19.7.5 A statement of restrictions of all types that run with the land and become covenants in the deeds of lots.

27.19.7.6 Resolution and certificate for approval by the Council and for signatures of the Mayor and the Clerk.

27.19.7.7 A certificate by the City Engineer that all required improvements and installations have been completed, or that a performance bond guaranteeing completion has been approved by the City Attorney and filed with the Clerk.

27.20 Improvements Required. The sub-divider shall, at sub-divider's expense, install and construct all improvements required by this chapter. All required improvements shall be installed and constructed in accordance with the design standards established for such improvements by the City, and as shown on the approved preliminary plat. All improvements shall be inspected by the City Engineer to insure compliance with the requirements of this chapter. Laboratory and field tests shall be taken when

DRAFT

necessary. The cost of such inspection shall be borne by the sub-divider and shall be the actual cost of the inspection to the City. The improvements set forth below shall be considered the minimum improvements necessary to protect the public health, safety and welfare:

27.20.1. Streets. The sub-divider shall grade and improve all new streets between the right-of-way lines within the subdivided area. The paving of such new streets shall be built according to the City's adopted standards and specifications. Minimum pavement widths shall be in accordance with adopted City standards.

27.20.2. Improvement to Adjacent Streets. The sub-divider shall be responsible for improvements to any adjacent street(s) made necessary by the proposed subdivision.

27.20.3. Sanitary Sewers. The sub-divider shall construct sanitary sewers according to the standards and specifications of the City, and provide a connection for each lot to the sanitary sewer. Where existing sewer outlets are not within reasonable distance, installation of private sewer facilities or septic tanks may be permissible as a temporary measure pending future sewer service. In situations of on-site sewage disposal, the sub-divider shall provide to the City appropriate permits issued by the appropriate County or the Iowa Department of Natural Resources.

27.20.4. Storm Sewers and Drainage Ways. All storm drainage flowing through the site and from within the site shall be conveyed through storm drains and appurtenant facilities. The facilities shall be constructed in accordance with the City's standards and specifications for storm drains.

27.20.5. Water Mains. The sub-divider shall provide for the installation of water mains and fire hydrants in the subdivided area, and such installation shall be made prior to the street pavement construction and shall be in accordance with the standards and specifications of the City.

27.20.6. Sidewalks. The sub-divider shall provide for the installation of sidewalks along all newly created lots, including sidewalks on adjacent existing streets. The sidewalks shall be built according to the standards and specifications of the City. The sub-divider shall indicate in the application for approval of a preliminary or final plat those sidewalks that will be constructed at the time of installation of public improvements, and those that the sub-divider would like the Council to defer until a later date. If the Council agrees to defer construction of the sidewalks, sidewalks shall be constructed at the time a principal structure is build upon the adjacent lot or lots or within five (5) years of plat approval, whichever is earlier. Notwithstanding the above, the Council may require the sidewalk's construction at the time adjacent roadway construction takes place or at any other time as noted in the final plat approval. At the time sidewalk construction is required as provided

DRAFT

above, such construction shall be completed at the sole cost and expense of the person or entity that owns the property or lot at the time of construction.

27.20.7. Street Signs. The City shall furnish and cause to be erected at all intersections, street identification signs, and posts in accordance with standards approved by the Council. The sub-divider shall reimburse the City for all costs associated with the purchase and installation of the required street signs.

27.20.8. Streetlights. Installation of streetlights shall be required in accordance with design and specification standards approved by the City. Plans for steel pole streetlights with underground distribution shall be submitted by the sub-divider to the City for approval. The sub-divider shall pay the cost of streetlights with underground distribution lines.

27.20.9. Private Utilities. All private utilities, including but not limited to, gas, electric power, telephone, and cable TV lines shall be located underground throughout all residential zoning districts. The availability of these facilities and their existing location shall be shown on the preliminary plat. The sub-divider shall be responsible for complying with the utility requirements of this Code. The sub-divider shall also be responsible for making the necessary arrangements including any construction or installation charges with each of the serving utilities. Transformers, switching boxes, terminal boxes, meter cabinets, pedestals, and other facilities necessarily appurtenant to such underground utilities shall be underground if possible. Such facilities shall be placed within easements or public rights-of-way provided for each particular facility. Overhead utilities with underground service lines may be permitted in commercial and industrial zoning districts.

DRAFT

27.20.10. Fencing and Screening. The sub-divider shall furnish and install fences and screening required by zoning regulations or otherwise required by the Council.

27.20.11. Easements. The sub-divider shall provide the following easements:

27.20.12. Utilities. Where alleys are not provided, or where otherwise required by the present or future placement of public utilities, easements of not less than ten (10) feet in width shall be granted by the owner along rear, and where necessary, alongside lot lines for public utility requirements. Except where prohibited by topography, such easements shall be centered on lot lines. Easements of greater width may be required along lot lines, or across, lots when necessary for the placement and maintenance of utilities. No buildings or structures, except as necessary for utilities, shall be permitted on such easements.

27.20.13. Watercourses. Wherever any stream or surface watercourse is located in an area that is being subdivided, the sub-divider shall, at said sub-divider's expense, make adequate provisions for the proper drainage of surface water and shall provide and dedicate to the City an easement along said stream or watercourse as necessary for the proper maintenance of the watercourse, and as approved by the City.

27.21 Performance Bond In Lieu of Improvements. The completion requirement may be waived in whole or in part if the sub-divider will post a performance bond with the Council guaranteeing that improvements not completed will be constructed within a period of one (1) year from final acceptance of the plat, but final acceptance of the plat will not constitute final acceptance by the City of any improvements to be constructed. Improvements will be accepted only after their construction has been completed, and no public funds will be expended in the subdivision until such improvements have been completed and accepted by the City.

27.22 Maintenance Bond. The sub-divider shall warrant the design, material, workmanship, installation, and/or construction of required improvements for a period of two (2) years from and after acceptance of the roadway paving, and two (2) years for sanitary sewers, storm sewers and water mains. Such warranty shall be by bond or other acceptable collateral, shall be subject to review by the City Attorney, and shall specifically assure the expedient repair or replacement of defective improvements under warranty; and shall indemnify the City from any and all costs or losses resulting from, attributed to, or otherwise arising from such defective improvements. The contractor may post the required maintenance bond in lieu of the sub-divider.

27.23 Review and Recommendation by Planning Commission. The Planning Commission shall examine the final plat and accompanying material for conformity with these regulations and the approved preliminary plat. The Planning Commission may confer with the sub-divider on changes deemed advisable and the extent of such improvements to be made by the sub-divider. The Planning Commission shall make a recommendation to approve, conditionally approve, or reject such plat within sixty (60) days after the date of receipt by the Commission.

27.24 Consideration by Council. The Council shall not consider a final plat until receipt from the sub-divider of a title opinion, tax certificate, easements, deeds, lender’s certificates, and other information to the satisfaction of the City Attorney. If the Commission does not recommend approval of the final plat, the Council may approve said plat only by a four-fifths majority of the membership of the Council. The Council will approve the plat via a resolution that shall be recorded with the plat. The Clerk shall seal the approved final plat.

DRAFT

27.25 Duty to Record. Upon approval of the final plat by the Council, it shall be the duty of the sub-divider to immediately file such plat with the County Auditor and County Recorder, as required by law. Such approval shall be null and void after thirty (30) days, unless such plat has been duly recorded and evidence thereof filed with the Clerk within such thirty (30) days.

27.26 Acceptance of Public Improvements. Approval of the final plat by the City does not constitute final acceptance by the City of any improvements to be constructed, unless specifically stated in the resolution approving the final plat. Improvements will be accepted only after their construction has been completed and inspected by appropriate City personnel certifying the improvements have been completed in conformance with standards and specifications and all other requirements of the City. The City Council may accept all streets, utilities, alleys, easements, parks or other areas reserved for or dedicated to the public. Upon completion of the improvements as required in this chapter, the City Council may accept the improvements by resolution, at which time the City will assume maintenance of the improvements.

27.27 Variances. Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirement of this chapter would result in extraordinary hardship to the sub-divider, because of unusual topography or other conditions, the Council may vary, modify or waive the requirements so that substantial justice may be done and the public interest secure. The Council may also vary, modify or waive the requirements so that natural resources and drainage ways located within a proposed subdivision may be preserved. Under no circumstances shall such variance, modification or waiver have the effect of nullifying the intent and purpose of this chapter. Such variances and waivers may be granted only by the affirmative vote of three-fourths (3/4) of the members of the Council.

27.28 Fees. All plat applications shall be accompanied by the appropriate fee as established in chapter 10.

27.29 Civil Action for Violations. If a person is in violation of this regulation, the Mayor or Council's designee or other designated official shall seek any remedy available to the City.Denial of Building Permit. No building permit shall be issued for construction on any lot, parcel, or tract, where a subdivision is required by this section, unless and until a final plat of such subdivision has been approved and recorded in accordance with this section, and until the improvements required by this Chapter have been accepted by the City.

DRAFT

27.30 Plats Outside Corporate Limits. Procedure for approval of preliminary and final plats of land within two (2) miles of the corporate limits shall be the same as set out in this chapter, except that five (5) copies of the plat shall be filed with the Clerk. The Clerk shall refer two copies to the County and request the County recommendations to be submitted to the Commission. The Commission shall not take action on the plat prior to receiving the recommendations of the County, provided that the County shall submit its recommendations within thirty (30) days after the referral of the plat to the County.

27.31 Public Parkland Requirement. Any developer who seeks to develop land for residential purposes within the City may be required to dedicate public parkland.

DRAFT

Chapter 28 Tree Regulations.

Chapter Contents

Section	Topic	Section	Topic
28.1	Purpose	28.3	Trimming and Removal
28.2	Authority of City Generally	28.4	Trees on Private Property

28.1 Purpose. The purpose of this section is to regulate the planting and maintenance of trees within the City.

28.2 Authority of City Generally. The City shall have jurisdiction over all trees and other planting on City property and public right-of-way within the City.

28.3 Trimming and Removal. The following shall apply:

28.3.1. City Rights Reserved. The City expressly reserves and asserts its rights to at any time trim or remove, or cause to be trimmed or removed, any tree now or hereafter planted along any publicly owned property or right-of-way whenever the City deems such trimming or removal necessary. An abutting property owner shall not be paid compensation for claimed damages resulting from loss of view, ambiance, shade, or aesthetic appearance which is related to the City tree trimming or removal or trees located along any street or public way.

28.3.2. Abutting Owner Responsibilities. The City may require an abutting property owner to maintain and trim trees located along on publicly owned property or right-of-way, but the abutting property owner shall not be required to remove diseased trees or dead wood on the publicly owned property or right-of-way.

28.3.3. Planting Restrictions. No tree shall be planted in any parking or public right-of-way except in accordance with the following:

28.3.3.1 Permit Required. No person shall plant a tree within the parking or public right-of-way without first obtaining a permit therefore, which shall show the type of tree to be planted and the placement of the tree. The application for a permit shall not be considered until the applicant has staked the exact location for the proposed street tree and has obtained permission to dig in such exact location from all concerned utilities. The approval of the permit shall be based upon the existing number, location in relation to other trees and utilities, and species of other street trees.

DRAFT

28.3.3.2 Approved Tree and Shrub Species List. The Council shall approve an Approved Trees and Shrub Species List for all right-of-way tree plantings. All plantings must be of a species included on the Approved Trees and Shrub Species List.

28.4 Trees on Private Property. The property owner is responsible for the maintenance and care of any tree located on private property. Whenever the City is notified or becomes aware of a dead tree or broken or dead branch or limb in any private tree, the Mayor or Council's designee or other authorized official may declare the tree, branch or limb a nuisance and order the property owner to remove the hazard in an expedient manner.

28.4.1. Notice. The notice to remove trees on private property shall contain:

28.4.1.1 Description of Nuisance. A description of the nuisance tree; and

28.4.1.2 Location of Nuisance. The location of the nuisance tree; and

28.4.1.3 Acts Necessary to Abate. A statement of the act or acts necessary to abate the nuisance; and

28.4.1.4 Reasonable Time. A reasonable time within which to complete the removal; and

28.4.1.5 Right to Hearing. A statement that the owner has a right to a hearing before the Mayor or Council's designee, or his or her designee, by filing a written request therefore with such officer within a reasonable time. A request for a hearing must be made in writing and delivered to the Clerk, within the reasonable time stated in the notice, or it will be conclusively presumed that a nuisance exists and it must be abated as ordered; and

28.4.1.6 Assessment of City Costs. A statement that if the tree is not removed as directed and no request for hearing is made within the time prescribed, the City will abate it and assess the costs against such person.

28.4.1.7 Method of Service. The notice may be served upon a property owner by any of the following methods:

28.4.1.7.1 Personal Service. Personal service of the notice to the property owner by an employee or other contracted agent of the City; or

28.4.1.7.2 Certified mail to the property owner. By certified mail to the property owner of record and any persons in possession of the property. If a certified mailing has not been signed for by the property owner within (ten) 10 days of mailing, reasonable notice will be considered to have been given; or

DRAFT

28.4.1.7.3 Sign on Property. Posting a sign containing the notice in a conspicuous place on or near the property upon which action is pending. Such posted notice shall be of sufficient size and so placed upon the property that is easily visible from the street. It shall be unlawful for any person to remove, mutilate, destroy or change such posted notice; or

28.4.1.7.4 Publishing. Publication in a newspaper of general circulation in the City.

28.4.1.8 Emergency Abatement. If it is determined that an emergency exists by reason of the continuing maintenance of the nuisance tree, the City may perform any action which may be required under this Chapter without prior notice.

DRAFT

Chapter 29 Business Licenses and Regulated Commercial Activity

Chapter Contents

Section	Topic	Section	Topic
29.1	Purpose and Authority	29.4	Alcoholic Beverage Licenses and Permits
29.2	General Authority to Require Business Licenses	29.5	Tobacco Sales License (Retail Permit)
29.3	State-Law Limitations and Construction	29.6	Peddlers, Solicitors, and Transient Merchant Regulations

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29.1 Purpose and Authority. This chapter is adopted pursuant to Article III, section 38A of the Iowa Constitution and Iowa Code sections 364.1, 364.2, and 364.3. The purpose of this chapter is to provide general authority for the City to require and regulate business licenses, permits, and approvals when reasonably related to the protection and improvement of the peace, safety, health, welfare, comfort, and convenience of the City and its residents and when not prohibited by state law.

29.2 General Authority to Require Business Licenses.

29.2.1. Except as prohibited by state law, the City may by ordinance require a license, permit, or local approval for classes of businesses, occupations, commercial activities, or temporary commercial activities when reasonably related to the protection and improvement of the peace, safety, health, welfare, comfort, and convenience of the City and its residents.

29.2.2. No person shall engage in any business, occupation, or activity for which a license, permit, or approval is expressly required by this Code or by applicable state law without first obtaining and maintaining the applicable license, permit, or approval.

29.2.3. Any license, permit, or approval issued or approved under this chapter is a privilege and not a property right.

29.2.4. Unless otherwise provided by state law or this Code, licenses, permits, and approvals issued or approved under this chapter are not transferable.

29.3 State-Law Limitations and Construction.

29.3.1. This chapter shall not be construed to require or authorize a local license, permit, approval, or fee where state law preempts, prohibits, or limits local licensing authority.

29.3.2. The City shall not require a license, permit, approval, or fee for the following where state law prohibits such local regulation:

29.3.2.1 An eligible business operated on an occasional basis for no more than eighty-nine calendar days in a calendar year by a person or persons under the age of eighteen, as described in Iowa Code section

364.3(15).

29.3.2.2 A no-impact home-based business, as described in Iowa Code section 414.33(3).

29.3.2.3 Nothing in this chapter creates a separate City alcohol or tobacco license where state law instead provides for local review, approval, or issuance of a state license or permit.

29.4 Alcoholic Beverage Licenses and Permits.

29.4.1. Purpose and Authority. The purpose of this section is to provide for local review, regulation, and enforcement concerning alcoholic beverage licenses and permits within the City, in a manner consistent with Iowa Code chapter 123, applicable administrative rules, and the City's general police powers. This section shall be construed to supplement, and not conflict with, state law.

29.4.2. Definitions.

29.4.2.1 Alcoholic beverage. Means alcoholic liquor, wine, beer, and other alcoholic beverages as defined by Iowa law.

29.4.2.2 Applicant. Means a person or entity applying for any license or permit governed by this section.

29.4.2.3 City. Means the local authority under whose authority this code is enacted.

29.4.2.4 Council. Means the City Council of the City and shall constitute the local authority where provided by Iowa law.

29.4.2.5 Department. Means the state department or agency administering Iowa Code chapter 123, and any successor agency.

29.4.2.6 Licensed premises". means the premises described in the application and approved for licensed activity.

29.4.2.7 License or permit. Means any alcoholic beverage license or permit for which the City acts as the local authority under Iowa Code chapter 123.

DRAFT

29.4.2.8 Words and phrases not defined in this section shall have the meanings assigned in Iowa Code chapter 123.

29.4.3. State Law Incorporated; No Separate City License. Iowa Code chapter 123 and applicable administrative rules, as amended, are incorporated by reference. Nothing in this section shall be construed to create a separate City alcohol license or permit where state law does not authorize one. Nothing in this section shall be construed to alter the state-law hours during which alcoholic beverages may be sold, served, or consumed. The City may adopt and enforce local ordinances regulating licensed establishments so long as those ordinances do not conflict with Iowa law.

29.4.4. Applications; Local Review.

29.4.4.1 Applications for licenses and permits governed by this section shall be filed in the manner prescribed by the Department.

29.4.4.2 Upon receipt of an application, the City Clerk may circulate the application to the Chief of Police, Fire Chief, Building Official, Zoning Administrator, and such other officials as the Council deems appropriate for review and recommendation.

29.4.4.3 The Council shall approve or disapprove each application for which the City is the local authority.

29.4.4.4 In acting on an application, the Council may consider the application materials, inspection reports, ownership information, premises information, comments from City officials, and any other information lawfully relevant to the applicant's qualifications and the suitability of the premises.

29.4.5. Standards for Approval. The Council may approve an application only if it finds that the applicant has established all of the following, as applicable under state law:

29.4.5.1 A completed application has been submitted.

29.4.5.2 The applicant meets the eligibility requirements of Iowa Code chapter 123 and applicable administrative rules.

29.4.5.3 The applicant has disclosed ownership and control interests as required by law.

29.4.5.4 The proposed licensed premises are under the applicant's ownership or lawful control.

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29.4.5.5 The proposed licensed premises conform to applicable zoning, building, fire, health, safety, and nuisance laws and constitute a safe and proper place for the proposed licensed activity.

29.4.5.6 The applicant has consented to lawful inspection of the premises during business hours as required by Iowa law.

29.4.5.7 The applicant otherwise complies with Iowa Code chapter 123 and applicable administrative rules.

29.4.6. Conditions Applicable to All Approvals.

29.4.6.1 Any approval by the Council shall apply only to the specific applicant and the specific premises described in the application.

29.4.6.2 A license or permit is a personal privilege, not property, and shall not be transferred, assigned, sold, pledged, or used by any person other than the holder except as allowed by Iowa law.

29.4.6.3 The license or permit shall be displayed on the licensed premises as required by state rule.

29.4.6.4 The licensee or permittee shall keep the premises clean, safe, and in good repair, and shall maintain compliance with all applicable state, county, and City laws and regulations.

29.4.6.5 The licensee or permittee shall promptly report changes in ownership, control, or financial interest as required by Iowa law and shall obtain any required approvals.

29.4.6.6 The Council may impose reasonable conditions on an approval relating to security, defined service areas, outdoor service areas, occupancy, event management, or other operational matters, provided the conditions are consistent with Iowa law.

29.4.7. Special Event and Temporary Licensed Premises. For festivals, fairs, celebrations, or similar events sponsored or authorized by the City, the Council may by motion define the licensed premises to be used by holders of temporary or special-event licenses, to the extent authorized by Iowa law. The Council may also require reasonable site, security, and sanitation conditions for such events.

29.4.8. Grounds for Disapproval, Suspension, Revocation, or Civil Penalty.

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29.4.8.1 The Council may disapprove an application if the applicant fails to satisfy the standards for approval set out in this section and in Iowa Code chapter 123.

29.4.8.2 To the extent authorized by Iowa law, the Council may suspend, revoke, or impose a civil penalty on a license for any ground allowed by Iowa Code section 123.39, including but not limited to:

29.4.8.2.1 Material misrepresentation in the application;

29.4.8.2.2 Violation of Iowa Code chapter 123;

29.4.8.2.3 Unreported and unapproved changes in ownership or interest in the business;

29.4.8.2.4 Occurrence of an event that would have disqualified the holder when the license was issued;

29.4.8.2.5 Sale, hypothecation, or transfer of the license; and

29.4.8.2.6 Failure to file required reports or remit taxes when due.

29.4.8.2.7 The Council may suspend a retail alcohol license for violation of this section or any other lawful City ordinance or regulation applicable to licensed establishments.

29.4.8.2.8 In determining the appropriate sanction, the Council may consider the seriousness of the violation, the risk to public safety, any history of prior violations, corrective action taken, and any penalty required by state law for the specific violation.

29.4.8.2.9 Violations involving unlawful sales or service, including sales to underage persons or intoxicated persons, unlawful after-hours activity, or knowingly permitting gambling, disorderly conduct, or criminal activity on the licensed premises, shall constitute grounds for local action to the extent provided by Iowa law.

29.4.8.2.10 30.4.8.6 A criminal conviction is not required before local administrative action may be taken where Iowa law permits suspension, revocation, or civil penalty without a conviction.

29.4.8.2.11 Any revocation shall have the effect provided by Iowa law.

29.4.9. Security and Operational Conditions for On-Premises Establishments. As authorized by Iowa law, the Council may require designated security employee training, premises-specific security measures, occupancy information where authorized, and other reasonable operational safeguards for on-premises licensed establishments.

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29.4.10. Notice, Hearing, and Appeal.

29.4.10.1 Before imposing a suspension, revocation, or civil penalty, the Council shall provide written notice of the alleged grounds and an opportunity to be heard.

29.4.10.2 The City Clerk shall provide written notice of the Council's final action to the applicant or licensee and shall notify the Department as required by law.

29.4.10.3 An applicant whose application is disapproved by the Council may appeal as provided by Iowa Code chapter 123.

29.4.10.4 A licensee aggrieved by a local suspension, revocation, or civil penalty may appeal as provided by Iowa Code chapter 123 and may seek further review as provided by law.

29.4.11. Inspections and Enforcement.

29.4.11.1 The City's police, fire, building, and code-enforcement officials may inspect licensed premises as authorized by law.

29.4.11.2 Violations of this section may be referred to the Department, law enforcement, the city attorney, or any other appropriate authority for enforcement.

29.4.11.3 Nothing in this section limits the City's authority to enforce other applicable ordinances, including zoning, fire, building, health, nuisance, and public safety ordinances.

29.5 Tobacco Sales License (Retail Permit).

29.5.1. Permit Required. No person shall engage in the business of a retailer of tobacco, tobacco products, alternative nicotine products, or vapor products at any place of business in the City, or through delivery sales to the extent covered by Iowa Code chapter 453A, without first obtaining and maintaining the retail permit required by Iowa Code chapter 453A.

29.5.2. Application and Local Approval.

29.5.2.1 Applications shall be made in the form and manner required by the Iowa Department of Revenue.

29.5.2.2 For applicants located within the City, the City Council shall act as the local approving authority for retail permit applications as provided by Iowa Code chapter 453A.

29.5.2.3 Upon approval of a retail permit application by the City, the Department shall issue the permit to the applicant on behalf of the City, in the manner determined by the Department.

DRAFT

29.5.2.4 A separate permit shall be obtained for each place of business as required by Iowa Code chapter 453A.

29.5.2.5 A retailer who holds a permit under Iowa Code subchapter I of chapter 453A is not required to obtain an additional retail permit under Iowa Code section 453A.47A. However, if that permit is suspended, revoked, or expired, the retailer shall not sell tobacco, tobacco products, alternative nicotine products, or vapor products during the period of suspension, revocation, or expiration.

29.5.3. Term, Display, and Compliance.

29.5.3.1 Retail permits shall expire on June 30 of each year unless earlier suspended, revoked, or otherwise terminated by law.

29.5.3.2 The permit holder shall display the permit at the place of business as required by state law.

29.5.3.3 The permit holder shall comply with Iowa Code chapter 453A and applicable administrative rules.

29.5.4. Grounds for Denial, Suspension, Revocation, or Civil Penalty.

29.5.4.1 Any retail permit approved under this section is subject to denial, suspension, revocation, or civil penalty on any ground authorized by Iowa Code chapter 453A or chapter 252J.

29.5.4.2 Grounds include a willful violation of Iowa Code section 453A.2.

29.5.4.3 Grounds include violation of any other applicable provision of Iowa Code chapter 453A or a rule adopted under that chapter.

29.5.4.4 Grounds include substantial delinquency in the payment of a tax administered by the Department or the interest or penalty on such tax.

29.5.4.5 Grounds include violations of Iowa Code sections 453A.36 and 453A.36A, including prohibited self-service sales.

29.5.4.6 Grounds include receipt of a certificate of noncompliance from child support services with respect to an individual retailer, to the extent required by Iowa Code chapter 252J.

29.5.4.7 Grounds also include any other basis for denial, suspension, revocation, or civil penalty provided by Iowa Code chapter 453A.

DRAFT

29.5.5. Local Procedure and Reporting.

29.5.5.1 Any permit revocation by the City Council shall be subject to the procedure or policy adopted by the City Council, consistent with Iowa Code chapter 453A and applicable administrative rules.

29.5.5.2 The City shall provide notice or reporting to the Department in the manner required by state law or administrative rule.

29.5.5.3 Nothing in this section limits the authority of the Iowa Department of Revenue to deny, suspend, revoke, or otherwise act upon a permit as provided by state law.

29.6 Peddlers, Solicitors, and Transient Merchant Regulations.

29.6.1. Purpose. The purpose of this section is to regulate peddlers, solicitors, and transient merchants within the City.

29.6.2. License Required. Peddlers, solicitors, and transient merchants shall obtain a license as herein provided and any person who engages in any such conduct without obtaining a license shall be in violation of this section. The following shall apply:

29.6.2.1 Form of License. An application in writing shall be filed with the Clerk for a license under this section. Such application shall set forth the applicant's name, permanent and local address, business address, if any, physical description, recent photograph, and a right thumb print. 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.

29.6.2.2 License Fee. A license fee shall be established in chapter 10 of this Code.

29.6.2.3 Bond Required. At the time of filing of the application and as a part thereof, the applicant shall file with the Clerk a bond, with sureties to be approved by the Clerk, in a penal sum of Five Thousand Dollars ($5,000.) running to the City, for the use and benefit of any purchaser of any merchandise from such transient merchant who might have a cause of action of any nature arising from or out of such sale against the applicant or his employer. The bond is to be further conditioned for the payment of any fines that may be assessed by any court against the applicant for a violation of this section, and further conditioned for the payment and satisfaction of any and all causes of action against the applicant commenced within one year

DRAFT

from the date of sale of any merchandise. The aggregate liability of the surety for all fines and causes of action shall not exceed the principal sum of the bond.

29.6.2.4 Display of License. Each licensee shall at all times while doing business in this City keep in his or her possession the license, and shall, upon the request of prospective customers, exhibit the license as evidence that he or she has complied with all requirements of this section.

29.6.2.5 Not Transferable. Licenses issued under the provisions of this section are not transferable in any situation and are to be applicable only to the person filing the application.

29.6.2.6 Hours of Operation. All licenses shall provide that said licenses shall be in force and effect only between the hours of nine (9) o'clock a.m. and nine (9) o'clock p.m.

29.6.2.7 Revocation of License. After notice and hearing under Chapter 1.14 of this Code, the Mayor or Council's designee or other authorized officer may revoke any license for fraudulent practices, violation of law, or as is reasonable to protect public safety, health, and welfare.

29.6.2.8 License Fee. The license fee shall be as follows:

29.6.2.8.1 $20.00 Daily Fee.

29.6.2.8.2 $80.00 Weekly Fee.

29.6.2.8.3 $200.00 Monthly Fee.

29.6.2.8.4 $400 Quarterly Fee.

29.6.2.8.5 $800.00 Yearly Fee.

29.6.2.9 Rebates. No licensee shall be entitled to a rebate of any part of the fee he or she has paid if the licensee surrenders his or her license before it expires.

29.6.2.10 Exemptions. The following are excluded from the application of this section, although the Clerk may request information from the organizations sufficient to verify applicability of this section and to identify representatives of the organization:

(i) Newspapers. Individuals delivering newspapers.

(ii) Club Members. Members of local Boy Scout, Girl Scout, Campfire Girls, 4-H Clubs, Future Farmers of America and similar organizations.

(iii) Farmers. Farmers who offer for sale products of their own raising.

DRAFT

(iv) Students. Students representing area schools or school districts conducting projects sponsored by organizations recognized by the schools.

(v) Milk and Food Delivery. Milk and food delivery persons who only incidentally solicit additional business or make special sales.

(vi) Resale or Institutional Use. Persons customarily calling on businesses or institutions for the purposes of selling products for resale or institutional use.

(vii) Nonprofit Organizations. Religious organizations or charitable organizations which recognized as exempt from taxation under 26 U.S.C §501(c), also known as the Internal Revenue Code are exempt from the permit and fee regulations of this section.

DRAFT

Chapter 30 Fees

Chapter Contents

Section	Topic	Section	Topic
30.1	Purpose and Authority	30.4	Payment, Deposits, Delinquency, Refunds, and Collection
30.2	General Standards for the Imposition of Fees	30.5	Public Records and Copying Fees
30.3	Specific State-Law Limitations and Controlling Law	30.6	Schedule of Common Fees

DRAFT

30.1 Purpose and Authority. This chapter establishes general standards for the lawful imposition, calculation, collection, and review of City fees, charges, deposits, rates, and cost-recovery amounts. Pursuant to Iowa Constitution article III, section 38A, and Iowa Code sections 364.1, 364.2, and 364.3, the City may exercise powers and perform functions for the protection and improvement of the peace, safety, health, welfare, comfort, and convenience of the City and its residents, including the imposition of fees and charges not inconsistent with state law. This chapter is intended to provide a uniform framework for common City fees. It supplements, and does not limit, fee authority otherwise granted by this Code, by state statute, by lawful contract, or by a duly adopted rate or fee resolution.

30.2 General Standards for the Imposition of Fees.

30.2.1. A fee, charge, deposit, rate, or cost-recovery amount may be imposed only for a lawful municipal purpose and only in a manner not inconsistent with state law.

30.2.2. Except where a narrower statute controls, each fee shall bear a reasonable relationship to the cost of the service provided to the person bearing the fee.

30.2.3. Fees may be imposed as fixed amounts, graduated amounts, per-unit charges, hourly charges, deposits, actual-cost reimbursements, rates, connection charges, late fees, reinspection fees, civil administrative fees, or state-set charges, as applicable to the fee type.

30.2.4. Similar applicants, users, properties, services, or activities may be classified together, and fees may vary by reasonable class, size, intensity of use, valuation, risk, volume, duration, or actual cost, provided the classification is rational and applied uniformly within the class.

30.2.5. Unless a specific statute provides a narrower cost rule, a fee may include direct labor, materials, equipment, publication, postage, media, testing, contractor, consultant, engineering, inspection, legal, and recording costs reasonably attributable to the service, permit, review, enforcement action, or program for which the fee is imposed.

30.2.6. No fee shall be imposed as a tax or primarily for general revenue unless the City is expressly authorized by state law to levy the tax.

30.3 Specific State-Law Limitations and Controlling Law.

30.3.1. The City shall not levy a tax unless specifically authorized by state law.

30.3.2. The City shall not impose a fee or charge on a person licensed by the Iowa plumbing and mechanical systems board for the right to perform plumbing, mechanical, HVAC, refrigeration, sheet metal, or hydronic work; however, the City may charge permit and inspection fees for work performed within the City's jurisdiction as allowed by law.

30.3.3. The City shall not require an owner to take or show compliance with any action, or pay any fee, before, during, or after refinancing, selling, or transferring title to real property, except as otherwise authorized by state law.

30.3.4. The City shall not require a license, permit, variance, prior approval, or fee for a no-impact home-based business when prohibited by Iowa Code section 414.33.

30.3.5. The City shall not require a permit, license, or fee for an eligible business operated on an occasional basis by a person under eighteen years of age when prohibited by Iowa Code section 364.3.

30.3.6. The City shall not require a separate local alcohol license or permit fee except as expressly allowed by Iowa Code chapter 123.

30.3.7. Retail tobacco, cigarette, alternative nicotine, and vapor product permits shall be approved and issued, and their fees set, in the manner required by Iowa Code chapter 453A. No additional City permit fee shall be charged unless expressly authorized by state law.

30.3.8. The City shall not require a license or permit fee for a short-term rental property when prohibited by Iowa Code section 414.1.

30.3.9. Public records fees shall comply with Iowa Code chapter 22, including the limitations on copy charges, staff time, and legal review charges.

DRAFT

30.3.10. Utility, enterprise, service, and connection charges shall be imposed, adjusted, and collected in the manner required by the specific statutes governing the utility or enterprise, including Iowa Code sections

384.38 and 384.84 where applicable.

30.3.11. If a specific state statute or a more specific chapter of this Code prescribes the method of adoption, amount, calculation, notice, hearing, appeal, use of proceeds, or collection of a fee, that specific statute or chapter controls over this chapter.

30.4 Payment, Deposits, Delinquency, Refunds, and Collection.

30.4.1. Unless otherwise stated, fees are due at the time of application, request, reservation, service initiation, or issuance of the permit, license, or approval.

30.4.2. The City may require payment in advance, a refundable or nonrefundable deposit, proof of insurance, a bond, or an escrow for restoration, consultant review, or special event costs when reasonably related to the requested service or activity.

30.4.3. No refund shall be made after staff review or service work has substantially begun, unless otherwise provided by this Code, by published administrative rules, or by Council action. If work has not substantially begun, the City may retain an administrative processing amount and refund the balance.

30.4.4. A returned check, failed electronic transfer, or chargeback shall result in the returned-payment fee stated in section 10.8, in addition to any amount otherwise due.

30.4.5. Delinquent fees may be subject to lawful late charges, collection costs, certification costs, and interest when authorized by statute, contract, rate resolution, or other applicable law.

30.4.6. Unpaid service charges, utility charges, nuisance charges, inspection charges, or other charges may be collected by billing, offset, civil action, special assessment, lien, or tax certification to the extent authorized by law.

30.4.7. The City may pass through actual third-party charges for publication, postage, recording, testing, engineering, consulting, collection agency services, or specialized inspection and enforcement services.

30.5 Public Records and Copying Fees.

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30.5.1. For public records requests requiring less than thirty minutes of work to produce, the City shall make every reasonable effort to provide the records at no cost other than actual copying or transmission costs allowed by Iowa Code section 22.3.

30.5.2. For requests requiring more than thirty minutes of work, the City may charge the actual direct hourly wage of the lowest-paid City officer or employee capable of performing the work, billed in fifteen-minute increments, together with actual costs of copies, electronic media, postage, and legally permitted redaction or legal-review costs.

30.5.3. Public records charges shall not include ordinary overhead or other costs prohibited by Iowa Code section 22.3.

30.6 Schedule of Common Fees.

30.6.1. The following schedule is adopted as an initial schedule of common municipal fees. A fee in this section applies only if the underlying permit, service, license, inspection, program, or regulatory activity is otherwise authorized by this Code or by state law.

Administrative and Records Fees.

Fee Type	Amount or Method	Notes
Copies, letter-size (black and white)	$0.25 per page	Actual copy charge.
Copies, letter-size (color)	$0.50 per page	Actual copy charge.
Copies, legal-size (black and white)	$0.35 per page	Actual copy charge.
Copies, legal-size (color)	$0.60 per page	Actual copy charge.
Large-format maps, plans, or oversized copies	Actual reproduction cost	Plus mailing or media cost if applicable.
Faxing	$1. first page, $0.25 each additional page	If fax service is offered by the City.
Certified copy or certification of document	$5. per document	Does not include copy charge.
Public records staff time	Actual direct hourly wage after first 30 minutes	Must comply with Iowa Code section 22.3.
Electronic records on digital media	Actual cost of media	Plus staff time if request exceeds 30 minutes.
Printed code book or bound ordinance copy	Actual printing and binding cost	Recommended baseline: $150..
Notary service	No charge	Unless a separate lawfully adopted fee applies.
Returned payment / NSF / chargeback	$30.	Assessed per returned transaction.

DRAFT

Fee Type	Amount or Method	Notes
General business license	$50. annually	Only if another chapter lawfully requires the license.
Peddler's, solicitor's, or transient merchant permit — weekly	$50.	If authorized by Chapter 30 or similar ordinance.
Peddler's, solicitor's, or transient merchant permit — monthly	$125.	If authorized by Chapter 30 or similar ordinance.
Peddler's, solicitor's, or transient merchant permit — yearly	$300.	If authorized by Chapter 30 or similar ordinance.
Special event vendor permit	$25. per day	Plus actual extraordinary cleanup, police, or barricade costs if applicable.
Dog or cat license — spayed/neutered	$15. annually	If animal licensing is required by this Code.
Dog or cat license — unaltered	$25. annually	If animal licensing is required by this Code.
Animal license late fee	$5. per month after March 1	If animal licensing is required by this Code.

Fee Type	Amount or Method	Notes
Alcoholic beverage license or permit	State-set fee only	No separate City fee unless expressly authorized by Iowa Code chapter 123.
Tobacco, cigarette, alternative nicotine, or vapor permit	State-set fee only	Fee and issuance controlled by Iowa Code chapter 453A.

DRAFT

Fee Type	Amount or Method	Notes
Zoning verification or zoning compliance letter	$50.	Per request.
Board of Adjustment appeal, variance, or special exception	$150.	Plus actual publication and mailing costs.
Rezoning request	$300.	Plus actual publication, mailing, and consultant costs.
Site plan review	$200.	Plus actual engineering, planning, or consultant review costs.
Preliminary subdivision plat	$300.	Plus actual legal, engineering, publication, and consultant costs.
Final subdivision plat	$200.	Plus actual legal, engineering, publication, and consultant costs.
Sign permit	$50. minimum	Or 1% of project cost, not to exceed $300..
Building permit	$75. minimum	Or 1% of project cost, not to exceed $1,500..
Demolition permit	$100. residential; $250. nonresidential	Cost of inspections
Fence permit	$25.	Per fence project.
Driveway or approach permit	$75.	Plus actual restoration cost if applicable.
Excavation or right-of-way permit	$100.	Plus restoration deposit or bond of at least $500., or actual restoration amount required by the City.
Rental registration or certification	$20. per unit annually	Only if authorized by this Code and not prohibited by state law.
Rental inspection	$35. per unit	Per regular inspection.
Reinspection	$50. per visit	If reinspection is required by noncompliance.
Vacant building registration	$50. per structure annually	If authorized by this Code.
Nuisance abatement administrative fee	$100.	Plus actual contractor, labor, material, disposal, and publication costs.

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Public Works, Utilities, and Cemetery Fees.

Fee Type	Amount or Method	Notes
Water tap or water connection fee	$1,500. residential	Commercial, multifamily, or industrial: actual cost plus meter, inspection, and engineering costs.
Sewer tap or sewer connection fee	$1,500. residential	Commercial, multifamily, or industrial: actual cost plus inspection and engineering costs.
Utility account setup or transfer	$20.	Per account.
Regular-hours reconnect fee	$50.	If service is disconnected for nonpayment or at customer request.
After-hours reconnect fee	$100.	If service is disconnected for nonpayment or at customer request.
Replacement garbage cart, tipper cart, or recycling container	Actual replacement cost	At current vendor cost.
Storm water user charge	$5. per ERU per billing cycle	Unless superseded by separate storm water rate ordinance.
Lien or tax-certification administrative fee	$75.	Subject to any lower statutory cap applicable to a specific charge.
Cemetery lot	$650.	Per lot.
Grave opening and closing — burial	$1,000. weekday	$1,200. on weekends or holidays.
Grave opening and closing — cremains	$500. weekday	$650. on weekends or holidays.
Plot transfer fee	$75.	Per transfer.
Sale of cemetery lot back to City	Original purchase price	Unless the Council approves a different amount.

Fee Type	Amount or Method	Notes
Aquatic center daily admission	$6.	Per person.
Aquatic center 10-entry pass	$55.	Per pass.
Aquatic center child age 2 and under	No charge	With supervising adult.
Aquatic center individual season pass	$110.	Age 11 and older.

DRAFT

Fee Type	Amount or Method	Notes
Additional household member on season pass	$40. per person	Additional charges capped at $160..
Senior citizen discount	25% discount	Recommended for persons age 62 and older.
Swim lessons	$60.	Per session.
Pool rental — up to 30 persons	$125. per hour	Private rental.
Pool rental — 31 to 50 persons	$160. per hour	Private rental.
Pool rental — 51 to 75 persons	$200. per hour	Private rental.
Pool rental — 76 persons and over	$240. per hour	Private rental.
Park shelter rental	$35. per day	Per shelter.
Community center or fire hall rental	$150. per event	Plus cleaning or staff costs if applicable.
Community center or fire hall deposit	$150.	Refundable if the facility is left clean and undamaged.

Fee Type	Amount or Method	Notes
Ambulance no treat / no transport	$200.	If provided by the City; subject to billing law and payer rules.
BLS non-emergency base rate	$1,200.	If provided by the City; subject to billing law and payer rules.
BLS emergency base rate	$1,350.	If provided by the City; subject to billing law and payer rules.
ALS non-emergency base rate	$1,450.	If provided by the City; subject to billing law and payer rules.
ALS emergency level 1	$1,650.	If provided by the City; subject to billing law and payer rules.
ALS emergency level 2	$2,050.	If provided by the City; subject to billing law and payer rules.
Specialty care transport	$1,900.	If provided by the City; subject to billing law and payer rules.
Ambulance mileage	$25. per mile	If provided by the City; subject to billing law and payer rules.
Fingerprinting	$15. per card	If provided by the City.
Police, fire, or EMS report copy	Actual cost under Iowa Code chapter 22	Subject to confidentiality law and lawful redaction costs.

DRAFT

Fee Type	Amount or Method	Notes
Fire response — pumper truck	$650. per hour	If cost recovery is otherwise authorized.
Fire response — tanker truck	$450. per hour	If cost recovery is otherwise authorized.
Fire response — wildland truck	$200. per hour	If cost recovery is otherwise authorized.
Fire response — rescue or quick-attack unit	$300. per hour	If cost recovery is otherwise authorized.
Rescue tools, foam, absorbents, hazmat kit, and expendables	Actual cost or schedule adopted by the Council	Recommended examples: Jaws of Life $300.; power saw $100.; AFFF foam $200. per five gallons; hazmat kit $600..
Income offset or collection administration fee	$50.	Per submission if otherwise authorized.
Collection agency fee	Actual amount charged, not to exceed 20%	Added only if allowed by law or contract.

DRAFT

Index of Technical Terms

Term	Page
Abandoned Animal	58
Accessory dwelling unit (ADU)	141
Accessory Structure	141
Accessory Use	141
Account Holder	100
Adequate Food	59
Adequate Shelter	58
Adequate Water	59
Adjacent or Abutting	141
Administrator	141
Agricultural Use	141
Alcoholic beverage	214
All-Terrain Vehicle	34
Altered	59
Anchored	120
Animal	58
Animal Shelter	59
Applicant	142
Approved	120
At Large	60
Attractive Nuisance	120
Authorized Representative	100
Base Flood	179
Basement	120
Bathroom	120
Bedroom	120
Bite	60
Blight	120
Block	180
Board	142
Buffer Yard	142
Building Coverage	139
Cat	60
City	215
City Property	3

DRAFT

Term	Page
City Services	142
Code Official	121
Commission	142
Compliance Agreement	121
Condemn	121
Conditional Use Permit	142
Constitution	3
Construction sign	36
Council	215
Crosswalks	37
Cul-de-Sac	197
Dangerous Animal	60
Delinquent	100
Density	142
Department	215
Detached	121
Deterioration	121
Development	142
District	142
Division	197
Do Not Enter/Wrong Way Signs	37
Driveway	142
Duplex	142
Dwelling Unit	121
Easement	121
Equipment Support,	121
Exceptions	183
Existing Construction	180
Existing Factory-Built Home Park or Subdivision	180
Expansion of Existing Factory-Built Home Park or Subdivision	180
Exterior Property	121
Facility	93
Factory-Built Home	180
Factory-Built Home Park	180
Federal	180
Fire-Resistance Rating	121

DRAFT

Term	Page
Flood	179
Flood Elevation	180
Flood Hazard Area	181
Flood Insurance Rate Map (FIRM)	179
Flood Proofing	181
Floodplain	181
Floodplain Management	181
Floodway	181
Floodway Fringe	181
Floor Area, Gross	143
Forty-Acre Aliquot Part	197
Frontage	143
Garbage	121
Go-Cart	34
Government Lot	197
Guard	121
Habitable Space,	121
Historic Structure	181
Home-Based Business	143
Housekeeping Unit	121
Ill Fame	121
Imminent Danger	121
Impervious Coverage	143
Improvements	197
Infestation	121
Inoperable Vehicle	122
Intensity of Use. The	143
Labeled	122
License or permit	215
Licensed premises"	215
Loading Berth	143
Lot	143
Lot Area	143
Lot of Record	143
Lowest Floor	181
Metes and Bounds Description	197
Minor Projects	179

DRAFT

Term	Page
Mixed-Use Development	143
Motorized Dirt Bike	34
Multifamily Dwelling	143
New Construction (new buildings, factory-built home parks)	182
New Factory-Built Home Park or Subdivision	179
Nonconforming Lot	143
Nonconforming Structure	144
Nonconforming Use	144
Nuisance	120
Off-Road Vehicle	34
Official Plat	197
One Hundred (100) Year Flood	182
One-Way, Turn, and Movement Control Signs	37
Open Storage	144
Original Parcel	197
Overlay District	144
Owner	197
Parcel	182
Park or Parking	35
Parking Space	144
Parking, Stopping, and Standing Signs or Pavement Marking	37
Pavement markings	35
Performance Bond	198
Permanent Real Estate Index Number	198
Permit	93
Permitted Use	144
Person	3
Planned Unit Development (PUD)	144
Posted Rules	93
Principal Building or Principal Use	144
Program	93
Public Property	3
Public Right-of-Way	4
Public Way	4
Quiet Enjoyment	122

DRAFT

Term	Page
Residential or School District	35
Safety Easement	35
Screening	144
Seal	4
Service Area	144
Setback	144
Site Plan	144
Snowmobile	35
Special Flood Hazard Area	182
Speed Limit Sign	36
Start of Construction	182
State	4
State Law	4
Stop Sign	36
Story	144
Street Side Yard	145
Substantial Damage	183
Substantial Improvement	183
Suburban District	35
Townhouse	145
Traffic Control Device and Pavement Markings	35
Use	140
Utility Clerk	100
Utility service	100
Variance	145
Weight, Size, and Truck Restriction Sign	37
Wild and Exotic Animals:	60
Yard	142
Yield Sign	36

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