

CHAPTER 1

CODE OF ORDINANCES

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

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

1. “Alley” means a public right-of-way, other than a street, affording secondary means of access to abutting property.
2. “City” means the City of Rock Valley, Iowa.
3. “Clerk” means the city clerk of Rock Valley, Iowa.
4. “Code” means the specific chapter of this Code of Ordinances in which a specific subject is covered and bears a descriptive title word (such as the Building Code and/or a standard code adopted by reference).
5. “Code of Ordinances” means the Code of Ordinances of the City of Rock Valley, Iowa.
6. “Council” means the city council of Rock Valley, Iowa.
7. “County” means Sioux County, Iowa.
8. “May” confers a power.
9. “Measure” means an ordinance, amendment, resolution or motion.
10. “Must” states a requirement.
11. “Occupant” or “tenant,” applied to a building or land, includes any person who occupies the whole or a part of such building or land, whether alone or with others.
12. “Ordinances” means the ordinances of the City of Rock Valley, Iowa, as embodied in this Code of Ordinances, ordinances not repealed by the ordinance adopting this Code of Ordinances, and those enacted hereafter.
13. “Person” means an individual, firm, partnership, domestic or foreign corporation, company, association or joint stock association, trust, or other legal

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

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

15. “Shall” imposes a duty.

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

17. “State” means the State of Iowa.

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

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

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

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

(Code of Iowa, Sec. 364.1)

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

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

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

(Code of Iowa, Sec. 364.14)

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

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

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

(Code of Iowa, Sec. 380.2)

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

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

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

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

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

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

1.14 STANDARD PENALTY. Unless another penalty is expressly provided by this Code of Ordinances for violation of any particular provision, section or chapter, any person failing to perform a duty required by this Code of Ordinances or otherwise violating any provision of this Code of Ordinances or any rule or regulation adopted herein by reference shall, upon conviction, be subject to a fine of at least sixty-five dollars (\$65.00) but not to exceed six hundred twenty-five dollars (\$625.00). The court may order imprisonment not to exceed thirty (30) days in lieu of a fine or in addition to a fine.[†]

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

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

CHAPTER 2

CHARTER

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

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

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

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

(Code of Iowa, Sec. 372.4)

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

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

(Code of Iowa, Sec. 376.2)

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

(Code of Iowa, Sec. 376.2)

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

(Code of Iowa, Sec. 372.1)

[†] **EDITOR'S NOTE:** Ordinance No. 63 adopting a charter for the City was passed and approved by the Council on June 2, 1975.

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CHAPTER 3

MUNICIPAL INFRACTIONS

3.01 Municipal Infraction
3.02 Environmental Violation
3.03 Penalties

3.04 Civil Citations
3.05 Alternative Relief
3.06 Alternative Penalties

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

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

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

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

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

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

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

1. Standard Civil Penalties.
 - A. First Offense – Not to exceed \$750.00
 - B. Each Repeat Offense – Not to exceed \$1,000.00

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

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

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

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

- (1) The violation results solely from conducting an initial startup, cleaning, repairing, performing scheduled maintenance, testing, or conducting a shutdown of either equipment causing the violation or the equipment designed to reduce or eliminate the violation.
- (2) The City is notified of the violation within twenty-four (24) hours from the time that the violation begins.
- (3) The violation does not continue in existence for more than eight (8) hours.

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

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

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

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

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

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

3.06 ALTERNATIVE PENALTIES. This chapter does not preclude a peace officer from issuing a criminal citation for a violation of this Code of Ordinances or regulation if criminal penalties are also provided for the violation. Nor does it preclude or limit the authority of the City to enforce the provisions of this Code of Ordinances by criminal sanctions or other lawful means.

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

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CHAPTER 5

OPERATING PROCEDURES

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

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

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

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

(Code of Iowa, Sec. 63.1)

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

(Code of Iowa, Sec. 63.10)

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

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

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

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

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

(Code of Iowa, Sec. 64.13)

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

(Code of Iowa, Sec. 64.19)

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

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

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 21.4)

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

(Code of Iowa, Sec. 21.3)

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

(Code of Iowa, Sec. 21.3)

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

(Code of Iowa, Sec. 21.5)

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

(Code of Iowa, Sec. 21.7)

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

(Code of Iowa, Sec. 21.8)

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

(Code of Iowa, Sec. 362.5)

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

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

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

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

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

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

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

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

5. Newspaper. The designation of an official newspaper.

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

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

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

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

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

8. Corporations. A contract with a corporation in which a City officer or employee has an interest by reason of stock holdings when less than five percent (5%) of the outstanding stock of the corporation is owned or controlled directly or indirectly by the officer or employee or the spouse or immediate family of such officer or employee.

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

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

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

10. Cumulative Purchases. Contracts not otherwise permitted by this section, for the purchase of goods or services that benefit a City officer or employee, if the purchases benefiting that officer or employee do not exceed a cumulative total purchase price of fifteen hundred dollars (\$1,500.00) in a fiscal year.

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 372.15)

5.10 VACANCIES. A vacancy in an elective City office during a term of office shall be filled, at the Council's option, by one of the two following procedures:

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

1. Appointment. By appointment following public notice, by the remaining members of the Council. The appointment shall be made within sixty (60) days after the vacancy occurs and shall be for the period until the next regular City election unless there is an intervening special election for the City, in which event the election for the office shall be placed on the ballot at such special election. If the Council chooses to proceed under this subsection, the Council shall publish notice of the appointment in accordance with Section 372.13 of the *Code of Iowa*. If the remaining members do not constitute a quorum of the full membership, or if a petition is filed requesting an election, the Council shall call a special election as provided by law.

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

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

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

(Ord. 440-14 – Jun. 18 Supp.)

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

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

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CHAPTER 6

CITY ELECTIONS

6.01 Nominating Method to Be Used

6.02 Candidacy

6.03 Run-Off Election in Lieu of Primary

6.04 Run-Off Election Procedure

6.05 Qualification

6.06 Time Held

6.07 Candidates Elected

6.08 Election Precincts

6.01 NOMINATING METHOD TO BE USED. All candidates for elective municipal offices shall be nominated under the provisions of Chapter 376 of the *Code of Iowa*.

(Code of Iowa, Sec. 376.3)

6.02 CANDIDACY. An eligible elector of the City may become a candidate for an elective City office by filing with the County Commissioner of Elections a valid petition requesting that the elector's name be placed on the ballot for that office. The petition must be signed by eligible electors equal in number to at least two percent (2%) of those who voted to fill the same office at the last regular City election, but not less than ten (10) persons.

(Code of Iowa, Sec. 376.4)

(Ord. 438-14 – Jun. 18 Supp.)

6.03 RUN-OFF ELECTION IN LIEU OF PRIMARY. A run-off election shall be held in lieu of a primary election for the choosing of persons for elective offices.

(Code of Iowa, Sec. 376.6)

6.04 RUN-OFF ELECTION PROCEDURE. A run-off election shall be held only for positions unfilled because of failure of a sufficient number of candidates to receive a majority vote in the regular City election.

(Code of Iowa, Sec. 376.9)

6.05 QUALIFICATION. Candidates who do not receive a majority of the votes cast for an office, but who receive the highest number of votes cast for that office in the regular City election, to the extent of twice the number of unfilled positions, are candidates in the run-off elections.

(Code of Iowa, Sec. 376.9)

6.06 TIME HELD. Run-off elections shall be held four (4) weeks after the date of the regular City election and shall be conducted in the same manner as regular City elections.

(Code of Iowa, Sec. 376.9)

6.07 CANDIDATES ELECTED. Candidates in the run-off election who receive the highest number of votes cast for each office on the ballot are elected to the extent necessary to fill the positions open.

(Code of Iowa, Sec. 376.9)

6.08 ELECTION PRECINCTS. The City of Rock Valley, Iowa, is divided into two (2) election precincts.

1. One precinct, known as "Rock Valley West," shall include that part of the Incorporated City of Rock Valley lying west of Main Street (16th Avenue), also

known as Elmwood Avenue or County Highway K30, EXCEPT that part of the Incorporated City of Rock Valley known as Vis Addition and Prairie Meadows Addition.

2. The other precinct, known as “Rock Valley East,” shall include that part of the Incorporated City of Rock Valley lying east of Main Street (16th Avenue), also known as Elmwood Avenue or County Highway K30, AND also that part of the Incorporated City of Rock Valley known as Vis Addition and Prairie Meadows Addition.

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CHAPTER 7

FISCAL MANAGEMENT

7.01 Purpose
7.02 Finance Officer
7.03 Cash Control
7.04 Fund Control

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6. Utility and Enterprise Funds. A surplus in a Utility or Enterprise Fund may be transferred to any other City fund, except the Emergency Fund and Road Use Tax Funds, by resolution of the Council. A surplus may exist only after all required transfers have been made to any restricted accounts in accordance with the terms and provisions of any revenue bonds or loan agreements relating to the Utility or Enterprise Fund. A surplus is defined as the cash balance in the operating account or the unrestricted retained earnings calculated in accordance with generally accepted accounting principles in excess of:

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

- B. The amount necessary to make all required transfers to restricted accounts for the succeeding three (3) months.

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

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

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

1. Proposal Prepared. The finance officer is responsible for preparation of the annual budget detail, for review by the Mayor and Council and adoption by the Council in accordance with directives of the Mayor and Council.
2. Boards and Commissions. All boards, commissions and other administrative agencies of the City that are authorized to prepare and administer budgets must submit their budget proposals to the finance officer for inclusion in the proposed City budget at such time and in such form as required by the Council.
3. Submission to Council. The finance officer shall submit the completed budget proposal to the Council no later than February 15 of each year.
4. Council Review. The Council shall review the proposed budget and may make any adjustments in the budget which it deems appropriate before accepting such proposal for publication, hearing and final adoption.
5. Notice of Hearing. Upon adopting a proposed budget the Council shall set a date for public hearing thereon to be held before March 15 and cause notice of such hearing and a summary of the proposed budget to be published not less than ten (10)

nor more than twenty (20) days before the date established for the hearing. Proof of such publication must be filed with the County Auditor.

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

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

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

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

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

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

(Code of Iowa, Sec. 384.18)

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

(IAC, 545-2.2[384, 388])

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

(IAC, 545-2.3[384, 388])

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

(IAC, 545-2.4[384, 388])

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

(IAC, 545-2.4[384, 388])

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 384.22)

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CHAPTER 8

INDUSTRIAL PROPERTY TAX EXEMPTIONS

8.01 Purpose

8.02 Definitions

8.03 Period of Partial Exemption

8.04 Amounts Eligible for Exemption

8.05 Limitations

8.06 Applications

8.07 Approval

8.08 Exemption Repealed

8.09 Dual Exemptions Prohibited

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

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

1. “Actual value added” means the actual value added as of the first year for which the exemption is received.
2. “Distribution center” means a building or structure used primarily for the storage of goods which are intended for subsequent shipment to retail outlets. Distribution center does not mean a building or structure used primarily to store raw agricultural products, used primarily by a manufacturer to store goods to be used in the manufacturing process, used primarily for the storage of petroleum products, or used for the retail sale of goods.
3. “New construction” means new buildings and structures and includes new buildings and structures which are constructed as additions to existing buildings and structures. New construction does not include reconstruction of an existing building or structure which does not constitute complete replacement of an existing building or structure or refitting of an existing building or structure unless the reconstruction of an existing building or structure is required due to economic obsolescence and the reconstruction is necessary to implement recognized industry standards for the manufacturing and processing of specific products and the reconstruction is required for the owner of the building or structure to continue competitively to manufacture or process those products, which determination shall receive prior approval from the City Council of the City upon the recommendation of the Iowa Department of Economic Development.
4. “Research-service facilities” means a building or group of buildings devoted primarily to research and development activities, including, but not limited to, the design and production or manufacture of prototype products for experimental use, and corporate research services which do not have a primary purpose of providing on-site services to the public.
5. “Warehouse” means a building or structure used as a public warehouse for the storage of goods pursuant to Chapter 554, Article 7, of the *Code of Iowa*, except that it does not mean a building or structure used primarily to store raw agricultural products or from which goods are sold at retail.

8.03 PERIOD OF PARTIAL EXEMPTION. The actual value added to industrial real estate by the new construction of industrial real estate, research-service facilities, warehouses

and distribution centers is eligible to receive a partial exemption from taxation for a period of five (5) years.

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

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

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

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

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

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

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

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

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

8.07 APPROVAL. A person may submit a proposal to the City Council to receive prior approval for eligibility for a tax exemption on new construction. If the City Council resolves to consider such proposal, it shall publish notice and hold a public hearing thereon. Thereafter, at least thirty (30) days after such hearing the City Council, by ordinance, may give its prior approval of a tax exemption for new construction if the new construction is in conformance with City zoning. Such prior approval shall not entitle the owner to exemption from taxation until the new construction has been completed and found to be qualified real estate.

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

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

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

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

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

CHAPTER 9

ECONOMIC DEVELOPMENT PROPERTY TAX EXEMPTION

9.01 Purpose
9.02 Definitions
9.03 Eligibility

9.04 When Effective
9.05 Application

9.01 PURPOSE. The purpose of this chapter is to provide for a property tax exemption for shell buildings constructed by community development organizations, not-for-profit cooperative associations under Chapter 499 of the *Code of Iowa*, or for-profit entities for speculative purposes in accordance with Section 427.1 of the *Code of Iowa*.

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

1. “Community development organization” means a City organization or a multi-community group formed for one or more of the following purposes:
 - A. To promote, stimulate, develop, and advance the business prosperity and economic welfare of the community, area, or region and its citizens.
 - B. To encourage and assist the location of new business and industry.
 - C. To rehabilitate and assist existing business and industry.
 - D. To stimulate and assist in the expansion of business activity.

For purposes of this definition, a community development organization must have at least fifteen (15) members with representation from the government at the level or levels corresponding to the community development organization’s area of operation; a private sector lending institution; a community organization in the area; business in the area; and private citizens in the community, area, or region.

2. “New construction” means new buildings or structures and includes new buildings or structures that are constructed as additions to existing buildings or structures. “New construction” also includes reconstruction or renovation of an existing building or structure that constitutes complete replacement of an existing building or structure or refitting of an existing building or structure, if the reconstruction or renovation of the existing building or structure is required due to economic obsolescence, if the reconstruction or renovation is necessary to implement recognized industry standards for the manufacturing or processing of products, and the reconstruction or renovation is required in order to competitively manufacture or process products or for community development organizations, not-for-profit cooperative associations under Chapter 499 of the *Code of Iowa*, or for-profit entities to market a building or structure as a speculative shell building, which determination must receive prior approval from the Council.

3. “Speculative shell building” means a building or structure owned and constructed or reconstructed by a community development organization, a not-for-profit cooperative association under Chapter 499 of the *Code of Iowa*, or a for-profit entity without a tenant or buyer for the purpose of attracting an employer or user that

will complete the building to the employer's or user's specification for manufacturing, processing, or warehousing the employer's or user's product line.

9.03 ELIGIBILITY. The new construction of shell buildings by the community development organization, not-for-profit cooperative association under Chapter 499 of the *Code of Iowa*, or for-profit entity for speculative purposes is eligible for property tax exemption. The exemption shall be for one of the following:

1. The value added by new construction of a shell building or addition to an existing building or structure.
2. The value of an existing building being reconstructed or renovated, and the value of the land on which the building is located, if the reconstruction or renovation constitutes complete replacement or refitting of the existing building or structure.

9.04 WHEN EFFECTIVE.

1. If the exemption is for a project described in subsection 1 of Section 9.03, the exemption shall be effective for the assessment year in which the building is first assessed for property taxation or the assessment year in which the addition to an existing building first adds value. If the exemption is for a project described in subsection 2 of Section 9.03, the exemption shall be effective for the assessment year following the assessment year in which the project commences. An exemption allowed under this section shall be allowed for all subsequent years until the property is leased or sold or until the exemption is terminated by ordinance of the City Council.

2. Eligibility for an exemption as a speculative shell building shall be determined as of January 1 of the assessment year. However, an exemption shall not be granted for a speculative shell building of a not-for-profit cooperative association under Chapter 499 of the *Code of Iowa* or a for-profit entity if the building is used by the cooperative association or for-profit entity or a subsidiary or majority owners thereof for other than as a speculative shell building. If the shell building or any portion of the shell building is leased or sold, the portion of the shell building that is leased or sold and a proportionate share of the land on which it is located, if applicable, shall not be entitled to an exemption under this section for subsequent years. Upon the sale of the shell building, the shell building shall be considered new construction for purposes of Section 427B.1 of the *Code of Iowa* if used for purposes set forth in Section 427B.1.

9.05 APPLICATION.

1. If the speculative shell building project is a project described in subsection 1 of Section 9.03, an application shall be filed pursuant to Section 427B.4 of the *Code of Iowa*.

2. If the speculative shell building project is a project described in subsection 2 of Section 9.03, an application shall be filed pursuant to Section 427.1(27) of the *Code of Iowa*.

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CHAPTER 10

URBAN RENEWAL

EDITOR'S NOTE		
The following ordinances not codified herein, and specifically saved from repeal, have been adopted and provide for Urban Renewal Areas in the City and remain in full force and effect, for division of tax levied on taxable property.		
ORDINANCE NO.	ADOPTED	NAME OF AREA
--	November 6, 1989	Rock Valley Urban Renewal Area
228	October, 1991	Rock Valley Urban Renewal Project Area
320	July 8, 2002	Amended Rock Valley Urban Renewal Project Area
321	July 8, 2002	Back Nine Urban Renewal Project Area
322	July 8, 2002	Rock Mills Urban Renewal Project Area
323	July 8, 2002	Westview Business Park Urban Renewal Project Area
332	January 20, 2003	Rock Valley Urban Renewal Project Area
333	January 20, 2003	Back Nine Urban Renewal Project Area
334	January 20, 2003	Rock Mills Urban Renewal Project Area
335	January 20, 2003	Westview Business Park Urban Renewal Project Area
355	January 14, 2006	Amended Westview Business Park Urban Renewal Project Area
400-10	November 4, 2010	Rock Ridge Urban Renewal Area
477-18	August 2, 2018	Amended Westview Business Park Urban Renewal Area

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CHAPTER 11

URBAN REVITALIZATION

11.01 Designation of Revitalization Area

11.03 Rock Valley Riverview Urban Revitalization Area

**11.02 Amendment No. 1 To East Meadow Multiresidential
Urban Revitalization Plan**

11.01 DESIGNATION OF REVITALIZATION AREA. In accordance with Chapter 404 of the *Code of Iowa* (the “Act”), the area described as:

*Lots 22, 23, 24, 25, 26, 27, and 28 in the East Meadow Second Addition, in the
incorporated City of Rock Valley, Sioux County, State of Iowa*

is hereby designated as an Urban Revitalization Area under the Act, which area shall be known as the East Meadow Multi-Residential Urban Revitalization Area of the City.

11.02 AMENDMENT NO. 1 TO EAST MEADOW MULTIRESIDENTIAL URBAN REVITALIZATION PLAN. That in accordance with Chapter 404 of the *Code of Iowa*, and in consideration of the restrictions set forth in the preamble hereof, the area described as follows:

Original Area

*Lots 22, 23, 24, 25, 26, 27 and 28 in the East Meadow Second Addition, in the
incorporated City of Rock Valley, Sioux County, State of Iowa*

Amendment No. 1 Area

*Outlot 1, East Meadows 2nd Addition, in the incorporated City of Rock Valley (Rock
Valley Economic Development Corp.)*

*Lot 14, East Meadows 2nd Addition, in the incorporated City of Rock Valley (Vander
Berg Apartments, LLC)*

*Lot 15, East Meadows 2nd Addition, in the incorporated City of Rock Valley (JD
Apartments, LLC)*

*Lot 16, East Meadows 2nd Addition, in the incorporated City of Rock Valley (VB&B
Development, LLC)*

*Lot 17, East Meadows 2nd Addition, in the incorporated City of Rock Valley (VB&B
Development, LLC)*

*Lot 18, East Meadows 2nd Addition, in the incorporated City of Rock Valley (VB&B
Development, LLC)*

*Lot 19, East Meadows 2nd Addition, in the incorporated City of Rock Valley (Rock
Valley Economic Development Corp.)*

be and the same is hereby designated as a revitalization area under Chapter 404 of the *Code of Iowa*, known as the East Meadow Multiresidential Urban Revitalization Area, as amended.

(Ord. 449-15 – Jun. 18 Supp.)

11.03 ROCK VALLEY RIVERVIEW URBAN REVITALIZATION AREA. That in accordance with the Act, and in consideration of the restrictions set forth in the preamble hereof, the Revitalization Area legally described as:

Lots 17 and 18 except west 175' and lots 19 & 20, Block 2, Westview Business Park Addition; Lot 14 Block 2 River View Addition; Lot 13 Block 2 River View Addition; Lot 19 Block 1 River View Addition; Lot 20 Block 1 River View Addition

And

Riverview Drive and the corresponding right-of-way between the lots of Westview Business Park and River View Addition identified above, in the incorporated City of Rock Valley, Iowa.

be and the same is hereby designated as a revitalization area under the Act, which shall be known as the Rock Valley Riverview Urban Revitalization Area of the City of Rock Valley, Iowa.

(Section 11.03 – Ord. 478-18 – Mar. 20 Supp.)

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CHAPTER 15

MAYOR

15.01 Term of Office
15.02 Powers and Duties
15.03 Appointments

15.04 Compensation
15.05 Voting

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Mayor Pro Tem
2. Police Chief
3. Library Board of Trustees

15.04 COMPENSATION. The salary of the Mayor is four thousand dollars (\$4,000.00) per year, plus seventy dollars (\$70.00) per meeting of the Council attended.
(Code of Iowa, Sec. 372.13[8])

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

(Code of Iowa, Sec. 372.4)

CHAPTER 16

MAYOR PRO TEM

16.01 Vice President of Council
16.02 Powers and Duties

16.03 Voting Rights
16.04 Compensation

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

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

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

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

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

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

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

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

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CHAPTER 17

CITY COUNCIL

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

17.04 Council Meetings
17.05 Appointments
17.06 Compensation

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

(Code of Iowa, Sec. 372.4 & 376.2)

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 26.10)

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

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

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

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

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

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

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

(Code of Iowa, Sec. 380.4)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. City Administrator
2. City Clerk
3. Deputy City Clerk
4. City Attorney
5. Planning and Zoning Commission
6. Zoning Board of Adjustment
7. Zoning Administrator
8. Building Enforcement Officer
9. Recreational Activities Program Board
10. Campground Committee

17.06 COMPENSATION. The salary of each Council member is seventy dollars (\$70.00) for each meeting of the Council attended.

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

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CHAPTER 18

CITY CLERK

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

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

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

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

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

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

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

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

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

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

1. Time. If notice of an election, hearing, or other official action is required by this Code of Ordinances or law, the notice must be published at least once, not less than four (4) nor more than twenty (20) days before the date of the election, hearing or other action, unless otherwise provided by law.

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

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

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

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

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

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

(Code of Iowa, Sec. 380.11)

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

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

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

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

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

3. Maintenance. Maintain all City records and documents, or accurate reproductions, for at least five (5) years except that ordinances, resolutions, Council proceedings, records and documents, or accurate reproductions, relating to the issuance, cancellation, transfer, redemption or replacement of public bonds or obligations shall be kept for at least eleven (11) years following the final maturity of the bonds or obligations. Ordinances, resolutions, Council proceedings, records and documents, or accurate reproductions, relating to real property transactions shall be maintained permanently.

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

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

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

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

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

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

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

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

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

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

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

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

(Ord. 440-14 – Jun. 18 Supp.)

18.13 CITY SEAL. The City seal is in the custody of the Clerk and shall be attached by the Clerk to all transcripts, orders and certificates which it may be necessary or proper to authenticate. The City seal is circular in form, in the center of which is the word “SEAL” and around the margin of which are the words “INCORPORATED CITY OF ROCK VALLEY.”

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CHAPTER 19

CITY TREASURER

19.01 Appointment
19.02 Compensation

19.03 Duties of Treasurer

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

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

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

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

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CHAPTER 20

CITY ATTORNEY

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

20.05 Review and Comment
20.06 Provide Legal Opinion
20.07 Attendance at Council Meetings
20.08 Prepare Documents

20.01 APPOINTMENT AND COMPENSATION. The Council shall appoint a City Attorney to serve for a term of one year. The City Attorney shall receive such compensation as established by resolution of the Council.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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CHAPTER 21

CITY ADMINISTRATOR

21.01 Appointment and Term
21.02 Compensation

21.03 Powers and Duties

21.01 APPOINTMENT AND TERM. The City Administrator is appointed by a majority vote of the Council for a one-year term of office and is subject to removal and termination by majority vote of all members of the Council, subject to the provisions and protections of Section 372.15 of the *Code of Iowa*.

21.02 COMPENSATION. The City Administrator shall receive such annual salary as the Council shall from time to time determine by resolution.

21.03 POWERS AND DUTIES. The powers and duties of the City Administrator are as follows:

1. See that the laws and ordinances are duly enforced.
2. Attend all meetings of the Council unless excused by the Mayor.
3. Recommend to the Council such measures as the City Administrator deems necessary or expedient for the good government and welfare of the City.
4. Supervise and direct the administration of the City government.
5. Supervise and direct the official conduct of all officers of the City.
6. Supervise the performance of all contracts for work to be done for the City, make all purchases of material and supplies and see that such material and supplies are received, and are of the quality and character called for by the contract.
7. Have the power to employ, reclassify or discharge all employees of the City, as the occasion requires subject to the approval of the Council and to recommend the compensation to be paid such employees.
8. Supervise and manage all public improvements, works and undertakings of the City, and all public buildings, and have charge of their construction, improvement, repair and maintenance except those which may be otherwise delegated in this Code of Ordinances. Nothing herein shall be construed so as to prevent cooperation between the City Administrator and any commission, board of trustees, or other body.
9. Have charge of the making and preservation of all surveys, maps, plans, drawings, specifications and estimates for public works or public improvements, except those which may be otherwise delegated in this Code of Ordinances.
10. Have charge of the cleaning, sprinkling and lighting of streets and alleys and public places; the collection and disposal of waste, and the preservation of tools, equipment, vehicles and appliances belonging to the City.
11. Manage all municipal parks, airports and cemeteries, and all municipal water, lighting, heating, or power plant and transportation enterprises, except those operated under a Board of Trustees or other board or commission. If a board of commission is

abolished or ceases to exist, the management exercised by such board or commission shall thereupon vest in the City Administrator.

12. Provide for the issuance, suspension and revocation of such licenses and permits as are authorized by law or ordinance, cause a record thereof to be kept, and collect and deposit with the City Treasurer all fees for licenses and permits.

13. Keep the Council fully advised of the financial and other conditions of the City and of its future needs.

14. Prepare and submit to the Council annually the required budgets.

15. See that the business affairs of the City are transacted at all times by modern and scientific methods and in an efficient and businesslike manner, and that the records of all of the business affairs of the City under the management of the City Administrator are fully and accurately kept.

16. Work with the County Engineer and other private engineers on all projects affecting the City and keeping the Council informed on the progress of all projects; and also supervise all other engineering needs of the City.

17. Perform such other and further duties as the Council by ordinance directs.

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CHAPTER 22

LIBRARY BOARD OF TRUSTEES

22.01 Public Library
22.02 Library Trustees
22.03 Qualifications of Trustees
22.04 Organization of the Board
22.05 Powers and Duties
22.06 Contracting with Other Libraries

22.07 Nonresident Use
22.08 Expenditures
22.09 Annual Report
22.10 Injury to Books or Property
22.11 Theft
22.12 Notice Posted

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

22.02 LIBRARY TRUSTEES. The Board of Trustees of the Library, hereinafter referred to as the Board, consists of eight resident members and one nonresident member. All resident members are to be appointed by the Mayor with the approval of the Council. The nonresident member is to be appointed by the Mayor with the approval of the County Board of Supervisors.

22.03 QUALIFICATIONS OF TRUSTEES. All resident members of the Board shall be bona fide citizens and residents of the City. The nonresident member of the Board shall be a bona fide citizen and resident of the unincorporated County. Members shall be over the age of eighteen (18) years.

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

1. Term of Office. All appointments to the Board shall be for six years, except to fill vacancies. Each term shall commence on July 1. Appointments shall be made every two years of one-third the total number or as near as possible, to stagger the terms.
2. Vacancies. The position of any resident Trustee shall be vacated if such member moves permanently from the City. The position of a nonresident Trustee shall be vacated if such member moves permanently from the County or into the City. The position of any Trustee shall be deemed vacated if such member is absent from six (6) consecutive regular meetings of the Board, except in the case of sickness or temporary absence from the City or County. Vacancies in the Board shall be filled in the same manner as an original appointment except that the new Trustee shall fill out the unexpired term for which the appointment is made.
3. Compensation. Trustees shall receive no compensation for their services.

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

1. Officers. To meet and elect from its members a President, a Secretary, and such other officers as it deems necessary.
2. Physical Plant. To have charge, control and supervision of the Library, its appurtenances, fixtures and rooms containing the same.

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

(Code of Iowa, Ch. 661)
12. Record of Proceedings. To keep a record of its proceedings.
13. County Historical Association. To have authority to make agreements with the local County historical association where such exists, and to set apart the necessary room and to care for such articles as may come into the possession of the association. The Trustees are further authorized to purchase necessary receptacles and materials for the preservation and protection of such articles as are in their judgment of a historical and educational nature and pay for the same out of funds allocated for Library purposes.

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

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

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

2. Termination. Such a contract may be terminated at any time by mutual consent of the contracting parties. It also may be terminated by a majority vote of the electors represented by either of the contracting parties. Such a termination proposition shall be submitted to the electors by the governing body of a contracting party on a written petition of not less than five percent (5%) in number of the electors who voted for governor in the territory of the contracting party at the last general election. The petition must be presented to the governing body not less than forty (40) days before the election. The proposition may be submitted at any election provided by law that is held in the territory of the party seeking to terminate the contract.

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

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

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

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

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

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

(Code of Iowa, Sec. 384.20 & 392.5)

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

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

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 714.1)

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

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

(Code of Iowa, Sec. 714.5)

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

(Code of Iowa, Sec. 808.12)

CHAPTER 23

PLANNING AND ZONING COMMISSION

23.01 Planning and Zoning Commission
23.02 Term of Office
23.03 Vacancies

23.04 Compensation
23.05 Powers and Duties

23.01 PLANNING AND ZONING COMMISSION. The City Planning and Zoning Commission, hereinafter referred to as the Commission, consists of nine members, seven of whom are residents of the City. The resident members shall be appointed by the Council and shall not hold any elective office in the City government. The additional two members of the Commission are one member of the County Board of Supervisors, or a person designated by the Board, and one resident of the area outside the City over which the zoning jurisdiction of the City has been extended, both appointed by the County Board of Supervisors. A person designated by the Board shall also be a resident of the County in which such extended area is located.

(Code of Iowa, Sec. 414.6, 414.23 & 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 414.6)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

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

(Code of Iowa, Sec. 392.1)

7. Fiscal Responsibilities. The Commission shall have full, complete and exclusive authority to expend for and on behalf of the City all sums of money appropriated to it, and to use and expend all gifts, donations or payments whatsoever which are received by the City for City planning and zoning purposes.

(Code of Iowa, Sec. 392.1)

8. Limitation on Entering Contracts. The Commission shall have no power to contract debts beyond the amount of its original or amended appropriation as approved by the Council for the present year.

(Code of Iowa, Sec. 392.1)

9. Annual Report. The Commission shall each year make a report to the Mayor and Council of its proceedings, with a full statement of its receipts, disbursements and the progress of its work during the preceding fiscal year.

(Code of Iowa, Sec. 392.1)

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CHAPTER 24

CAMPGROUND COMMITTEE

24.01 Purpose and Establishment
24.02 Organization
24.03 Bylaws
24.04 Campground Facilities Defined

24.05 Entrance Permits
24.06 Use Permits
24.07 Permit for Special Use
24.08 Permit Fees Established and Collection

24.01 PURPOSE AND ESTABLISHMENT. The purpose of this chapter is to facilitate the enjoyment of the campground facilities by the general public by establishing rules and regulations governing the use of the campground facilities and to organize a committee to oversee the facilities and the enforcement of such rules and regulations. A Campground Committee is hereby established to oversee and organize the enforcement of the campground facilities, rules, and regulations.

24.02 ORGANIZATION. The Campground Committee shall consist of six members. One member shall be a member of the City Council. Three members shall be City employees. Two members shall be volunteer residents of the City. All members shall be appointed by the City Council.

24.03 BYLAWS. The Campground Committee shall adopt Bylaws as they deem appropriate to accomplish the purpose herein. The Bylaws and any change or amendment to such Bylaws before being effective, must be approved the City Council. The Bylaws shall authorize the campground to establish the rules and regulations of the campground facilities subject to City Council approval.

24.04 CAMPGROUND FACILITIES DEFINED. For purposes of this chapter, “campground facilities” shall be defined as the Rivers Bend Campground facility.

24.05 ENTRANCE PERMITS. Vehicle entrance into the campground facilities is allowed only with the proper permit. The City reserves the right to refuse or rescind any and all entrance permits. “Vehicle” for purposes of this chapter shall include, but not be limited to, all motorized vehicles, motorcycles, and motorized bikes.

24.06 USE PERMITS. Use of the campground facilities for camping purposes is allowed only with the proper permit. The City reserves the right to refuse or rescind any and all use permits.

24.07 PERMIT FOR SPECIAL USE. The City Council may provide by resolution a permit for special use of the campground facilities as it deems appropriate and reasonable.

24.08 PERMIT FEES ESTABLISHED AND COLLECTION. Permit fees for the use of and entrance into the campground facilities shall be established by resolution of the Council. Actions for collection of fees and related charges shall be brought in the name of the City, after authorization of commencement of action by the City Council, in the same manner as other actions at law.

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CHAPTER 25

RECREATIONAL ACTIVITIES PROGRAM BOARD

25.01 Board Created
25.02 Purpose and Establishment
25.03 Board Members
25.04 Term of Office and Vacancies
25.05 Compensation
25.06 Budget and Expenditures

25.07 Annual Report
25.08 Bylaws
25.09 Powers and Duties
25.10 Injury to Property
25.11 Theft

25.01 BOARD CREATED. A Recreational Activities Program Board is hereby created and established. It is referred to in this chapter as the Recreation Board.

25.02 PURPOSE AND ESTABLISHMENT. The purpose of this chapter is to facilitate the enjoyment of the recreational activities program by the general public by establishing rules and regulations governing the program and to organize a Board to oversee the program and the enforcement of such rules and regulations.

25.03 BOARD MEMBERS. The Recreation Board of Directors shall consist of ten (10) members who reside in the Rock Valley Community School District. One member shall be a City employee. All members shall be over the age of eighteen (18) years and be bona fide citizens. All members are to be appointed by the City Council.

25.04 TERM OF OFFICE AND VACANCIES. Appointments to the Recreation Board shall be for a term of three (3) years. Each term shall commence on January 1. The terms of the members shall be staggered so that one-third (1/3) or as near as possible of the total number of appointments shall be made every year. Vacancies on the Board shall be filled by appointment by the Mayor, with the approval of the City Council, and the new members shall fill out the unexpired term for which the appointment is made.

25.05 COMPENSATION. All members of the Recreation Board shall serve without compensation, except for their actual expenses, which shall be subject to the approval of the City Council.

25.06 BUDGET AND EXPENDITURES. Prior to January 15 of each year, the Board shall submit a proposed budget and request appropriation of funds for the following year to the City Clerk to be submitted to the City Council for approval. All money appropriated by the City Council for the operation and maintenance of the Recreation Board and its programs shall be set aside in an account for the Recreation Board. Expenditures shall be paid for only on orders of the Board, signed by its Chairperson.

25.07 ANNUAL REPORT. The Board shall make an annual report to the Council in October. This report shall contain full statements as to the receipts and expenditures of the Board for the period of October through September of the preceding year, together with such further information as may be requested by the City Council.

25.08 BYLAWS. The Recreation Board shall adopt bylaws as they deem appropriate to accomplish the purpose herein. The bylaws and any change or amendment to such bylaws before becoming effective, must be approved by the City Council. The bylaws shall authorize

the Recreation Board to establish the rules and regulations of the recreational activities program.

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

1. Officers. To meet and elect from its members a Chairperson and other officers as the Board deems desirable. Any two or more offices may be held by the same person.
2. Charge of Affairs. To direct and control all affairs of the Recreational Activities Program.
3. Hiring of Personnel. To employ an Activities Director to employ such assistants and employees as may be necessary for the proper management of the activities program of the Board, and fix their compensation; provided, however, that such employment and the compensation of the Activities Director, assistants and employees shall be approved by the City Council. In the absence of an Activities Director, the Board shall be responsible for and assume the Director's duties and may delegate the same as may be necessary until a successor Director is employed.
4. Removal of Personnel. To remove the Activities Director by a two-thirds (2/3) vote of the Board, and provide procedures for the removal of the assistants or employees for misdemeanor, incompetence or inattention to duty, subject however, to the provisions of Chapter 35C of the *Code of Iowa*.
5. Purchases. To select, or authorize the Activities Director to select, and make purchases of materials and supplies for the Board and its program within budgetary limits set by the Board.
6. Rules and Regulations. To make and adopt, amend, modify or repeal rules and regulations, not inconsistent with this Code of Ordinances and the law, for the management of the Board, the business and program of the Board, and fixing fees for the program activities.
7. Expenditures. To have exclusive control of the expenditure of all funds allocated for recreational activity purposes by the City Council, and of all moneys available by gift or otherwise for the administration of the program, and of all other moneys belonging to the program and Board including participation and admission fees collected under the rules of the Board.
8. To accept gifts of personal property or mixed property and devises and bequests, including trust funds; to take the title to said property in the name of the Recreation Board; to execute 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 recreational program and activities.
9. Enforce the Performance of Conditions on Gifts. To enforce the performance of conditions on gifts, donations, devises and bequests accepted by the City by action against the Council.
10. Record of Proceedings. To keep a record of its proceedings.
11. Fundraising. To raise the funds necessary to supplement the City's appropriated funds to maintain the programs and accomplish the goals of the Board and Council.

25.10 INJURY TO PROPERTY. It is unlawful for a person willfully, maliciously or wantonly to deface, mutilate, injure or destroy, in whole or in part, any property belonging to the Recreation Board.

25.11 THEFT. No person shall take possession or control of property of the Recreation Board with the intent to deprive the Recreation Board thereof.

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CHAPTER 30

POLICE DEPARTMENT

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

30.06 Peace Officers Appointed
30.07 Police Chief: Duties
30.08 Departmental Rules
30.09 Summoning Aid
30.10 Taking Weapons

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

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

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

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

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

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

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

30.06 PEACE OFFICERS APPOINTED. The Mayor shall appoint and dismiss the Police Chief, subject to the consent of a majority of the Council. The term shall be for one year. The Mayor shall select, subject to the approval of Council, the other members of the department.

(Code of Iowa, Sec. 372.4)

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

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

1. General. Perform all duties required of the Police Chief by law or ordinance.
2. Enforce Laws. Enforce all laws, ordinances and regulations and bring all persons committing any offense before the proper court.
3. Writs. Execute and return all writs and other processes directed to the Police Chief.

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

(Code of Iowa, Sec. 321.266)

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 804.17)

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

(Code of Iowa, Sec. 804.18)

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CHAPTER 35

FIRE DEPARTMENT

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

35.09 Constitution
35.10 Accidental Injury Insurance
35.11 Liability Insurance
35.12 Calls Outside City
35.13 Mutual Aid
35.14 Authority to Cite Violations
35.15 Fees

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

(Code of Iowa, Sec. 364.16)

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

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

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

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

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

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

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

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

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

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

1. Enforce Laws. Enforce ordinances and laws regulating fire prevention and the investigation of the cause, origin and circumstances of fires.
2. Technical Assistance. Upon request, give advice concerning private fire alarm systems, fire extinguishing equipment, fire escapes and exits and development of fire emergency plans.

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

(Code of Iowa, Sec. 102.2)

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

(Code of Iowa, Sec. 102.2)

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

(Code of Iowa, Sec. 102.3)

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

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

8. Notification. Whenever death, serious bodily injury, or property damage in excess of \$200,000 has occurred as a result of a fire, or if arson is suspected, notify the State Fire Marshal's Division immediately. For all other fires causing an estimated damage of \$50.00 or more or emergency responses by the Fire Department, file a report with the Fire Marshal's Division within ten (10) days following the end of the month. The report shall indicate all fire incidents occurring and state the name of the owners and occupants of the property at the time of the fire, the value of the property, the estimated total loss to the property, origin of the fire as determined by investigation, and other facts, statistics, and circumstances concerning the fire incidents.

(Code of Iowa, Sec. 100.2 & 100.3)

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

(Code of Iowa, Sec. 100.12)

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

(Code of Iowa, Sec. 100.13)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 100.41)

35.15 FEES. The amount of fees for use of the fire department and to whom those fees shall be charged shall be set by Council resolution. All fire department fees and charges are due upon presentation of a statement for said fees and charges and shall be paid to the City Clerk. Actions for collection of same shall be brought in the name of the municipality and in the same manner as other actions at law.

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CHAPTER 36

EMERGENCY AMBULANCE SERVICE

36.01 Purpose
36.02 Ambulance Service Established
36.03 Organization
36.04 Compensation
36.05 Employment Status

36.06 Worker's Compensation and Liability Insurance
36.07 Providing Service Outside Corporate Limits
36.08 Fees Established
36.09 Calculation of Fees
36.10 Payment of Fees

36.01 PURPOSE. The purpose of this chapter is to provide for emergency ambulance service to preserve and protect the health, safety and welfare of the general public.

36.02 AMBULANCE SERVICE ESTABLISHED. There is hereby established an ambulance service owned and operated by the City and known as the Rock Valley Ambulance Service and also known as the Rock Valley Ambulance Association.

36.03 ORGANIZATION. The ambulance service shall be under the general supervision of the City Council. The Council shall ensure that the service is operated in accordance with high standards and meets all requirements of the State of Iowa and the Federal Government. Personnel for the ambulance service shall be made up of a group of volunteers who are qualified and have met the minimum education and training requirements. The volunteers, in cooperation with the Council, shall adopt a constitution and bylaws as deemed necessary to provide for the good operation and coordination of the service. The constitution and bylaws shall be approved by the Council.

36.04 COMPENSATION. Compensation for volunteers of the ambulance service shall be a stipend in an amount set by resolution of the Council upon recommendation of the ambulance service. Compensation shall be paid only for the actual time spent making ambulance runs. In addition, the City shall reimburse volunteer members for the following:

1. In the event of a special circumstance, such as a patient transfer, actual expenses incurred during such an ambulance run for food, lodging, and vehicle fuel and maintenance.
2. Training expenses incurred to meet minimum requirements for serving as a volunteer on the ambulance service, including mileage to and from training sessions held outside of the City.
3. Clothing and other personal articles damaged while on a run with the ambulance service.

36.05 EMPLOYMENT STATUS. Members of the ambulance service shall be considered to be employees of the City while in the performance of all duties and services reasonably connected with the operation of the ambulance service, for the purpose of the application of worker's compensation statutes and for the purpose of the application of liability insurance coverage.

36.06 WORKER'S COMPENSATION AND LIABILITY INSURANCE. The City shall purchase sufficient insurance to cover all personnel providing ambulance service under the Worker's Compensation statutes of Iowa and shall purchase sufficient insurance to protect the

City against loss from damages or public liability, resulting from the operation of the ambulance service. The amount of such insurance shall be determined by the Council.

36.07 PROVIDING SERVICE OUTSIDE THE CORPORATE LIMITS. The ambulance service herein established is authorized to respond to calls outside the corporate limits of the City and provide mutual aid to other ambulance services as required by agreements with other services. The ambulance service is authorized to transport patients to such locations as may be necessary in each individual circumstance.

36.08 FEES ESTABLISHED. Fees for the use of the ambulance service and reasonably related emergency services furnished within or without the City shall be established by resolution of the Council upon the recommendation of the ambulance service. The fees shall be adequate to cover all of the operating costs of the service except the replacement of vehicles.

36.09 CALCULATION OF FEES. Pursuant to the schedule of fees recommended by the ambulance service and fixed by the Council, the ambulance service treasurer shall calculate and deliver bills for ambulance service and all reasonably related services to the City for reconciliation purposes.

36.10 PAYMENT OF FEES. All ambulance service fees and fees and charges for reasonably related emergency services shall be due and payable upon presentation of a statement for said fees and charges to the user and/or recipient of the service, and shall be paid to the City. Any payments paid or delivered directly to the ambulance service shall be remitted to the City upon receipt for deposit. Actions for collection of fees and charges shall be brought in the name of the City, after authorization of commencement of action by the Council, in the same manner as other actions at law.

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CHAPTER 40

PUBLIC PEACE

40.01 Assault
40.02 Harassment
40.03 Disorderly Conduct

40.04 Unlawful Assembly
40.05 Failure to Disperse
40.06 Disorderly House

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

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

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

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

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

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

(Code of Iowa, Sec. 708.1)

40.02 HARASSMENT. No person shall commit harassment.

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

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

(Code of Iowa, Sec. 708.7)

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

(Code of Iowa, Sec. 708.7)

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

(Code of Iowa, Sec. 708.7)

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

(Code of Iowa, Sec. 708.7)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 723.5)

(Ord. 452-15 – Jun. 18 Supp.)

9. Public Nudity Prohibited. It is unlawful for any person to make a public display of nudity or to participate in an act of “streaking” in any place frequented by the general public. This prohibition includes, all public places and in parks, pools and campground areas, public nudity outside the confines of campers or tents or designated shower and bathroom areas.

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

(Code of Iowa, Sec. 723.2)

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

(Code of Iowa, Sec. 723.3)

40.06 DISORDERLY HOUSE.

1. Definition.

A. Any room, house, building, structure, place or premises wherein or upon any unlawful or illegal acts are committed in violation of local, State or

Federal law, or which are kept in such a manner as to disturb and annoy the public generally, or persons within a particular neighborhood is hereby declared to be a disorderly house.

B. Any room, house, building, structure, place or premises which are kept, maintained, used, erected, established or run for any of the following purposes is hereby declared to be a disorderly house, provided, however, that this shall not be deemed or construed to be conclusive, limiting or restrictive:

(1) Prostitution, pandering or public indecency as those terms are defined in the statutes of Iowa;

(2) Unlawful manufacture, cultivation, growth, production, processing, sale, distribution, storage, use or possession for any unlawful manufacture, or use of any controlled substance as that term is defined in the statutes of Iowa;

(3) Gambling as that term is defined in the statutes of Iowa, or the keeping of gambling devices as that term is defined in the statutes of Iowa;

(4) Acts of disturbing the peace or disorderly conduct as those terms are defined elsewhere in this Code of Ordinances;

(5) The reception, retention or disposition of stolen moveable property of another;

(6) Consumption of alcohol by any person under the age of twenty-one (21).

2. Prohibited; Nuisance. It is unlawful for the owner, lessee, renter, proprietor or any other person or persons to keep, run or maintain a disorderly house, or to knowingly collect or permit to be collected therein persons who are engaging in any unlawful act or to knowingly make, cause or permit, or suffer to be made therein any loud or improper noise to the annoyance or disturbance of any person or neighborhood. A disorderly house is declared to be a public nuisance.

3. Inmate; Visiting; Prohibited. It is unlawful for any person to become or remain an inmate of any disorderly house, or to frequent or visit with knowledge of, and participation in, the illegal activities occurring therein.

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CHAPTER 41

PUBLIC HEALTH AND SAFETY

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

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

(Code of Iowa, Sec. 727.1)

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

(Code of Iowa, Sec. 718.6)

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

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

(Code of Iowa, Sec. 719.1A)

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

(Code of Iowa, Sec. 719.2)

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

(Code of Iowa, Sec. 718.4)

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

(Code of Iowa, Sec. 719.1)

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

(Code of Iowa, Sec. 708.12)

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

(Code of Iowa, Sec. 727.3)

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

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

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

41.11 DISCHARGING WEAPONS.

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

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

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

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

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

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

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

(Code of Iowa, Sec. 727.2)

2. Sales – General Requirements.

A. Prior to any person engaging in the sale of consumer fireworks, the following shall be provided to the City Administrator:

(1) License: Proof of valid license issued from the State Fire Marshal.

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

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

(1) Approved consumer fireworks sales meeting requirements of the Code of the State of Iowa shall be allowed from any permanent structure or building June 1 until July 8 and from December 10 until January 3.

(2) Approved consumer firework sales meeting the requirements of the Code of the State of Iowa shall be allowed in an approved temporary structure from June 13 until July 8.

C. Limitation on Sales.

(1) Consumer firework sales shall only be allowed in the area zoned for commercial use pursuant to the City of Rock Valley Zoning Ordinances.

(2) No person shall sell a DOT 1.4 class consumer firework to the person under the age of 18.

(3) Consumer fireworks shall not be sold to an intoxicated person or to any person whom a reasonable person would believe may be impaired by any other substance.

3. Discharging Fireworks – General Requirements.
 - A. No person under the age of 18 shall discharge a DOT 1.4 class consumer firework without parental supervision.
 - B. A person shall only discharge a consumer firework device on real property they own or on property where consent has been given. Novelties, including snakes, sparklers, or caps, can be discharged on a public place so long as all trash, wrappers, and wires are properly disposed of.
 - C. Consumer fireworks shall not be discharged by persons showing visible signs of, or are determined to be, intoxicated or under the influence of a drug or narcotic.
 - D. Any person discharging a consumer firework device assumes all responsibility for its operation and the consequences there. No person shall discharge a consumer firework device in a reckless manner or manner likely to cause death, injury, fire or property damage.
 - E. No person shall discharge a consumer fireworks device outside the following dates and hours:
 - (1) June 15 through July 8 from the hours of 9 A.M. until 10 P.M. (*Exception: discharge hours are extended to 11 pm on July 4th only*).
 - (2) December 10 through January 3 from the hours of 9 A.M. until 10 P.M. (*Exception: discharge hours are extended to 12:30 am on January 1*).
 - F. It shall be unlawful to alter, remove, or discharge components of a consumer fireworks device from its intended method of discharging.
 - G. The City may, upon application in writing, grant a permit for the display of fireworks on public property by a City agency, fair associations, amusement parks and other organizations or groups of individuals approved by City authorities when such fireworks display will be handled by a competent operator. No permit shall be granted hereunder unless the operator or sponsoring organization has filed with the City evidence of insurance in the following amounts:
 - (1) Personal Injury: \$500,000.00 per person.
 - (2) Property Damage: \$250,000.00.
 - (3) Total Exposure: \$2,000,000.00.
4. Violations. All violations of any provisions of this chapter are hereby declared a simple misdemeanor with a fine not to exceed \$250.00. Violations of this chapter will also be reported to the State Fire Marshal.
5. Exceptions. This section does not prohibit the sale by a resident, dealer, manufacturer or jobber of such fireworks as are not prohibited; or the sale of any kind of fireworks if they are to be shipped out of state; or the sale or use of blank cartridges for a show or theatre, or for signal purposes in athletic sports or by railroads or trucks for signal purposes, or by a recognized military organization. This section does not apply to any substance or composition prepared and sold for medicinal or fumigation purposes.

(Section 41.14 – Ord. 472-17 – Jun. 18 Supp.)

41.15 DRUG PARAPHERNALIA.

(Code of Iowa, Sec. 124.414)

1. As used in this section “drug paraphernalia” means all equipment, products or materials of any kind used or attempted to be used in combination with a controlled substance, except those items used in combination with the lawful use of a controlled substance, to knowingly or intentionally and primarily do any of the following:

- A. Manufacture a controlled substance.
- B. Inject, ingest, inhale or otherwise introduce into the human body a controlled substance.
- C. Test the strength, effectiveness or purity of a controlled substance.
- D. Enhance the effect of a controlled substance.

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

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

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CHAPTER 42

PUBLIC AND PRIVATE PROPERTY

42.01 Trespassing
42.02 Criminal Mischief
42.03 Defacing Proclamations or Notices
42.04 Unauthorized Entry

42.05 Fraud
42.06 Theft
42.07 Catch and Release
42.08 Other Public Property Offenses

42.01 TRESPASSING.

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

(Code of Iowa, Sec. 716.8)

2. Definitions. For purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 716.1)

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

(Code of Iowa, Sec. 716.1)

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

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

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

(Code of Iowa, Sec. 714.8)

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

(Code of Iowa, Sec. 714.1)

42.07 CATCH AND RELEASE. If it is necessary for game management purposes, the City Council may pass a resolution allowing for the harvesting of a specific species of fish and may establish guidelines for such harvesting and may require by resolution catch-and-release practices and guidelines.

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

1. Chapter 22 – Library
 - A. Section 22.10 – Injury to Books or Property
 - B. Section 22.11 – Theft of Library Property
2. Chapter 105 – Collection of Solid Waste
 - A. Section 105.28 – Littering Prohibited
 - B. Section 105.25 – Open Dumping Prohibited
3. Chapter 135 – Street Use and Maintenance
 - A. Section 135.01 – Removal of Warning Devices
 - B. Section 135.02 – Obstructing or Defacing
 - C. Section 135.03 – Placing Debris On
 - D. Section 135.04 – Playing In
 - E. Section 135.05 – Traveling on Barricaded Street or Alley
 - F. Section 135.08 – Burning Prohibited
 - G. Section 135.12 – Dumping of Snow
4. Chapter 136 – Sidewalk Regulations
 - A. Section 136.11 – Interference with Sidewalk Improvements
 - B. Section 136.15 – Fires or Fuel on Sidewalks
 - C. Section 136.16 – Defacing
 - D. Section 136.17 – Debris on Sidewalks
 - E. Section 136.18 – Merchandise Display
 - F. Section 136.19 – Sales Stands

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CHAPTER 45

ALCOHOL CONSUMPTION AND INTOXICATION

45.01 Persons Under Legal Age

45.03 Open Containers in Motor Vehicles

45.02 Public Consumption or Intoxication

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

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

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

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

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

45.02 PUBLIC CONSUMPTION OR INTOXICATION.

1. As used in this section unless the context otherwise requires:
 - A. “Arrest” means the same as defined in Section 804.5 of the *Code of Iowa* and includes taking into custody pursuant to Section 232.19 of the *Code of Iowa*.
 - B. “Chemical test” means a test of a person’s blood, breath, or urine to determine the percentage of alcohol present by a qualified person using devices and methods approved by the Commissioner of Public Safety.
 - C. “Peace Officer” means the same as defined in Section 801.4 of the *Code of Iowa*.
 - D. “School” means a public or private school or that portion of a public or private school which provides teaching for any grade from kindergarten through grade twelve.
2. A person shall not use or consume alcoholic liquor, wine, or beer upon the public streets, highways, or within 15 feet of the paved pathways of the public trails. A person shall not use or consume alcoholic liquor in any public place except premises covered by a valid liquor control license. A person shall not possess or consume alcoholic liquor, wine, or beer on public school property or while attending a public or private school-related function. A person shall not be intoxicated in a public place. A person violating this subsection is guilty of a simple misdemeanor.

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

(Code of Iowa, Sec. 123.46)

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

CHAPTER 46

MINORS

46.01 Curfew

46.02 Cigarettes and Tobacco

46.03 Contributing to Delinquency

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

1. Definitions. For use in this section, the following terms are defined:
 - A. “Emergency errand” means, but is not limited to, an errand relating to a fire, a natural disaster, an automobile accident or any other situation requiring immediate action to prevent serious illness, bodily injury or loss of life.
 - B. “Knowingly” means knowledge which a responsible adult should reasonably be expected to have concerning the whereabouts of a minor in that responsible adult’s custody. It is intended to continue to hold the neglectful or careless adult responsible for a minor to a reasonable standard of adult responsibility through an objective test. It is therefore no defense that an adult responsible for a minor was completely indifferent to the activities or conduct or whereabouts of the minor.
 - C. “Minor” means any unemancipated person under the age of eighteen (18) years.
 - D. “Nonsecured custody” means custody in an unlocked multipurpose area, such as a lobby, office or interrogation room which is not designed, set aside or used as a secure detention area, and the person arrested is not physically secured during the period of custody in the area; the person is physically accompanied by a law enforcement officer or a person employed by the facility where the person arrested is being held; and the use of the area is limited to providing nonsecured custody only while awaiting transfer to an appropriate juvenile facility or to court, for contacting of and release to the person’s parents or other responsible adult or for other administrative purposes; but not for longer than six (6) hours without the oral or written order of a judge or magistrate authorizing the detention. A judge shall not extend the period of time in excess of six hours beyond the initial six-hour period.
 - E. “Public place” includes stores, parking lots, parks, playgrounds, streets, alleys and sidewalks dedicated to public use; and also includes such parts of buildings and other premises whether publicly or privately owned which are used by the general public or to which the general public is invited commercially for a fee or otherwise; or in or on which the general public is permitted without specific invitation; or to which the general public has

access. For purposes of this section, a vehicle or other conveyance is considered to be a public place when in the areas defined above.

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

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

A. Unless accompanied by a responsible adult, no minor below age 16 shall be in any public place during the hours of 10:30 p.m. and 5:00 a.m. on any day.

B. Unless accompanied by a responsible adult, no minor age 16 or 17 years of age shall be in any public place during the hours of 12:00 midnight and 5:00 a.m. on any day.

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

A. The minor is accompanied by a responsible adult.

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

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

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

(2) Minor's place of religious activity or, if traveling, within one-half hour after the end of the religious activity;

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

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

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

D. The minor is on an emergency errand;

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

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

5. Enforcement Procedures.

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

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

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

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

6. Penalties.

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

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

C. Minor's First Violation. In the case of a first violation by a minor, the law enforcement officer shall give the minor a written warning, which states that any subsequent violation will result in full enforcement of the curfew ordinance against the responsible adult and the minor, with applicable penalties, or, at the law enforcement officer's discretion, may issue the minor a citation for a first violation.

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

46.02 CIGARETTES AND TOBACCO. It is unlawful for any person under eighteen (18) years of age to smoke, use, possess, purchase or attempt to purchase any tobacco, tobacco products or cigarettes. Possession of cigarettes or tobacco products by a person under eighteen years of age shall not constitute a violation of this section if said person possesses the cigarettes or tobacco products as part of the person's employment and said person is employed by a person who holds a valid permit under Chapter 453A of the *Code of Iowa* and lawfully offers for sale or sells cigarettes or tobacco products.

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

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

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

CHAPTER 47

PARK REGULATIONS

47.01 Purpose
47.02 Use of Drives Required
47.03 Fires

47.04 Littering
47.05 Camping
47.06 Sales Stands

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

(Code of Iowa, Sec. 364.12)

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

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

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

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

47.06 SALES STANDS. Except in the case of nonprofit organizations or for special events of the City, no person or business shall erect or keep any stand or similar display for the sale of any goods, merchandise, or commodities in any City park or campground.

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CHAPTER 50

NUISANCE ABATEMENT PROCEDURE

50.01 Definition of Nuisance
50.02 Nuisances Enumerated
50.03 Other Conditions
50.04 Nuisances Prohibited

50.05 Nuisance Abatement
50.06 Abatement of Nuisance by Written Notice
50.07 Municipal Infraction Abatement Procedure

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

(Code of Iowa, Sec. 657.1)

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

(Code of Iowa, Sec. 657.2)

1. **Offensive Smells.** Erecting, continuing, or using any building or other place for the exercise of any trade, employment, or manufacture that, by occasioning noxious exhalations, unreasonably offensive smells, or other annoyances, becomes injurious and dangerous to the health, comfort, or property of individuals or the public.
2. **Filth or Noisome Substance.** Causing or suffering any offal, filth, or noisome substance to be collected or to remain in any place to the prejudice of others.
3. **Impeding Passage of Navigable River.** Obstructing or impeding without legal authority the passage of any navigable river, harbor, or collection of water.
4. **Water Pollution.** Corrupting or rendering unwholesome or impure the water of any river, stream, or pond, or unlawfully diverting the same from its natural course or state, to the injury or prejudice of others.
5. **Blocking Public and Private Ways.** Obstructing or encumbering, by fences, buildings or otherwise, the public roads, private ways, streets, alleys, commons, landing places, or burying grounds.
6. **Billboards.** Billboards, signboards, and advertising signs, whether erected and constructed on public or private property, that so obstruct and impair the view of any portion or part of a public street, avenue, highway, boulevard or alley or of a railroad or street railway track as to render dangerous the use thereof. **(See also Section 62.06)**
7. **Storing of Flammable Junk.** Depositing or storing of flammable junk, such as old rags, rope, cordage, rubber, bones and paper, by dealers in such articles within the fire limits of the City, unless in a building of fireproof construction. **(See also Chapter 51)**
8. **Air Pollution.** Emission of dense smoke, noxious fumes, or fly ash.
9. **Weeds, Grass, and Other Dense Growth.**

- A. Dense growth of all weeds, vines, brush, or other vegetation in the City so as to constitute a health, safety, or fire hazard;
- B. Noxious weeds as defined in the *Code of Iowa*; and
- C. Grass and other similar growth that exceeds the uniform height specifications in Chapter 52 of this Code of Ordinances.

Paragraphs A and C above do not apply to purposefully planted conservation landscaping grasses, vegetable gardens, or purposefully planted flower gardens, so long as they are maintained free of weeds.

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

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

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

13. Furniture and Appliances. Storing or using furniture or appliances upon an unenclosed porch, balcony, patio, roof, yard, walkway or driveway when such furniture or appliance is not designed or manufactured for outdoor use. The application of a weatherproofing substance shall not be construed as an acceptable alternative to meeting the compliance with provisions of this code when said item is manufactured for interior use only. Unenclosed porches shall not include any porch completely covered by a roof and completely enclosed by glass and/or screens.

14. Solid Waste. Causing, permitting or allowing of any refuse, solid waste, garbage, noxious substances, hazardous wastes, junk or salvage materials to be collected or to remain in any place. The term “noxious substances” includes, but is not limited to, substances, solid or fluid, which are offensive, detrimental to health, hurtful or dangerous.

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

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

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

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

(Code of Iowa, Sec. 657.3)

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

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

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

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

1. Contents of Notice to Property Owner. The notice to abate shall contain: †
 - A. Description of Nuisance. A description of what constitutes the nuisance.
 - B. Location of Nuisance. The location of the nuisance.
 - C. Acts Necessary to Abate. A statement of the act or acts necessary to abate the nuisance.
 - D. Reasonable Time. A reasonable time within which to complete the abatement.
 - E. Assessment of City Costs. A statement that if the nuisance or condition is not abated as directed and no request for hearing is made within the time prescribed, the City will abate it and assess the costs against the property owner.
2. Method of Service. The notice may be in the form of an ordinance or sent by certified mail to the property owner.
(Code of Iowa, Sec. 364.12[3h])
3. Request for Hearing. Any person ordered to abate a nuisance may have a hearing with the Council as to whether a nuisance exists. A request for a hearing must be made in writing and delivered to the Clerk within the time stated in the notice, or it will be conclusively presumed that a nuisance exists and it must be abated as ordered. The hearing will be before the Council at a time and place fixed by the Council. The findings of the Council shall be conclusive and, if a nuisance is found to exist, it shall be ordered abated within a reasonable time under the circumstances.
4. Abatement in Emergency. If it is determined that an emergency exists by reason of the continuing maintenance of the nuisance or condition, the City may perform any action that may be required under this chapter without prior notice. The

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

City shall assess the costs as provided in subsection 6 of this section after notice to the property owner under the applicable provisions of subsection 1 and 2, and the hearing as provided in subsection 3.

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

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

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

6. Collection of Costs. The Clerk shall send a statement of the total expense incurred by certified mail to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one month, the Clerk shall certify the costs to the County Treasurer and such costs shall then be collected with, and in the same manner as, general property taxes.

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

7. Installment Payment of Cost of Abatement. If the amount expended to abate the nuisance or condition exceeds five hundred dollars (\$500.00), the City may permit the assessment to be paid in up to ten (10) annual installments, to be paid in the same manner and with the same interest rates provided for assessments against benefited property under State law.

(Code of Iowa, Sec. 364.13)

8. Failure to Abate. Any person causing or maintaining a nuisance who shall fail or refuse to abate or remove the same within the reasonable time required and specified in the notice to abate is in violation of this Code of Ordinances.

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

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CHAPTER 51

INOPERABLE VEHICLES

51.01 Purpose

51.02 Definitions

51.03 Keeping or Storage of Unused/Inoperable Motor Vehicle, Unused/Inoperable Vehicle

51.04 Prima Facie Evidence

51.05 Penalties/Enforcement

51.06 Abatement Procedure

51.01 PURPOSE. The purpose of this chapter applies to residential properties and is as follows:

1. Promote and protect the health, safety and general welfare of the residents and property owners in the City of Rock Valley.
2. Limit the outdoor storage of unused and/or inoperable vehicles, and unused/inoperable motor vehicles for the purpose of protecting property values and the health, safety and welfare of residents of the City of Rock Valley.
3. Protect the City's natural resources.

51.02 DEFINITIONS. For the purpose of this chapter, the following terms are defined:

1. Unused Motor Vehicle Defined: shall mean a vehicle to which any one or more of the following criteria apply.
 - A. Licensed. Any which may be registered under the laws of the State of Iowa that is not registered for the current year.
 - B. Operable. Any vehicle not in a safe and current operating condition such that, upon request of a City police officer or nuisance enforcement officer, the vehicle cannot be started and moved under its own power a distance of fifty (50) feet.
 - C. Uninsured. Any vehicle for which the owner does not possess and produce a financial liability coverage card as required under Section 321.20(B) of the *Code of Iowa*.
 - D. Missing Glass. Any vehicle in which a portion of windshield, windows, head lights, or tail light is missing.
 - E. Wheels and Tires. Any vehicle that lacks functional and useable wheels and tires.
 - F. Broken or Loose Parts. Any vehicle with broken or loose parts that constitute a danger because of exposed, sharp, or jagged edges, or that make any interior portion of the vehicle, including the trunk or engine compartment, accessible to children or animals.
 - G. Habitat for Nuisance Animals. Any vehicle that has become a habitat for rats, mice, or other vermin or insects.
 - H. Defective or Obsolete Condition. Any other vehicle that because of its defective or obsolete condition, in any other way constitutes a threat to the public health and safety.

2. Unused Vehicle Defined:
- A. Licensed. Any which may be registered under the laws of the State of Iowa that is not registered for the current year.
 - B. Operable. Any vehicle not in a safe and current operating condition.
 - C. Uninsured. Any vehicle for which the owner does not possess and produce a financial liability coverage card as required under Section 321.20(B) of the *Code of Iowa*.
 - D. Missing Glass. Any vehicle in which a portion of windshield, windows, head lights, or tail light is missing.
 - E. Wheels and Tires. Any vehicle that lacks functional and useable wheels and tires.
 - F. Broken or Loose Parts. Any vehicle with broken or loose parts that constitute a danger because of exposed, sharp, or jagged edges, or that make any interior portion of the vehicle, including the trunk or engine compartment, accessible to children or animals.
 - G. Habitat for Nuisance Animals. Any vehicle that has become a habitat for rats, mice, or other vermin or insects.
 - H. Defective or Obsolete Condition. Any other vehicle that because of its defective or obsolete condition, in any other way constitutes a threat to the public health and safety.

Mere licensing of such vehicles described above do not constitute a defense to the finding that a vehicle is an unused vehicle or unused motor vehicle provided that one or more of the other characteristics that define an unused vehicle or unused motor vehicle in Section 51.02(A) and 51.02(B) exists.

Exceptions:

- A. A motor vehicle which is mechanically operable, but unlicensed because it is owned, leased or co-signed to a duly licensed and lawful new or used car dealer, if the motor vehicle is located on premises under the control of the car dealer for the purpose of sale or delivery; or
 - B. A vehicle or motor vehicle which is stored on the premises of a duly licensed and lawful vehicle or motor vehicle repair shop or a licensed and lawful vehicle impoundment facility, towing company, or government agency provided that the repair shop, impoundment facility, or towing company has all licenses or registrations required by the State of Iowa and the repair shop property, impoundment facility, or towing company is legally zoned for such.
 - C. Stored on an operable and currently licensed trailer during the months of May through September.
 - D. A vehicle or motor vehicle which is stored or located on the premises of a property recognized and approved by the City as a junkyard.
 - E. This ordinance does not apply to commercial properties.
3. "Motor vehicle" means every vehicle which is or intended to be self-propelled.

4. “Person” means any individual, association, organization, corporation, partnership, firm (either incorporated or unincorporated), or business entity of any type including but not limited to limited liability companies.

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

51.03 KEEPING OR STORAGE OF UNUSED/INOPERABLE MOTOR VEHICLE, UNUSED/INOPERABLE VEHICLE. No person shall accumulate, store or place, or permit the accumulation, storage or placement, of any unused vehicle, unused motor vehicle, or junk in the City of Rock Valley, unless such unused vehicle, unused motor vehicle or junk is stored in a fully-enclosed lawful garage or other building that completely shields the unused vehicle, unused motor vehicle from view on all sides.

51.04 PRIMA FACIE EVIDENCE. The ownership, lease, occupation, or use of land by any person, upon which an unused vehicle or unused motor vehicle is accumulated, stored, or placed shall be prima facie evidence that such person accumulated, stored or placed such unused vehicle or unused motor vehicle or upon such land, or permitted such unused vehicle or unused motor vehicle to be accumulated, stored, or placed upon such land in violation of this chapter. Any junk, unused vehicle, or unused motor vehicle located upon private property, unless otherwise excepted by this chapter, constitutes a nuisance within the meaning of Section 657.1 of the *Code of Iowa*.

51.05 PENALTIES/ENFORCEMENT.

1. Any person who violates this chapter and owns or controls property which there exists an unused vehicle, unused motor vehicle or junk shall be deemed guilty of a municipal infraction, and upon conviction and subject to a fine of \$250.00 plus applicable surcharges and court costs.

2. Upon discovery of any junk, unused vehicle, or unused motor vehicle located upon private property in violation of this section, the City may within twenty (20) days initiate abatement procedures as outlined below.

3. In addition to the fines and penalties referenced above, the City can assess other costs associated with abatement of the junk, unused vehicle, or unused motor vehicle to include costs, damages, expenses and actual attorney fees incurred by the City in enforcing the ordinance.

51.06 ABATEMENT PROCEDURE.

1. Upon judgement of municipal infraction outlined above, the City will also request an order for abatement from the court. Upon receipt of order from the court, the City will tow any subject vehicle to a designated location, to be chosen by the City.

2. City will provide notice to the registered vehicle owner (and any other individual/entity who the City has reasonable believe to have rights to such vehicle) at the time of removal. Said notice will be given by certified mail or personal service.

3. Owner will have 10 (ten) days from the date of notice to claim and recover vehicle and any belongings in it.

- A. In order to recover the vehicle, the problems associated with the vehicle must be remedied and all costs paid by the City associated with abatement/removal procedure shall be paid in full. The City will have the final determination in whether or not they believe the vehicle has been adequately and properly remedied and whether or not the vehicle shall be returned to the owner.
- B. After the ten (10) day notice to recover vehicle has expired, the City may dispose of said vehicle in a manner in which achieves the purpose of said ordinance. Such disposal may include (but is not limited to) providing the vehicle to LEMS in exchange for a junk certificate.
4. If within 6 (six) months from the date of the initial removal of a vehicle, the vehicle is discovered in an inoperable condition, the City may directly remove such vehicle without going through the process outlined above. The City will give the registered owner ten (10) days to remedy the issue or the vehicle will be disposed of by the City.

(Ch. 51 – Ord. 489-19 – Mar. 20 Supp.)

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CHAPTER 52

MOWING OF PROPERTIES

52.01 Purpose	52.06 Failure to Comply
52.02 Definitions	52.07 Abatement by City
52.03 Cutting Specifications and Standards of Practice	52.08 Collection of Costs
52.04 Uniform Height Specifications	52.09 Failure to Abate
52.05 Publication of Notice	

52.01 PURPOSE. The purpose of this chapter is to beautify and preserve the appearance of the City by requiring property owners and occupants to maintain grass lawns at a uniform height within the boundaries of their property and on abutting street right-of-way in order to prevent unsightly, offensive, or nuisance conditions.

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

1. “Curb,” “curb line,” or “curbing” means the outer boundaries of a street at the edge of that portion of the street usually traveled by vehicular traffic.
2. “Cut,” or “mow” means to mechanically maintain the growth of grass, weeds, or brush at a uniform height.
3. “Owner” means a person owning private property in the City and any person occupying private property in the City.
4. “Parking” means that part of a street in the City not covered by a sidewalk and lying between the lot line or property line and the curb line; or on unpaved streets, that part of the street lying between the lot line or property line and that portion of the street usually traveled by vehicular traffic.

52.03 CUTTING SPECIFICATIONS AND STANDARDS OF PRACTICE.

1. Every owner shall cut, mow, and maintain all grass, weeds, and brush upon the owner’s property and adjacent to the curb line or outer boundary of any street, which includes the parking area abutting the owner’s property, to a uniform height as defined in Section 52.04.
2. Every owner shall cut, mow, and maintain all grass, weeds, and brush adjacent to the curb line, including the parking area abutting the owner’s property, in such a manner so as to be in conformity with and at an even height with all other grass, weeds, or brush growing on the remainder of the owner’s property.

52.04 UNIFORM HEIGHT SPECIFICATIONS. Grass, weeds, or brush shall be cut, mowed, and maintained so as not to exceed the following height specifications:

1. Developed Residential Areas – not to exceed 8 inches.
2. Undeveloped Residential Areas – not to exceed 8 inches.
3. Business and Industrial Areas – not to exceed 8 inches.
4. Agriculture Areas – not to exceed 15 inches.

Grass, weeds, and brush which are allowed to grow in excess of the above specified limitations are deemed to be violations of this chapter. Any property within the City, whether vacated or non-vacated, is required to conform to these specifications. Any deviation from the uniform height specifications is only permitted with written approval from the City Administrator.

52.05 PUBLICATION OF NOTICE. Annual spring publication of the ordinance codified in this chapter in an official newspaper shall serve as notice to property owners. The City will be authorized to respond to violations without additional written notice being given.

52.06 FAILURE TO COMPLY. If the property owner fails to comply with this chapter, the Council or its appointee shall cause the property to be mowed. The fee for this service will be set by resolution and will be assessed against the property.

52.07 ABATEMENT BY CITY. If the property owner neglects or fails to abate as directed by this chapter, the City may perform the required action to abate. The fee for the abatement will be set by the City Council.

52.08 COLLECTION OF COSTS. The City Clerk shall send a statement of the total expense incurred to the property owner who has failed to abide by the publication notice. If the amount shown by the statement has not been paid within one month, the Clerk shall certify the costs to the County Treasurer, and such costs shall then be collected with, and in the same manner as, general property taxes.

52.09 FAILURE TO ABATE. Any person causing or maintaining a nuisance and who fails or refuses to abate or remove the same is in violation of this Code of Ordinances.

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CHAPTER 55

ANIMAL PROTECTION AND CONTROL

55.01 Definitions
55.02 Animal Neglect
55.03 Livestock Neglect
55.04 Abandonment of Cats and Dogs
55.05 Livestock
55.06 At Large Prohibited
55.07 Damage or Interference
55.08 Annoyance or Disturbance

55.09 Owner's Duty
55.10 Confinement
55.11 At Large: Impoundment
55.12 Disposition of Animals
55.13 Impounding Costs
55.14 Pet Awards Prohibited
55.15 Horses Prohibited

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

1. "Advertise" means to present a commercial message in any medium including but not limited to print, radio, television, sign, display, label, tag or articulation.
2. "Animal" means a nonhuman vertebrate.
(Code of Iowa, Sec. 717B.1)
3. "At large" means off the premises of the owner and not under the control of a competent person, restrained within a motor vehicle, or housed in a veterinary hospital or kennel.
4. "Business" means any enterprise relating to any of the following:
 - A. The sale or offer for sale of goods or services.
 - B. A recruitment for employment or membership in an organization.
 - C. A solicitation to make an investment.
 - D. An amusement or entertainment activity.
5. "Fair" means any of the following:
 - A. The annual fair and exposition held by the Iowa State Fair Board pursuant to Chapter 173 of the *Code of Iowa* or any fair event conducted by a fair under the provisions of Chapter 174 of the *Code of Iowa*.
 - B. An exhibition of agricultural or manufactured products.
 - C. An event for operation of amusement rides or devices or concession booths.
6. "Game" means a "game of chance" or "game of skill" as defined in Section 99B.1 of the *Code of Iowa*.
7. "Livestock" means an animal belonging to the bovine, caprine, equine, ovine or porcine species, ostriches, rheas and emus; farm deer as defined in Section 170.1 of the *Code of Iowa*; or poultry.
(Code of Iowa, Sec. 717.1)
8. "Owner" means any person owning, keeping, sheltering or harboring an animal.

9. “Pet” means a living dog, cat or an animal normally maintained in a small tank or cage in or near a residence, including but not limited to a rabbit, gerbil, hamster, mouse, parrot, canary, mynah, finch, tropical fish, goldfish, snake, turtle, gecko or iguana.

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

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

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

(Code of Iowa, Sec. 717.2)

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

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

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

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

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

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

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

(Code of Iowa, Sec. 351.38)

55.10 CONFINEMENT. If a local board of health receives information that an animal has bitten a person or that a dog or animal is suspected of having rabies, the board shall order the owner to confine such animal in the manner it directs. If the owner fails to confine such animal in the manner directed, the animal shall be apprehended and impounded by such board,

and after ten (10) days the board may humanely destroy the animal. If such animal is returned to its owner, the owner shall pay the cost of impoundment. This section does not apply if a police service dog or a horse used by a law enforcement agency and acting in the performance of its duties has bitten a person.

(Code of Iowa, Sec. 351.39)

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

55.12 DISPOSITION OF ANIMALS. When an animal has been apprehended and impounded, written notice shall be provided to the owner within two (2) days after impoundment, if the owner's name and current address can reasonably be determined by accessing a tag or other device that is on or part of the animal. Impounded animals may be recovered by the owner upon payment of impounding costs, and if an unvaccinated dog, by having it immediately vaccinated. If the owner fails to redeem the animal within seven (7) days from the date that the notice is mailed, or if the owner cannot be located within seven days, the animal shall be disposed of in accordance with law or destroyed by euthanasia.

(Code of Iowa, Sec. 351.37, 351.41)

55.13 IMPOUNDING COSTS. Impounding costs are five dollars (\$5.00) per day plus boarding costs.

(Code of Iowa, Sec. 351.37)

55.14 PET AWARDS PROHIBITED.

(Code of Iowa, Ch. 717.E)

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

55.15 HORSES PROHIBITED. It is unlawful for any person to ride, drive, lead, or otherwise allow any member of the equine species, either owned by such person or within the control of such person, to travel upon or within 15 feet of the public trails, campground, and pathways, or any portion thereof located within the City limits.

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CHAPTER 56

CAT AND DOG LICENSES REQUIRED

56.01 Annual License Required

56.02 License Fees

56.03 Expiration of License

56.04 License Issued

56.05 License Tags

56.06 Transfer of License

56.07 Lost or Destroyed License

56.08 License Records

56.09 Immunization Required

56.10 Kennel Dogs and Show Cats

56.01 ANNUAL LICENSE REQUIRED. Every owner of a dog or cat six months old or older shall apply for and obtain a license from the Clerk on or before January 1 of each calendar year. Such application for license may be made after January 1 and at any time for a dog or cat which has come into the possession or ownership of the applicant, or which has reached the age of six months after said date. Dogs and cats whose owners are nonresidents temporarily within the City for a period of less than thirty (30) days, dogs and cats brought into the City for the purpose of participating in an animal show, Seeing Eye dogs trained to assist blind persons, dogs kept in a State or Federally licensed kennel and not allowed to run at large, and show cats need not be licensed. Any new dog or cat owner or any owner who becomes a resident of the City after January 1 of any year shall obtain a license for said cat or dog within 30 days after becoming a resident of the City without penalty.

56.02 LICENSE FEES. The annual license fee shall be fixed by the Council by resolution. A penalty of \$5.00 per month shall be assessed after April 1 of each year for failure to pay the license fee when due. No license fee shall be refunded.

56.03 EXPIRATION OF LICENSE. All licenses shall expire on January 1 of the year following the date of issuance.

56.04 LICENSE ISSUED. Upon payment of the license fee as set by resolution, the Clerk shall issue to the owner a license which shall contain the name of the owner, the owner's place of residence, and a description of the dog or cat, including breed, sex, age, color, markings and name, if any, of the animal, and be signed by the owner. The Clerk shall keep a duplicate of each license issued as a public record.

56.05 LICENSE TAGS. Upon issuance of the license, the Clerk shall deliver to the owner a license tag in the form prescribed by the Council, which license tag shall bear the number of the license and the year for which it is issued. The license tag shall be worn by the animal for which the license is issued. The license tag shall be securely fastened to a collar or harness which shall be worn by the animal during the term of the license. A license tag issued for one animal shall not be transferable to another animal. Any dog or cat found running at large without the license tag attached to its collar or harness shall be deemed unlicensed.

56.06 TRANSFERS OF LICENSE. When the permanent ownership of a dog or cat is transferred, the license may be transferred by the Clerk by notation on the license record, giving the name and address of the new owner. When a dog or cat licensed in the City is permanently transferred outside the City, the owner shall surrender the original license tag to the City.

56.07 LOST OR DESTROYED LICENSES. Upon the filing of an affidavit that the license tag has been lost or destroyed, the owner may obtain another tag at no cost. The Clerk shall enter in the license record the new number assigned.

56.08 LICENSE RECORDS. The Clerk shall keep a book to be known as the record of licenses which shall show:

1. The serial number and date of each application for a license.
2. The description of the dog or cat as specified in the application, together with the name of the owner of the dog or cat.
3. The date when each license tag is issued and the serial number of each tag and the date of the most recent rabies vaccination.
4. The amount of all fees, licenses, penalties and costs paid to the Clerk.
5. Such other data as may be required by law.

56.09 IMMUNIZATION REQUIRED. All dogs and cats six months old or over shall be vaccinated against rabies. Before issuance of the City license, the owner shall furnish a veterinarian's certificate showing that the animal for which the license is sought has been vaccinated and that the vaccination does not expire during the effective date of the animal license. A tag showing evidence of proper vaccination shall be worn by every dog and cat when not confined.

56.10 KENNEL DOGS AND SHOW CATS. Kennel dogs and show cats which are kept or raised solely for the bona fide purpose of sale and which are kept under constant restraint are not subject to the provisions of this chapter.

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CHAPTER 57

CONTROL OF DANGEROUS AND VICIOUS ANIMALS

57.01 Definitions

57.02 Keeping of Dangerous or Vicious Animals Prohibited

57.03 Seizure, Impoundment and Disposition

57.04 Exceptions

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

1. “Dangerous animal” means the following animals: †

- A. Badgers, wolverines, weasels, skunk and mink;
- B. Raccoons;
- C. Bears;
- D. Scorpions;

(Subsection 57.01(1) – Ord. 490-19 – Mar. 20 Supp.)

2. “Vicious animal” means any animal, except for a dangerous animal per se, as listed above, that has bitten or clawed a person or persons while running at large and the attack was unprovoked, or any animal that has exhibited vicious tendencies in present or past conduct, including such that said animal: (i) has bitten or clawed a person or persons on one occasion; or (ii) could not be controlled or restrained by the owner at the time of the attack to prevent the occurrence; or (iii) has attacked any domestic animal or fowl on two separate occasions within a 12-month period.

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

57.03 SEIZURE, IMPOUNDMENT AND DISPOSITION.

1. In the event that a dangerous animal or vicious animal is found at large and unattended upon public property, park property, public right-of-way or the property of someone other than its owner, thereby creating a hazard to persons or property, such animal may, in the discretion of the Mayor or peace officer, be destroyed if it cannot be confined or captured. The City shall be under no duty to attempt the confinement or capture of a dangerous animal or vicious animal found at large, nor shall it have a duty to notify the owner of such animal prior to its destruction.

2. Upon the complaint of any individual that a person is keeping, sheltering or harboring a dangerous animal or vicious animal on its premises in the City, the Mayor shall cause the matter to be investigated and if after investigation, the facts indicate that the person named in the complaint is keeping, sheltering or harboring a dangerous or vicious animal in the City, the Mayor shall order the person named in the complaint to safely remove such animal from the City or destroy the animal within three (3) days

† **EDITOR’S NOTE:** Certain other dangerous animals, listed in Chapter 717F.1, paragraph 5a, of the *Code of Iowa*, are specifically prohibited and regulated by the Iowa Department of Agriculture and Land Stewardship.

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

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

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

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

57.04 EXCEPTIONS. Notwithstanding the foregoing provisions of this chapter, a person with a disability has the right to possess a service animal, as defined by Iowa Code Section 216C.11(1), as long as that animal is not a “vicious animal” as defined by 57.01(2) of the City ordinances. A service animal under this exception must register with the City.

(Ord. 461-16 – Jun. 18 Supp.)

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CHAPTER 60

ADMINISTRATION OF TRAFFIC CODE

60.01 Title
60.02 Definitions
60.03 Administration and Enforcement
60.04 Power to Direct Traffic

60.05 Traffic Accidents: Reports
60.06 Peace Officer's Authority
60.07 Obedience to Peace Officers

60.01 TITLE. Chapters 60 through 70 of this Code of Ordinances may be known and cited as the "Rock Valley Traffic Code."

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

(Code of Iowa, Sec. 321.1)

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

10. “Traffic control device” means all signs, signals, markings, and devices not inconsistent with this chapter, lawfully placed or erected for the purpose of regulating, warning, or guiding traffic.

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

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

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

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

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

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

(Code of Iowa, Sec. 321.273)

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

(Code of Iowa, Sec. 321.492)

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

(Code of Iowa, Sec. 321.229)

CHAPTER 61

TRAFFIC CONTROL DEVICES

61.01 Installation
61.02 Crosswalks
61.03 Traffic Lanes

61.04 Standards
61.05 Compliance

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

(Code of Iowa, Sec. 321.255)

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

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

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

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

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

(Code of Iowa, Sec. 321.255)

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

(Code of Iowa, Sec. 321.256)

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CHAPTER 62

GENERAL TRAFFIC REGULATIONS

62.01 Violation of Regulations
62.02 Play Streets Designated
62.03 Vehicles on Sidewalks
62.04 Clinging to Vehicle
62.05 Quiet Zones

62.06 Obstructing View at Intersections
62.07 Milling
62.08 Engine Brakes
62.09 Traffic on Public Trails and Pathways
62.10 Vehicle Noise Limits

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

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

22. Section 321.216B – Use of driver’s license or nonoperator’s identification card by underage person to obtain alcohol.
23. Section 321.216C – Use of driver’s license or nonoperator’s identification card by underage person to obtain cigarettes or tobacco products.
24. Section 321.218 – Operating without valid driver’s license or when disqualified.
25. Section 321.219 – Permitting unauthorized minor to drive.
26. Section 321.220 – Permitting unauthorized person to drive.
27. Section 321.221 – Employing unlicensed chauffeur.
28. Section 321.222 – Renting motor vehicle to another.
29. Section 321.223 – License inspected.
30. Section 321.224 – Record kept.
31. Section 321.232 – Speed detection jamming devices; penalty.
32. Section 321.234A – All-terrain vehicles.
33. Section 321.235A – Electric personal assistive mobility devices.
34. Section 321.247 – Golf cart operation on City streets.
35. Section 321.257 – Official traffic control signal.
36. Section 321.259 – Unauthorized signs, signals or markings.
37. Section 321.260 – Interference with devices, signs or signals; unlawful possession.
38. Section 321.262 – Damage to vehicle.
39. Section 321.263 – Information and aid.
40. Section 321.264 – Striking unattended vehicle.
41. Section 321.265 – Striking fixtures upon a highway.
42. Section 321.266 – Reporting accidents.
43. Section 321.275 – Operation of motorcycles and motorized bicycles.
44. Section 321.276 – Use of electronic communication device while driving; text-messaging.
45. Section 321.277 – Reckless driving.
46. Section 321.277A – Careless driving.
47. Section 321.278 – Drag racing prohibited.
48. Section 321.281 – Actions against bicyclists.
49. Section 321.284 – Open container; drivers.
50. Section 321.284A – Open container; passengers.
51. Section 321.288 – Control of vehicle; reduced speed.
52. Section 321.295 – Limitation on bridge or elevated structures.

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

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

- 120. Section 321.404A – Light-restricting devices prohibited.
- 121. Section 321.405 – Self-illumination.
- 122. Section 321.408 – Back-up lamps.
- 123. Section 321.409 – Mandatory lighting equipment.
- 124. Section 321.415 – Required usage of lighting devices.
- 125. Section 321.417 – Single-beam road-lighting equipment.
- 126. Section 321.418 – Alternate road-lighting equipment.
- 127. Section 321.419 – Number of driving lamps required or permitted.
- 128. Section 321.420 – Number of lamps lighted.
- 129. Section 321.421 – Special restrictions on lamps.
- 130. Section 321.422 – Red light in front.
- 131. Section 321.423 – Flashing lights.
- 132. Section 321.430 – Brake, hitch, and control requirements.
- 133. Section 321.431 – Performance ability.
- 134. Section 321.432 – Horns and warning devices.
- 135. Section 321.433 – Sirens, whistles, and bells prohibited.
- 136. Section 321.434 – Bicycle sirens or whistles.
- 137. Section 321.436 – Mufflers, prevention of noise.
- 138. Section 321.437 – Mirrors.
- 139. Section 321.438 – Windshields and windows.
- 140. Section 321.439 – Windshield wipers.
- 141. Section 321.440 – Restrictions as to tire equipment.
- 142. Section 321.441 – Metal tires prohibited.
- 143. Section 321.442 – Projections on wheels.
- 144. Section 321.444 – Safety glass.
- 145. Section 321.445 – Safety belts and safety harnesses; use required.
- 146. Section 321.446 – Child restraint devices.
- 147. Section 321.449 – Motor carrier safety regulations.
- 148. Section 321.449A – Rail crew transport drivers.
- 149. Section 321.450 – Hazardous materials transportation.
- 150. Section 321.454 – Width of vehicles.
- 151. Section 321.455 – Projecting loads on passenger vehicles.
- 152. Section 321.456 – Height of vehicles; permits.
- 153. Section 321.457 – Maximum length.
- 154. Section 321.458 – Loading beyond front.

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

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

(Code of Iowa, Sec. 321.255)

62.03 VEHICLES ON SIDEWALKS.

- 1. Generally. The driver of a vehicle shall not drive upon or within any sidewalk area except at a driveway.
- 2. Sidewalk at 1446 Main Street. Every driver of a vehicle traveling westbound on 15th Street is allowed to travel across the eastbound lane and onto the sidewalk lying between the building located at 1446 Main Street and the south edge of 15th Street and to exit the sidewalk crossing the eastbound lane of 15th Street and return to the westbound lane for the purpose of patronizing a restaurant business located at 1446 Main Street, by means of a drive-thru window. Every driver of a vehicle traveling westbound on 15th Street shall yield to traffic traveling in the eastbound lane when entering the sidewalk lying between the building located at 1446 Main Street and the south edge of 15th Street for the purpose of patronizing the said restaurant drive-thru. This authorization for use of the said drive-thru is unique to any restaurant business located at 1446 Main Street and is temporary and shall be revoked upon termination of its use as a restaurant.

62.04 CLINGING TO VEHICLE. No person shall drive a motor vehicle on the streets of the City unless all passengers of said vehicle are inside the vehicle in the place intended for their accommodation. No person riding upon any bicycle, coaster, roller skates, in-line skates, sled, or toy vehicle shall attach the same or himself or herself to any vehicle upon a roadway.

62.05 QUIET ZONES. Whenever authorized signs are erected indicating a quiet zone, no person operating a motor vehicle within any such zone shall sound the horn or other warning device of such vehicle except in an emergency.

62.06 OBSTRUCTING VIEW AT INTERSECTIONS. It is unlawful to allow any tree, hedge, billboard, or other object to obstruct the view of an intersection by preventing persons from having a clear view of traffic approaching the intersection from cross streets. Any such obstruction is deemed a nuisance and in addition to the standard penalty may be abated in the manner provided by Chapter 50 of this Code of Ordinances.

62.07 MILLING. It is unlawful to drive or operate a vehicle, either singly or with others, in any processional milling or repeated movement over any street to the interference with normal traffic use, or to the annoyance or offense of any person.

62.08 ENGINE BRAKES. No truck being operated on any street or highway within the City shall use the engine back-pressure braking system commonly known as “engine brakes.” The fine fixed for an infraction of this section is \$25.00.

62.09 TRAFFIC ON PUBLIC TRAILS AND PATHWAYS. Except as otherwise authorized by the City Administrator, no person shall operate or park any motorized vehicle except authorized maintenance and emergency vehicles and except wheelchairs upon any public trail or pathway located within the City. For the purposes of this section, motorized vehicles include but are not limited to: cars, trucks, mopeds, motorcycles, ATVs and snowmobiles. All traffic laws contained in this Code of Ordinances apply to the public trails and pathways within the City. Any person who violates this section shall be guilty of a simple misdemeanor and shall pay a fine of \$50.00 plus a 30% surcharge and court costs.

62.10 VEHICLE NOISE LIMITS. No person shall operate a motor vehicle in a public place or on any public street, highway, alley or any parking lot in which a stereo, tape player, compact disc player, radio, any sound amplification device, or any altered or faulty exhaust system that can be heard a distance of one hundred (100) feet or more from the vehicle. The provisions of this section may be enforced following personal observation or hearing by any peace officer or upon receipt of a complaint made or filed with the Police Department by the person disturbed by such noise. The Police Chief may grant a temporary variance to this section to facilitate special events. The Police Chief is specifically authorized to revoke a variance if the applicant fails to meet any of the limitations placed upon the variance and/or if other circumstances occur subsequent to the granting of the variance requiring revocation. Any person who violates this section shall be guilty of a simple misdemeanor and shall pay a fine of \$50.00 plus a 30% surcharge and court costs.

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CHAPTER 63

SPEED REGULATIONS

63.01 General

63.02 State Code Speed Limits

63.03 Parks, Cemeteries and Parking Lots

63.04 Special Speed Zones

63.05 Minimum Speed

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

(Code of Iowa, Sec. 321.285)

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

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

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

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

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

(Code of Iowa, Sec. 321.290)

1. Special 10 MPH Speed Zones. A speed in excess of ten (10) miles per hour is unlawful on any of the following designated streets, pathways, or parts thereof.
 - A. Any and all vehicle pathways located in Rivers Bend Campground.
2. Special 15 MPH Speed Zones. A speed in excess of fifteen (15) miles per hour is unlawful on any of the following designated streets or parts thereof.
 - A. 20th Avenue S.E. from Netherlands Reformed School to 8th Street.
3. Special 25 MPH Speed Zones. A speed in excess of twenty-five (25) miles per hour is unlawful on any of the following designated streets or parts thereof.

- A. Valley Drive from 10th Avenue (Highway 18) to Main Street (16th Avenue S.E./County Road K-30).
 - B. 10th Avenue from 13th Street to 15th Street.
 - C. Westview Drive.
 - D. 14th Street from 21st Avenue to 29th Avenue.
 - E. 17th Street (305th Street) from 21st Avenue to a point 985 feet east of 21st Avenue.
 - F. Valley Drive.
4. Special 35 MPH Speed Zones. A speed in excess of thirty-five (35) miles per hour is unlawful on any of the following designated streets or parts thereof.
- A. Eagle Avenue from Riverview Drive to 10th Street (Highway 18).
 - B. 28th Avenue from 17th Street (305th Street) to 10th Street (Highway 18).
 - C. 17th Street (305th Street) from a point 985 feet east of 21st Avenue to a point 1,320 feet east of the west line of 28th Avenue.
 - D. Main Street (16th Avenue S.E./County Road K-30) from a point 475 feet south of the south line of Valley Drive to a point 320 feet north of the north line of Deer Run.
 - E. Main Street (County Road K-30) from the intersection of 20th Street to the north quarter section line of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, Township 97 North, Range 46 West of the 5th P.M. of Rock Valley, Iowa.
5. Special 40 MPH Speed Zones. A speed in excess of forty (40) miles per hour is unlawful on any of the following designated streets or parts thereof.
- A. 10th Street (Highway 18) from 825 feet east of 19th Avenue to 100 feet east of 19th Avenue.
 - B. 10th Street (Highway 18) from 150 feet east of 13th Avenue to 300 feet east of 9th Avenue.
6. Special 45 MPH Speed Zones. A speed in excess of forty-five (45) miles per hour is unlawful on any of the following designated streets or parts thereof.
- A. Highway 18 from 10th Avenue to 1,475 feet west of Westview Drive.
 - B. 17th Street (305th Street) commencing at a point 1,320 feet east of the west line of 28th Avenue continuing east 1,130 feet to the center of the curve on 305th Street.
7. Special 55 MPH Speed Zones. A speed in excess of fifty-five (55) miles per hour is unlawful on any of the following designated streets or parts thereof.
- A. 10th Street (Highway 18) from 500 feet west of Westview Drive to Eagle Avenue.

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

(Code of Iowa, Sec. 321.294)

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CHAPTER 64

TURNING REGULATIONS

64.01 Turning at Intersections
64.02 U-turns

64.03 Left Turn for Parking

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

(Code of Iowa, Sec. 321.311)

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

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

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

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

1. At the intersection of Main Street and 16th Street.
2. At the intersection of Main Street and 15th Street.
3. At the intersection of Main Street and 13th Street.

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

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CHAPTER 65

STOP OR YIELD REQUIRED

65.01 Stop Required
65.02 Four-Way Stop Intersections
65.03 Yield Required
65.04 School Stops
65.05 Stop Before Crossing Sidewalk

65.06 Stop When Traffic Is Obstructed
65.07 Yield to Pedestrians in Crosswalks
65.08 Official Traffic Controls
65.09 Three-Way Stop Intersection

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

(Code of Iowa, Sec. 321.345)

1. 17th Avenue. Vehicles traveling south on 17th Avenue shall stop at 14th Street.
2. 17th Avenue. Vehicles traveling on 17th Avenue shall stop at 15th Street.
3. 20th Avenue. Vehicles traveling north on 20th Avenue shall stop at 15th Street.
4. 20th Avenue. Vehicles traveling south on 20th Avenue shall stop at 16th Street.
5. 20th Avenue. Vehicles traveling on 20th Avenue shall stop at 17th Street.
6. 12th Street. Vehicles traveling east on 12th Street shall stop at 21st Avenue.
7. 13th Street. Vehicles traveling east on 13th Street shall stop at 21st Avenue.
8. 14th Street. Vehicles traveling on 14th Street shall stop at 21st Avenue.
9. 9th Street. Vehicles traveling east on 9th Street shall stop at Valley Drive.
10. Golf Course Road. Vehicles traveling east on Golf Course Road shall stop at Valley Drive.
11. 15th Avenue South. Vehicles traveling north on 15th Avenue South shall stop at Valley Drive.
12. 15th Street. Vehicles traveling east on 15th Street shall stop at 21st Avenue.
13. 16th Street. Vehicles traveling east on 16th Street shall stop at 21st Avenue.
14. 9th Avenue. Vehicles traveling south on 9th Avenue shall stop at 10th Street (Highway 18).
15. 10th Avenue. Vehicles traveling on 10th Avenue shall stop at 10th Street (Highway 18).
16. 11th Avenue. Vehicles traveling south on 11th Avenue shall stop at 10th Street (Highway 18).
17. Golf Course Road. Vehicles traveling north on Golf Course Road shall stop at 10th Street (Highway 18).
18. 13th Avenue. Vehicles traveling south on 13th Avenue shall stop at 10th Street (Highway 18).
19. 16th Avenue (Main). Vehicles traveling on 16th Avenue shall stop at 10th Street (Highway 18).

20. 18th Avenue South. Vehicles traveling on 18th Avenue South shall stop at 10th Street (Highway 18).
21. 19th Avenue. Vehicles traveling on 19th Avenue shall stop at 10th Street (Highway 18).
22. 20th Avenue South. Vehicles traveling on 20th Avenue South shall stop at 10th Street (Highway 18).
23. 21st Avenue. Vehicles traveling north on 21st Avenue shall stop at 14th Street.
24. 21st Avenue. Vehicles traveling south on 21st Avenue shall stop at 10th Street (Highway 18).
25. 11th Street. Vehicles traveling on 11th Street shall stop at 16th Avenue (Main).
26. 12th Street. Vehicles traveling east on 12th Street shall stop at 16th Avenue (Main).
27. 13th Street. Vehicles traveling on 13th Street shall stop at 16th Avenue (Main).
28. 15th Street. Vehicles traveling on 15th Street shall stop at 16th Avenue (Main).
29. 16th Street. Vehicles traveling on 16th Street shall stop at 16th Avenue (Main).
30. 17th Street. Vehicles traveling on 17th Street shall stop at 16th Avenue (Main).
31. 18th Street. Vehicles traveling west on 18th Street shall stop at 16th Avenue (Main).
32. 19th Street. Vehicles traveling west on 19th Street shall stop at 16th Avenue (Main).
33. 20th Street. Vehicles traveling on 20th Street shall stop at 16th Avenue (Main).
34. 22nd Avenue. Vehicles traveling north on 22nd Avenue shall stop at 14th Street.
35. 22nd Avenue. Vehicles traveling south on 22nd Avenue shall stop at 10th Street (Highway 18).
36. 13th Street. Vehicles traveling west on 13th Street shall stop at 10th Avenue.
37. 11th Avenue. Vehicles traveling north on 11th Avenue shall stop at 14th Street.
38. 19th Avenue. Vehicles traveling on 19th Avenue shall stop at 14th Street.
39. 12th Street. Vehicles traveling east on 12th Street shall stop at 9th Avenue.
40. 8th Street. Vehicles traveling east on 8th Street shall stop at Golf Course Road.
41. Southern Hills Drive. Vehicles traveling west on Southern Hills Drive shall stop at 16th Avenue South (Sioux County K-30).
42. Westview Drive. Vehicles traveling west or east on Westview Drive shall stop at Eagle Avenue.
43. Westview Drive. Vehicles traveling north on Westview Drive shall stop at 10th Street (Highway 18).
44. 12th Avenue. Vehicles traveling on 12th Avenue shall stop at 10th Street (Highway 18).
45. 16th Avenue. Vehicles traveling on 16th Avenue shall stop at 20th Street.

46. 17th Avenue. Vehicles traveling on 17th Avenue shall stop at 13th Street.
47. 18th Avenue. Vehicles traveling on 18th Avenue shall stop at 10th Street (Highway 18).
48. 17th Avenue. Vehicles traveling on 17th Avenue shall stop at 14th Street.
49. 20th Avenue. Vehicles traveling on 20th Avenue shall stop at 10th Street (Highway 18).
50. Valley Drive. Vehicles traveling on Valley Drive shall stop at 10th Street (Highway 18) and at 16th Avenue (Main).
51. Eagle Avenue. Vehicles traveling on Eagle Avenue shall stop at 10th Street (Highway 18).
52. Greenway Drive. Vehicles traveling west on Greenway Drive shall stop at Westview Drive.
53. Riverview Drive. Vehicles traveling west on Riverview Drive shall stop at Eagle Avenue.
54. Deer Run. Vehicles traveling east on Deer Run shall stop at Elmwood Avenue.
55. Sunset Drive. Vehicles traveling east on Sunset Drive shall stop at Elmwood Avenue.
56. 20th Avenue S.E. Vehicles traveling north on 20th Avenue S.E. shall stop at 8th Street S.E.
57. 300th Street. Vehicles traveling north and exiting Rivers Bend Campground shall stop at 300th Street.
58. Valley View Drive. Vehicles traveling west on Valley View Drive shall stop at 16th Avenue (Main Street or K30).
59. Creek Boulevard. Vehicles traveling northwest on Creek Boulevard shall stop at 14th Street.
60. 28th Avenue. Vehicles traveling north on 28th Avenue shall stop at 17th Street (305th Street).
61. 28th Avenue. Vehicles traveling south on 28th Avenue shall stop at 10th Street (Highway 18).
62. 29th Avenue. Vehicles traveling north on 29th Avenue shall stop at 17th Street (305th Street).
63. 30th Avenue. Vehicles traveling north on 30th Avenue shall stop at 17th Street (305th Street).
64. 14th Street. Vehicles traveling on 14th Street shall stop at 28th Avenue.
65. 300th Street. Vehicles traveling on 300th Street shall stop at Main Street (County Road K30).
66. 13th Avenue. Vehicles traveling on 13th Avenue shall stop at 12th Street.
67. 12th Street. Vehicles traveling on 12th Street shall stop at 13th Avenue.
68. 7th Street Drive S.E. Vehicles traveling east on 7th Street Drive S.E. shall stop at 20th Avenue S.E.
69. 7th Street Drive S.E. Vehicles traveling west on 7th Street Drive S.E. shall stop at 18th Place.

70. 19th Avenue S.E. Vehicles traveling south on 19th Avenue S.E. shall stop at 7th Street Drive S.E.

71. 19th Avenue S.E. Vehicles traveling north on 19th Avenue S.E. shall stop at 8th Street S.E.

(Subsections 68-71 – Ord. 444-14 – Jun. 18 Supp.)

72. 14th Street. Vehicles traveling west on 14th Street shall stop at 10th Avenue.

73. 10th Avenue. Vehicles traveling on 10th Avenue shall stop at 14th Street.

(Subsections 72-73 – Ord. 447-14 – Jun. 18 Supp.)

74. 31st Avenue. Vehicles traveling on 31st Avenue shall stop at the intersection of 17th Street/305th Street.

(Ord. 466-16 – Jun. 18 Supp.)

75. Eagle Ridge Road. Vehicles traveling on Eagle Ridge Road shall stop at Main Street/K30/Elmwood Avenue.

(Ord. 469-16 – Jun. 18 Supp.)

76. 2nd Street SE. Vehicles traveling west on 2nd Street SE shall stop at Main Street/K30/Elmwood Avenue.

(Ord. 493-19 – Mar. 20 Supp.)

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

(Code of Iowa, Sec. 321.345)

1. Intersection of 17th Street and 21st Avenue.
2. Intersection of Main Street and 16th Street (on Sundays when authorized signs are in place).
3. Intersection of 14th Street and 21st Avenue.
4. Intersection of 10th Street (Highway 18) and 16th Avenue (County Road K-30).
5. Intersection of 17th Street and 20th Avenue.
6. Intersection of 17th Street and 19th Avenue.
7. Intersection of 12th Street and 10th Avenue.
8. Intersection of Sunset Drive and Edith Prairie Circle/Hunter Ridge.
9. Intersection of 14th Street and 28th Avenue.
10. Intersection of 19th Avenue S.E. and 9th Street S.E.

(Subsection 10 – Ord. 441-14 – Jun. 18 Supp.)

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

(Code of Iowa, Sec. 321.345)

1. Fairway Drive. Vehicles traveling west on Fairway Drive shall yield at Golf Course Road.
2. Eagle Drive. Vehicles traveling west on Eagle Drive shall yield at Golf Course Road.
3. Eagle Drive. Vehicles traveling north on Eagle Drive shall yield at Golf Course Road.

4. Golf Course Road. Vehicles traveling south on Golf Course Road shall yield at Golf Course Road.
5. Fairway Drive. Vehicles traveling north on Fairway Drive shall yield at Golf Course Road.
6. Par Lane. Vehicles traveling on Par Lane shall yield at Fairway Drive.
7. Circle Lane. Vehicles traveling on Circle Lane shall yield at Golf Course Road.
8. 8th Street. Vehicles traveling west on 8th Street shall yield at 18th Avenue S.E.
(Ord 442-14 – Jun. 18 Supp.)
9. 8th Street. Vehicles traveling east on 8th Street shall yield at 18th Place.
10. 18th Place. Vehicles traveling north on 18th Place shall yield at 9th Street.
11. (Repealed by Ordinance 443-14 – Jun. 18 Supp.)
12. 9th Street S.E. Vehicles traveling west on 9th Street S.E. shall yield at 18th Avenue S.E.
(Ord. 442-14 – Jun. 18 Supp.)
13. 11th Street. Vehicles traveling west on 11th Street shall yield at 10th Avenue.
14. 11th Street. Vehicles traveling east on 11th Street shall yield at 12th Avenue.
15. 14th Avenue. Vehicles traveling south on 14th Avenue shall yield at 11th Street.
16. 11th Avenue. Vehicles traveling north on 11th Avenue shall yield at 12th Street.
17. 12th Avenue. Vehicles traveling north on 12th Avenue shall yield at 12th Street.
18. (Repealed by Ordinance 446-14 – Jun. 18 Supp.)
19. 12th Avenue. Vehicles traveling south on 12th Avenue shall yield at 15th Street.
20. 13th Avenue. Vehicles traveling south on 13th Avenue shall yield at 14th Street.
21. 13th Avenue. Vehicles traveling on 13th Avenue shall yield at 15th Street.
22. 13th Avenue. Vehicles traveling on 13th Avenue shall yield at 16th Street.
23. 14th Avenue. Vehicles traveling south on 14th Avenue shall yield at 14th Street.
24. 14th Avenue. Vehicles traveling on 14th Avenue shall yield at 15th Street.
25. 14th Avenue. Vehicles traveling north on 14th Avenue shall yield at 16th Street.
26. 15th Avenue. Vehicles traveling south on 15th Avenue shall yield at 14th Street.
27. 15th Avenue. Vehicles traveling on 15th Avenue shall yield at 15th Street.
28. 15th Avenue. Vehicles traveling north on 15th Avenue shall yield at 16th Street.
29. 17th Avenue. Vehicles traveling north on 17th Avenue shall yield at 11th Street.
30. 18th Avenue. Vehicles traveling north on 18th Avenue shall yield at 11th Street.
31. 11th Street. Vehicles traveling east on 11th Street shall yield at 19th Avenue.
32. 12th Street. Vehicles traveling west on 12th Street shall yield at 19th Avenue.
33. 20th Avenue. Vehicles traveling south on 20th Avenue shall yield at 12th Street.
34. 18th Avenue. Vehicles traveling on 18th Avenue shall yield at 13th Street.

35. 20th Avenue. Vehicles traveling on 20th Avenue shall yield at 13th Street.
36. 18th Avenue. Vehicles traveling on 18th Avenue shall yield at 14th Street.
37. 20th Avenue. Vehicles traveling on 20th Avenue shall yield at 14th Street.
38. 18th Avenue. Vehicles traveling on 18th Avenue shall yield at 15th Street.
39. 15th Street. Vehicles traveling east on 15th Street shall yield at 21st Avenue.
40. 17th Avenue. Vehicles traveling on 17th Avenue shall yield at 16th Street.
41. 18th Avenue. Vehicles traveling on 18th Avenue shall yield at 16th Street.
42. 16th Street. Vehicles traveling east on 16th Street shall yield at 21st Avenue.
43. 17th Avenue. Vehicles traveling north on 17th Avenue shall yield at 17th Street.
44. 18th Avenue. Vehicles traveling on 18th Avenue shall yield at 17th Street.
45. 17th Avenue. Vehicles traveling south on 17th Avenue shall yield at 18th Street.
46. 18th Street. Vehicles traveling east on 18th Street shall yield at 18th Avenue.
47. 17th Avenue. Vehicles traveling north on 17th Avenue shall yield at 19th Street.
48. 18th Avenue. Vehicles traveling north on 18th Avenue shall yield at 19th Street.
49. 19th Street. Vehicles traveling east on 19th Street shall yield at 19th Avenue.
50. 13th Avenue South. Vehicles traveling on 13th Avenue South shall yield at Golf Course Road.
51. 9th Street S.E. Vehicles traveling east on 9th Street S.E. shall yield at 18th Avenue S.E.
52. (Repealed by Ordinance 443-14 – Jun. 18 Supp.)
53. 11th Street. Vehicles traveling west on 11th Street shall yield at 13th Avenue.
54. 14th Avenue. Vehicles traveling north on 14th Avenue shall yield at 12th Street.
55. Park Lane. Vehicles traveling north on Park Lane shall yield at 11th Street.
56. 13th Street. Vehicles traveling west on 13th Street shall yield at 14th Street.
57. Stone Soup Drive-Thru. Vehicles traveling north/northwest and exiting from the Stone Soup Drive-Thru window onto 15th Street shall yield to vehicles traveling upon 15th Street.
58. 8th Avenue. Vehicles traveling north on 8th Avenue shall yield at 12th Street.
59. 8th Street S.W. Vehicles traveling west on 8th Street S.W. shall yield at Heritage Drive.
60. Riverview Drive. Vehicles traveling on Riverview Drive shall yield at Westview Drive.
61. Meadow Circle. Vehicles traveling north on Meadow Circle shall yield at Sunset Drive.
62. Woodland Hills. Vehicles traveling south on Woodland Hills shall yield at Sunset Drive.
63. Deer Run. Vehicles traveling south on Deer Run shall yield at Sunset Drive.

- 64. 18th Place. Vehicles traveling south on 18th Place shall yield at Southern Hills Drive.
- 65. 19th Avenue. Vehicles traveling on 19th Avenue shall yield at 16th Street.
- 66. 19th Avenue. Vehicles traveling on 19th Avenue shall yield at 15th Street.
- 67. Creek Boulevard. Vehicles traveling southeast on Creek Boulevard shall yield at 28th Avenue.
- 68. 29th Avenue. Vehicles traveling south on 29th Avenue shall yield at Rock Ridge Road.
- 69. Rock River Bluff Road. Vehicles traveling south on Rock River Bluff Road shall yield at 300th Street.
- 70. 30th Avenue. Vehicles traveling south on 30th Avenue shall yield at Rock Ridge Road.
- 71. 19th Avenue. Vehicles traveling on 19th Avenue shall yield at 13th Street.
- 72. 18th Avenue S.E. Vehicles traveling on 18th Avenue S.E. shall yield at Southern Hills Drive.
- 73. 11th Avenue. Vehicles traveling on 11th Avenue shall yield at 11th Street.
- 74. Fairway Oaks Drive. Vehicles traveling on Fairway Oaks Drive shall yield at Westview Drive.
- 75. 9th Street S.E. Vehicles traveling on 9th Street S.E. shall yield at 20th Avenue S.E.
- 76. (Repealed by Ordinance 463-16 – Jun. 18 Supp.)
- 77. 20th Avenue. Vehicles traveling on 20th Avenue shall yield at 8th Street.
(Ord. 464-16 – Jun. 18 Supp.)
- 78. Warren Circle (North). Vehicles traveling on Warren Circle (North) shall yield at 31st Avenue.
(Ord. 465-16 – Jun. 18 Supp.)
- 79. Warren Circle (South). Vehicles traveling on Warren Circle (South) shall yield at 31st Avenue.
(Ord. 467-16 – Jun. 18 Supp.)
- 80. 31st Avenue. Vehicles traveling on 31st Avenue shall yield at Rock Ridge Road.
(Ord. 468-16 – Jun. 18 Supp.)
- 81. 17th Avenue SE. Vehicles traveling south on 17th Avenue SE shall yield at 2nd St SE.
- 82. 18th Avenue SE. Vehicles traveling south on 18th Avenue SE shall yield at 2nd St SE.
- 83. 18th Avenue SE. Vehicles traveling north on 18th Avenue SE shall yield at 4th St SE.
- 84. 5th Street SE. Vehicles traveling east on 5th Street SE shall yield at 19th Ave SE.

(Subsections 81-84 – Ord. 492-19 – Mar. 20 Supp.)

65.04 SCHOOL STOPS. At the following school crossing zones every driver of a vehicle approaching said zone shall bring the vehicle to a full stop at a point ten (10) feet from the

approach side of the crosswalk marked by an authorized school stop sign and thereafter proceed in a careful and prudent manner until the vehicle shall have passed through such school crossing zone.

(Code of Iowa, Sec. 321.249)

1. School crossing zone on 17th Street between 15th Avenue and 14th Avenue.
2. School crossing zone at the intersection of 17th Street and 16th Avenue (Main Street).

65.05 STOP BEFORE CROSSING SIDEWALK. The driver of a vehicle emerging from a private roadway, alley, driveway, or building shall stop such vehicle immediately prior to driving onto the sidewalk area and thereafter shall proceed into the sidewalk area only when able to do so without danger to pedestrian traffic and shall yield the right-of-way to any vehicular traffic on the street into which the vehicle is entering.

(Code of Iowa, Sec. 321.353)

65.06 STOP WHEN TRAFFIC IS OBSTRUCTED. Notwithstanding any traffic control signal indication to proceed, no driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle.

65.07 YIELD TO PEDESTRIANS IN CROSSWALKS. Where traffic control signals are not in place or in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping, if need be, to yield to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection.

(Code of Iowa, Sec. 321.327)

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

(Code of Iowa, Sec. 321.256)

1. Intersection of Main Street and 14th Street.

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

1. Golf Course Road and 10th Ave. Vehicles traveling south on 10th Avenue shall stop at the intersection of Golf Course Road and 10th Avenue. Vehicles traveling north on Golf Course Road shall stop at the intersection of Golf Course Road and 10th Avenue. Vehicles traveling west on Golf Course Road shall stop at the intersection of Golf Course Road and 10th Avenue;
2. Intersection of Golf Course Road and 12th Ave;
3. Intersection of Golf Course Road and Golf Course Drive.

(Ord. 453-15 – Jun. 18 Supp.)

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CHAPTER 66

LOAD AND WEIGHT RESTRICTIONS

66.01 Temporary Embargo

66.02 Permits for Excess Size and Weight

66.03 Load Limits Upon Certain Streets

66.04 Load Limits on Bridges

66.05 Truck Routes

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

(Code of Iowa, Sec. 321.471 & 472)

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

(Code of Iowa, Sec. 321.473 & 321E.1)

66.03 LOAD LIMITS UPON CERTAIN STREETS. In the event a sign is posted giving notice of a load limit, no person shall operate any vehicle with a gross weight in excess of the amounts specified on such signs.

(Code of Iowa, Sec. 321.473 & 475)

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

(Code of Iowa, Sec. 321.471)

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

1. Truck Routes Designated. Every motor vehicle weighing thirteen (13) tons or more, when loaded or empty, having no fixed terminal within the City or making no scheduled or definite stops within the City for the purpose of loading or unloading shall travel over or upon the following streets within the City and none other:

(Code of Iowa, Sec. 321.473)

- A. Main Street from north corporate limits to south corporate limits.
- B. 17th Street from east corporate limits to Main Street.
- C. 14th Street from east corporate limits to 10th Avenue.
- D. 10th Avenue from Highway 18 to 14th Street.
- E. 21st Avenue from Highway 18 to 17th Avenue.

- F. 22nd Avenue from Highway 18 to 14th Street.
 - G. Eagle Avenue from Highway 18 to south corporate limits.
 - H. 300th Street from Main Street to west corporate limits.
 - I. Westview Drive from Highway 18 to west corporate limits.
2. Deliveries Off Truck Route.
- A. Any motor vehicle weighing thirteen (13) tons or more, when loaded or empty, making a scheduled or definite stop within the City for the purpose of loading or unloading cargo or passengers for the purpose of servicing, if servicing is in the ordinary course of business of the operator of the motor vehicle, shall proceed over or upon the designated routes set out in this section to the nearest point of its scheduled or definite stop and shall proceed thereto, load or unload, or service and return, by the most direct route to its point of departure from said designated route.
(Code of Iowa, Sec. 321.473)
 - B. Any motor vehicle weighing thirteen (13) tons or more having a fixed terminal within the City traveling to and from the vehicle's fixed terminal shall proceed over or upon the designated routes set out in this section to the nearest point of its fixed terminal and shall proceed thereto and return by the most direct route to its point of departure from said designated route. A fixed terminal shall include the business place of the owner or operator of the vehicle at which the presence of the vehicle is required for purposes of loading or unloading cargo or passengers, maintenance, repair or refueling, and a place for the lawful storage or parking of the vehicle when not in use.
 - C. Any motor vehicle weighing thirteen (13) tons or more traveling to or from a place of business within the City at which the vehicle is to be repaired, refueled, or otherwise serviced shall proceed over or upon the designated routes set out in this section to the nearest point of said business and shall proceed thereto and return by the most direct route to its point of departure from said designated routes.
3. Employer's Responsibility. The owner, or any other person, employing or otherwise directing the driver of any vehicle shall not require or knowingly permit the operation of such vehicle upon a street in any manner contrary to this section.
(Code of Iowa, Sec. 321.473)

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CHAPTER 67

PEDESTRIANS

67.01 Walking in Street
67.02 Hitchhiking

67.03 Pedestrian Crossing
67.04 Use Sidewalks

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

(Code of Iowa, Sec. 321.326)

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

(Code of Iowa, Sec. 321.331)

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

(Code of Iowa, Sec. 321.328)

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

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CHAPTER 68

ONE-WAY TRAFFIC

68.01 ONE-WAY TRAFFIC REQUIRED. Upon the following streets and alleys, vehicular traffic (other than permitted cross traffic), shall move only in the indicated direction when appropriate signs are in place: Traffic using the alley located between 14th Street and 15th Street and Main Street and 15th Avenue shall travel in the direction from south to north only, the entire length of the alley.

(Ord. 460.16 – Jun. 18 Supp.)

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CHAPTER 69

PARKING REGULATIONS

69.01 Park Adjacent to Curb
69.02 Park Adjacent to Curb – One-way Street
69.03 Angle Parking
69.04 Angle Parking – Manner
69.05 Parking for Certain Purposes Illegal

69.06 Parking Prohibited
69.07 Persons With Disabilities Parking
69.08 No Parking Zones
69.09 All Night Parking Prohibited
69.10 Truck Parking Limited

69.01 PARK ADJACENT TO CURB. No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within eighteen (18) inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking and vehicles parked on the left-hand side of one-way streets.

(Code of Iowa, Sec. 321.361)

69.02 PARK ADJACENT TO CURB – ONE-WAY STREET. No person shall stand or park a vehicle on the left-hand side of a one-way street other than parallel with the edge of the roadway headed in the direction of lawful traffic movement and with the left-hand wheels of the vehicle within eighteen (18) inches of the curb or edge of the roadway except as hereinafter provided in the case of angle parking.

(Code of Iowa, Sec. 321.361)

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

(Code of Iowa, Sec. 321.361)

1. 12th Avenue, on the east side from 10th Street to 12th Street.
2. 12th Street, on the south side from 12th Avenue to 13th Avenue.
3. 13th Avenue, on the west side from 10th Street to 12th Street.
4. Main Street (16th Avenue), from the railroad tracks south of 13th Street to 17th Street.
5. 15th Street, from the alley midway between 15th Avenue and Main Street (16th Avenue) to 17th Avenue, except no parking shall be permitted on the south side of 15th Street from Main Street (16th Avenue) to 88 feet east of Main Street.
6. 14th Street, on the north side from 15th Avenue to 17th Avenue.
7. 14th Street, on the south side from 15th Avenue to the alley midway between Main Street (16th Avenue) and 17th Avenue.
8. 14th Street, on the south and north sides from the first alley east of Main Street east to 17th Avenue.
9. 14th Street, on the north side from 18th Avenue east to 19th Avenue.
10. 15th Street, on the south side from the first alley west of Main Street west to 15th Avenue.
11. 16th Street, on the north side, starting 270 feet east of Main Street to 17th Avenue.

12. 16th Street, on the north side from the first alley west of Main Street west 250 feet.

69.04 ANGLE PARKING – MANNER. Upon those streets or portions of streets which have been signed or marked for angle parking, no person shall park or stand a vehicle other than at an angle to the curb or edge of the roadway or in the center of the roadway as indicated by such signs and markings. No part of any vehicle, or the load thereon, when parked within a diagonal parking district, shall extend into the roadway more than a distance of sixteen (16) feet when measured at right angles to the adjacent curb or edge of roadway.

(Code of Iowa, Sec. 321.361)

69.05 PARKING FOR CERTAIN PURPOSES ILLEGAL. No person shall park a vehicle upon public property for more than forty-eight (48) hours, unless otherwise limited under the provisions of this chapter, or for any of the following principal purposes:

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

1. Sale. Displaying such vehicle for sale;
2. Repairing. For lubricating, repairing or for commercial washing of such vehicle except such repairs as are necessitated by an emergency;
3. Advertising. Displaying advertising;
4. Merchandise Sales. Selling merchandise from such vehicle except in a duly established market place or when so authorized or licensed under this Code of Ordinances.

For the purposes of this section, “vehicle” means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway.

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

1. Crosswalk. On a crosswalk.
(Code of Iowa, Sec. 321.358[5])
2. Center Parkway. On the center parkway or dividing area of any divided street.
(Code of Iowa, Sec. 321.236[1])
3. Mailboxes. Within twenty (20) feet on either side of a mailbox which is so placed and so equipped as to permit the depositing of mail from vehicles on the roadway.
(Code of Iowa, Sec. 321.236[1])
4. Sidewalks. On or across a sidewalk.
(Code of Iowa, Sec. 321.358[1])
5. Driveway. In front of a public or private driveway.
(Code of Iowa, Sec. 321.358[2])
6. Intersection. Within an intersection or within ten (10) feet of an intersection of any street or alley.
(Code of Iowa, Sec. 321.358[3])

7. Fire Hydrant. Within five (5) feet of a fire hydrant.
(Code of Iowa, Sec. 321.358[4])
8. Stop Sign or Signal. Within ten (10) feet upon the approach to any flashing beacon, stop or yield sign, or traffic control signal located at the side of a roadway.
(Code of Iowa, Sec. 321.358[6])
9. Railroad Crossing. Within fifty (50) feet of the nearest rail of a railroad crossing, except when parked parallel with such rail and not exhibiting a red light.
(Code of Iowa, Sec. 321.358[8])
10. Fire Station. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of said entrance when properly sign posted.
(Code of Iowa, Sec. 321.358[9])
11. Excavations. Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.
(Code of Iowa, Sec. 321.358[10])
12. Double Parking. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
(Code of Iowa, Sec. 321.358[11])
13. Hazardous Locations. When, because of restricted visibility or when standing or parked vehicles would constitute a hazard to moving traffic, or when other traffic conditions require, the Council may cause curbs to be painted with a yellow color and erect no parking or standing signs.
(Code of Iowa, Sec. 321.358[13])
14. Churches, Nursing Homes and Other Buildings. A space of fifty (50) feet is hereby reserved at the side of the street in front of any theatre, auditorium, hotel having more than twenty-five (25) sleeping rooms, hospital, nursing home, taxicab stand, bus depot, church, or other building where large assemblages of people are being held, within which space, when clearly marked as such, no motor vehicle shall be left standing, parked or stopped except in taking on or discharging passengers or freight, and then only for such length of time as is necessary for such purpose.
(Code of Iowa, Sec. 321.360)
15. Public Alleys. In any public alley within the business district of the City.
16. Private Alleys. In any private alley within the business district of the City in such a manner that ingress or egress of fire apparatus to or from such alley might be blocked.
17. Ramps. In front of a curb cut or ramp which is located on public or private property in a manner which blocks access to the curb cut or ramp. "Curb cut or ramp" for purposes of this section shall not include drive-over curb in which the drive-over curb is not a part of a driveway or a part of an access to a building entrance.
(Code of Iowa, Sec. 321.358[15])
18. Area Between Lot Line and Curb Line. That area of the public way not covered by sidewalk and lying between the lot line and the curb line, where curbing has been installed.

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

69.07 PERSONS WITH DISABILITIES PARKING. The following regulations shall apply to the establishment and use of persons with disabilities parking spaces:

1. Establishment. Persons with disabilities parking spaces shall be established and designated in accordance with Chapter 321L of the *Code of Iowa* and Iowa Administrative Code, 661-18. No unauthorized person shall establish any on-street persons with disabilities parking space without first obtaining Council approval.
2. Improper Use. The following uses of a persons with disabilities parking space, located on either public or private property, constitute improper use of a persons with disabilities parking permit, which is a violation of this Code of Ordinances:

(Code of Iowa, Sec. 321L.4[2])

- A. Use by an operator of a vehicle not displaying a persons with disabilities parking permit.
 - B. Use by an operator of a vehicle displaying a persons with disabilities parking permit but not being used by a person issued a permit or being transported in accordance with Section 321L.2[1b] of the *Code of Iowa*.
 - C. Use by a vehicle in violation of the rules adopted under Section 321L.8 of the *Code of Iowa*.
3. Wheelchair Parking Cones. No person shall use or interfere with a wheelchair parking cone in violation of the following:
- A. A person issued a persons with disabilities parking permit must comply with the requirements of Section 321L.2A(1) of the *Code of Iowa* when utilizing a wheelchair parking cone.
 - B. A person shall not interfere with a wheelchair parking cone which is properly placed under the provisions of Section 321L.2A(1) of the *Code of Iowa*.

69.08 NO PARKING ZONES. No one shall stop, stand or park a vehicle in any of the following specifically designated no parking zones except when necessary to avoid conflict with other traffic or in compliance with the direction of a peace officer or traffic control signal.

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

1. 8th Street, on the south side between 20th Avenue and 20½ Avenue.
2. 20th Street, on the south side, from 16th Avenue to 19th Avenue.
3. 12th Avenue, on the west side between 10th Street and 11th Street.
4. 18th Avenue, on the east side between 17th Street and 18th Street.
5. 22nd Avenue, on the west side between 10th Street and 14th Street.
6. 22nd Avenue, from Highway 18 to 14th Street.
7. 14th Street, from 14th Avenue to 10th Avenue.

8. 11th Street on the north side, from Main Street (16th Avenue) to the east line of the intersection of 11th Street and Park Lane
9. 300th Street, from the west boundary of the Rivers Bend Campground to Rock River Bluff Road.
10. Westview Drive in its entirety.
11. 16th Avenue from 10th Street (Highway 18) to 110 feet north of 12th Street.
12. 21st Avenue. No parking is permitted on the west side from 12th Street and 100 feet south. *(Ord. 474-18 – Jun. 18 Supp.)*

69.09 ALL NIGHT PARKING PROHIBITED. No person, except physicians or other persons on emergency calls, shall park a vehicle on any street for a period of time longer than thirty (30) minutes between the hours of 2:00 a.m. and 5:00 a.m. of any day during the period from November 1 to April 1.

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

69.10 TRUCK PARKING LIMITED. No person shall park a motor truck, semi-trailer, or other motor vehicle with trailer attached in violation of the following regulations. The provisions of this section shall not apply to pickup, light delivery or panel delivery trucks.

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

1. Livestock. No such vehicle containing livestock shall be parked on any street, alley or highway for a period of time of more than thirty (30) minutes.
2. All Night. No such vehicle shall be left unattended or parked upon any streets or alleys for a period of time longer than one hour, beginning one hour after sunset until one hour before sunrise.
3. Noise. No such vehicle shall be left standing or parked upon any street, alley, public or private parking lot, or drive of any service station between the hours of 9:00 p.m. and 7:00 a.m. with the engine, auxiliary engine, air compressor, refrigerating equipment or other device in operation giving off audible sounds excepting only the drive of a service station when actually being serviced, and then in no event for more than thirty (30) minutes.

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CHAPTER 70

TRAFFIC CODE ENFORCEMENT PROCEDURES

70.01 Arrest or Citation
70.02 Scheduled Violations
70.03 Parking Violations: Alternate

70.04 Parking Violations: Vehicle Unattended
70.05 Presumption in Reference to Illegal Parking
70.06 Impounding Vehicles

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

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

(Code of Iowa, Sec. 805.6 & 321.485)

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

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

70.03 PARKING VIOLATIONS: ALTERNATE. Uncontested violations of parking restrictions imposed by this Code of Ordinances shall be charged upon a simple notice of a fine payable at the office of the City Clerk. The simple notice of a fine shall be in the amount of twenty dollars (\$20.00) for all violations except improper use of a persons with disabilities parking permit. If such fine is not paid within thirty (30) days, it shall be increased by five dollars (\$5.00). The simple notice of a fine for improper use of a persons with disabilities parking permit is one hundred dollars (\$100.00).

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

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

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

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

70.06 IMPOUNDING VEHICLES. A peace officer is hereby authorized to remove, or cause to be removed, a vehicle from a street, public alley, public parking lot or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the City, under the circumstances hereinafter enumerated:

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

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

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

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

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

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

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

5. Outstanding Violations. When any vehicle has three (3) or more outstanding, unpaid parking violations for which payment is late thirty (30) days or more.

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

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

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CHAPTER 75

ALL-TERRAIN VEHICLES AND SNOWMOBILES

75.01 Purpose

75.02 Definitions

75.03 General Regulations

75.04 Operation of Snowmobiles

75.05 Operation of All-Terrain Vehicles

75.06 Negligence

75.07 Accident Reports

75.08 City Employees or Agents

75.09 Financial Responsibility

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

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

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

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

2. “Off-road motorcycle” means a two-wheeled motor vehicle that has a seat or saddle designed to be straddled by the operator and handlebars for steering control and that is intended by the manufacturer for use on natural terrain. “Off-road motorcycle” includes a motorcycle that was originally issued a certificate of title and registered for highway use under Chapter 321 of the *Code of Iowa*, but which contains design features that enable operation over natural terrain. An operator of an off-road motorcycle is also subject to the provisions of this chapter governing the operation of all-terrain vehicles. An operator of a two-wheeled, off-road motorcycle is exempt from the safety instruction and certification program requirements of Section 321I.24 and 321I.25 of the *Code of Iowa*.

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

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

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

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

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

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

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

(Ord. 439-14 – Jun. 18 Supp.)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Streets. ATVs and ORVs may be operated on streets only in accordance with Section 321.234A of the *Code of Iowa* or on such streets as may be designated by resolution of the Council for the operation of registered ATVs or registered ORVs. In designating such streets, the Council may authorize ATVs and ORVs to stop at all service stations or convenience stores along a designated street. ATVs shall not be operated upon U.S. Highway 18. ATVs may cross U.S. Highway 18 only at the intersections of Highway 18 and Main Street, Highway 18 and 19th Avenue, and Highway 18 and 10th Ave. *(Ord. 454-16 – Jun. 18 Supp.)*

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

2. Restricted Uses. ATVs may be operated on said streets within the City only for the following uses:

- A. Traveling to and from a person’s place of employment and residence.
- B. Snow Removal. Such an ATV used for this purpose must be equipped with a snow blade or blower.
- C. Travel between a person’s own or employer’s personal and/or business properties.
- D. Incremental use for maintenance and landscaping activities.
- E. For commercial business use for activities in the normal course of such business.

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

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

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

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

5. Campground, Parks, and Other City Land. ATVs shall not be operated in any campground, park, playground, any public trail or pathway located within the City or upon any other City-owned property excluding City public streets without the express permission of the City.

6. Sidewalk or Parking. ATVs shall not be operated upon the public sidewalk or that portion of the street located between the curb line and the sidewalk or property line commonly referred to as the “parking” except for purposes of snow removal or maintenance activities.

7. Private Property. ATVs may only be operated on private property with the express consent of the owner of such property.

8. Registration and Decal. Each ATV operated on a City street shall be registered and display such registration and use permit decal as required by Sections 321I.3, 321I.4, 321I.5, and 321I.6 of the *Code of Iowa*.

9. License. No person shall operate an ATV on a City street without a valid motor vehicle operator’s license. Persons less than 18 years of age shall not operate an ATV on a City street without also obtaining a valid safety certificate issued by the Iowa Department of Natural Resources and having the certificate in the person’s possession.

(Code of Iowa, Sec. 321I.26[1])

10. Equipment. An ATV shall not be operated on a City street without suitable and effective muffling devices. ATVs shall comply with the sound level standards and testing procedures established by the Society of Automotive Engineers under SAE J1287. No person shall operate an ATV within the City limits if said ATV is equipped with a muffler cut-out, bypass, or similar device. ATVs are subject to the Vehicle Noise Limits of Section 62.10 of this Code of Ordinances. Every ATV operated during hours of darkness and at such other times when weather and/or lighting conditions render it necessary for safety shall display a lighted headlamp and tail lamp. Every ATV being operated on City streets shall be equipped with brakes. No passenger shall be allowed on an ATV operated on a City street unless the ATV is manufacture-designed for a passenger.

11. Hours of Operation. No ATV shall be operated in the City between the hours of 10:00 p.m. and 6:00 a.m. except for emergency situations or for snow removal purposes.

(Ord. 470-16 – Jun. 18 Supp.)

12. Traffic Code Observed. An operator of an ATV on City streets shall observe all applicable Federal, State, and local traffic regulations and laws and shall not operate an ATV at a speed in excess of that posted nor at any time at a speed greater than reasonable or proper under all existing circumstances.

(Code of Iowa, Sec. 321I.4)

13. Unattended ATVs and Parking. No owner or operator of an ATV shall leave an ATV unattended on public property while the motor is running or with keys in ignition switch. Owners and operators of ATVs shall obey all parking regulations in the City.

14. Penalties. A violation of this chapter shall be a simple misdemeanor or a municipal infraction according to Sections 3.01 and 3.02 of this Code of Ordinances. The offender may also be prosecuted pursuant to *Code of Iowa* Section 321I.36.

15. Direct Crossing. An all-terrain vehicle or off-road utility vehicle may make a direct crossing of a highway provided all of the following occur:

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

- A. The crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing.
- B. The all-terrain vehicle or off-road utility vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway.
- C. The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard.
- D. In crossing a divided highway, the crossing is made only at an intersection of such highway with another public street or highway.
- E. The crossing is made from a street, roadway, or highway designated as an all-terrain vehicle trail by a state agency, county, or city to a street, roadway, or highway designated as an all-terrain vehicle trail by a state agency, county, or city.

(Subsection 15 – Ord. 475-18 – Jun. 18 Supp.)

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

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

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

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

75.08 CITY EMPLOYEES OR AGENTS. An employee or agent of the City for the purposes of providing emergency services, rescue, or for City business purposes shall be authorized to operate an ATV as herein described on any street, public land, or City-owned property.

75.09 FINANCIAL RESPONSIBILITY. The owner or operator of an ATV or snowmobile shall maintain and provide current proof of financial responsibility for said recreational vehicle in a manner consistent with the provisions of *Code of Iowa* Section 321.20B with regard to such coverage, proof and enforcement of financial responsibility. A violation of this section shall be a municipal infraction according to Sections 3.01 and 3.02 of this Code of Ordinances.

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CHAPTER 76

BICYCLE REGULATIONS

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

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

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

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

(Code of Iowa, Sec. 321.234)

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

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

76.04 TWO ABREAST LIMIT. Persons riding bicycles upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. All bicycles ridden on the roadway shall be kept to the right and shall be operated as near as practicable to the right-hand edge of the roadway.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Code of Iowa, Sec. 321.397)

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

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

76.13 SPECIAL PENALTY. Any person violating the provisions of this chapter may, in lieu of the scheduled fine for bicyclists or standard penalty provided for violations of the Code of Ordinances, allow the person's bicycle to be impounded by the City for not less than five (5) days for the first offense, ten (10) days for a second offense and thirty (30) days for a third offense.

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CHAPTER 77

GOLF CARTS

77.01 Purpose
77.02 Operation Permitted
77.03 Prohibited Streets

77.04 Equipment
77.05 Hours
77.06 Registration

77.01 PURPOSE. The purpose of this chapter is to approve the operation of golf carts on the streets of the City as authorized by Section 321.247 of the *Code of Iowa*.

77.02 OPERATION PERMITTED. Except as otherwise authorized by the City Administrator, golf carts may be operated on certain streets only for the purpose of traveling from a point of origin to and from the Rock Valley Golf Club. In so doing, the shortest and most direct street route to and from the point of origin to the golf club shall be used. Golf carts shall be operated only on the roadway or traveled portion of the street and shall not be operated on any sidewalk.

77.03 PROHIBITED STREETS. Golf carts shall not be operated upon any City street which is a primary road extension through the City, namely, Main Street and Highway 18. However, golf carts may cross such a primary road extension.

77.04 EQUIPMENT. Golf carts operated upon City streets shall be equipped with a slow moving vehicle sign and a bicycle safety flag at all times during operation.

77.05 HOURS. Golf carts may be operated on City streets only between sunrise and sunset.

77.06 REGISTRATION. Golf carts operated on City streets are not required to be registered.

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CHAPTER 80

ABANDONED VEHICLES

80.01 Definitions

80.02 Authority to Take Possession of Abandoned Vehicles

80.03 Notice by Mail

80.04 Notification in Newspaper

80.05 Fees for Impoundment

80.06 Disposal of Abandoned Vehicles

80.07 Disposal of Totally Inoperable Vehicles

80.08 Proceeds from Sales

80.09 Duties of Demolisher

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

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

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

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

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

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

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

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

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

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

80.05 FEES FOR IMPOUNDMENT. The owner, lienholder or claimant shall pay twenty dollars (\$20.00) if claimed within three (3) days of impounding, plus towing charges if stored by the City, or towing and storage fees, if stored in a public garage, whereupon said vehicle shall be released. The amount of towing charges, and the rate of storage charges by privately owned garages, shall be established by such facility.

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

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

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

80.07 DISPOSAL OF TOTALLY INOPERABLE VEHICLES. The City or any person upon whose property or in whose possession is found any abandoned motor vehicle, or any person being the owner of a motor vehicle whose title certificate is faulty, lost or destroyed, may dispose of such motor vehicle to a demolisher for junk, without a title and without notification procedures, if such motor vehicle lacks an engine or two (2) or more wheels or other structural part which renders the vehicle totally inoperable. The police authority shall give the applicant a certificate of authority. The applicant shall then apply to the County Treasurer for a junking certificate and shall surrender the certificate of authority in lieu of the certificate of title.

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

80.08 PROCEEDS FROM SALES. Proceeds from the sale of any abandoned vehicle shall be applied to the expense of auction, cost of towing, preserving, storing and notification required, in accordance with State law. Any balance shall be held for the owner of the motor vehicle or entitled lienholder for ninety (90) days, and then shall be deposited in the State Road Use Tax Fund. Where the sale of any vehicle fails to realize the amount necessary to meet costs the police authority shall apply for reimbursement from the Department of Transportation.

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

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

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

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CHAPTER 90

WATER SERVICE SYSTEM

90.01 Definitions	90.11 Installation of Water Service Pipe
90.02 Superintendent's Duties	90.12 Responsibility for Water Service Pipe
90.03 Mandatory Connections	90.13 Failure to Maintain
90.04 Abandoned Connections	90.14 Curb Valve
90.05 Permit	90.15 Interior Valve
90.06 Fee for Permit	90.16 Inspection and Approval
90.07 Compliance with Plumbing Code	90.17 Completion by the City
90.08 Plumber Required	90.18 Shutting off Water Supply
90.09 Excavations	90.19 Operation of Curb Valve and Hydrants
90.10 Tapping Mains	90.20 Water Supply and Protection from Damages

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

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

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

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

90.03 MANDATORY CONNECTIONS. All buildings and structures within the City limits intended or used for human habitation, occupancy or use shall be connected to the public water system. Permanent or temporary physical connections between the City's water system, wells, or other water sources are prohibited.

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

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

90.06 FEE FOR PERMIT. Before any permit is issued the applicant shall pay either: (i) for a one-inch line, five hundred dollars (\$500.00) to the Clerk to cover the cost of issuing the permit, tapping the main, and installation of the water service line from the main to and including the curb valve, and for the cost of the three-quarter-inch meter; or (ii) for any taps over one-inch, the actual current material costs, including the meter costs and related installation costs. The person may choose to purchase and install any tap over three-quarter-inch subject to the approval of the Superintendent and the inspection of the installation by the Superintendent before the excavation hole is covered.

(Code of Iowa, Sec. 384.84)

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

90.08 PLUMBER REQUIRED. All installations of water service pipes and connections to the water system shall be made by a State-licensed plumber.

90.09 EXCAVATIONS. All trench work, excavation, and backfilling required in making a connection shall be performed in accordance with the *State Plumbing Code* and the provisions of Chapter 135 of this Code of Ordinances.

90.10 TAPPING MAINS. All taps into water mains shall be made by or under the direct supervision of the Superintendent and in accord with the following:

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

1. Independent Services. No more than one housing unit or one unit of a building or premises shall be supplied from one tap unless special written permission is obtained from the Superintendent and unless provision is made so that each unit of a house, building, or premises may be shut off independently of the other.
2. Sizes and Location of Taps. All mains six (6) inches or less in diameter shall receive no larger than a one (1) inch tap. All mains of over six inches in diameter shall receive no larger than a one and a half (1½) inch tap. Where a larger connection than a one and a half (1½) inch tap is desired, two or more small taps or saddles shall be used, as the Superintendent shall order. All taps in the mains shall be made in the

top half of the pipe, at least eighteen (18) inches apart. No main shall be tapped nearer than two (2) feet of the joint in the main.

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

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

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

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

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

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

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

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

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

90.17 COMPLETION BY THE CITY. Should any excavation be left open or only partly refilled for twenty-four (24) hours after the water service pipe is installed and connected with the water system, or should the work be improperly done, the City shall have the right to finish or correct the work, and the Council shall assess the costs to the property owner or the plumber. If the plumber is assessed, the plumber must pay the costs before receiving another

permit. If the property owner is assessed, such assessment may be collected with and in the same manner as general property taxes.

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

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

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

90.20 WATER SUPPLY AND PROTECTION FROM DAMAGES. Customers are not guaranteed a constant or unlimited supply of water from the public water system. The City may deny providing water service to any customer in which the system cannot sustain the requested service. In no event shall the City be held responsible for claims of damages by reason of the breaking of any water mains or service pipes, or by reason of any other interruption of water service. No person shall be entitled to damages or refunds of payment resulting from such a break or interruption.

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CHAPTER 91

WATER METERS

91.01 Purpose	91.06 Meter Costs
91.02 Water Use Metered	91.07 Meter Repairs
91.03 Fire Sprinkler Systems – Exception	91.08 Right of Entry
91.04 Location of Meters	91.09 Meter Test
91.05 Meter Setting	91.10 Meter Failure

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

91.02 WATER USE METERED. All water furnished customers shall be measured through meters furnished by the City to ensure compatibility with the City's water metering system. Installation of said meters shall be at the customer's expense. Multiple units, including residential, business, institutional or industrial units, may be measured through a single meter. Mobile home parks may be metered by a single meter. Alternatively, at the mobile home park owner's request and at such owner's expense, the City will furnish a meter for each individual mobile home or unit within the park and each individual metered unit within the park shall be responsible for the cost of its respective water usage. Installation of such meters shall be at the park owner's expense. All customers furnished water shall maintain their meters in good working condition.

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

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

91.05 METER SETTING. The property owner shall provide all necessary piping and fittings for proper setting of the meter including a globe type valve on both discharge sides of the meter. All meters for a mobile home or unit shall have water shut-off valve. The meter shall be located in a manner free and clear from obstruction and not under the mobile home. A mobile home park owner shall grant the City an access easement to each meter located in the park. The City shall not be held liable for any damages in connection with accessing such meters. Upon receipt of notice by the Clerk that a meter is not in proper working condition, the customer shall have 30 days to repair the meter or a customer shall be assessed a \$100.00 penalty. In the case of mobile home parks, park owners shall receive all notices regarding a meter in the park which is not in proper working condition and shall be assessed the said penalty for each such meter. *(Ord. 471-17 – Jun. 18 Supp.)*

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

or customer may be required to purchase and install such meter in accordance with requirements established by the City.

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

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

91.09 METER TEST. The Superintendent shall test the accuracy of any water meter upon request in writing by a customer. However, the Superintendent shall not be required to test a meter more than once in any six-month period. The written request shall be accompanied by a deposit, in an amount established by resolution of the Council, from the customer guaranteeing payment of any water used, if additional water than metered was provided. If a meter is reporting excess usage in error a margin of two percent (2%) or more, the cost of the test shall be paid by the City and the deposit shall be fully refunded to the customer. If the meter is accurate or reporting usage within two percent (2%) of actual usage, the deposit shall be forfeited to the City for reimbursement of the testing costs. Commercial customers will be charged the actual cost of contract meter testing if the test indicates meter accuracy within the limits of two percent (2%).

91.10 METER FAILURE. When a water meter fails to provide a reading or a reading cannot be obtained, the customer will be billed for the usage of that month at a rate equal to the average of the 12 preceding months' usage for the property.

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CHAPTER 92

WATER RATES

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

92.07 Lien Exemption
92.08 Lien Notice
92.09 Temporary Vacancy
92.10 Stormwater Management and Drainage Systems
Utility

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

(Code of Iowa, Sec. 384.84)

92.02 RATES FOR SERVICE.

(Code of Iowa, Sec. 384.84)

1. Customer Classifications. Rates for water service shall be determined based upon the customer's classification. Customer classifications include the following and are determined as follows:

A. Residential. Those properties used for the intent of a room or group of rooms for sleeping, living and housekeeping activities for the same person or same group of persons on a permanent or semi-permanent basis which are not included in any of the other classifications.

B. Light Commercial. Light commercial properties, shall include business offices, retail stores or any other business that doesn't prepare food or has a car wash associated with the business.

C. Commercial. Commercial properties, shall include any business that has food preparation facilities, convenience stores, manufacturing, use of water in any part of their operations or has a car wash associated with the business.

D. Industrial. Industrial business, shall include any business or corporation that requires an Iowa Department of Natural Resources permit for waste water pretreatment.

E. Institutional. Institutional dorm rooms, assisted living centers and nursing homes, may be serviced from a single meter. The minimum charge for the service shall be \$8.60 plus \$5.00 per month for capital project debt retirement, multiplied by the number of units serviced from the meter. The minimum charge is for 1,000 gallons per unit. Usage in excess of 1,000 gallons per unit will be billed according to the usage chart below.

F. Exceptions. Non-profit nursing homes shall not be considered institutional for purposes of this rate structure and shall be billed as commercial.

2. Water Rates. The customer classifications minimum bills, and consumption charges shall be as follows:

A. Water Minimum Bills. Minimum monthly bill shall be applied to all customers based upon costumer classification and shall include an allowance for volume based upon water consumed as follows:

Customer classification:	First 1,000 gallons used	Usage in excess of 1,000 gallons	Capital Water Project
Residential With ¾" meter	\$17.20 base	\$3.00 per 1,000 gallons	\$10.00
Residential With 1" meter	\$22.20 base	\$3.00 per 1,000 gallons	\$10.00
Light Commercial With ¾" meter	\$17.20 base	\$3.00 per 1,000 gallons	\$10.00
Light Commercial With 1" meter	\$22.20 base	\$3.00 per 1,000 gallons	\$10.00
Commercial With ¾" meter	\$17.20 base	\$3.00 per 1,000 gallons	\$10.00
Commercial With 1" meter	\$22.00 base	\$3.00 per 1,000 gallons	\$10.00
Commercial With 2" meter	\$32.00 base	\$3.00 per 1,000 gallons	\$10.00
Commercial With 3" meter	\$42.00 base	\$3.00 per 1,000 gallons	\$10.00
Commercial With 4" meter	\$52.00 base	\$3.00 per 1,000 gallons	\$10.00
Industrial With ¾" meter	\$17.20 base	\$3.00 per 1,000 gallons	\$10.00
Industrial With 1" meter	\$22.00 base	\$3.00 per 1,000 gallons	\$10.00
Industrial With 2" meter	\$32.00 base	\$3.00 per 1,000 gallons	\$10.00
Industrial With 3" meter	\$42.00 base	\$3.00 per 1,000 gallons	\$10.00
Industrial With 4" meter	\$52.00 base	\$3.00 per 1,000 gallons	\$10.00
Institutions Regardless of meter	\$8.60 base	\$3.00 per 1,000 gallons	\$5.00

B. Rates For Multiple Units.

(1) Multiple housing units, including residential, may be serviced from a single meter. The minimum charge for the service shall be \$17.20 plus \$10.00 per month for capital project debt retirement, multiplied by the number of units serviced from the meter. The minimum charge is for 1,000 gallons per unit. Usage in excess of 1,000 gallons per unit will be billed according to the usage chart above.

(2) It is the responsibility of the property owner to notify the Clerk of any vacancy in multiple residential and/or business units and until such notification is received, the City will charge according to the total number of units serviced by one meter.

3. Additional Rates Applicable For Sprinkler Systems.

A. The occupant of any building located within the City which requires a four-inch or larger service line connection to the public water system to supply adequate capacity to serve a building sprinkler system for fire protection will be billed a monthly capacity charge of \$1.50 per 1,000 square feet of floor space that is provided with sprinklers. The City reserves the right to limit the amount of capacity that is available at any one building for sprinkler fire protection use based upon the public water supply system capability at the location.

(Section 92.02 – Ord. 483-18 – Mar. 20 Supp.)

92.03 RATES OUTSIDE THE CITY. Water service shall be provided to any customer located outside the corporate limits of the City which the City has agreed to serve at the rates provided in Section 92.02. No such customer, however, will be served unless the customer shall have signed a service contract agreeing to be bound by the ordinances, rules and regulations applying to water service established by the Council.

(Code of Iowa, Sec. 364.4 & 384.84)

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

(Code of Iowa, Sec. 384.84)

1. Bills Issued. The Clerk shall prepare and issue bills for combined service accounts on or before the first day of the month or the fifteenth day of each month.
2. Bills Payable. Bills for combined service accounts shall be due and payable at the office of the Clerk within twenty-one (21) days of the issuance of the bill.
3. Late Payment Penalty. Bills not paid when due shall be considered delinquent. A late payment penalty of one and one-half percent (1.5%) per month of the amount due shall be added to each delinquent bill.

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

(Code of Iowa, Sec. 384.84)

1. Notice. The Clerk shall notify each delinquent customer that service will be discontinued if payment of the combined service account, including late payment charges, is not received by the date specified in the notice of delinquency. Such notice shall be sent by ordinary mail to the customer in whose name the delinquent charges were incurred and shall inform the customer of the nature of the delinquency. When two monthly billing payments have been missed, the Clerk will issue a shut-off notice to be hand delivered to the customer's door, informing the customer of the nature of the delinquency, affording the customer the opportunity for a hearing prior to the discontinuance and stating the date of shut-off. There shall be a \$20.00 delivery charge to hand deliver the shut-off notice, plus a \$25.00 disconnect fee will be applied. Before service is reinstated, the delinquent bill plus the service fees must be paid.

2. Mobile Homes. In the case of a delinquent customer located in a mobile home park, the mobile home park owner shall be notified by the Clerk when two (2) monthly billing statements have been missed and shall receive a copy of the “shut-off notice.” The mobile home park owner shall then be responsible for shut-off of the water service on said date. In the event the mobile home park owner does not shut the water off on said shut-off date, the park owner shall be responsible for all water usage after the shut-off date in the notice.

3. Notice to Landlords. If the customer is a tenant, and if the owner or landlord of the property or premises has made a written request for notice, the notice of delinquency shall also be given to the owner or landlord. If the customer is a tenant and requests a change of name for service under the account, such request shall be sent to the owner or landlord of the property if the owner or landlord has made a written request for notice of any change of name for service under the account to the rental property.

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

5. Fees. A fee of twenty-five dollars (\$25.00) shall be charged to a delinquent customer before service is restored during normal business hours. A fee of forty dollars (\$40.00) shall be charged to a delinquent customer before service is restored outside normal business hours. No fee shall be charged for the usual or customary trips in the regular changes in occupancies of property.

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

(Code of Iowa, Sec. 384.84)

92.07 LIEN EXEMPTION.

(Code of Iowa, Sec. 384.84)

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

2. Other Service Exemption. The lien for nonpayment shall also not apply to the charges for any of the services of sewer systems, storm water drainage systems, sewage treatment, solid waste collection, and solid waste disposal for a residential

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

3. **Written Notice.** The landlord's written notice shall contain the name of the tenant responsible for charges, the address of the residential or commercial rental property that the tenant is to occupy, and the date that the occupancy begins. Upon receipt, the City shall acknowledge the notice and deposit. A change in tenant for a residential rental property shall require a new written notice to be given to the City within thirty (30) business days of the change in tenant. A change in tenant for a commercial rental property shall require a new written notice to be given to the City within ten (10) business days of the change in tenant. A change in the ownership of the residential rental property shall require written notice of such change to be given to the City within thirty (30) business days of the completion of the change of ownership. A change in the ownership of the commercial rental property shall require written notice of such change to be given to the City within ten (10) business days of the completion of the change of ownership.

4. **Mobile Homes, Modular Homes, and Manufactured Homes.** A lien for nonpayment of utility services described in Subsections 1 and 2 of this section shall not be placed upon a premises that is a mobile home, modular home, or manufactured home if the mobile home, modular home, or manufactured home is owned by a tenant of and located in a mobile home park or manufactured home community and the mobile home community and the mobile home park or manufactured home community owner or manager is the account holder, unless the lease agreement specifies that the tenant is responsible for payment of a portion of the rates or charges billed to the account holder.

(Subsection 4 – Ord. 476-18 – Jun. 18 Supp.)

92.08 LIEN NOTICE. A lien for delinquent water service charges shall not be certified to the County Treasurer unless prior written notice of intent to certify a lien is given to the customer in whose name the delinquent charges were incurred. If the customer is a tenant and if the owner or landlord of the property or premises has made a written request for notice, the notice shall also be given to the owner or landlord. The notice shall be sent to the appropriate persons by ordinary mail not less than thirty (30) days prior to certification of the lien to the County Treasurer.

(Code of Iowa, Sec. 384.84)

92.09 TEMPORARY VACANCY. A property owner may request water service be temporarily discontinued and shut off at the curb valve when the property is expected to be vacant for a period of 30 consecutive days or more. There shall be a \$25.00 fee collected for shutting the water off at the curb valve and a \$25.00 fee for restoring service. During a period when service is temporarily discontinued as provided herein there shall be no minimum service charge. The City reserves the right to adopt policies to address seasonal vacancies. The City will not drain pipes or pull meters for temporary vacancies.

92.10 STORMWATER MANAGEMENT AND DRAINAGE SYSTEMS UTILITY.**1. Purpose and Objective.**

A. The purpose of this article is to establish a policy and procedure for managing and controlling the quantity and quality of stormwater runoff, within the City limits of Rock Valley, Iowa. The management shall include the establishment of a stormwater utility to provide revenues for whatever aspects of this requirement are deemed appropriate by the City.

B. The City finds, determines and declares that the stormwater drainage system provides benefits and services to all property within the City limits. Such benefits include, but are not limited to: the provision of adequate systems for collection, conveyance, detention, treatment and release of stormwater for quality and quantity management that minimize impacts on receiving waters.

C. In order to manage additions and improvements to the City stormwater systems, the City must have adequate and stable funding for its stormwater management program operating and capital investment needs.

2. Creation of A Stormwater Management and Drainage Systems Utility.

A. The function of the Stormwater Management and Drainage Systems Utility [hereinafter referred to as “stormwater utility”] within the water and sewer dept. is to provide for the safe and efficient capture of stormwater runoff, mitigate the damaging effects of stormwater runoff, correction of stormwater problems, to fund activities of stormwater management, and include design, planning, regulations, education, coordination, construction, operations, maintenance, inspection and enforcement activities.

B. There is hereby established a stormwater utility within the City of Rock Valley, Iowa which shall be responsible for creating revenue for stormwater management throughout the City’s corporate limits, and shall provide for the management, protection, control, regulation, use, and enforcement of stormwater systems and facilities. Such utility shall be under the operational direction of the Public Works Director. The corporate limits of the City, as increased from time to time, shall constitute the boundaries of the stormwater utility district.

C. The City shall establish a Stormwater Utility Fund in the City budget and accounting system, separate and apart from its General Fund, for the purpose of dedicating and protecting all funding applicable to the purposes and responsibilities of the utility.

3. Definitions.

A. “City” City of Rock Valley.

B. “Adjustment” means a modification in a nonresidential customer’s stormwater service fee for certain activities that impact stormwater runoff or impact the City’s costs of providing stormwater management.

C. “Director” means the director of the stormwater utility.

D. “Detached dwelling unit” shall mean developed land containing one structure which is not attached to another dwelling and which contains one or more bedrooms, with a bathroom and kitchen facilities, designed for occupancy by one family. Detached dwelling units may include houses, manufactured homes, and mobile homes located on one or more individual lots or parcels of land.

E. “Equivalent residential unit” (ERU) shall mean the average impervious area of a detached dwelling unit property within the City, and shall be used as the basis for determining stormwater service charges to detached dwelling unit properties. 6000 square feet shall be equivalent to 1 ERU. (This is usually obtained by averaging single family resident’s impervious area using such tools as GIS maps and associated software.)

F. “ERU rate” the dollar value periodically determined and assigned to each ERU as a charge for stormwater management services, expressed as \$1.00 per ERU.

G. “Exempt property” includes public streets, alleys and sidewalks; all undeveloped properties.

H. “Impervious area” the number of square feet of hard-surfaced areas which either prevent or resist the entry of water into soil surface, as it entered under natural conditions as undeveloped property, and/or cause water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions as undeveloped property. This includes but is not limited to roofs, roof extensions, patios, porches, driveways, sidewalks, pavement, athletic courts, and semi-impervious surfaces such as gravel which are used as driveways or parking lots.

I. “Occupant” shall mean the person residing or doing business on the property. In a family or household situation, the person responsible for the obligation imposed shall be the adult head of the household. In a shared dwelling or office situation, the adult legally responsible for the management or condition of the property shall be responsible.

J. “Owner” shall mean the legal owner(s) of record as shown on the tax rolls of Rock Valley, except where there is a recorded land sale contract, the purchaser thereunder shall be deemed the owner.

K. “Stormwater” means stormwater runoff, snowmelt runoff, and surface runoff and drainage. “Storm sewer” means a sewer, which carries stormwater, surface runoff, street wash waters, and drainage, but which excludes sanitary sewage and industrial wastes, other than permitted discharges.

L. “Service charges” shall mean the periodic rate, fee or charge applicable to a parcel of developed land, which charge shall be reflective of the service provided by the Rock Valley, Iowa, stormwater utility.

M. “Stormwater drainage system” means all man-made facilities, structures, and natural watercourses owned by the City of Rock Valley, used for collection and conducting stormwater to, through, and from drainage areas to the points of final outlet including, but not limited to, any and all of the following: conduits and appurtenant features, canals, creeks, catch basins,

ditches, streams, gullies, ravines, flumes, culverts, siphons, streets, curbs, gutters, dams, floodwalls, levees, and pumping stations.

N. “Stormwater management” means the tasks required to control stormwater runoff using stormwater systems, to protect the health, safety, and welfare of the public, and comply with relevant state and federal regulations.

O. “Stormwater management systems” address the issues of drainage management (flooding) and environmental quality (pollution, erosion, and sedimentation) of receiving rivers, streams, creeks, lakes, ponds, and reservoirs through improvements, maintenance, regulation and funding of plants, works, instrumentalities and properties used or useful in the collection, retention, detention, and treatment of stormwater or surface water drainage.

P. “Stormwater utility” means the utility established under this section for the purpose of managing stormwater and imposing charges for the recovery of costs connected with such stormwater management.

Q. “Surface water” means water bodies and any water temporarily residing on the surface of the ground including lakes, reservoirs, rivers, ponds, streams, puddles, channelized flow and runoff.

R. “Undeveloped property” describes land in its unaltered natural state or which has been modified to such minimal degree as to have a hydrologic response comparable to land in an unaltered natural state shall be deemed undeveloped. Undeveloped land shall have minimal concrete pavement, asphalt, or compacted gravel surfaces or structures which create an impervious surface.

S. “User” means the owner and/or occupant of any developed property within the limits of Rock Valley, and shall mean any person who uses property which maintains connection to, discharges to, or otherwise receives services from the City for stormwater management. The occupant of any habitable property is deemed the user. If the property is not occupied, then the owner shall be deemed the user.

T. “Water course” a natural overland route through which water passes, including drainage courses, streams, creeks, and rivers.

4. Stormwater Utility Fund.

A. Funding for the stormwater utility’s activities may include, but are not limited to: stormwater service charges; stormwater permits and inspection fees; other funds or income obtained from federal, state, local, and private grants, or loans.

B. All service charges and all sources of revenue generated by or on behalf of the stormwater utility shall be deposited in a stormwater utility fund and used exclusively for management of the stormwater utility.

5. Stormwater Utility Budget. The City shall adopt an operating and capital budget for the stormwater utility each fiscal year. The budget shall set forth revenues for such fiscal year and estimated expenditures for operations, maintenance, improvements, replacement and debt service.

6. Rate Structure and Stormwater Service Charge. Any property, lot, parcel of land, building or premises that is tributary directly or indirectly to the stormwater

system of the City, shall be subject to a charge based upon the quantity of impervious area situated thereon. This charge is not related to the water and/or sewer service and does not rely on occupancy of the premises to be in effect. All properties having impervious area within the City of Rock Valley will be assigned an equivalent residential unit (ERU) or a multiple thereof, with all properties having any impervious area receiving at least one ERU, which shall be considered the base rate.

Establishment of the equivalent residential unit (ERU) rate and stormwater utility charge:

A. For the purpose of this ordinance, an ERU is equivalent to 6000 square feet of impervious area.

B. Determination of Stormwater Utility Fee.

(1) The stormwater utility fee for single-family residential shall be 100% of the ERU rate. The rate shall be \$1.00 per ECU. The monthly rate for each fiscal year thereafter shall be determined by resolution of the City Council prior to July 1st of each year.

(2) The stormwater utility fee for multi-family residential shall be \$1.00 per ERU.

This monthly rate based for each fiscal year thereafter shall be determined by resolution of the City Council prior to July 1st of each year.

The number of ERUs on each property shall be determined by the stormwater utility.

(3) The stormwater utility fee for commercial and industrial shall be \$1.00 per ERU.

The monthly rate based for each fiscal year thereafter shall be determined by resolution of the City Council prior to July 1st of each year.

The number of ERUs on each property shall be determined by the stormwater utility.

7. Powers of Director of The Stormwater Utility. Stormwater service charges incurred pursuant to this ordinance may be collected by the Stormwater Utility Director or designee who is also responsible for the regulation, collection, rebating and refunding of such stormwater charges.

8. Powers and Duties of The City.

A. The City shall have the following powers, duties, and responsibilities with respect to the stormwater utility:

(1) Administer the design, construction, maintenance and operation of the utility system, including capital improvements designated in the comprehensive drainage plan.

(2) Acquire, construct, lease, own, operate, maintain, extend, expand, replace, clean, dredge, repair, conduct, manage, and finance such facilities, operations, and activities, as are deemed by the City to be proper and reasonably necessary for a system of storm and surface water management. These facilities may include, but are not limited

to, surface and underground drainage facilities, storm sewers, watercourse, ponds, ditches, and such other facilities relating to collection, runoff, treatment and retention as will support a stormwater management system.

B. The City shall separately account for the stormwater utility finances. The stormwater utility shall prepare an annual budget, which is to include all operation and maintenance costs and costs of borrowing. The budget is subject to approval by the City Council. Any excess of revenues over expenditures in a year shall be retained in a segregated fund, which shall be used for stormwater utility expenses in subsequent years. Stormwater utility fees collected shall be deposited in the stormwater utility fund and shall be used for no other purpose.

9. Responsibility for The Stormwater Management and Drainage System.

A. The City stormwater management and drainage system consists of all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage ways, channels, ditches, swales, storm sewers, culverts, inlets, catch basins, pipes, head walls, and other structures, natural or man-made, within the political boundaries of the City of Rock Valley, which control and/or convey stormwater through which the City intentionally diverts surface waters from its public streets and properties. The City owns or has legal access for purposes of operation, maintenance and improvements to those segments of this system which:

(1) Are located within public streets, rights-of-way, and easements;

(2) Are subject to easements of rights-of-entry, rights-of-access, rights-of-use, or other permanent provisions for adequate access for operation, maintenance, and/or improvement of systems and facilities; or

(3) Are located on public lands to which the City has adequate access for operation, maintenance, and/or improvement of systems and facilities. Operation and maintenance of stormwater systems and facilities which are located on private property or public property not owned by the City of Rock Valley and for which there has been no public dedication of such systems and facilities for operation, maintenance, and/or improvement of the systems and facilities shall be and remain the legal responsibility of the property owner.

B. It is the intent of this section to protect the public health, safety and general welfare of all properties and persons in general, but not to create any special duty or relationship with an individual person or to any specified property within or without the boundaries of the City of Rock Valley. The City of Rock Valley expressly reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages upon the City, its officers, employees and agents arising out of any alleged failure or breach of duty or relationship as may now exist or hereafter be created.

10. Requirements for On-Site Stormwater Systems, Enforcement and Inspections.

A. All property owners and developers of developed real property within the City of Rock Valley shall provide, manage, maintain, and operate on-site stormwater systems sufficient to collect, convey, detain, and discharge stormwater in a safe manner consistent with all City, state, and federal laws and regulations.

B. Pursuant to Iowa Code Section 364.12(3) or successor section of the State Code, any failure to meet this obligation may constitute a nuisance and may be subject to an abatement action filed by the City. In the event a nuisance is found to exist, which the owner fails to properly abate within such reasonable time as allowed by the City, the City may enter upon the property and cause such work as is reasonably necessary to be performed, with the actual cost thereof assessed against the owner in the same manner as a tax levied against the property. The City shall have the right, pursuant to the authority of this section, for its designated officers and employees to enter upon private and public property owned by entities other than the City, upon reasonable notice to the owner thereof, to inspect the property and conduct surveys and engineering tests thereon in order to assure compliance.

11. Right to Appeal. Any customer who believes the provisions of this chapter have been applied in error may appeal in the following manner:

A. An appeal must be filed in writing with the City of Rock Valley City Manager. In the case of service charge appeals, the appeal shall include a survey prepared by a registered Iowa Land Surveyor or professional engineer containing information on the total property area, the impervious surface area and any other features or conditions which influence the hydrologic response of the property to rainfall events.

B. Using the information provided by the appellant, the City Manager shall conduct a technical review of the conditions on the property and respond to the appeal in writing within thirty (30) days.

C. In response to an appeal, the City Manager may adjust the stormwater service charge applicable to a property in conformance with the general purpose and intent of this chapter.

D. A decision of the City Manager which is adverse to an appellant may be further appealed to the City Council within thirty (30) days of receipt of notice of the adverse decision. Notice of the appeal shall be served on the City Council by the appellant, stating the grounds for the appeal. The City Council shall schedule a public hearing within thirty (30) days. All decisions of the City Council shall be served on the appellant by registered mail, sent to the billing address of the appellant.

E. All decisions of the City Council shall be final.

12. Billing and Collection.

A. A storm water service charge bill may be sent through the United States mail or by alternative means, notifying the customer of the amount of the bill, the date the payment is due, and the date when past due. Failure to receive a bill is not justification for non-payment. Regardless of the party to whom the bill is initially directed, liability for payment of the stormwater

management charge attributable to that property shall be joint and several as to the owner and occupant.

B. All comprehensive stormwater service charges are due and payable thirty days after the date of billing.

C. A penalty of five percent shall be added to a comprehensive stormwater service charge when the charge is not paid in said thirty days.

D. Certification. The director shall certify to the City Finance Officer a comprehensive stormwater service charge, which is owed after a sixty-day payment period. All certified charges constitute a lien up on the premises served by the stormwater system for which the service charges were made and shall be collected in the same manner as property taxes. Failure to send or receive a bill for comprehensive stormwater service charge is not a defense to the collection of service charges.

E. Suits for collection shall be commenced by the City in the Iowa District Court for Sioux County. No lien shall be imposed for delinquent collections unless a judgement is first obtained from a court of competent jurisdiction. The City may employ any lawful means to collect funds owed, and is not restricted to filing a lawsuit.

F. The stormwater utility service charge may be billed on a common statement and collected along with other City utility services, usually on a quarterly basis.

13. Adjustments to Stormwater Service Charges. Increase adjustments (debit) can be made to nonresidential service charges by property owners adding additional impervious area such as rooftops, parking lots, driveways and walkways.

14. Exemptions and Credits Applicable to Stormwater Service Charges. All public or private property shall be subject to stormwater utility charges except as provided in this ordinance below. A stormwater utility service charge formula is available in the office of the stormwater utility. The following areas are exempt from stormwater utility service charges:

A. Undeveloped property as defined in this ordinance.

B. Streets, alley ways, and highways in the public and private domain are exempt from utility service charges or connection fees.

C. Railroad right-of-way (tracks) shall be exempt from stormwater service charges. However, railroad stations, maintenance buildings, or other developed land used for railroad purposes shall not be exempt from storm water service charges.

(Section 92.10 – Ord. 485-19 – Mar. 20 Supp.)

15. Connection of Private Drainage Systems to the Municipal Storm System.

A. The connection or outlet of a private drain or storm sewer system into the public drainage system shall conform to City specifications and standards for storm sewer drainage works and must be approved by the City foreman prior to construction of the connection.

B. All costs and expenses incident to the installation and connection of the private drain or storm sewer system shall be paid by the property owner. The owner shall indemnify the City for any loss or damage directly or

indirectly occasioned by the construction or installation of the private drain or storm sewer system, including damages from back flow from the municipal storm sewer system.

C. The connection or outlet of a private drain or storm sewer system into the public drainage system shall conform to City specifications and standards for storm sewer drainage works and must be approved by the City foreman prior to construction of the connection. Also prior to the connection, the property owner shall submit a sum of \$350.00 for the connection to the public storm sewer system.

D. No unauthorized individual shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the office of the City foreman. In cases where a connection is made and concealed the City may cause the said connection to be excavated and exposed or the City may terminate the connection and require the responsible party to reimburse the department for its costs and expenses for excavation, exposure, termination, reconnection and restoration activities. This sanction shall in no way limit the City from proceeding with other means of enforcement or collection of penalties as provided in this chapter.

E. Penalty. Individuals who fail to comply with these requirements may be subject to fines for each violation and other remedial action authorized by the City.

F. The purpose of this article is to establish a policy and procedure for
(Subsection 15 – Ord. 491-19 – Mar. 20 Supp.)

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CHAPTER 93

WATER LINE EXTENSIONS

93.01 Purpose**93.02 Definitions****93.03 Construction by City****93.04 Construction by Owner****93.05 Connection Charge****93.06 Rights of City**

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

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

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

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

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

5. **Maximum Cost.** The additional cost of installation, as contemplated in subsections 3 and 4 above, shall not exceed one hundred ten percent (110%) of the estimated cost.
6. **Connecting Property.** The expense of connecting the property of the builder to the water main shall be borne by the builder, in addition to the cost of constructing said water main, but such connection shall be under the supervision of the City.

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

1. **City Supervision.** The installation of such a water main by a landowner at the owner's expense shall be under the strict supervision of the City and shall, in all ways, conform to the requirements and specifications of the City.
2. **Surety Bond.** When making application to the City for a permit to install such a water main, the applicant shall post with the City a surety bond, in an amount to be set by the Council and made a matter of record in the minutes of the Council, which shall be in an amount equal to but not less than one hundred ten percent (110%) of the total estimated cost of the installation for the full distance from the termination point of the presently existing water main to the point where the farthest boundary of the applicant's land abuts the property or street, and the bond shall guarantee the installation of the water main in as short a time as reasonably possible and shall further indemnify the City for the cost of completing the project in the event the applicant fails to complete the project within a reasonable time, and shall further indemnify the City for all damages to public property incurred in the installation, and shall further hold the City harmless for any and all other damages arising from the installation of the water main.
3. **Ownership of Water Main.** After the water main has been installed, it shall become the property of the City.
4. **Cost Approval.** For purposes of determining connection charges under Section 93.05 below, costs incurred by the owner shall be certified by the City and only so much of said costs as are approved by the City shall be used in determining connection charges as provided hereafter.

93.05 CONNECTION CHARGE. Following the installation of an extension to the water system under the provisions of this chapter, there shall be paid to the City a connection charge in an amount equal to one-half (½) the lineal construction cost for the full width of any lot, tract or parcel of ground to be served by a connection to such water main. Such connection charge shall be paid to the City prior to making any connection to said water main.

93.06 RIGHTS OF CITY. All decisions in connection with the manner of installation of any extension and maintenance thereof shall remain in the exclusive control of the City and such extension shall be the property of the City and no other person shall have any right, title or interest therein.

CHAPTER 94

WATER CONSERVATION

94.01 Shortages	94.06 Water Emergency; Consumer Prohibitions
94.02 Condition Declarations; Indicators	94.07 Penalties for Violation; Appeal
94.03 Water Watch; Voluntary Consumer Limitations	94.08 Appeal
94.04 Water Warning, Tier I; Consumer Restrictions	94.09 Municipal Infraction
94.05 Water Warning, Tier II; Consumer Prohibitions	94.10 Reduction in Flow of Water to any Person

94.01 SHORTAGES. Under certain circumstances due to weather and climate conditions, equipment failure, or otherwise, the City's water supply may be in danger of significant and serious depletion such that a sufficient supply of water may not be available to meet all customary and usual demands of those supplied by the public water system. Under such circumstances, the City Council may declare a public water watch, water warning, or water emergency as the Council deems appropriate. During the time of such a declaration, the following measures and provisions shall be in effect to produce an orderly and equitable reduction of water consumption until the Council declares the circumstances at issue to be ended.

94.02 CONDITION DECLARATIONS; INDICATORS.

1. Water Watch. A water watch may be declared when a potential threat exists to the ability of the public water system to meet the needs of its customers immediately or in the foreseeable future. Indicators of the need to impose a water watch include, but are not limited to, any one of the following:

- A. The system is operating at 75 percent of pumping capacity.
- B. There is a moderate decrease in the pumping water level of the City's wells.
- C. There is a moderate decrease in recovery rate of the water level in the wells.
- D. There is a moderate decrease in water storage levels.

2. Water Warning. A Tier I or Tier II water warning may be declared when a serious threat exists to the ability of the public water system to meet the needs of its customers immediately and in the foreseeable future. Indicators of the need to impose a Tier I water warning include, but are not limited to, any one of the following:

- A. The system is operating at 85 percent of pumping capacity.
- B. There is a significant decrease in the pumping water level of the City's wells.
- C. There is a significant decrease in recovery rate of water level in the wells.
- D. There is a significant decrease in water storage levels.

Indicators of the need to impose a Tier II water warning include, but are not limited to, any severe system emergency such as a chemical spill or major system failure in feeder mains, pumps or treatment plant, or otherwise.

3. Water Emergency. A water emergency may be declared when a severe and immediate threat exists to the ability of the public water system to meet the needs of its customers. Indicators of the need to impose a water emergency include, but are not limited to, the following:

- A. The system is operating at 95 percent of pumping capacity.
- B. There is a serious decrease in the pumping water level of the City's wells.
- C. There is a serious decrease in recovery rate of water level in wells.
- D. There is a serious decrease in water storage levels.

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

94.03 WATER WATCH; VOLUNTARY CONSUMER LIMITATIONS. During a water watch, all customers of the public water system are encouraged to limit or curtail all nonessential uses of water to conserve water resources. Customers are encouraged to comply with the voluntary standards as established by resolution of the Council.

94.04 WATER WARNING, TIER I; CONSUMER RESTRICTIONS. During a Tier I Water Warning, no person shall use potable processed water from the public water system in a manner contrary to the restrictions as established by resolution of the Council. Water reclaimed or recycled after some other primary use, such as water that has been used for washing, may be used without restrictions. Water derived from sources other than the public water system, such as water pumped from a private well, condensed from air conditioners, or collected from rain or snow may be used without restrictions.

94.05 WATER WARNING, TIER II; CONSUMER PROHIBITIONS. During a Tier II Water Warning, no person shall use potable processed water from the public water system in a manner contrary to the prohibitions as established by resolution of the Council, or use water which is not necessary for the preservation of life or general welfare of the community.

94.06 WATER EMERGENCY; CONSUMER PROHIBITIONS. During a Water Emergency, no person shall use potable processed water from the public water system except in accordance with the temporary rules of the Superintendent or as established by resolution of the City Council.

94.07 PENALTIES FOR VIOLATION; APPEAL. The following penalties apply for violation of water use restrictions imposed under this chapter:

- 1. First Violation. For a first violation, the Superintendent or other City employee shall issue a written notice of violation to the water user violating the water use restrictions imposed during water warning or water emergency.
- 2. Second Violation. For a second violation within an 18-month period, a one-month surcharge shall be imposed in an amount equal to 50 percent of the customer's previous month's water bill.
- 3. Subsequent Violations. For any subsequent violation within an 18-month period, a one-month surcharge shall be imposed in an amount equal to 50 percent of the previous month's water bill and, in addition, the Superintendent shall interrupt water service to that customer at the premises at which the violation occurred. Service

shall not be restored until the customer has paid the reconnection fee and has provided reasonable assurance that further violations of water warning or water emergency use restriction will not occur. Any customer charged with a violation of the water warning or water emergency use restrictions may request a hearing before the City Council. The City Council may conclude that a violation did not occur or that the circumstances under which the violation occurred warrant a complete or partial mitigation of the penalty.

94.08 APPEAL. The City Council shall hear appeals of any action taken pursuant to a water warning or water emergency, except that, if a customer is charged with a municipal infraction relating to this division, that proceeding shall be conducted pursuant to Chapter 3 of this Code of Ordinances and Section 364.22 of the *Code of Iowa*.

94.09 MUNICIPAL INFRACTION. A second or subsequent violation of the water warning or water emergency use restriction by any person within an 18-month period shall constitute a municipal infraction. Any person who, in making application to the appeal for adjustment of the violation charges, intentionally provides false or incorrect statements or information commits a municipal infraction.

94.10 REDUCTION IN FLOW OF WATER TO ANY PERSON. The Superintendent is authorized, after giving notice and opportunity for hearing to reduce the flow of water to any person determined to be using water in any manner not in accordance with this chapter during a water warning or emergency declaration.

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CHAPTER 95

SANITARY SEWER SYSTEM

95.01 Purpose
95.02 Definitions
95.03 Superintendent
95.04 Prohibited Acts
95.05 Sewer Connection Required

95.06 Service Outside the City
95.07 Right of Entry
95.08 Special Penalties
95.09 Industrial Pretreatment Requirements

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

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

1. "B.O.D." (denoting Biochemical Oxygen Demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees (20°) C, expressed in milligrams per liter or parts per million.
2. "Building drain" means that part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
3. "Building sewer" means the extension from the building drain to the public sewer or other place of disposal.
4. "Combined sewer" means a sewer receiving both surface run-off and sewage.
5. "Customer" means any person responsible for the production of domestic, commercial or industrial waste which is directly or indirectly discharged into the public sewer system.
6. "Domestic wastewater" means, for the purposes of Section 95.09 of this chapter, all household-type waste discharged from places of human habitation, including toilet, bath, kitchen, and laundry wastewater. Domestic wastewater is further defined as waste that does not exceed daily maximum limits of 300 mg/l COD, 200 mg/l BOD, 250 mg/l suspended solids, 100 mg/l oil and grease, 30 mg/l TKN and 15 mg/l NH₃-N at a discharge rate of 100 gallons per capita per day. This loading is equal to 0.25 pound of COD, 0.17 pound of BOD, 0.20 pound of suspended solids, 0.083 pound of oil and grease, 0.025 pound of TKN and 0.013 pound of NH₃-N per capita per day.
7. "Floatable oil" means oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

8. "Garbage" means solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.
9. "Industrial wastes" means the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
10. "Inspector" means the person duly authorized by the Council to inspect and approve the installation of building sewers and their connections to the public sewer system; and to inspect such sewage as may be discharged therefrom.
11. "Natural outlet" means any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
12. "On-site wastewater treatment and disposal system" means all equipment and devices necessary for proper conduction, collection, storage, treatment, and disposal of wastewater from four or fewer dwelling units or other facilities serving the equivalent of fifteen persons (1500 gpd) or less.
13. "pH" means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
14. "Public sewer" means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
15. "Sanitary sewage" means sewage discharging from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories or institutions, and free from storm, surface water, and industrial waste.
16. "Sanitary sewer" means a sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.
17. "Sewage" means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.
18. "Sewage treatment plant" means any arrangement of devices and structures used for treating sewage.
19. "Sewage works" or "sewage system" means all facilities for collecting, pumping, treating, and disposing of sewage.
20. "Sewer" means a pipe or conduit for carrying sewage.
21. "Sewer service charges" means any and all charges, rates or fees levied against and payable by customers, as consideration for the servicing of said customers by said sewer system.
22. "Slug" means any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average 24-hour concentration or flows during normal operation.
23. "Storm drain" or "storm sewer" means a sewer which carries storm and surface waters and drainage but excludes sewage and industrial wastes, other than unpolluted cooling water.
24. "Superintendent" means the City's designee in charge of the public sanitary sewer system of the City, including (but not limited to) the administration and

enforcement thereof, or any duly authorized agent or representative of the City's designee.

25. "Suspended solids" means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

26. "Watercourse" means a channel in which a flow of water occurs, either continuously or intermittently.

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

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

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

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

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

(Code of Iowa, Sec. 716.1)

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

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

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

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

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

6. Untreated Discharge. Discharge to any natural outlet within the City, or in any area under its jurisdiction, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of these chapters.

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

95.05 SEWER CONNECTION REQUIRED. The owners of any houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley or right-of-way in which there is now located, or may in the future be located, a public sanitary or combined sewer, are hereby required to install, at such owner's expense, suitable toilet facilities therein and a building sewer

connecting such facilities directly with the proper public sewer, and to maintain the same all in accordance with the provisions of these Sanitary Sewer chapters, such compliance to be completed within thirty (30) days after date of official notice from the City to do so provided that said public sewer is located within four hundred (400) feet of the property line of such owner and is of such design as to receive and convey by gravity such sewage as may be conveyed to it. Billing for sanitary sewer service will begin the date of official notice to connect to the public sewer. In the event such properties become situated within the City limits by means of annexation and a private sewer system in good working condition is in existence at the time of annexation for such property, the owner of such a property shall be allowed to use the private system until the system is in need of repair or replacement, at which time a connection at the owner's expense to the public sewer system shall be required.

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

(IAC, 567-69.1[3])

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

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

95.07 RIGHT OF ENTRY. The Superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of these Sanitary Sewer chapters. The Superintendent or representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

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

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

95.09 INDUSTRIAL PRETREATMENT REQUIREMENTS. All discharges of wastewater, gases, or solids which are not similar to domestic wastewater shall meet the following pretreatment requirements:

1. City of Rock Valley Non-Domestic Waste Pretreatment requirements and limits as adopted and amended from time to time by City Council resolution.

2. This section adopts by reference the following sections of the General Pretreatment Regulations for Existing and New Sources of Pollution promulgated by the United States Environmental Protection Agency, 40 Code of Federal Regulations, Chapter I, Part 403, as published through July 1, 1989, as amended on October 17, 1989, and July 24, 1990, as the City's pretreatment regulations. These sections included 403.2, 403.3, 403.4, 403.5, 403.6, 403.7, 403.8, 403.12, 403.15, 403.16 and 403.17.

A. This section adopts by reference the categorical pretreatment standards set out in 40 CFR 405-471.

B. This section adopts by reference the testing procedures for wastewater analysis set out in 40 CFR 136.

C. This section adopts by reference sections 307(b) and (c) and 402(b)(8) of the Federal Water Pollution Control Act as amended through July 1, 1990.

3. Any industrial, commercial or other utility customer which discharges any wastewater, industrial waste or other waste, other than domestic wastewater, to the municipal sanitary sewer system shall comply with all regulations or requirements of the Iowa Department of Natural Resources and/or the U.S. Environmental Protection Agency. Where regulations have not been set by those agencies, the Superintendent shall establish pretreatment requirements to obtain the following objectives:

A. To prevent the introduction of pollutants which will interfere with the treatment plant operation or contaminate the resulting biosolids; and

B. To prevent the introduction of pollutants which will pass through the system, inadequately treated, into the receiving waters or the atmosphere or otherwise be incompatible with the system; and

C. To improve the opportunity to recycle and reclaim wastewaters and biosolids from the system.

4. Any costs for pretreatment flow measuring, or monitoring facilities or analytical systems or tests to meet the pretreatment regulations shall be the responsibility of the customer.

5. Any costs to the City, including increased operation or maintenance expenditures or fines levied by the State or Federal agencies, which result from the discharge from any utility customer shall be assessed to that customer. In the event more than one utility customer is responsible, the cost shall be prorated among those responsible.

6. No utility customer may expand said customer's process or operation if that expansion results in a discharge that exceeds any limitation established for such discharge or results in the discharge of some other substance which will violate any provision of the pretreatment regulations unless the customer's plans for expansion are approved by the Superintendent at least six (6) months prior to the planned expansion.

7. All users who are significant or minor non-domestic waste contributors subject to Federal and/or State pretreatment regulations and requirements shall enter into a pretreatment agreement with the City before discharging non-domestic wastewaters. Any contributor discharging pursuant to a contract with the City shall be

issued a pretreatment agreement within six (6) months of approval of any Rock Valley Non-Domestic Waste Pretreatment Program.

8. Failure to meet the standards and requirements of this section or of Section 95.04 shall be a municipal infraction punishable by a penalty of up to \$1,000 for the first and each subsequent violation. Each occurrence of prohibited discharge is a violation. The Superintendent shall be the City's designee to administer and enforce the provisions of this chapter, which shall include the authority to conduct related inspections, surveillance, and monitoring, and to terminate City sewer service for non-compliance with this Code of Ordinances.

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CHAPTER 96

BUILDING SEWERS AND CONNECTIONS

96.01 Permit
96.02 Permit Fee
96.03 Plumber Required
96.04 Excavations
96.05 Connection Requirements
96.06 Interceptors Required

96.07 Sewer Tap
96.08 Inspection Required
96.09 Property Owner's Responsibility
96.10 Abatement of Violations
96.11 Grease Traps and Interceptors

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

96.02 PERMIT FEE. The person who makes the application shall pay a fee in the amount of seventy-five dollars (\$75.00) to the Clerk to cover the cost of issuing the permit and supervising, regulating, and inspecting the work. In addition, a sewer lift station fee as established by the Council shall also be paid by any person seeking permission to connect and whose sewage flows through a City lift station.

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

96.04 EXCAVATIONS. All trench work, excavation, and backfilling required for the installation of a building sewer shall be performed in accordance with the provisions of the *State Plumbing Code* and the provisions of Chapter 135 of this Code of Ordinances.

96.05 CONNECTION REQUIREMENTS. Any connection with a public sanitary sewer must be made under the direct supervision of the Superintendent and in accordance with the following:

1. **Old Building Sewers.** Old building sewers may be used in connection with new buildings only when they are found, on examination and test conducted by the owner and observed by the Superintendent, to meet all requirements of this chapter.
2. **Separate Building Sewers.** A separate and independent building sewer shall be provided for every occupied building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. In such cases the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. In the event a building is divided by a

common wall or walls and the subdivisions are owned by a different party, a separate and independent building sewer shall be provided for each subdivision and shall be provided at the time the building is subdivided.

3. Installation. The installation and connection of the building sewer to the public sewer shall conform to the requirements of the *State Plumbing Code* and applicable rules and regulations of the City. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

4. Water Lines. When possible, building sewers should be laid at least ten (10) feet horizontally from a water service. The horizontal separation may be less, provided the water service line is located at one side and at least twelve (12) inches above the top of the building sewer.

5. Size. Building sewers shall be sized for the peak expected sewage flow from the building with a minimum building sewer size of four (4) inches.

6. Alignment and Grade. All building sewers shall be laid to a straight line to meet the following:

- A. Recommended grade at one-fourth ($\frac{1}{4}$) inch per foot.
- B. Minimum grade of one-eighth ($\frac{1}{8}$) inch per foot.
- C. Minimum velocity of 2.00 feet per second with the sewer half full.
- D. Any deviation in alignment or grade shall be made only with the written approval of the Superintendent and shall be made only with approved fittings.

7. Depth. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. The depth of cover above the sewer shall be sufficient to afford protection from frost.

8. Sewage Lifts. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.

9. Pipe Specifications. Building sewer pipe shall be free from flaws, splits, or breaks. Materials shall be as specified in the *State Plumbing Code* except that the building sewer pipe, from the property line to the public sewer, shall comply with the current edition of one of the following:

- A. Clay sewer pipe – A.S.T.M. C-700 (extra strength).
- B. Extra heavy cast iron soil pipe – A.S.T.M. A-74.
- C. Ductile iron water pipe – A.W.W.A. C-151.
- D. P.V.C. – SDR26 – A.S.T.M. D-3034.

10. Bearing Walls. No building sewer shall be laid parallel to, or within three (3) feet of any bearing wall, which might thereby be weakened.

11. Jointing. Fittings, type of joint, and jointing material shall be compatible with the type of pipe used, subject to the approval of the Superintendent. Solvent-welded joints are not permitted.

12. Unstable Soil. No sewer connection shall be laid so that it is exposed when crossing any watercourse. Where an old watercourse must of necessity be crossed or where there is any danger of undermining or settlement, cast iron soil pipe or vitrified clay sewer pipe thoroughly encased in concrete shall be required for such crossings. Such encasement shall extend at least six (6) inches on all sides of the pipe. The cast iron pipe or encased clay pipe shall rest on firm, solid material at either end.

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

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

1. Design and Location. All interceptors shall be of a type and capacity as specified in the State Plumbing Code, to be approved by the Superintendent, and shall be located so as to be readily and easily accessible for cleaning and inspection.
2. Construction Standards. The interceptors shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers that shall be gastight and watertight.
3. Maintenance. All such interceptors shall be maintained by the owner at the owner's expense and shall be kept in continuously efficient operations at all times.

96.07 SEWER TAP. Connection of the building sewer into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If no properly located "Y" branch is available, a saddle "Y" shall be installed at the location specified by the Superintendent. The public sewer shall be tapped with a tapping machine and a saddle appropriate to the type of public sewer shall be glued or attached with a gasket and stainless steel clamps to the sewer. At no time shall a building sewer be constructed so as to enter a manhole unless special written permission is received from the Superintendent and in accordance with the Superintendent's direction if such connection is approved.

96.08 INSPECTION REQUIRED. All connections with the sanitary sewer system before being covered shall be inspected and approved, in writing, by the Superintendent. As soon as all pipe work from the public sewer to inside the building has been completed, and before any backfilling is done, the Superintendent shall be notified and the Superintendent shall inspect and test the work as to workmanship and material; no sewer pipe laid under ground shall be covered or trenches filled until after the sewer has been so inspected and approved. If the

Superintendent refuses to approve the work, the plumber or owner must proceed immediately to correct the work.

96.09 PROPERTY OWNER'S RESPONSIBILITY. All costs and expenses incident to the installation, connection and maintenance of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

96.10 ABATEMENT OF VIOLATIONS. Construction or maintenance of building sewer lines whether located upon the private property of any owner or in the public right-of-way, which construction or maintenance is in violation of any of the requirements of this chapter, shall be corrected, at the owner's expense, within thirty (30) days after date of official notice from the Council of such violation. If not made within such time the Council shall, in addition to the other penalties herein provided, have the right to finish and correct the work and assess the cost thereof to the property owner. Such assessment shall be collected with and in the same manner as general property taxes.

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

96.11 GREASE TRAPS AND INTERCEPTORS. All food service establishments are required to have a grease interceptor or grease trap. The requirements in this section are in addition to any applicable requirements of the Iowa Plumbing Code and the International Plumbing Code.

1. New Establishments. Food service establishments that are newly proposed or constructed on or after the effective date of this section shall be required to install, operate, and maintain a grease interceptor or grease trap according to the requirements contained in this section. Existing facilities that are expanded or renovated to include a food service establishment where such establishment did not previously exist shall be considered a new establishment under this ordinance. Grease interceptors or grease traps shall be installed and a permit issued prior to the issuance of a certificate of occupancy.
2. Existing Establishments. All food service establishments existing and operating within the City prior to the effective date of this section shall be permitted to continue to operate with existing facilities provided:
 - A. Existing grease interceptors or grease traps shall be maintained in accordance with the requirements of this ordinance.
 - B. Existing grease interceptors or grease traps shall be permitted to continue in use until:
 - (1) Remodeling of the food preparation or kitchen waste plumbing system is performed, thereby requiring a plumbing permit to be issued by the City of Rock Valley, or,
 - (2) Grease discharges from the food service establishment cause operational problems such as but not limited to plugging in the sewers of the City of Rock Valley.
3. Grease interceptors or grease traps shall be installed at the user's expense, when such user operates a food service establishment. Grease interceptors or grease traps may also be required in non-cooking or cold dairy and frozen foodstuffs establishments and other industrial or commercial establishments when it is deemed

necessary by the Director or his/her designee for the proper handling of liquid wastes containing FOG.

4. Grease interceptors and grease traps shall conform to the standards of the Iowa Plumbing Code adopted by this reference to the Plumbing Code of Rock Valley Municipal Utilities, Iowa.

5. Grease interceptors shall provide access manholes with a minimum diameter of twenty-four (24) inches over each chamber and sanitary tee. The access manholes shall extend at least to the finished grade and be designed and maintained to prevent surface water inflow or ground water infiltration. The manholes shall also have readily removable covers to facilitate inspection and grease removal.

6. Non-grease-laden sources shall not be allowed to connect to sewer lines intended for grease interceptor service.

7. Grease interceptors and grease traps shall be equipped with an accessible sampling port on the effluent side of the interceptor or trap. Users who are required to install a grease interceptor or grease trap shall:

(1) Operate the great interceptor or grease trap in a manner so as to maintain such devise such that attainment of the grease limit is consistently achieved. "Consistent" shall mean any wastewater sample taken from such grease interceptor or trap shall meet the numerical limit of one hundred milligrams per liter (100 mg/L) FOG.

(2) Remove any accumulated grease cap and sludge pocket as required when FOG and solids reach twenty-five percent (25%) of the unit's capacity, at the user's expense. Grease interceptors and grease traps shall be kept free of inorganic solid materials such as grit, rocks, gravel, sand, eating utensils, cigarettes, shells, towels, rags, etc., which could settle into this pocket and thereby reduce the effective volume of the grease interceptor or grease trap.

(3) Skim or pump wastes or other materials removed from the grease interceptor or grease trap so as not to be reintroduced into the sewer, even after of any kind of on-site treatment of said wastes.

(4) Not use hot water as a grease abatement method. The use of biological additives as a grease degradation agent is conditionally permissible, upon prior written approval by the City of Rock Valley. Any establishment using this method of grease abatement shall maintain the interceptor or trap in such a manner that attainment of the grease wastewater discharge limit, as measured from the outlet, is consistently achieved.

(5) Utilize an automatic grease removal system only upon prior written approval by the City of Rock Valley. Any establishment using this equipment shall operate the system in such a manner that attainment of the grease wastewater discharge limit, as measured from the unit's outlet, is consistently achieved.

(6) Maintain a written record of grease interceptor or grease trap maintenance. Said record shall include dates and means of disposal, and shall maintain those records for three (3) years. All such records

will be available for inspection by the City of Rock Valley at all times.

(Section 96.11 – Ord. 449-15(2) – Jun. 18 Supp.)

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CHAPTER 97

USE OF PUBLIC SEWERS

97.01 Storm Water
97.02 Surface Waters Exception
97.03 Prohibited Discharges
97.04 Restricted Discharges
97.05 Restricted Discharges – Powers

97.06 Treatment Agreement
97.07 Additional Information Requirements
97.08 Special Facilities
97.09 Control Manholes
97.10 Testing of Wastes

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

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

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

1. Flammable or Explosive Material. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
2. Toxic or Poisonous Materials. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) milligrams per liter as CN in the wastes as discharged to the public sewer.
3. Corrosive Wastes. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
4. Solid or Viscous Substances. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

5. Excessive B.O.D., Solids or Flow.

A. Any waters or wastes: (i) having a five-day biochemical oxygen demand greater than 300 parts per million by weight; or (ii) containing more than 350 parts per million by weight of suspended solids; or (iii) having an average daily flow greater than two percent of the average sewage flow of the City, shall be subject to the review of the Superintendent.

B. Where necessary in the opinion of the Superintendent, the owner shall provide, at the owner's expense, such preliminary treatment as may be necessary to: (i) reduce the biochemical oxygen demand to 300 parts per million by weight; or (ii) reduce the suspended solids to 350 parts per million by weight; or (iii) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and no construction of such facilities shall be commenced until said approvals are obtained in writing.

97.04 RESTRICTED DISCHARGES. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property, or constitute a nuisance. The Superintendent may set limitations lower than the limitations established in the regulations below if, in the Superintendent's opinion, more severe limitations are necessary to meet the above objectives. In forming an opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances restricted are:

1. High Temperature. Any liquid or vapor having a temperature higher than one hundred fifty degrees (150°) F (65° C).
2. Fat, Oil, Grease. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of 100 milligrams per liter.
3. Viscous Substances. Water or wastes containing floatable oils, fat, or grease.
4. Garbage. Any garbage that has not been properly shredded, that is, to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers.
5. Acids. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solution whether neutralized or not.
6. Toxic or Objectionable Wastes. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
7. Odor or Taste. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite

sewage, to meet the requirements of State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

8. Radioactive Wastes. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
9. Excess Alkalinity. Any waters or wastes having a pH in excess of 9.5.
10. Unusual Wastes. Materials which exert or cause:
 - A. Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - B. Excessive discoloration (such as, but not limited to dye wastes and vegetable tanning solutions).
 - C. Unusual B.O.D., chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - D. Unusual volume of flow or concentration of wastes constituting "slugs" as defined in Section 95.02(22) of this Code of Ordinances.
11. Noxious or Malodorous Gases. Any noxious or malodorous gas or other substance which either singly or by interaction with other wastes is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.
12. Damaging Substances. Any waters, wastes, materials or substances which react with water or wastes in the sewer system to release noxious gases, develop color of undesirable intensity, form suspended solids in objectionable concentration or create any other condition deleterious to structures and treatment processes.
13. Untreatable Wastes. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

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

1. Rejection. Reject the wastes by requiring disconnection from the public sewage system;
2. Pretreatment. Require pretreatment to an acceptable condition for discharge to the public sewers;
3. Controls Imposed. Require control over the quantities and rates of discharge; and/or

4. Special Charges. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Chapter 99.

97.06 TREATMENT AGREEMENT. The City may require any contributor to enter into a treatment agreement in accordance with established State or Federal requirements.

97.07 ADDITIONAL INFORMATION REQUIREMENTS. The Superintendent may require a user of sewer services to provide information needed to determine compliance with this chapter. These requirements may include:

1. Wastewaters discharge peak rate and volume over a specified period of time.
2. Chemical analysis of wastewaters.
3. Information on raw materials, processes, and products affecting wastewater volume and quality.
4. Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.
5. A plot plan of sewers of the user's property showing sewer and pretreatment facility location.
6. Details of wastewater pretreatment facilities.
7. Details of systems to prevent and control the losses of materials through spills to the public sewer.

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

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

97.10 TESTING OF WASTES. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a

24-hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, B.O.D. and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pH's are determined from periodic grab samples).

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CHAPTER 98

ON-SITE WASTEWATER SYSTEMS

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

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

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

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

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

(IAC, 567-69.1[3])

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

(IAC, 567-69.1[3 & 4])

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

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

(IAC, 567-69.1[3])

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

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

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

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

CHAPTER 99

SEWER SERVICE CHARGES

99.01 Sewer Service Charges Required	99.05 Private Water Systems
99.02 Rates for Service	99.06 Payment of Bills
99.03 Special Rates	99.07 Lien for Nonpayment
99.04 Surcharge for Certain Wastewater Customers	99.08 Special Agreements Permitted

99.01 SEWER SERVICE CHARGES REQUIRED. Every customer shall pay to the City sewer service fees as hereinafter provided.

(Code of Iowa, Sec. 384.84)

99.02 RATES FOR SERVICE.

1. Customer Classifications. Rates for sewer service shall be determined based upon the customer's classification. Customer classifications include the following and are determined as follows:

A. Residential. Those properties used for the intent of a room or group of rooms for sleeping, living, and housekeeping activities for the same person or same group of persons on a permanent or semi-permanent basis which are not included in any other classification below.

B. Light Commercial. Light commercial properties, shall include business offices, retail stores or any other business that doesn't prepare food or has a car wash associated with the business.

C. Commercial. Commercial properties, shall include any business that has food preparation facilities, convenience stores, manufacturing, use of water in any part of their operations or has a car wash associated with the business.

D. Industrial. Industrial business, shall include any business or corporation that requires an Iowa Department of Natural Resources permit for waste water pretreatment.

E. Institutions. Institutional dorm rooms, assisted living centers and nursing homes, may be serviced from a single sewer service. The minimum charge for the service shall be \$13.50 plus \$7.50 per month for capital project debt retirement, multiplied by the number of units serviced from the single sewer services.

F. Exceptions. Non-profit nursing homes shall not be considered institutions for purposes of this rate classification and shall be considered commercial for billing purposes.

2. Rates. The customer classifications minimum bills, and consumption charges shall be as follows:

A. Each customer shall pay sewer service charges including a flat rate, a monthly charge for capital project debt retirement, and a charge for usage over 1,000 gallons for all accounts except residential. The rates for the use of

and for the service supplied by the municipal sanitary sewer system as follows:

Customer classification:	Monthly flat rate	Usage in excess of 1,000 gallons	Capital project debt retirement
Residential	\$27.00		\$15.00
Light Commercial	\$27.00	\$1.00 per 1,000 gallons	\$15.00
Commercial	\$50.00	\$2.00 per 1,000 gallons	\$15.00
Industrial	\$100.00	\$3.00 per 1,000 gallons	\$15.00
Institutions	\$13.50		\$7.50

B. Rates for Multiple Units. Multiple customers, including residential, the minimum charge of the service shall be \$27.00 per month plus \$15.00 per month for capital project debt retirement multiplied by the number of customers serviced by the sewage system. It is the responsibility of the property owner to notify the Clerk of any vacancy in multiple residential and/or business units and until such notification is received the City will charge according to the total number of units serviced by the sewage system.

(Section 99.02 – Ord. 484-18 – Mar. 20 Supp.)

99.03 SPECIAL RATES. Where, in the judgment of the Superintendent and the Council, special conditions exist to the extent that the application of the sewer charges provided in Section 99.02 would be inequitable or unfair to either the City or the customer, a special rate shall be proposed by the Superintendent and submitted to the Council for approval by resolution.

(Code of Iowa, Sec. 384.84)

99.04 SURCHARGE FOR CERTAIN WASTEWATER CUSTOMERS. For those customers who contribute wastewater, the strength of which is greater than normal domestic sewage, a surcharge in addition to the normal user charge will be collected. The surcharge for operation and maintenance, including replacement, is:

CBOD/BOD, per pound (for concentrations in excess of 200 mg/l).....\$0.27
 SS, per pound (for concentrations in excess of 240 mg/l).....\$0.16
 Ammonia nitrogen, per pound.....\$0.22
 Oil and grease, per pound (for concentrations in excess of 100 mg/l)\$0.11

(Section 99.04 – Ord. 457-16 – Jun. 18 Supp.)

99.05 PRIVATE WATER SYSTEMS. Customers whose premises are served by a private water system shall pay sewer charges based upon the water used as determined by the City either by an estimate agreed to by the customer or by metering the water system at the customer's expense. Any negotiated, or agreed upon sales or charges shall be subject to approval of the Council. If a customer is served by a private water system and desires to connect to the public sewer system, the Council may require that the water be tested, at the

customer's expense, to determine that such water will not or does not detrimentally affect the public sewer system. Should it be determined that the water will or does have a detrimental effect on the public sewer system, the Council may require a water connection to the public water system.

(Code of Iowa, Sec. 384.84)

99.06 PAYMENT OF BILLS. All sewer service charges are due and payable under the same terms and conditions provided for payment of a combined service account as contained in Section 92.04 of this Code of Ordinances. Sewer service may be discontinued in accordance with the provisions contained in Section 92.05 if the combined service account becomes delinquent, and the provisions contained in Section 92.08 relating to lien notices shall also apply in the event of a delinquent account.

99.07 LIEN FOR NONPAYMENT. Except as provided for in Section 92.07 of this Code of Ordinances, the owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for sewer service charges to the premises. Sewer service charges remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

(Code of Iowa, Sec. 384.84)

99.08 SPECIAL AGREEMENTS PERMITTED. No statement in these chapters shall be construed as preventing a special agreement, arrangement or contract between the Council, and any industrial concern whereby an industrial waste of unusual strength or character may be accepted subject to special conditions, rate and cost as established by the Council.

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CHAPTER 100

SEWER EXTENSIONS

100.01 Purpose

100.02 Definition

100.03 Construction by City

100.04 Construction by Owner

100.05 Others Required to Connect

100.06 Building Sewers Installed

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

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

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

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

100.04 CONSTRUCTION BY OWNER. In the event an owner of land abutting or adjoining a public street in which no sewer has been previously installed desires to construct

said sewer at the owner's own expense, the owner may do so, after making proper application to the City and receiving a permit to install such a sewer, in accordance with the following:

1. City Supervision. The installation of such a sewer by a landowner at the owner's expense shall be under the strict supervision of the City and shall, in all ways, conform to the requirements and specifications of the City.
2. Surety Bond. When making application to the City for a permit to install such a sewer, the applicant shall post with the City a surety bond, in an amount to be set by the Council and made a matter of record in the minutes of the Council, which shall be in an amount equal to but not less than one hundred ten percent (110%) of the total estimated cost of the installation for the full distance from the termination point of the presently existing sewer to the point where the farthest boundary of the applicant's land abuts the public street, and the bond shall guarantee the installation of the sewer in as short a time as reasonably possible and shall further indemnify the City for the cost of completing the project in the event the applicant fails to complete the project within a reasonable time, and shall further indemnify the City for all damages to the public street incurred in the installation, and shall further hold the City harmless for any and all other damages arising from the installation of the sanitary sewer.
3. Ownership of Sewer Line. After the sewer has been installed, it shall become the property of the City.

100.05 OTHERS REQUIRED TO CONNECT. Following the installation of a sanitary sewer under the provisions of this chapter, owners of land abutting or adjoining a public street in which such sewer has been installed, being persons other than the builder, shall be obliged to connect any sewage generating facilities into said sanitary sewer, as required by Chapter 95.

100.06 BUILDING SEWERS INSTALLED. Each sanitary sewer constructed in a public street or right-of-way, whether constructed by the City or by a private party, shall include a stub to each abutting or adjoining lot line of the street or right-of-way on which the sewer is installed. Each party responsible for installing such sewer shall provide the City with an accurate map showing the location of each of such stubs within thirty (30) days of the completion of the installation.

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CHAPTER 105

COLLECTION OF SOLID WASTE

105.01 Definitions	105.16 Permit Exemptions
105.02 Collection Service	105.17 Suspension and Revocation of Permits
105.03 Enforcement	105.18 Protection of Hauling Vehicles
105.04 Residential Collection	105.19 Authorized Disposal Sites
105.05 Charges for Collection Service	105.20 Hazardous Substances and Hazardous Wastes
105.06 Billing for Solid Waste Collection	105.21 Disposition in Accordance with Instructions
105.07 Assessment of Unpaid Charges	105.22 Unauthorized Disposal Sites
105.08 Container Specifications	105.23 Penalty
105.09 Treatment Pending Collection	105.24 Right of City to Seek Alternative Relief
105.10 Accumulations Hazardous to Health	105.25 Open Dumping Prohibited
105.11 Accumulations Hazardous to Property	105.26 Right of Entry
105.12 Permit to Haul Commercial Waste	105.27 Prohibited Practices
105.13 Waste Hauler's Permit Requirements	105.28 Littering Prohibited
105.14 Permit Fees	105.29 Mobile Home Park Solid Waste Collection
105.15 Waste Hauler's Liability Insurance	105.30 Sanitary Disposal Required

105.01 DEFINITIONS. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. "Appliances" includes, but is not limited to, refrigerators, freezers, kitchen ranges, air conditioning units, dehumidifiers, water heaters, furnaces, thermostats, clothes washers, clothes dryers, dishwashers, microwave ovens, and fluorescent light fixtures (excluding bulbs). These items may contain Polychlorinated Biphenyl (PCB), capacitors, refrigerants and components containing mercury which are restricted by law from being disposed of at a landfill.
2. "City" means the City of Rock Valley, Iowa.
3. "City-owned container" means those solid waste and recyclable containers that the City purchases and provides to the owners or occupants of residential premises for the placement of solid waste and recyclable materials for collection by the City.
4. "City solid waste" means all solid waste located upon and to be collected from City-owned property, including (but not limited to) City parks, campgrounds, shop and office buildings, and department buildings.
5. "Commercial solid waste" means solid waste resulting from premises not defined as residential premises or as multi-family residential premises. Commercial solid waste does not include waste from reserved accounts or City solid waste.
6. "Extra trash item" means one 33-gallon trash bag or one box no larger than 24 x 24 x 36 inches, with a maximum weight of 50 pounds.
7. "Hazardous waste" and "hazardous substance" have the same meanings and definitions as defined by Iowa law and include, but are not limited to, explosive materials, flammable materials, drugs, poisons, radioactive materials, highly combustible materials, and other materials that may present a special hazard to collection or disposal personnel or equipment or to the public.

8. "Large item" means an item that does not fit in a 33-gallon trash bag or box no larger than 24 x 24 x 36 inches. Large items include, but are not limited to, a table, a couch, a loveseat, a mattress, a box spring, four (4) kitchen chairs, five (5) boxes or bags (maximum 40 pounds each), or five (5) rolls of carpet (4-foot length by 18 inches in diameter).
9. "Multi-family residential premises" means a multiple-family dwelling building, an apartment building, a condominium, or a complex of residential buildings, containing four (4) or more individual living units.
10. "Owner" means and includes the record titleholder or any person residing in, renting, leasing, occupying, operating, or transacting business in any premises, and as between such parties the duties, responsibilities, liabilities and obligations imposed in this chapter shall be joint and several.
11. "Person" means and includes an individual or group or association of individuals; a firm or any member thereof; a limited liability company or corporation, or any executive officer, manager, person in charge or employee thereof; and the use of a pronoun specifying one gender shall include both genders.
12. "Recyclable materials" means newspaper, corrugated containers, magazines, catalogs, junk mail, craft bags, bimetal and ferrous cans, aluminum cans, and recyclable plastics, whether alone or in combination.
13. "Refuse" means solid waste not required to be recycled or reused.
14. "Reserved accounts" means the accounts of those premises designated by City Council resolution, in which the City specifically reserves the right to collect solid waste from said premises.
15. "Residential premises" means and includes single-family dwellings and any multiple-family dwellings regardless of the number of separate living units or family quarters.
16. "Rubbish" means non-putrescent solid waste consisting of combustible and noncombustible materials.
17. "Solid waste" means garbage, refuse, rubbish, and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities. Solid waste may include vehicles, as defined by Section 321.1 of the *Code of Iowa*. Solid waste does not include any of the following:
(Code of Iowa, Sec. 455B.301)
 - A. Hazardous waste regulated under the Federal Resource Conservation and Recovery Act, 42 U.S.C. § 6921-6934.
 - B. Hazardous waste as defined in Section 455B.411 of the Code of Iowa, except to the extent that rules allowing for the disposal of specific wastes have been adopted by the State Environmental Protection Commission.
 - C. Source, special nuclear, or by-product material as defined in the Atomic Energy Act of 1954, as amended to January 1, 1979.
 - D. Petroleum contaminated soil that has been remediated to acceptable State or Federal standards.

18. “Superintendent” means the City’s designee in charge of solid waste collection of the City, including (but not limited to) the administration and enforcement thereof, or any duly authorized agent or representative of the City’s designee.

19. “Yard waste” means grass clippings, leaves, garden waste, brush, or tree branches. Yard waste does not include tree stumps.

105.02 COLLECTION SERVICE. The regulation, handling, collection, and transportation of solid waste are hereby declared to be a City enterprise under the authority, control, and direction of the City Council. No person shall collect or transport solid waste within the City for compensation except as specifically provided in this chapter. Collection and transportation of solid waste within the City are deemed to be matters of such importance to the public health, safety, and welfare and are found to be subject to State and Federal requirements such that solid waste collection, transportation, and disposal shall be conducted by the City exclusively. Except for the premises of reserved accounts and City solid waste, the owners of commercial, industrial, or institutional premises shall provide for the collection of commercial solid waste produced upon such premises. Only a permitted private waste hauler may provide commercial solid waste collection service. All rates negotiated between a private waste hauler and such an owner for the collection of commercial solid waste shall be approved by the City in order to maintain a reasonable, uniform and equitable rate structure throughout the City. Commercial solid waste shall be collected from such premises before an accumulation of the solid waste creates a nuisance. This chapter provides for certain collection and disposal procedures relative to solid waste. Collection and disposal procedures specific to recyclables and yard waste are set forth in Chapter 106.

105.03 ENFORCEMENT. The Superintendent or any authorized employee or representative of the City shall enforce this chapter.

105.04 RESIDENTIAL COLLECTION. Except as set forth in subsection 7 of this section, the City shall provide solid waste collection service to remove solid waste from residential premises, subject to the following conditions, prohibitions, and requirements:

1. Such collection shall be made on a weekly basis not less than 52 times per annum in accordance with schedules to be developed by the Superintendent. Such scheduled weekly collection may be deferred to a following day to conform to holiday observances or weather conditions. Such schedule may be altered from time to time as deemed necessary by the Superintendent or City Council.

2. Collection of solid waste shall be made from streets unless specifically approved or directed by the Superintendent for alley or alternate collection, pursuant to the following:

A. Whenever solid waste is collected from the street, residents desiring to have solid waste collected by the City shall cause it to be deposited upon the parking or terrace adjacent to and within approximately 18 inches of the near edge of the roadway in front of their premises.

B. No solid waste or solid waste containers shall be deposited by any person upon any sidewalk, crosswalk, or roadway, or upon any alley right-of-way, so as to obstruct or block pedestrian movement or vehicular traffic.

C. No person shall deposit solid waste or solid waste containers upon the parking or terrace of the street in front of premises more than 24 hours before

the date designated for solid waste collection. No person shall allow solid waste containers to remain on the parking or terrace of the street in front of that person's premises for more than 24 hours after the date designated for solid waste collections.

D. No person shall place an appliance for collection.

E. No person shall place an extra trash item for collection unless such person shall have affixed an extra trash sticker to such extra trash item prior to its collection.

F. No person shall place a large item for collection unless such person shall have affixed a large item disposal sticker to said item in a clearly visible location prior to its collection, and shall have scheduled the collection of said large item through the Superintendent or City Clerk. Large items shall not be placed for collection more than 12 hours prior to the scheduled collection time established by the Superintendent.

G. Solid waste will only be collected from a residential premises if it is placed for collection in a City-owned container billed to that residence, or if it is placed for collection as an extra trash item or a large item as provided in paragraphs E and F above.

3. The number of containers to be collected per residential premises per week shall not exceed the number of City-owned containers billed to the residence and extra trash and large items with the appropriate stickers, unless during specified periods by Council resolution in response to Council-perceived temporary needs or objectives or permitted by a declaration of a collection emergency by the Superintendent.

4. Any failure to comply with these sections of this chapter by the owner of such residential premises shall relieve the City of its obligation to collect from said premises such solid waste that is not in compliance therewith as to type, preparation, volume, or place of storage, but in all cases solid waste that meets the requirements of such section shall be collected from such premises as provided in this section.

5. No person, unless pursuant to a contract with the City permitting that person to collect and remove solid waste rubbish and refuse or unless that person is a City employee acting under the direction of the City Council and the Superintendent, shall collect or remove any solid waste rubbish or refuse which has been deposited or placed by another person on the parking or curb along the roadway adjoining the latter's premises for collection by the City as provided in this Code of Ordinances.

6. Upon application by the owner of property, demonstrating that a particular property will be unoccupied for a minimum period of two (2) consecutive months, the Superintendent may temporarily suspend the collection of solid waste from such premises and direct that the property not be charged the monthly charge for solid waste collection service as provided in this chapter. Such application shall be made in writing and filed with the City Clerk. The applicant shall therein verify that the property will not be or is not occupied. Collection services shall not be suspended for less than a period of two (2) months, but such suspension shall not exceed six (6) consecutive months. No additional period of suspension shall thereafter be granted unless the owner makes reapplication for suspension of collection service as provided in this subsection.

7. Persons owning or occupying single-family residential premises that use dumpsters for solid waste collection at the time of adoption of the ordinance codified in this chapter shall be allowed to continue to use the dumpster for solid waste collection. Such dumpster solid waste collection shall be made on a bi-weekly basis in accordance with a schedule to be developed by the Superintendent. A monthly collection fee of \$35.00 shall be charged to each owner of a residential premises using dumpsters for solid waste collection served by the City. Upon a change in property ownership or occupancy of such residential dumpster properties, the new owner or occupant shall be subject to all of the conditions, prohibitions, and requirements of this section, and the dumpster shall no longer be used for collection.

105.05 CHARGES FOR COLLECTION SERVICE.

1. Residential Charges.

A. A monthly collection fee shall be charged by the City and collected from each owner of a residential premises served by solid waste collection service. Said monthly fee shall be in payment for collection and disposal of solid waste as defined in this chapter, and shall be collected in full each month from all owners or occupants of residential premises except as to those owners or occupants for whom a fee reduction is allowed as provided by Council resolution. The fee per month for City-owned containers assigned to a residential premises shall be as follows: \$22.00 per month for one City-owned 96-gallon wheeled container, \$15.00 per month for one City-owned 48-gallon wheeled container, \$16.50 per month for each additionally owned 96-gallon wheeled container, and \$9.00 per month for each additionally owned 48-gallon wheeled container. *(Ord. 459-16 – Jun. 18 Supp.)*

B. A fee of \$3.00 shall be charged for each extra trash item sticker and a fee of \$20.00 shall be charged for each large item sticker.

C. Extra trash stickers and large item stickers shall be made available at the City Office. The Superintendent shall direct the distribution of extra trash stickers and large item stickers to residents.

D. The owner of a multiple-family dwelling with four (4) separate living units or family quarters shall, upon prior arrangement with the Superintendent with respect to day and location of collection, verification of number of units, and execution of a hold harmless agreement in favor of the City, arrange for City collection and disposal of solid waste placed by residents of such multiple-family residential premises in one or more dumpsters. Such placement and collection of solid waste shall in all other respects be conducted as provided in Section 105.04. There shall be a fee per separate unit for solid waste collection and disposal, charged as provided in paragraph A of this subsection.

E. Within the first three months of ownership or occupancy, the owner or occupant of a residential premises may request free of charge a one-time container exchange for a change in container size. Such free-of-charge exchange will be allowed for both a solid waste container and a recycling container. For each additional exchange, there will be a \$50.00 service fee.

2. Reserved Account Charges. A collection fee shall be charged by the City and collected from each reserved account. Said fee shall be in payment for collection and

disposal of solid waste as defined in this chapter. Said reserved account owners shall be charged at a fair and reasonable rate as contracted between the City and the reserved account owner, based on the frequency of collection and the amount of solid waste collected.

105.06 BILLING FOR SOLID WASTE COLLECTION. Solid waste collection shall be billed as part of a combined service account, payable in accordance with the following:

(Code of Iowa, Sec. 364.84)

1. Bills Issued. The Clerk shall prepare and issue bills for combined service accounts on or before the first day of the month or the fifteenth (15th) day of each month.
2. Bills Payable. Bills for combined service accounts shall be due and payable at the office of the Clerk within twenty-one (21) days of the issuance of the bill.
3. Late Payment Penalty. Bills not paid when due shall be considered delinquent. A late payment penalty of one and one-half percent (1.5%) per month of the amount due shall be added to each delinquent bill.
4. Payment of Bills. Solid waste collection service may be discontinued in accordance with the provisions contained in Section 92.05 of this Code of Ordinances if the combined service account becomes delinquent.

105.07 ASSESSMENT OF UNPAID CHARGES. The collection of solid waste, as provided by this chapter, from residential premises and the premises of reserved accounts and the maintenance of the availability of such service, whether or not such service is used regularly or at all by the owner of such residential premises, is declared a benefit to the premises at least equal to the monthly charges specified in Section 105.05 of this chapter. If the owner of a residential premises or a reserved account fails to pay the monthly charge when due, the monthly charge may be assessed as a lien against the property benefitted as provided by Section 384.84 of the *Code of Iowa*. Except as provided for in Section 92.07 of this Code of Ordinances, the owner of the premises served and any lessee or tenant thereof are jointly and severally liable for fees for solid waste collection and disposal.

105.08 CONTAINER SPECIFICATIONS.

1. Residential.
 - A. Only City-owned containers provided by the City shall be used for the placement of solid waste for collection by the City. City-owned containers shall be assigned to a particular residential premises and shall remain at that residential premises in the event the owner or occupant moves. If a City-owned container is lost or stolen from a residential premises, the owner or occupant of the residential premises shall report such event to the City Office. In the event of loss or theft, a replacement City-owned container or containers shall be provided to the owner or occupant at the owner's or occupant's cost.
 - B. Disposable cardboard boxes not larger than 24 x 24 x 36 inches may be used for extra trash.
 - C. Extra trash and large items such as furniture, automobiles, and major parts thereof that cannot be reduced to fit approved containers shall not be collected; provided, special arrangements can be made for the collection of

extra trash and large items as provided in Sections 105.04 and 105.05 of this chapter.

2. **Reserved Accounts and Multi-Family Residential Premises.** Containers for solid waste collection of reserved accounts and from multi-family residential premises shall be either City-owned containers provided by the City for collection by the City or a dumpster or other metal bulk storage container approved by the City and provided by the owner of such premises. City-owned containers shall be maintained, replaced by, and remain the property of the City. Containers used for City solid waste collection owned by the reserved account and multi-family residential premises owners at the time of adoption of this section may be used for solid waste collection if the container is in suitable condition for such collection, as determined by the Superintendent. In the event such an account owner requests a change in container size or the container is determined by the Superintendent to be unsuitable for use, the City shall provide a City-owned container for collection at the time of such request or determination.

3. **Commercial.** Containers used for commercial solid waste collection by private waste haulers shall be provided by the commercial account owner or private waste hauler. Any such containers shall be in a suitable condition for such collection, as determined by the Superintendent. In the event the Superintendent determines any such container to be unsuitable for use, the container shall be replaced by either the private waste hauler or commercial account owner, as agreed between them.

105.09 TREATMENT PENDING COLLECTION. All solid waste consisting of waste animal and vegetable matter, which may attract flies, dogs or rodents, shall be drained of all excess liquid, wrapped in paper or disposable containers, and placed or stored, until collected, in covered suitable containers as described in Section 105.08 of this chapter.

105.10 ACCUMULATIONS HAZARDOUS TO HEALTH. No person shall permit to accumulate on any premises, improved or vacant, or on any public place quantities of solid waste, either in containers or not, which shall constitute a health or sanitation hazard.

105.11 ACCUMULATIONS HAZARDOUS TO PROPERTY. No person shall permit to accumulate quantities of solid waste within or close to any building, unless the waste is stored in containers in such a manner as not to create a health or fire hazard.

105.12 PERMIT TO HAUL COMMERCIAL WASTE. No person shall engage in the business of collecting, removing or hauling commercial solid waste from the premises of others within the City limits, other than those resulting from construction or demolition activities, unless such person shall have first applied for and received a permit to do so from the City and paid the required permit fee. The Council shall determine whether an application is approved or denied and the duration of a permit issued. Such permits shall be issued and renewed for fiscal years commencing July 1. Initial permits may be issued by the City for first-time applicants applying during a fiscal year.

105.13 WASTE HAULER'S PERMIT REQUIREMENTS.

1. An application for a permit required by Section 105.12 shall be filed with the City Clerk and shall contain the following information:

- A. The name and address of the applicant.
- B. The vehicles to be used.

- C. General information concerning the routes to be traveled and places to be served.
2. No permit shall be issued or renewed unless the vehicles to be used have been inspected by the Superintendent. The vehicles must meet the following requirements:
 - A. Construction of the vehicles shall be such that rubbish or bulk material loaded therein or transported thereby shall be securely contained. A truck with open sides, such as a stake-body truck, must have some type of paneling installed on the interior of the stakes so as to prevent the loss of any rubbish or bulk material. Plywood or hardboard may be used to line the interior; however, large sections of cardboard will not be acceptable.
 - B. All vehicles shall be equipped with a permanently attached covering over the bed of the vehicle or with a suitable tarpaulin. The tarpaulin must be constructed in such a manner so that both sides and the end of the tarpaulin can be securely tied down or loaded so as to prevent the rubbish or bulk material from being blown or allowed to escape.
 - C. All vehicles other than stake-body types must be equipped with a tailgate of rigid construction of at least 1½ feet, which, when closed, shall securely hold and contain all rubbish and bulk material. Acceptable paneling as indicated in this subsection may be used in lieu of a tailgate only on stake-body vehicles.
 - D. Any compaction-type vehicle must be equipped with a tight-fitting tarpaulin or other means to prevent rubbish or other material from being blown or allowed to escape from the hopper area.
3. The applicant shall pay an annual permit fee as set forth in Section 105.14.
4. All vehicles inspected and permitted under this section shall prominently display the permit number on the upper or lower left corner of the windshield of the vehicle upon a decal to be furnished by the City.
5. All waste haulers permitted under this section agree to and shall provide monthly tonnage reports of solid waste collected and hauled. The monthly report shall be provided no later than the tenth day of the month following any collection to the Superintendent. An annual tonnage report shall be provided to the Superintendent no later than June 15 of each year.

105.14 PERMIT FEES.

1. All commercial waste hauler permittees shall submit an annual permit fee to the Clerk, due July 1 of each fiscal year during the permit period. Each permit shall be issued subject to receipt of the required permit fee.
2. Permit fees may be prorated by the City for first-time applicants applying during the fiscal year.
3. A permittee who files for a permit renewal less than 30 days prior to the date of permit expiration shall pay a late fee.
4. The permit fee and the late fee for a waste hauler's permit shall be in the amounts set by the City Council by resolution.

105.15 WASTE HAULER'S LIABILITY INSURANCE.

1. No permit required by Section 105.12 shall be issued or renewed until the applicant shall have obtained insurance coverage from an insurance company licensed to do business in Iowa, providing insurance coverage of minimum liability in the amount of \$1,000,000.00 combined single limit for general liability and for automobile liability. A policy written with an umbrella form will be acceptable. Insurance coverage must be maintained for the period the permit is in effect.
2. The applicant shall furnish evidence to the City of the required insurance coverage by submitting a certificate of insurance. The certificate of insurance shall provide that the insurance cannot be cancelled or terminated until 30 days' notice by registered mail of such cancellation or termination shall have been given to the City.

105.16 PERMIT EXEMPTIONS. Vehicles owned and operated by the City or operated under contract with the City shall be deemed to be engaged in a public service function exempt from the requirements of Section 105.13.

105.17 SUSPENSION AND REVOCATION OF PERMITS.

1. Any permit issued pursuant to this chapter may be revoked for violations of this chapter. No revocation shall be issued except upon notice delivered to the permittee by mailing the notice in the regular mail addressed to the permittee, at the address listed on the application, a minimum of ten (10) days prior to the date set for the hearing before the City Council. Such notice shall inform the permittee of the time, date, and place of the hearing and the purpose of the hearing. However, if a violation of this chapter is of such nature that the violation is deemed to be an immediate hazard by the Superintendent and such report is submitted to the City Clerk in writing, the City Clerk shall be authorized to temporarily suspend the permit until notice can be given and a hearing held. Notice of the immediate temporary suspension shall be delivered by the Clerk in the same manner as the notice of revocation as herein provided.
2. If, after such a hearing, the City Council makes a finding based on substantial evidence that a violation of this chapter did in fact occur as alleged, the City may continue suspension of or may revoke the permit; the determination of whether to revoke such permit or continue the suspension thereof shall be in the discretion of the City Council or its designee and shall be dependent upon the circumstances surrounding the violation and its severity.
3. The decision of continued suspension or revocation made by the City Council may be reconsidered by the City Council upon the request of the permittee after 30 days of the date of the initial suspension or revocation hearing determination. In order to request a reconsideration of such suspension or revocation, a written request for such must be filed with the City Clerk.
4. The request for reconsideration shall state the grounds for such request and shall be delivered personally or by certified mail to the City Clerk for filing. The hearing of such reconsideration shall be scheduled at the next regular Council meeting, if such notice is received by 5:00 p.m. two business days before the next regular Council meeting. If notice is not received by the designated time, the hearing will be scheduled for the next following Council meeting. The hearing may be continued for good cause, as determined by the Council. The hearing shall be

confined to the record made before the City Council and the arguments of the parties or their representatives, but no additional evidence shall be taken. After such hearing the City Council may affirm or reverse the suspension or revocation. Such determination shall be contained in a written decision and shall be filed with the City Clerk within three (3) business days after the hearing.

5. If the City Council affirms continuing of the suspension or revocation, the City Council shall so state and order in its written decision, and a permittee whose permit has been revoked shall not be eligible to apply for another permit to haul waste within the City for a period of 24 months. A permittee whose permit has been suspended shall not be eligible to apply for another permit to haul waste until the period of suspension as set forth in the City Council's written decision has expired.

105.18 PROTECTION OF HAULING VEHICLES. No person shall haul any solid wastes upon the City streets, alleys, or public places in any manner except in a vehicle or container so equipped as to prevent the blowing or leakage or dropping off of any of the contents on such public streets or on private property therein.

105.19 AUTHORIZED DISPOSAL SITES. No person permitted under Section 105.13 of this chapter shall haul or cause to be hauled any solid waste material of any kind, other than that resulting from construction or demolition activities, to any disposal place or site or area other than a sanitary disposal site operating under permit from the State Department of Natural Resources pursuant to Chapter 455B of the *Code of Iowa*.

105.20 HAZARDOUS SUBSTANCES AND HAZARDOUS WASTES. No person shall deposit in a solid waste container or otherwise offer for City collection any hazardous waste or substance as defined in Section 105.01(7). Hazardous substances and hazardous wastes shall be transported by the owner, responsible person, or his or her agent to a place of safe deposit or disposal as prescribed by the rules and regulations of the State Department of Natural Resources. Persons improperly disposing of hazardous solid waste materials by placing them for collection at the curb shall be responsible for all costs incurred by the City on account thereof, including (but not limited to) costs associated with injury to City or authorized personnel, damage to City or any resident's property, or cleanup of City or any resident's property or equipment.

105.21 DISPOSITION IN ACCORDANCE WITH INSTRUCTIONS.

1. Each application for a permit to haul solid waste under Section 105.13 shall contain an undertaking to the effect that, as a condition of the grant by the City of such a permit and the validity of such permit once granted, such applicant shall deliver or cause to be delivered all solid waste coming within its, his, or her control to a sanitary disposal site operating under permit from the State Department of Natural Resources pursuant to Chapter 455B of the *Code of Iowa*.

2. Failure on the part of any such permittee to in fact cause such solid waste to be so delivered shall be cause for the City Council on reasonable notice and hearing to revoke such permit.

3. If a permit is revoked by the City Council for such cause, the permittee shall be ineligible for reinstatement or renewal thereof or for a new permit for a period of 24 months from the date of such revocation.

4. Each person charged with responsibility for the ultimate disposition of solid waste, other than that collected under the City residential solid waste collection

program, shall cause the solid waste to be delivered to a permittee as described in this chapter. Failure to do so shall constitute a violation of this chapter.

105.22 UNAUTHORIZED DISPOSAL SITES. No person shall operate or permit the operation of a disposal site within the City for the disposal of solid waste of any kind from any source other than temporary construction or demolition activities.

105.23 PENALTY. Any person who fails to perform an act required by this chapter or who commits an act prohibited by this chapter shall be guilty of a simple misdemeanor punishable by fine or imprisonment as provided by Section 1.14 of this Code of Ordinances or shall be deemed to have committed a municipal infraction punishable by a civil penalty as provided by Section 3.03 of this Code of Ordinances. The Superintendent or any police officer is authorized to issue a civil citation pursuant to Section 364.22(4) of the *Code of Iowa* to anyone violating this chapter indicating such person is in violation of this chapter and is subject to the penalties provided for in this section.

105.24 RIGHT OF CITY TO SEEK ALTERNATIVE RELIEF. The City is not precluded from seeking alternative relief from the Court, including an order for abatement or injunctive relief, in the event that the City issues a notice of violation and/or a citation for a municipal infraction for the same violation of this chapter.

105.25 OPEN DUMPING PROHIBITED. No person shall dump or deposit or permit the dumping or depositing of any solid waste on the surface of the ground or into a body or stream of water at any place other than a sanitary disposal project approved by the Director of the State Department of Natural Resources, unless a special permit to dump or deposit solid waste on land owned or leased by such person has been obtained from the Director of the State Department of Natural Resources. However, this section does not prohibit the use of rubble at places other than a sanitary disposal project. "Rubble" means dirt, stone, brick, or similar inorganic materials used for beneficial fill, landscaping, excavation, or grading at places other than a sanitary disposal project. Rubble includes asphalt waste only as long as it is not used in contact with water or in a flood plain. For purposes of this section, rubble does not mean gypsum or gypsum wallboard, coal combustion residue, foundry sand, or industrial process wastes unless those wastes are approved by the State Department of Natural Resources.

(Code of Iowa, Sec. 455B.301, Sec. 455B.307 and IAC, 567-100.2)

105.26 RIGHT OF ENTRY. City solid waste collectors are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this chapter; however, collectors shall not enter residential premises without express consent of the owner or occupant of the residential premises.

105.27 PROHIBITED PRACTICES. It is unlawful for any person to:

1. Unlawful Use of Containers. Deposit refuse in any solid waste containers located at a residence not owned or occupied by such person without the written consent of the owner or occupant.
2. Interfere with Collectors. Interfere in any manner with solid waste collection equipment or with solid waste collectors in the lawful performance of their duties.
3. Incinerators. Burn rubbish or garbage except in incinerators designed for high temperature operation, in which solid, semisolid, liquid or gaseous combustible refuse is ignited and burned efficiently, and from which the solid residues contain little or no combustible material, as acceptable to the Environmental Protection Commission.

105.28 LITTERING PROHIBITED. No person shall discard any litter onto or in any water or land, except that nothing in this section shall be construed to affect the authorized collection and discarding of such litter in or on areas or receptacles provided for such purpose. When litter is discarded from a motor vehicle, the driver of the motor vehicle shall be responsible for the act in any case where doubt exists as to which occupant of the motor vehicle actually discarded the litter.

(Code of Iowa, Sec. 455B.363)

105.29 MOBILE HOME PARK SOLID WASTE COLLECTION. Collection of solid waste in a mobile home park as defined in Section 146.01(4) of this Code of Ordinances shall be made from the private drive located in said park subject to the conditions, prohibitions, and requirements in Section 105.04 of this chapter. In the event the design or condition of the private drive is such that collection from the private drive would be infeasible, injurious, or unsafe to the City employees or property, the Superintendent may require that collection shall be made from the street adjoining the mobile home park.

105.30 SANITARY DISPOSAL REQUIRED. It is the duty of each owner of a premises to provide for the sanitary disposal of all solid waste accumulating on the owner's premises before it becomes a nuisance. Any such accumulation remaining on any premises for a period of more than thirty (30) days shall be deemed a nuisance and the City may proceed to abate such nuisances in accordance with the provisions of Chapter 50 of this Code or by initiating proper action in district court.

(Code of Iowa, Ch. 657)

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CHAPTER 106

RECYCLABLE MATERIALS AND YARD WASTE

106.01 Recycling Program for Residential Premises

**106.02 Curbside Recycling at Residential and Other
Approved Premises**

106.03 Recycling at Multi-Family Residential Premises

106.04 Recycling at Commercial Premises

106.05 Separation of Yard Waste Required and Disposal

106.06 Prohibited Acts

106.07 Open Burning Restricted

106.01 RECYCLING PROGRAM FOR RESIDENTIAL PREMISES.

1. The City shall provide for the collection of recyclable material. All recyclable material shall be separated and prepared for collection in accordance with the rules and regulations set by resolution of the City Council and as provided in this chapter.
2. Every person owning or operating a multi-family residential premises shall establish a program for the collection and disposal of recyclable materials generated by the residents of all living units as provided in this chapter.

106.02 CURBSIDE RECYCLING AT RESIDENTIAL AND OTHER APPROVED PREMISES.

1. The City has established a voluntary single stream curbside recycling program, pursuant to which recyclable materials are collected at curbside in City-owned containers provided by the City for that purpose. Persons owning or residing in residential premises shall place recyclable materials unsorted in the City-owned recyclable materials containers at curbside.
2. The City may allow owners of premises other than residential premises as defined in Section 105.01 to elect to participate in the City's curbside recycling program if the solid waste collection provider for such premises does not offer recycling service and the premises is located on an established residential route. The property owner must verify that said property owner's current solid waste collection provider does not provide recycling services in order to participate. The City will charge a one-time \$90.00 fee for the purchase of each City-owned recyclable materials container. There will be a \$40.00 annual fee per City-owned container for the recyclable materials collection service. Such customers may purchase up to five (5) City-owned recyclable materials containers.

106.03 RECYCLING AT MULTI-FAMILY RESIDENTIAL PREMISES.

1. Responsibility of Owner. The owner of a multi-family residential premises shall establish an appropriate system for the separation and separate storage, collection, and disposal of recyclable materials consistent with recycling market requirements and with the requirements of this chapter. Compliance with the requirements of this chapter shall be a condition precedent to the City collection service of solid waste.
2. Bulk Containers for Storage and Collection of Materials. The owner of a multi-family residential premises shall provide or shall arrange for the provision of a bulk container to store all recyclable materials that are generated by residents and which accumulate in the interval between collection of such materials.

3. Location of Bulk Containers. Bulk containers for the storage of recyclable materials may be located on the premises of a multi-family residential premises provided that the proposed location of the bulk container meets all applicable zoning requirements. Bulk containers for the storage of recyclable materials shall be located in the same multi-family residential premises location as the solid waste bulk container for the multi-family residential premises. The location of bulk containers for the storage of recyclable materials shall not interfere with private or public sidewalks, walkways, or driveways; with roads, streets, or highways; or with entrances and exits of private or public buildings. The owner of a multi-family residential premises shall ensure that each dwelling unit has reasonable access to all necessary bulk containers.

4. Construction and Maintenance Specifications for Bulk Containers. Bulk containers for the storage of recyclable materials shall be durable, watertight, and made of metal or plastic; shall be marked with the recycling symbol or other acceptable markings clearly indicating its intended use for storage of recyclable materials. Bulk containers for the storage of recyclable materials shall have lids to avert a public nuisance and protect the marketing quality of recyclable materials. Such lids must remain closed except when recyclable materials are being placed in or removed from the bulk container. Bulk containers for the storage of recyclable materials shall be clearly marked with both the recycling symbol and with the type of material to be deposited in the container. Bulk containers shall remain on the premises at all times. The number of such containers shall be sufficient to handle the volume of recyclables that accumulate between collection intervals. The owner of the multi-family residential premises shall maintain bulk containers in good repair and in a clean and sanitary condition, free of offensive odors and the presence of flies and vermin, and shall maintain the location of such bulk containers free of all litter and spillage of recyclable materials.

5. Collection of Recyclable Materials. The owner of a multi-family residential premises shall collect and dispose of recyclable materials as provided in this chapter.

6. Disposal of Recyclable Materials. The City shall provide for the disposal of recyclable materials at a qualified recycling facility approved by the State Department of Natural Resources.

7. Enforcement. This section shall be enforced by the Superintendent as part of the City's solid waste collection program, and the Superintendent is authorized to inspect all multi-family residential premises for compliance with this section.

106.04 RECYCLING AT COMMERCIAL PREMISES.

1. Responsibility of Owner. The owner of a commercial premises served by the City for collection of solid waste shall establish an appropriate system for the separation and separate storage, collection, and disposal of recyclable materials consistent with recycling market requirements and with the requirements of this chapter. Compliance with the requirements of this chapter shall be a condition precedent to the City collection service of solid waste.

2. Containers for Storage and Collection of Materials. The City shall provide a container to store all recyclable materials that are generated upon a commercial premises and which accumulate in the interval between collection of such materials.

3. Location of Bulk Containers. City-owned bulk containers for the storage of recyclable materials may be located on the premises of a commercial premises provided that the proposed location of the bulk container meets all applicable zoning requirements. Bulk containers for the storage of recyclable materials, when possible, shall be located in the same location as the solid waste bulk container for the commercial premises. The location of bulk containers for the storage of recyclable materials shall not interfere with private or public sidewalks, walkways, or driveways; with roads, streets, or highways; or with entrances and exits of private or public buildings.

4. Construction and Maintenance Specifications for City-Owned Containers. The City-owned containers for the storage of recyclable materials shall have lids to avert a public nuisance and protect the marketing quality of recyclable materials. Such lids must remain closed except when recyclable materials are being placed in or removed from the container. Containers for the storage of recyclable materials shall at all times remain clearly marked with both the recycling symbol and with the type of material to be deposited in the container. The containers shall remain on the premises at all times. The number of such containers shall be sufficient to handle the volume of recyclables which accumulate between collection intervals. The owner of the commercial premises shall maintain the containers in good repair and in a clean and sanitary condition, free of offensive odors and the presence of flies and vermin, and shall maintain the location of such containers free of all litter and spillage of recyclable materials. Any such container in poor condition shall be reported to the Superintendent.

5. Collection of Recyclable Materials. The owner of a commercial premises shall collect and dispose of recyclable materials as provided in this chapter.

6. Disposal of Recyclable Materials. The City shall provide for the disposal of recyclable materials at a qualified recycling facility approved by the State Department of Natural Resources.

7. Rental Charge for City-Owned Dumpster. The fee per month charged by the City for use of a City-owned dumpster container shall be as follows:

.5 cubic yard dumpster	\$ 4.00 per month
1.5 cubic yard dumpster	\$ 5.00 per month
2 cubic yard dumpster	\$ 6.00 per month
3 cubic yard dumpster	\$ 7.00 per month
4 cubic yard dumpster	\$ 8.00 per month

No rental fee shall be charged to an owner of a commercial premises for the use of a City-owned 96-gallon or 48-gallon wheeled container for the collection of recyclable materials.

8. Enforcement. This section shall be enforced by the Superintendent as part of its solid waste collection program, and the Superintendent is authorized to inspect all commercial premises for compliance with this section.

106.05 SEPARATION OF YARD WASTE REQUIRED AND DISPOSAL. All yard waste as defined in Section 105.01 of this Code of Ordinances shall be separated by the owner or occupant from all other solid waste accumulated on the premises and shall be composted or taken to the City's disposal site. Any disposal site maintained or established by the City shall be used only for the disposal of yard waste at such rate or charge as set by resolution of the

Council. Any and all disposal of yard waste at any disposal site maintained or established by the City shall be in compliance with the signage posted at any such site. Any person who violates posted signage commits a municipal infraction. Such a violator may be issued a civil citation and shall pay a fine of \$100.00 plus a 30% surcharge and court costs. The fine for each subsequent citation issued during the two-year period subsequent to a violator's initial citation shall be \$200.00 plus a 30% surcharge and court costs.

106.06 PROHIBITED ACTS.

1. Persons owning or residing in a residential premises shall not place yard waste for collection as disposable waste mixed with other solid wastes or in bags, containers, boxes, or bundles not designated for the collection of such materials. Violation of this subsection is a municipal infraction punishable as provided in Section 105.23 of this Code.
2. Persons owning or residing at a residential premises shall not compost yard waste within six feet of the person's property line. Any such composting yard waste shall not create a nuisance. Failure to comply with a notice or order from the City with respect to establishment, maintenance, or removal of a compost pile shall constitute a municipal infraction punishable as provided in Section 105.23 of this Code.
3. The City may reject any bags or containers placed for collection in violation of subsection 1 or 2 of this section. Upon rejection of a bag or container, the bag or container will be placed upon the violator's property, and the violator will be required to correct the violation before placing the bag or container for collection again. If bags or containers are persistently placed for collection in violation of subsection 1 or 2 of this section, a violation notice may be left at the violator's residence or upon an empty solid waste container or may be mailed to the violator's residence. Violation of this subsection is a municipal infraction punishable as provided in Section 105.23 of this Code.
4. Persons residing in a multi-family residential premises and owners of other premises who are participating in the City's curbside recycling program shall not place other solid wastes for collection with recyclable materials. Violation of this subsection is a municipal infraction punishable as provided in Section 105.23 of this Code.
5. The owner of a multi-family residential premises shall establish a program meeting the requirements of this section for the storage and collection of recyclable materials generated by the residents of such premises. Failure to comply with this subsection shall constitute a municipal infraction punishable as provided in Section 105.23 of this Code.

106.07 OPEN BURNING RESTRICTED. No person shall allow, cause, or permit open burning of combustible materials where the products of combustion are emitted into the open air without passing through a chimney or stack, except that burning is permitted in the following circumstances:

(IAC, 567-23.2[455B] and 567-100.2)

1. Disaster Rubbish. The open burning of rubbish, including landscape waste, for the duration of the community disaster period in cases where an officially declared

emergency condition exists, provided that the burning of any structures or demolished structures is conducted in accordance with 40 CFR Section 61.145.

(IAC, 567-23.2[3a])

2. Trees and Tree Trimmings. The open burning of trees and tree trimmings at a City-operated burning site, provided such burning is conducted in compliance with the rules established by the State Department of Natural Resources.

(IAC, 567-23.2[3b])

3. Flare Stacks. The open burning or flaring of waste gases, provided such open burning or flaring is conducted in compliance with applicable rules of the State Department of Natural Resources.

(IAC, 567-23.2[3c])

4. Recreational Fires. Open fires for cooking, heating, recreation and ceremonies, provided they comply with the limits for emission of visible air contaminants established by the State Department of Natural Resources. Rubber tires shall not be burned in a recreational fire.

(IAC, 567-23.2[3e])

5. Training Fires. Fires set for the purpose of conducting bona fide training of public or industrial employees in fire fighting methods, provided that the training fires are conducted in compliance with rules established by the State Department of Natural Resources.

(IAC, 567-23.2[3g])

6. Controlled Burning of a Demolished Building. The controlled burning of a demolished building by the City, subject to approval of the Council, provided that the controlled burning is conducted in accordance with rules and limitations established by the State Department of Natural Resources.

(IAC, 567-23.2[3j])

7. Variance. Any person wishing to conduct open burning of materials not permitted herein may make application for a variance to the Director of the State Department of Natural Resources.

(IAC, 567-23.2[2])

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CHAPTER 110

NATURAL GAS FRANCHISE

110.01 Grant of Franchise	110.07 Extension of System
110.02 State Code Restrictions and Limitations	110.08 Standards of Operation
110.03 Excavations	110.09 Franchise Fee
110.04 Relocation of Property	110.10 Termination
110.05 Restoration of Property	110.11 Assignment
110.06 Indemnification	

110.01 GRANT OF FRANCHISE. There is hereby granted to MidAmerican Energy Company, an Iowa corporation, hereinafter called “Company,” and to its successors and assigns the right and franchise to acquire, construct, erect, maintain and operate in the City a gas distribution system, to furnish natural gas along, under and upon the streets, avenues, alleys and public places to serve customers within and without the City and to furnish and sell natural gas to the City and its inhabitants. Pursuant to Section 364.2(4)(e) of the *Code of Iowa*, upon application by the Company, the Company may be granted the right of eminent domain, the exercise of which is subject to Council approval by resolution. The franchise shall be effective for a period of twenty-five (25) years from the effective date of the ordinance codified in this chapter.[†] The City reserves the right to terminate the franchise at the end of franchise year 15 if the Company, its successors and assigns no longer maintain a service facility in the City or in the immediate proximity of the City. The Council shall notify the Company in writing 180 days prior to the end of year 15 of its intentions to terminate the franchise.

110.02 STATE CODE RESTRICTIONS AND LIMITATIONS. The rights and privileges hereby granted are subject to the restrictions and limitations of Chapter 364 of the *Code of Iowa*.

110.03 EXCAVATIONS. The Company shall have the right to excavate in any public street for the purpose of laying, relaying, repairing or extending gas pipes, mains, conduits and other facilities provided that the same shall be so placed as not to interfere with the construction of any water pipes, drain or sewer or the flow of water therefrom, which have been or may hereafter be located by authority of the City.

110.04 RELOCATION OF PROPERTY. The Company shall, at its cost and expense, locate and relocate its installations in, on, over or under any public street or alley in the City in such manner as the City may at any time reasonably require for the purposes of facilitating the construction, reconstruction, maintenance or repair of the street or alley or any public improvement of, in or about any such street or alley or reasonably promoting the efficient operation of any such improvement. If the City has a reasonable alternative route for the street, alley or public improvements, which alternative route would not cause the relocation of the Company installations, the City shall consider said alternative route. If relocation of the Company facilities could be avoided by relocating other franchisee’s or facility user’s equipment and facilities, and said other franchisee’s or user’s cost of relocation is less than the

[†] **EDITOR’S NOTE:** Ordinance No. 342, adopting a natural gas franchise for the City, was passed and adopted on February 9, 2004.

Company's cost of relocation, the City shall consider the route that requires the other franchisees or users to relocate. If project funds from a source other than the City are available to pay for the relocation of utility facilities, the City shall use its best efforts to secure said funds and provide them to the Company to compensate the Company for the costs of relocation.

110.05 RESTORATION OF PROPERTY. In making excavations in any streets, avenues, alleys and public places for the installation of gas pipes, conduits or apparatus, Company shall not unreasonably obstruct the use of the streets and shall replace the surface, restoring the original condition as nearly as practicable.

110.06 INDEMNIFICATION. Company shall indemnify and save harmless the City from any and all claims, suits, losses, damages, costs or expenses on account of injury or damage to any person or property, caused or occasioned, or allegedly caused or occasioned, in whole or in part, by Company's negligence in construction, reconstruction, excavation, operation or maintenance of the gas utilities authorized by the franchise, provided, however, that the Company shall not be obligated to defend, indemnify and save harmless the City for any costs or damages arising from the negligence of the City, its officers, employees or agents.

110.07 EXTENSION OF SYSTEM. The Company shall extend its mains and pipes, and operate and maintain the system in accordance with the applicable regulations of the Iowa Utilities Board or its successors.

110.08 STANDARDS OF OPERATION. During the term of the franchise, the Company shall furnish natural gas in the quantity and quality consistent with applicable Iowa laws and regulations.

110.09 FRANCHISE FEE. During the term of the franchise, there is hereby imposed upon the Company, and by its acceptance of the franchise the Company agrees to pay the City a fee equal to five percent (5%) of the revenue from sales (defined as gross revenues less uncollectible accounts) derived from the sale of gas made by Company to City consumers. There is also imposed upon Company, and by its acceptance of the franchise the Company agrees to pay the City a fee equal to five percent (5%) of the total cost, if known, of acquisition, transmission and distribution (wherever incurred) of gas sold to City consumers by suppliers other than Company and transmitted through Company's distribution system, or if the total cost is unknown, then upon the value of the gas as determined by presuming that the consumer's cost of gas is the same as if sold by Company under the terms of its effective tariff. The franchise fee is imposed to compensate the City for the Company's use of the streets, alleys and public ways for its mains, underground conduits, pipes and other gas utilities. The City may, by ordinance, exempt certain types of sales or adjust the fee imposed upon Company from time to time, but in no event shall the fee exceed five percent (5%) of the revenue from sales derived from the sale of gas and gas utilities made to City consumers during the term of the franchise. The Company shall certify to the City, in a form acceptable to the City, records establishing such revenues from sales for each month and shall pay the franchise fee to the City within thirty (30) days following the last day of the preceding month. No franchise fee shall be assessed to the City as a customer of the Company. The obligation to pay the fee imposed by this section may be modified if: (a) the City permits any other person to sell gas to City consumers and pay a franchise fee or its lawful equivalent at a lesser rate than provided in this section in which case Company shall pay at the lesser rate; or (b) the City adds additional territory by annexation or consolidation and is unable to lawfully impose the franchise fee upon any person selling gas to consumers within the additional territory, in

which case the franchise fee on the revenue from sales by the Company in the additional territory shall be equal to that of the lowest fee being paid by any other person selling gas within the additional areas. The Company shall be relieved of its obligation to pay to the City the franchise fee, effective as of the date specified below, with no liability therefor under each or any of the following conditions: (i) the collection or payment of a franchise fee is ruled to be unlawful by the Supreme Court of Iowa, effective as of the date specified by the Court; (ii) the Iowa General Assembly enacts legislation which makes the collection or payment of a franchise fee unlawful, effective as of the date lawfully specified by the General Assembly; (iii) the Iowa Utilities Board, or its successor agency, denies the Company the right to collect a franchise fee from its customers, provided such denial is affirmed by the Supreme Court of Iowa, effective as of the date of the agency order from which the appeal is taken.

110.10 TERMINATION. The City reserves the right to terminate the franchise if Company substantially violates the terms and conditions of this chapter. The City shall provide Company, via certified mail, notification of the specific alleged failures to comply with the terms and conditions herein contained. Company shall have sixty (60) days from receipt of the notice to cure the violation, or in the event that by the nature of the violation it cannot be cured within 60 days, Company shall initiate reasonable steps to remedy said violation and notify the City of the steps being taken and the projected date that said remedies will be completed. In the event Company fails to remedy the violation within 60 days of the date projected to be completed, the City may pursue any one or more of the following actions, including any other action provided under Federal or State law:

1. Seek specific performance of any provision, which reasonably lends itself to such remedy.
2. Commence an action at law for money damages or seek other equitable relief.
3. In the case of a substantial violation, declare the franchise to be revoked in accordance with the following: The City shall give written notice to Company of its intent to revoke the franchise. The notice shall set forth the determination of the City as to the exact nature of the noncompliance. Company may appeal such determination to an appropriate court of competent jurisdiction. Such appeal must be taken within thirty (30) days of the issuance of the determination by the City. The City and Company may extend the thirty-day appeal period by written agreement.
4. The City may, at its sole discretion, take any lawful action which it deems appropriate to enforce the City's rights under this chapter in lieu of revocation of the franchise.
5. If the City prevails under any of the above-noted actions, Company agrees to pay the costs incurred by the City, including its reasonable attorney fees.
6. Company shall not be excused from complying with any terms and conditions of the franchise by any failure of the City upon any one or more occasions to insist upon or to seek compliance with any such terms or conditions.

110.11 ASSIGNMENT. This chapter shall apply to and bind the City and Company, their successors and assigns, provided that any assignment by Company shall be subject to the approval of the Council by resolution, which approval shall not be reasonably withheld, except that no consent shall be required for any assignment or transfer by merger, consolidation or reorganization. Upon any sale or assignment by Company, it shall file with the Clerk written notice of the proposed sale, transfer, disposition or assignment and clearly summarize the proposed procedure and the terms and conditions thereof. If the City determines it needs

additional information, Company shall provide the requested information. The City shall be reimbursed by Company for the City's reasonable costs incurred in reviewing all matters relating to the sale or assignment, including the reasonable costs for consultants or technical experts. The City shall have sixty (60) days from the effective date of the assignment to adopt the resolution. If the City fails to adopt a resolution affirming or rejecting the assignment during the 60-day period, the assignment shall be deemed approved.

[The next page is 639]

CHAPTER 111

ELECTRIC FRANCHISE

111.01 Grant of Franchise	111.07 Indemnification
111.02 Competitive Electric Services	111.08 Maintenance of Facilities
111.03 State Code Restrictions and Limitations	111.09 Standards of Operation
111.04 Excavations; Trimming Trees	111.10 Franchise Fee
111.05 Relocation of Property	111.11 Termination
111.06 Restoration of Property	111.12 Assignment

111.01 GRANT OF FRANCHISE. There is hereby granted to MidAmerican Energy Company, an Iowa corporation, hereinafter called “Company,” and to its successors and assigns the right and franchise to acquire, construct, erect, maintain and operate in the City a system for the transmission and distribution of electric energy along, under, over and upon the streets, avenues, alleys and public places to serve customers within and without the City and to furnish and sell electric energy to the City and its inhabitants. Pursuant to Section 364.2(4)(e) of the *Code of Iowa*, upon application by the Company, the Company may be granted the right of eminent domain, the exercise of which is subject to Council approval by resolution. The franchise shall remain in effect for a period of twenty-five (25) years from the effective date of the ordinance codified in this chapter.[†] The City reserves the right to terminate the franchise at the end of franchise year 15 if the Company, its successors and assigns no longer maintain a service facility in the City or in the immediate proximity of the City. The Council shall notify the Company in writing 180 days prior to the end of year 15 of its intention to terminate the franchise.

111.02 COMPETITIVE ELECTRIC SERVICES. Nothing in this agreement shall be construed or interpreted to limit or prohibit the City, residents or businesses of the City from participating in or enjoying any benefits and protections of a restructured electric utility industry to the extent that such benefits and protections are made available to consumers of competitive electric services under State and Federal rules, regulations and laws.

111.03 STATE CODE RESTRICTIONS AND LIMITATIONS. The rights and privileges hereby granted are subject to the restrictions and limitations of Chapter 364 of the *Code of Iowa*.

111.04 EXCAVATIONS; TRIMMING TREES. The Company shall have the right to erect all necessary poles and to place thereon the necessary wires, fixtures and accessories, as well as to excavate and bury conductors for the distribution of electric energy in and through the City, but all said conduits and poles shall be placed as not to interfere with the construction of any water pipes, drain or sewer, or the flow of water therefrom, which have been or may hereafter be located by authority of the City. The Company is authorized and empowered to prune or remove at Company expense any trees extending into any street, alley or public grounds to maintain electric reliability, safety, to restore utility service and to prevent limbs, branches or trunks from interfering with the wires and facilities of the Company. The pruning of trees shall be done to current nationally accepted safety and utility industry standards.

[†] **EDITOR’S NOTE:** Ordinance No. 343, adopting an electric franchise for the City, was passed and adopted on February 9, 2004.

111.05 RELOCATION OF PROPERTY. The Company shall, at its cost and expense, locate and relocate its installations in, on, over or under any public street or alley in the City in such manner as the City may at any time reasonably require for the purposes of facilitating the construction, reconstruction, maintenance or repair of the street or alley or any public improvement of, in or about any such street or alley or reasonably promoting the efficient operation of any such improvement. If the City has a reasonable alternative route for the street, alley or public improvements, which alternative route would not cause the relocation of the Company installations, the City shall consider said alternative route. If relocation of the Company facilities could be avoided by relocating other franchisee's or facility user's equipment and facilities, and said other franchisee's or user's cost of relocation is less than the Company's cost of relocation, the City shall consider the route that requires the other franchisees or users to relocate. If project funds from a source other than the City are available to pay for the relocation of utility facilities, the City shall use its best efforts to secure said funds and provide them to the Company to compensate the Company for the costs of relocation.

111.06 RESTORATION OF PROPERTY. In making excavations in any streets, avenues, alleys and public places for the excavation of conduits or the erection of poles and wires or other appliances, the Company shall not unreasonably obstruct the use of the streets and shall replace the surface, restoring the original condition as nearly as practicable.

111.07 INDEMNIFICATION. Company shall indemnify and save harmless City from any and all claims, suits, losses, damages, costs or expenses on account of injury or damage to any person or property, caused or occasioned, or allegedly caused or occasioned, in whole or in part, by Company's negligence in construction, reconstruction, excavation, operation or maintenance of the electric facilities authorized by the franchise, provided, however, that the Company shall not be obligated to defend, indemnify and save harmless the City for any costs or damages arising from the negligence of the City, its officers, employees or agents.

111.08 MAINTENANCE OF FACILITIES. The Company shall construct, operate and maintain its facilities in accordance with the applicable regulations of the Iowa Utilities Board or its successors.

111.09 STANDARDS OF OPERATION. During the term of this franchise, the Company shall furnish electric energy in the quantity and quality consistent with applicable Iowa laws and regulations.

111.10 FRANCHISE FEE. During the term of the franchise, there is hereby imposed upon the Company, and by its acceptance of the franchise the Company agrees to pay the City a fee equal to five percent (5%) of the revenue from sales (defined as gross revenues less uncollectible accounts) derived from the sale of electrical energy made by Company to City consumers. There is also imposed upon Company, and by its acceptance of the franchise the Company agrees to pay the City a fee equal to five percent (5%) of the total cost, if known, of acquisition, transmission and distribution (wherever incurred) of electrical energy sold to City consumers by suppliers other than Company and transmitted through Company's distribution system, or if the total cost is unknown, then upon the value of the electrical energy as determined by presuming that the consumer's cost of electrical energy is the same as if sold by Company under the terms of its effective tariff. The franchise fee is imposed to compensate the City for the Company's use of the streets, alleys and public ways for its poles, overhead wires, underground conduits and other electric utilities. The City may, by ordinance, exempt certain types of sales or adjust the fee imposed upon Company from time to time, but in no

event shall the fee exceed five percent (5%) of the revenue from sales derived from the sale of electrical energy and electric utilities made to City consumers during the term of the franchise. The Company shall certify to the City, in a form acceptable to the City, records establishing such revenues from sales for each month and shall pay the franchise fee to the City within thirty (30) days following the last day of the preceding month. No franchise fee shall be assessed to the City as a customer of the Company. The obligation to pay the fee imposed by this section may be modified if: (a) the City permits any other person to sell electrical energy to City consumers and pay a franchise fee or its lawful equivalent at a lesser rate than provided in this section in which case Company shall pay at the lesser rate; or (b) the City adds additional territory by annexation or consolidation and is unable to lawfully impose the franchise fee upon any person selling electrical energy to consumers within the additional territory, in which case the franchise fee on the revenue from sales by the Company in the additional territory shall be equal to that of the lowest fee being paid by any other person selling electrical energy within the additional areas. The Company shall be relieved of its obligation to pay to the City the franchise fee, effective as of the date specified below, with no liability therefor under each or any of the following conditions: (i) the collection or payment of a franchise fee is ruled to be unlawful by the Supreme Court of Iowa, effective as of the date specified by the Court; (ii) the Iowa General Assembly enacts legislation which makes the collection or payment of a franchise fee unlawful, effective as of the date lawfully specified by the General Assembly; (iii) the Iowa Utilities Board, or its successor agency, denies the Company the right to collect a franchise fee from its customers, provided such denial is affirmed by the Supreme Court of Iowa, effective as of the date of the agency order from which the appeal is taken.

111.11 TERMINATION. The City reserves the right to terminate the franchise if Company substantially violates the terms and conditions of this chapter. The City shall provide Company, via certified mail, notification of the specific alleged failures to comply with the terms and conditions herein contained. Company shall have sixty (60) days from receipt of the notice to cure the violation, or in the event that by the nature of the violation it cannot be cured within 60 days, Company shall initiate reasonable steps to remedy said violation and notify the City of the steps being taken and the projected date that said remedies will be completed. In the event Company fails to remedy the violation within 60 days of the date projected to be completed, the City may pursue any one or more of the following actions, including any other action provided under Federal or State law:

1. Seek specific performance of any provision, which reasonably lends itself to such remedy.
2. Commence an action at law for money damages or seek other equitable relief.
3. In the case of a substantial violation, declare the franchise to be revoked in accordance with the following: The City shall give written notice to Company of its intent to revoke the franchise. The notice shall set forth the determination of the City as to the exact nature of the noncompliance. Company may appeal such determination to an appropriate court of competent jurisdiction. Such appeal must be taken within thirty (30) days of the issuance of the determination by the City. The City and Company may extend the thirty-day appeal period by written agreement.
4. The City may, at its sole discretion, take any lawful action which it deems appropriate to enforce the City's rights under this chapter in lieu of revocation of the franchise.

5. If the City prevails under any of the above-noted actions, Company agrees to pay the costs incurred by the City, including its reasonable attorney fees.

6. Company shall not be excused from complying with any terms and conditions of the franchise by any failure of the City upon any one or more occasions to insist upon or to seek compliance with any such terms or conditions.

111.12 ASSIGNMENT. This chapter shall apply to and bind the City and Company, their successors and assigns, provided that any assignment by Company shall be subject to the approval of the Council by resolution, which approval shall not be reasonably withheld, except that no consent shall be required for any assignment or transfer by merger, consolidation or reorganization. Upon any sale or assignment by Company, it shall file with the Clerk written notice of the proposed sale, transfer, disposition or assignment and clearly summarize the proposed procedure and the terms and conditions thereof. If the City determines it needs additional information, Company shall provide the requested information. The City shall be reimbursed by Company for the City's reasonable costs incurred in reviewing all matters relating to the sale or assignment, including the reasonable costs for consultants or technical experts. The City shall have sixty (60) days from the effective date of the assignment to adopt the resolution. If the City fails to adopt a resolution affirming or rejecting the assignment during the 60-day period, the assignment shall be deemed approved.

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CHAPTER 112

CABLE TELEVISION FRANCHISE

112.01 Definitions	112.06 Transfer of Franchise
112.02 Grant of Franchise	112.07 Insurance and Indemnification
112.03 Standards of Service	112.08 Enforcement and Termination of Franchise
112.04 Programming Alteration	112.09 Miscellaneous Provisions
112.05 Unauthorized Cable Use	

112.01 DEFINITIONS. For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number.

1. “Cable service” means the delivery by the Grantee to television receivers (or any other suitable type of audio video communications receivers) of the signals of over the air television broadcast stations, satellite programming services and other video programming sources authorized for transmission over cable television systems by the FCC; and additional closed circuit channels at the option of the Grantee.
2. “Cable system” is the system used and/or operated by Grantee for the provision of cable service. It may utilize fiber optic cable, coaxial cable, twisted-pair cable and other media and electronic and other components as Grantee shall determine.
3. “City” is the City of Rock Valley, Iowa.
4. “Council” is the City Council of City.
5. “FCC” means the Federal Communications Commission or successor agency of the United States government having jurisdiction over the operations of Grantee in the City.
6. “Grantee” is Premier Communications, Inc.
7. “Person” is any person, firm, partnership, association, corporation, company or organization of any kind and any other legally recognized entity.
8. “Public way” means the surface of, and the space above and below, any public street, highway, freeway, bridge, alley, court, boulevard, sidewalk, parkway, way, lane, public way, drive, circle, or other public right-of-way, including public utility easements and dedicated utility strips, held by the City in the service area which shall entitle the Grantee to the use thereof for the purpose of installing, operating, repairing, and maintaining the cable system.
9. “Service area” means the present boundaries of the City, and shall include any additions thereto by annexation or other legal means.
10. “Subscribers” are those persons contracting with Grantee to receive any type of cable service that Grantee may offer.

112.02 GRANT OF FRANCHISE.

1. Grant. The City hereby grants to the Grantee a nonexclusive franchise which authorizes the Grantee to construct and operate a cable system in, along, among, upon, across, above, over, under, or in any manner connected with public ways within the service area, and for that purpose to erect, install, construct, repair, replace, reconstruct, maintain, or retain in, on, over, under, upon, across, or along any public way such facilities and equipment as may be necessary or appurtenant to the cable system for the transmission and distribution of cable service. In accepting this franchise, Grantee acknowledges that its rights hereunder are subject to the police powers of the City to adopt and enforce general ordinances necessary for the health, safety and welfare of the public and it agrees to comply with all applicable general laws and ordinances enacted by the City pursuant to such powers. Such ordinances include, but are not limited to, ordinances of a general nature that place reasonable restrictions upon the right of persons to use public ways, provided, however, that such restrictions shall not be inconsistent with the rights granted to Grantee by this franchise.
2. This franchise relates to the present territorial limits of the City and to any area henceforth added thereto during the term of this franchise.
3. The City hereby grants the right, privilege, and authority to Grantee to lease, rent or in any other legal manner obtain the use of poles with overhead lines, conduits, trenches, ducts, lines, cables and other equipment and facilities from any and all holders of other public licenses and franchises within the corporate limits of the City and to use such poles, conduits, trenches, ducts, lines and cables in the course of its business.
4. Nothing in this franchise shall limit or deny service as presently provided by direct reception or limit the right of individuals to erect and maintain antennas for their own use.
5. Any leaks in Grantee's equipment which impairs or restricts normal television reception to non-subscribers shall be located and repaired within seventy-two (72) hours of notification to Grantee.

112.03 STANDARDS OF SERVICE.

1. Conditions of Occupancy. The cable system installed by the Grantee pursuant to the terms hereof shall be located so as to cause a minimum of interference with the proper use of public ways and with the rights and reasonable convenience of property owners who own property that adjoins any of such public ways and in accord with City authority to manage and control the public ways.
2. Restoration of Public Ways. If during the course of the Grantee's construction, operation, or maintenance of the cable system there occurs a disturbance of any public way by the Grantee, Grantee shall replace and restore such public way to a condition reasonably comparable to the condition of the public way existing immediately prior to such disturbance.
3. Relocation for the City. Upon its receipt of reasonable advance written notice, to be not less than ten (10) business days, the Grantee shall protect, support, raise, lower, temporarily disconnect, relocate in or remove from the public way, any property of the Grantee when lawfully required by the City by reason of traffic conditions, public safety, street abandonment, freeway and street construction, change

or establishment of street grade, installation of sewers, drains, gas or water pipes, or any other type of public structures or improvements.

4. Relocation for a Third Party. The Grantee shall, on the request of any person holding a lawful permit issued by the City, protect, support, raise, lower, temporarily disconnect, relocate in or remove from the public way as necessary any property of the Grantee, provided: (A) the expense of such is paid by said person benefiting from the relocation, including, if required by the Grantee, making such payment in advance; and (B) the Grantee is given reasonable advance written notice to prepare for such changes. For purposes of this subsection, "reasonable advance written notice" shall be not less than thirty (30) business days in the event of a temporary relocation, and not less than one hundred twenty (120) days for a permanent relocation.

5. Trimming of Trees and Shrubbery. The Grantee shall have the authority to trim trees or other natural growth in order to access and maintain the cable system or in accord with any City tree trimming ordinance which may hereafter be adopted.

6. Safety Requirements. Construction, operation, and maintenance of the cable system shall be performed in an orderly and workmanlike manner. All such work shall be performed in substantial accordance with generally applicable federal, state, and local regulations and the National Electric Safety Code.

7. Access to Open Trenches. The City agrees to include the Grantee in the platting process for any new subdivision. At a minimum, the City agrees to require as a condition of issuing a permit for open trenching to any utility or developer that (A) the utility or developer give the Grantee at least ten (10) days advance written notice of the availability of the open trench, and (B) that the utility or developer provide the Grantee with reasonable access to the open trench. Notwithstanding the foregoing, the Grantee shall not be required to utilize any open trench. In the event compliance with this subsection causes the City extra expenses for either, or both, the required notices or costs for delay in any project or public work, Grantee shall reimburse such expenses to the City.

112.04 PROGRAMMING ALTERATION. Grantee shall have the right to prescribe service rules and regulations for the conduct of its business with its subscribers and service users, not inconsistent with the provisions of its franchise or with the rules and regulations of the FCC, and other applicable laws, rules and regulations.

112.05 UNAUTHORIZED CABLE USE. It shall be unlawful for any person to obtain any cable television services from the cable television system by installing, rearranging, or tampering with any facilities or equipment of said cable television company unless the same is done with the knowledge and permission of the cable television company. Any person found guilty of a violation of any of the provisions of this section shall be deemed guilty of a misdemeanor. A violation will also be assessed to any person who injures, destroys, or defaces any lawfully installed property of the Grantee.

112.06 TRANSFER OF FRANCHISE. Grantee shall not transfer this franchise without the approval of the City, which approval shall not be unreasonably withheld.

112.07 INSURANCE AND INDEMNIFICATION.

1. Insurance Requirements. The Grantee shall maintain in full force and effect, at its own cost and expense, during the term of the franchise, Commercial General Liability Insurance in the amount of \$1,000,000 combined single limit for bodily

injury and property damage. The City shall be designated as an additional insured. Such insurance shall be non-cancelable except upon thirty (30) days prior written notice to the City. Upon written request, the Grantee shall provide a Certificate of Insurance showing evidence of the coverage required by this subsection.

2. Indemnification. The Grantee agrees to indemnify, save and hold harmless, and defend the City, its officers, boards and employees, from and against any liability for damages and for any liability or claims resulting from property damage or bodily injury (including accidental death), which arise out of the Grantee's construction, operation, or maintenance of its cable system in the service area.

112.08 ENFORCEMENT AND TERMINATION OF FRANCHISE.

1. Notice of Violation. In the event that the City believes that the Grantee has not complied with the terms of the franchise, the City shall informally discuss the matter with Grantee. If these discussions do not lead to resolution of the problem, the City shall notify the Grantee in writing of the exact nature of the alleged noncompliance.

2. The Grantee's Right to Cure or Respond. The Grantee shall have thirty (30) days from receipt of the notice described in subsection 1 to (A) respond to the City, contesting the assertion of noncompliance, or (B) to cure such default, or (C) in the event that, by the nature of such default, it cannot be cured within the thirty (30) day period, initiate reasonable steps to remedy such default and notify the City of the steps being taken and the projected date that they will be completed.

3. Public Hearing. In the event that the Grantee fails to respond to the notice described in subsection 1 pursuant to the procedures set forth in subsection 2, or in the event that the alleged default is not remedied within thirty (30) days or the date projected pursuant to 2(C) above, if it intends to continue its investigation into the default, then the City shall schedule a public hearing. The City shall provide the Grantee at least ten (10) days prior written notice of such hearing, which specifies the time, place and purpose of such hearing, and provide the Grantee the opportunity to be heard.

4. Enforcement. Subject to applicable federal and state law, in the event the City, after the hearing set forth in subsection 3, determines that the Grantee is in default of any provision of the franchise, the City may:

- A. Seek specific performance of any provision, which reasonably lends itself to such remedy, as an alternative to damages; or
- B. Commence an action at law for monetary damages or other or additional relief, with or without equitable relief; or
- C. In the case of a substantial default of a material provision of the franchise, seek to revoke the franchise in accordance with subsection 5.

5. Revocation. Should the City seek to revoke the franchise after following the procedures set forth in subsections 1-4 above, the City shall give written notice to the Grantee of its intent. The notice shall set forth the exact nature of the noncompliance. The Grantee shall have ninety (90) days from such notice to object in writing and to state its reasons for such objection. In the event the City has not received a satisfactory response from the Grantee, it may then seek termination of the franchise at a public hearing. The City shall cause to be served upon the Grantee, at least thirty (30) days prior to such public hearing, a written notice specifying the time and place

of such hearing and stating its intent to revoke the franchise. At the designated hearing, Grantee shall be provided a fair opportunity for full participation, including the right to be represented by legal counsel, to introduce relevant evidence, to require the production of evidence, to compel the relevant testimony of the officials, agents, employees or consultants of the City, to compel the testimony of other persons as permitted by law, and to question witnesses. A complete verbatim record and transcript shall be made of such hearing. Following the hearing, the City shall determine whether or not the franchise shall be revoked. If the City determines that the franchise shall be revoked, the City shall promptly provide Grantee with its decision in writing. The Grantee may appeal such determination of the City to an appropriate court, which shall have the power to review the decision of the City *de novo*. Grantee shall be entitled to such relief as the court finds appropriate. Such appeal must be taken within sixty (60) days of Grantee's receipt of the determination of the City. Until the merits of the appeal have been determined in a final judgment of such court, the franchise shall remain in force. The City may, at its sole discretion, take any lawful action that it deems appropriate to enforce the City's rights under the franchise in lieu of revocation of the franchise.

6. Force Majeure. The Grantee shall not be held in default under, or in noncompliance with, the provisions of the franchise, nor suffer any enforcement or penalty relating to noncompliance or default, where such noncompliance or alleged defaults occurred or were caused by circumstances reasonably beyond the ability of the Grantee to anticipate and control. This provision includes work delays caused by waiting for utility providers to service or monitor their utility poles to which the Grantee's cable system is attached, as well as unavailability of materials and/or qualified labor to perform the work necessary. Furthermore, the parties hereby agree that it is not the City's intention to subject the Grantee to penalties, fines, forfeitures or revocation of the franchise for violations of the franchise where the violation was a good faith error that resulted in no or minimal negative impact on the subscribers within the service area, or where strict performance would result in practical difficulties and hardship to the Grantee which outweigh the benefit to be derived by the City and/or subscribers.

112.09 MISCELLANEOUS PROVISIONS.

1. Actions of Parties. In any action by the City or the Grantee that is mandated or permitted under the terms hereof, such party shall act in a reasonable, expeditious, and timely manner. Furthermore, in any instance where approval or consent is required under the terms hereof, such approval or consent shall not be unreasonably withheld.

2. Entire Agreement. This franchise constitutes the entire agreement between the Grantee and the City and supersedes all other prior understandings and agreements oral or written. Any amendments to this franchise shall be mutually agreed to in writing by the parties.

3. Reservation of Rights. Acceptance of the terms and conditions of this franchise will not constitute, or be deemed to constitute, a waiver, either expressly or impliedly, by Grantee of any constitutional or legal right which it may have or may be determined to have, either by subsequent legislation or court decisions. The City acknowledges that Grantee reserves all of its rights under applicable Federal and State Constitutions and laws.

4. Notice. Unless expressly otherwise agreed between the parties, every notice or response required by this franchise to be served upon the City or the Grantee shall be in writing, and shall be deemed to have been duly given to the required party when placed in a properly sealed and correctly addressed envelope: (A) upon receipt when hand delivered with receipt/acknowledgment, (B) upon receipt when sent certified, registered mail, (C) within five (5) business days after having been posted in the regular mail or (D) on the next business day if sent by express mail or overnight air courier.

The notices or responses to the City shall be addressed as follows:

City Administrator
City of Rock Valley
1507 Main Street
Rock Valley, IA 51247

The notices or responses to the Grantee shall be addressed as follows:

Premier Communications, Inc.
339 First Avenue NE
P.O. Box 200
Sioux Center, IA 51250
Attn: Chief Executive Officer

The City and the Grantee may designate such other address or addresses from time to time by giving notice to the other in the manner provided for in this subsection.

5. Term and Effective Date. The effective date of this franchise is the later of (A) the date of final adoption by the City; or (B) the acceptance of the franchise by Grantee. As of the effective date of this franchise, all inconsistent legislative enactments of the City are repealed. The term of the franchise is twenty-five (25) years from its effective date. [†]

[The next page is 675]

[†] **EDITOR'S NOTE:** Ordinance No. 434-14 adopting a cable TV franchise for the City was passed and adopted on May 8, 2014.

CHAPTER 113

REGULATION OF CABLE TV RATES

113.01 Definitions

113.02 Initial Review of Basic Cable Rates

113.03 Review of Request for Increase in Basic Rates

113.04 Cable Operator Information

113.05 Automatic Rate Adjustments

113.06 Enforcement

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

1. “Basic cable rates” means the monthly charges for a subscription to the basic service tier and the associated equipment.
2. “Basic service tier” means a separately available service tier to which subscription is required for access to any other tier of service, including as a minimum, but not limited to, all must-carry signals, all PEG channels and all domestic television signals other than superstations.
3. “Benchmark” means a per-channel rate of charge for cable service and associated equipment which the FCC has determined is reasonable.
4. “Cable Act of 1992” means the Cable Television Consumer Protection and Competition Act of 1992.
5. “Cable operator” means any person or group of persons:
 - A. Who provide cable service over a cable system and directly or through one or more affiliates owns a significant interest in such a cable system; or
 - B. Who otherwise controls or is responsible for, through any arrangement, the management and operation of such a cable system.
6. “Channel” means a unit of cable service identified and selected by a channel number or similar designation.
7. “Cost of service showing” means a filing in which the cable operator attempts to show that the benchmark rate or the price cap is not sufficient to allow the cable operator to fully recover the costs of providing the basic service tier and to continue to attract capital.
8. “FCC” means the Federal Communications Commission.
9. “FCC regulations” means the rules and regulations adopted by the FCC for the implementation of the Cable Act of 1992.
10. “Initial basic cable rates” means the rates that the cable operator is charging for the basic service tier, including charges for associated equipment, at the time the City notifies the cable operator of the City’s qualification and intent to regulate basic cable rates.
11. “Must-carry signal” means the signal of any local broadcast station (except superstations) which is required to be carried on the basic service tier.
12. “PEG channel” means the channel capacity designated for public, educational or governmental use, and facilities and equipment for the use of that channel capacity.

13. “Price cap” means the ceiling set by the FCC on future increases in basic cable rates regulated by the City, based on a formula using the GNP fixed weight price index, reflecting general increases in the cost of doing business and changes in overall inflation.

14. “Reasonable rate standard” means a per-channel rate that is at or below the benchmark or price cap level.

15. “Superstation” means any non-local broadcast signal secondarily transmitted by satellite.

113.02 INITIAL REVIEW OF BASIC CABLE RATES.

1. Notice. Upon the adoption of the ordinance codified by this chapter and the certification of the City by the FCC, the City shall immediately notify all cable operators in the City, by certified mail, return receipt requested, that the City intends to regulate subscriber rates charged for the basic service tier and associated equipment as authorized by the Cable Act of 1992.

2. Cable Operator Response. Within 30 days of receiving notice from the City, a cable operator shall file with the City its current rates for the basic service tier and associated equipment and any supporting material concerning the reasonableness of its rates.

3. Expedited Determination and Public Hearing. If the Council is able to expeditiously determine the cable operator’s rates for the basic service tier and associated equipment are within the FCC’s reasonable rate standard, as determined by the applicable benchmark, the Council shall:

A. Hold a public hearing at which interested persons may express their views;

B. Act to approve the rates within 30 days from the date the cable operator filed its basic cable rates with the City.

If the Council takes no action within 30 days from the date the cable operator filed its basic cable rates with the City, the proposed rates will continue in effect.

4. Extended Review Period. If the Council is unable to determine whether the rates in issue are within the FCC’s reasonable rate standard based on the material before it, or if the cable operator submits a cost-of-service showing, the Council shall, within 30 days from the date the cable operator filed its basic cable rates with the City and by adoption of a formal resolution, invoke the following additional periods of time, as applicable, to make a final determination:

A. Ninety (90) days if the Council needs more time to ensure that a rate is within the FCC’s reasonable rate standard; or

B. One hundred fifty (150) days if the cable operator has submitted a cost-of-service showing seeking to justify a rate above the applicable benchmark.

If the Council has not made a decision within the 90- or 150-day period, the Council shall issue a brief written order at the end of the period requesting the cable operator to keep accurate account of all amounts received by reason of the proposed rate and on whose behalf the amounts are paid.

5. Public Hearing. During the extended review period and before taking action on the proposed rate, the Council shall hold at least one public hearing at which interested persons may express their views and record objections.
6. Objections. An interested person who wishes to make an objection to the proposed initial basic rate may request the Clerk to record the objection during the public hearing or may submit the objection in writing anytime before the decision resolution is adopted. In order for an objection to be made part of the record, the objector must provide the Clerk with the objector's name and address.
7. Benchmark Analysis. If a cable operator submits its current basic cable rate schedule as being in compliance with the FCC's reasonable rate standard, the Council shall review the rates using the benchmark analysis in accordance with the standard form authorized by the FCC. Based on the Council's findings, the initial basic cable rates shall be established as follows:
 - A. If the current basic cable rates are below the benchmark, those rates shall become the initial basic cable rates and the cable operator's rates will be capped at that level.
 - B. If the current basic cable rates exceed the benchmark, the rates shall be the greater of the cable operator's per-channel rate on September 30, 1992, reduced by ten percent (10%), or the applicable benchmark, adjusted for inflation and any change in the number of channels occurring between September 30, 1992, and the initial date of regulation.
 - C. If the current basic cable rates exceed the benchmark, but the cable operator's per-channel rate was below the benchmark on September 30, 1992, the initial basic cable rate shall be the benchmark, adjusted for inflation.
8. Cost-of-Service Showings. If a cable operator does not wish to reduce the rates to the permitted level, the cable operator shall have the opportunity to submit a cost-of-service showing in an attempt to justify an initial basic cable rate above the FCC's reasonable rate standard. The Council will review a cost-of-service submission pursuant to FCC standards for cost-of-service review. The Council may approve initial basic cable rates above the benchmark if the cable operator makes the necessary showing; however, a cost-of-service determination resulting in rates below the benchmark or below the cable operator's September 30, 1992, rates minus ten percent (10%), will prescribe the cable operator's new rates.
9. Decision by Formal Resolution. After completion of its review of the cable operator's proposed rates, the Council shall adopt its decision by formal resolution. The decision shall include one of the following:
 - A. If the proposal is within the FCC's reasonable rate standard or is justified by a cost-of-service analysis, the Council shall approve the initial basic cable rates proposed by the cable operator; or
 - B. If the proposal is not within the FCC's reasonable rate standard and the cost-of-service analysis, if any, does not justify the proposed rates, the Council shall establish initial basic cable rates that are within the FCC's reasonable rate standard or that are justified by a cost-of-service analysis.
10. Rollbacks and Refunds. If the Council determines that the initial basic cable rates submitted exceed the cost-of-service showing justifies lower rates, the Council may order the rates reduced in accordance with subsections 7 or 8 above, as

applicable. In addition, the Council may order the cable operator to pay to subscribers, refunds of the excessive portion of the rates with interest (computed at applicable rates published by the Internal Revenue Service for tax refunds and additional tax payments), retroactive to September 1, 1993. The method for paying any refund and the interest rate will be in accordance with FCC regulations as directed in the Council's decision resolution.

11. Statement of Reasons for Decision and Public Notice. If rates proposed by a cable operator are disapproved in whole or in part, or if there were objections made by other parties to the proposed rates, the resolution must state the reasons for the decision and the Council must give public notice of its decision. Public notice will be given by advertisement once in the official newspaper of the City.

12. Appeal. The Council's decision concerning rates for the basic service tier or associated equipment may be appealed to the FCC in accordance with applicable Federal regulations.

113.03 REVIEW OF REQUEST FOR INCREASE IN BASIC RATES.

1. Notice. A cable operator in the City who wishes to increase the rates for basic service tier or associated equipment shall file a request with the City and notify all subscribers at least 30 days before the cable operator desires the increase to take effect. This notice may not be given more often than annually and not until at least one year after the determination of the initial basic cable rates.

2. Expedited Determination and Public Hearing. If the Council is able to expeditiously determine the cable operator's rate increase request for basic cable service is within the FCC's reasonable rate standard, as determined by the applicable price cap, the Council shall:

- A. Hold a public hearing at which interested persons may express their views; and
- B. Act to approve the rate increase within 30 days from the date the cable operator filed its request with the City.

If the Council takes no action within 30 days from the date the cable operator filed its request with the City, the proposed rates will go into effect.

3. Extended Review Period. If the Council is unable to determine whether the rate increase is within the FCC's reasonable rate standard based on the material before it, or if the cable operator submits a cost-of-service showing, the Council shall, by adoption of a formal resolution, invoke the following additional periods of time, as applicable, to make a final determination:

- A. Ninety (90) days if the Council needs more time to ensure that the requested increase is within the FCC's reasonable rate standard as determined by the applicable price cap; and
- B. One hundred fifty (150) days if the cable operator has submitted a cost-of-service showing seeking to justify a rate increase above the applicable price cap.

The proposed rate increase is tolled during the extended review period. If the Council has not made a decision within the 90- or 150-day period, the Council shall issue a brief written order at the end of the period requesting the cable operator to keep

accurate account of all amounts received by reason of the proposed rate increase and on whose behalf the amounts are paid.

4. Public Hearing. During the extended review period and before taking action on the requested rate increase, the Council shall hold at least one public hearing at which interested persons may express their views and record objections.

5. Objections. An interested person who wishes to make an objection to the proposed rate increase may request the Clerk to record the objection during the public hearing or may submit the objection in writing any time before the decision resolution is adopted. In order for an objection to be made part of the record, the objector must provide the Clerk with the objector's name and address.

6. Delayed Determined. If the Council is unable to make a final determination concerning a requested rate increase within the extended time period, the cable operator may put the increase into effect, subject to subsequent refund if the Council later issues a decision disapproving any portion of the increase.

7. Price Cap Analysis. If a cable operator presents its request for a rate increase as being in compliance with the FCC's price cap, the Council shall review the rate using the price cap analysis in accordance with the standard form authorized by the FCC. Based on the Council's finding, the basic cable rates shall be established as follows:

A. If the proposed basic cable rate increase is within the price cap established by the FCC, the proposed rates shall become the new basic cable rates.

B. If the proposed basic cable rate increase exceeds the price cap established by the FCC, the Council shall disapprove the proposed rate increase and order an increase that is in compliance with the price cap.

8. Cost-of-Service Showings. If a cable operator submits a cost-of-service showing in an attempt to justify a rate increase above the price cap, the Council will review the submission pursuant to FCC standards for cost-of-service review. The Council may approve a rate increase above the price cap if the cable operator makes the necessary showing; however, a cost-of-service determination resulting in a rate below the price cap or below the cable operator's then current rate will prescribe the cable operator's new rate.

9. Decision. The Council's decision concerning the requested rate increase shall be adopted by formal resolution. If a rate increase proposed by a cable operator is disapproved in whole or in part, or if objections were made by other parties to the proposed rate increase, the resolution must state the reasons for the decision. Objections may be made at the public hearing by a person requesting the Clerk to record the objection or may be submitted in writing at any time before the decision resolution is adopted.

10. Refunds. The Council may order refunds of subscribers' rate payments with interest if:

A. The Council is unable to make a decision within the extended time period as prescribed in subsection 3 above; and

B. The cable operator implemented the rate increase at the end of the extended review period; and

C. The Council determines that the rate increase as submitted exceeds the applicable price cap or that the cable operator failed to justify the rate increase by a cost-of-service showing, and the Council disapproves any portion of the rate increase.

The method for paying any refund and the interest rate will be in accordance with FCC regulations as directed in the Council's decision resolution.

11. Appeal. The Council's decision concerning rates for the basic service tier or associated equipment may be appealed to the FCC in accordance with applicable Federal regulations.

113.04 CABLE OPERATOR INFORMATION.

1. The City May Require.

A. In those cases when the cable operator has submitted initial rates or proposed an increase that exceeds the reasonable rate standard, the Council may require the cable operator to produce information in addition to that submitted, including proprietary information, if needed to make a rate determination. In these cases, a cable operator may request the information be kept confidential in accordance with this section.

B. In cases where initial or proposed rates comply with the reasonable rate standard, the Council may request additional information only in order to document that the cable operator's rates are in accord with the standard.

2. Request for Confidentiality.

A. A cable operator submitting information to the Council may request in writing that the information not be made routinely available for public inspection. A copy of the request shall be attached to and cover all of the information and all copies of the information to which it applies.

B. If feasible, the information to which the request applies shall be physically separated from any information to which the request does not apply. If this is not feasible, the portion of the information to which the request applies shall be identified.

C. Each request shall contain a statement of the reasons for withholding inspection and a statement of the facts upon which those reasons are based.

D. Casual requests which do not comply with the requirements of this subsection shall not be considered.

3. Council Action. Requests which comply with the requirements of subsection 2 will be acted upon by the Council. The Council will grant the request if the cable operator presents by a preponderance of the evidence, a case for nondisclosure consistent with applicable Federal regulations. If the request is granted, the ruling will be placed in a public file in lieu of the information withheld from public inspection. If the request does not present a case for nondisclosure and the Council denies the request, the Council shall take one of the following actions:

A. If the information has been submitted voluntarily without any direction from the City, the cable operator may request that the City return the information without considering it. Ordinarily, the City will comply with this

request. Only in the usual instance that the public interest so requires, will the information be made available for public inspection.

B. If the information was required to be submitted by the Council, the information will be made available for public inspection.

4. Appeal. If the Council denies the request for confidentiality, the cable operator may seek review of that decision from the FCC within five (5) working days of the Council's decision, and the release of the information will be stayed pending review.

113.05 AUTOMATIC RATE ADJUSTMENTS.

1. Annual Inflation Adjustment. In accordance with FCC regulations, the cable operator may adjust its capped base per-channel rate for the basic service tier annually by the final GNP-PI Index.

2. Other External Costs.

A. The FCC regulations also allow the cable operator to increase its rate for the basic service tier automatically to reflect certain external cost factors to the extent that the increase in cost of those factors exceeds the GNP-PI. These factors include retransmission consent fees, programming costs, State and local taxes applicable to the provisions of cable television service, and costs of franchise requirements. The total cost of an increase in a franchise fee may be automatically added to the base per-channel rate, without regard to its relation to the GNP-PI.

B. For all categories of external costs other than retransmission consent and franchise fees, the starting date for measuring changes in external costs for which the basic service per-channel rate may be adjusted will be the date on which the basic service tier becomes subject to regulation, or February 28, 1994, whichever occurs first. The permitted per-channel charge may not be adjusted for costs of retransmission consent fees or changes in those fees incurred before October 6, 1994.

3. Notification and Review. The cable operator shall notify the City at least 30 days in advance of a rate increase based on automatic adjustment items. The City shall review the increase to determine whether the item or items qualify as automatic adjustments. If the City makes no objection within 30 days of receiving notice of the increase, the increase may go into effect.

113.06 ENFORCEMENT. The City may order the cable operator to refund to subscribers a portion of previously paid rates under the following circumstances:

1. A portion of the previously paid rates have been determined to be in excess of the permitted tier charge or above the actual cost of equipment; or
2. The cable operator has failed to comply with a valid rate order issued by the City.

If the cable operator fails to comply with a rate decision or refund order, the cable operator shall be subject to a fine of \$500.00 for each day the cable operator fails to comply.

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CHAPTER 120

LIQUOR LICENSES AND WINE AND BEER PERMITS

120.01 License or Permit Required
120.02 General Prohibition
120.03 Investigation

120.04 Action by Council
120.05 Prohibited Sales and Acts
120.06 Amusement Devices

120.01 LICENSE OR PERMIT REQUIRED. No person shall manufacture for sale, import, sell, or offer or keep for sale, alcoholic liquor, wine, or beer without first securing a liquor control license, wine permit or beer permit in accordance with the provisions of Chapter 123 of the *Code of Iowa*.

(Code of Iowa, Sec. 123.22, 123.122 & 123.171)

120.02 GENERAL PROHIBITION. It is unlawful to manufacture for sale, sell, offer or keep for sale, possess or transport alcoholic liquor, wine or beer except upon the terms, conditions, limitations and restrictions enumerated in Chapter 123 of the *Code of Iowa*, and a license or permit may be suspended or revoked or a civil penalty may be imposed for a violation thereof.

(Code of Iowa, Sec. 123.2, 123.39 & 123.50)

120.03 INVESTIGATION. Upon receipt of an application for a liquor license, wine or beer permit, the Clerk may forward it to the Police Chief or his or her designee, who shall then conduct an investigation and submit a written report as to the truth of the facts averred in the application. The Fire Chief shall also inspect the premises to determine if they conform to the requirements of the City. The Council shall not approve an application for a license or permit for any premises which does not conform to the applicable law and ordinances, resolutions and regulations of the City.

(Code of Iowa, Sec. 123.30)

120.04 ACTION BY COUNCIL. The Council shall either approve or disapprove the issuance of the liquor control license or retail wine or beer permit and shall endorse its approval or disapproval on the application, and thereafter the application, necessary fee and bond, if required, shall be forwarded to the Alcoholic Beverages Division of the State Department of Commerce for such further action as is provided by law.

(Code of Iowa, Sec. 123.32[2])

120.05 PROHIBITED SALES AND ACTS. A person or club holding a liquor license or retail wine or beer permit and the person's or club's agents or employees shall not do any of the following:

1. Sell, dispense or give to any intoxicated person, or one simulating intoxication, any alcoholic liquor, wine or beer.

(Code of Iowa, Sec. 123.49[1])

2. Sell or dispense any alcoholic beverage, wine or beer on the premises covered by the license or permit, or permit its consumption thereon between the hours of 2:00 a.m. and 6:00 a.m. on a weekday, and between the hours of 2:00 a.m. on Sunday and 6:00 a.m. on the following Monday; however, a holder of a license or permit granted the privilege of selling alcoholic liquor, beer or wine on Sunday may sell or dispense

alcoholic liquor, beer or wine between the hours of 8:00 a.m. on Sunday and 2:00 a.m. of the following Monday, and further provided that a holder of any class of liquor control license or the holder of a class "B" beer permit may sell or dispense alcoholic liquor, wine or beer for consumption on the premises between the hours of 8:00 a.m. on Sunday and 2:00 a.m. on Monday when that Monday is New Year's Day and beer for consumption off the premises between the hours of 8:00 a.m. on Sunday and 2:00 a.m. on the following Monday when that Sunday is the day before New Year's Day.

(Code of Iowa, Sec. 123.49[2b and 2k] & 123.150)

3. Sell alcoholic beverages, wine or beer to any person on credit, except with a bona fide credit card. This provision does not apply to sales by a club to its members, to sales by a hotel or motel to bona fide registered guests or to retail sales by the managing entity of a convention center, civic center or events center.

(Code of Iowa, Sec. 123.49[2c])

4. Employ a person under eighteen (18) years of age in the sale or serving of alcoholic liquor, wine or beer for consumption on the premises where sold.

(Code of Iowa, Sec. 123.49[2f])

5. In the case of a retail beer or wine permittee, knowingly allow the mixing or adding of alcohol or any alcoholic beverage to beer, wine or any other beverage in or about the permittee's place of business.

(Code of Iowa, Sec. 123.49[2i])

6. Knowingly permit any gambling, except in accordance with Iowa law, or knowingly permit any solicitation for immoral purposes, or immoral or disorderly conduct on the premises covered by the license or permit.

(Code of Iowa, Sec. 123.49[2a])

7. Knowingly permit or engage in any criminal activity on the premises covered by the license or permit.

(Code of Iowa, Sec. 123.49[2j])

8. Keep on premises covered by a liquor control license any alcoholic liquor in any container except the original package purchased from the Alcoholic Beverages Division of the State Department of Commerce and except mixed drinks or cocktails mixed on the premises for immediate consumption. However, mixed drinks or cocktails that are mixed on the premises and are not for immediate consumption may be consumed on the licensed premises, subject to rules adopted by the Alcoholic Beverages Division.

(Code of Iowa, Sec. 123.49[2d])

9. Reuse for packaging alcoholic liquor or wine any container or receptacle used originally for packaging alcoholic liquor or wine; or adulterate, by the addition of any substance, the contents or remaining contents of an original package of an alcoholic liquor or wine; or knowingly possess any original package which has been reused or adulterated.

(Code of Iowa, Sec. 123.49[2e])

10. Allow any person other than the licensee, permittee or employees of the licensee or permittee to use or keep on the licensed premises any alcoholic liquor in any bottle or other container which is designed for the transporting of such beverages, except as allowed by State law.

(Code of Iowa, Sec. 123.49[2g])

11. Sell, give, possess or otherwise supply a machine which is used to vaporize an alcoholic beverage for the purpose of being consumed in a vaporized form.

(Code of Iowa, Sec. 123.49[2l])

12. Permit or allow any person under twenty-one (21) years of age to remain upon licensed premises unless over fifty percent (50%) of the dollar volume of the business establishment comes from the sale and serving of prepared foods. This provision does not apply to holders of a class “C” beer permit only.

120.06 AMUSEMENT DEVICES. The following provisions pertain to electronic or mechanical amusement devices, which are allowed only in premises with a liquor control license or beer permit as specifically authorized in Section 99B.10 of the *Code of Iowa*.

(Code of Iowa, Sec. 99B.10C)

1. As used in this section an “electronic or mechanical amusement device” means a device that awards a prize redeemable for merchandise on the premises where the device is located and that is required to be registered with the Iowa Department of Inspection and Appeals.

2. It is unlawful for any person under the age of twenty-one (21) to participate in the operation of an electrical or mechanical amusement device.

3. It is unlawful for any person owning or leasing an electrical or mechanical amusement device, or an employee of a person owning or leasing an electrical or mechanical amusement device, to knowingly allow a person under the age of 21 to participate in the operation of an electrical or mechanical amusement device.

4. It is unlawful for any person to knowingly participate in the operation of an electrical or mechanical amusement device with a person under the age of 21.

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CHAPTER 121

CIGARETTE AND TOBACCO PERMITS

121.01 Definitions
121.02 Permit Required
121.03 Application
121.04 Fees
121.05 Issuance and Expiration

121.06 Refunds
121.07 Persons Under Legal Age
121.08 Self-Service Sales Prohibited
121.09 Permit Revocation

121.01 DEFINITIONS. For use in this chapter the following terms are defined:
(*Code of Iowa, Sec. 453A.1*)

1. “Carton” means a box or container of any kind in which ten or more packages or packs of cigarettes or tobacco products are offered for sale, sold, or otherwise distributed to consumers.
2. “Cigarette” means any roll for smoking made wholly or in part of tobacco, or any substitute for tobacco, irrespective of size or shape and irrespective of tobacco or any substitute for tobacco being flavored, adulterated or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material. However, this definition is not to be construed to include cigars.
3. “Package” or “pack” means a container of any kind in which cigarettes or tobacco products are offered for sale, sold, or otherwise distributed to consumers.
4. “Place of business” means any place where cigarettes or tobacco products are sold, stored or kept for the purpose of sale or consumption by a retailer.
5. “Retailer” means every person who sells, distributes or offers for sale for consumption, or possesses for the purpose of sale for consumption, cigarettes, irrespective of the quantity or amount or the number of sales or who engages in the business of selling tobacco products to ultimate consumers.
6. “Self-service display” means any manner of product display, placement, or storage from which a person purchasing the product may take possession of the product, prior to purchase, without assistance from the retailer or employee of the retailer, in removing the product from a restricted access location.
7. “Tobacco products” means the following: cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco; snuff; cavendish; plug and twist tobacco; fine-cut and other chewing tobaccos; shorts or refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or for both chewing and smoking, but does not mean cigarettes.

121.02 PERMIT REQUIRED.

1. Cigarette Permits. It is unlawful for any person, other than a holder of a retail permit, to sell cigarettes at retail and no retailer shall distribute, sell, or solicit the sale of any cigarettes within the City without a valid permit for each place of business.

The permit shall, at all times, be publicly displayed at the place of business so as to be easily seen by the public and the persons authorized to inspect the place of business.

(Code of Iowa, Sec. 453A.13)

2. Tobacco Permits. It is unlawful for any person to engage in the business of a retailer of tobacco products at any place of business without first having received a permit as a tobacco products retailer for each place of business owned or operated by the retailer.

(Code of Iowa, Sec. 453A.47A)

A retailer who holds a cigarette permit is not required to also obtain a tobacco permit. However, if a retailer only holds a cigarette permit and that permit is suspended, revoked, or expired, the retailer shall not sell any cigarettes or tobacco products during such time.

121.03 APPLICATION. A completed application on forms furnished by the State Department of Revenue or on forms made available or approved by the Department and accompanied by the required fee shall be filed with the Clerk. Renewal applications shall be filed at least five (5) days prior to the last regular meeting of the Council in June. If a renewal application is not timely filed, and a special Council meeting is called to act on the application, the costs of such special meeting shall be paid by the applicant.

(Code of Iowa, Sec. 453A.13 & 453A.47A)

121.04 FEES. The fee for a retail cigarette or tobacco permit shall be as follows:

(Code of Iowa, Sec. 453A.13 & 453A.47A)

FOR PERMITS GRANTED DURING:	FEE:
July, August or September	\$ 75.00
October, November or December	\$ 56.25
January, February or March	\$ 37.50
April, May or June	\$ 18.75

121.05 ISSUANCE AND EXPIRATION. Upon proper application and payment of the required fee, a permit shall be issued. Each permit issued shall describe clearly the place of business for which it is issued and shall be nonassignable. All permits expire on June 30 of each year. The Clerk shall submit a duplicate of any application for a permit, and any permit issued, to the Alcoholic Beverages Division of the Department of Commerce within thirty (30) days of issuance.

121.06 REFUNDS. A retailer may surrender an unrevoked permit and receive a refund from the City, except during April, May, or June, in accordance with the schedule of refunds as provided in Section 453A.13 or 453A.47A of the *Code of Iowa*.

(Code of Iowa, 453A.13 & 453A.47A)

121.07 PERSONS UNDER LEGAL AGE. No person shall sell, give, or otherwise supply any tobacco, tobacco products, or cigarettes to any person under eighteen (18) years of age. The provision of this section includes prohibiting a minor from purchasing cigarettes or tobacco products from a vending machine. If a retailer or employee of a retailer violates the provisions of this section, the Council shall, after written notice and hearing, and in addition to the other penalties fixed for such violation, assess the following:

1. For a first violation, the retailer shall be assessed a civil penalty in the amount of three hundred dollars (\$300.00). Failure to pay the civil penalty as ordered under

this subsection shall result in automatic suspension of the permit for a period of fourteen (14) days.

2. For a second violation within a period of two years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars (\$1,500.00) or the retailer's permit shall be suspended for a period of thirty (30) days. The retailer may select its preference in the penalty to be applied under this subsection.

3. For a third violation within a period of three years, the retailer shall be assessed a civil penalty in the amount of \$1,500.00 and the retailer's permit shall be suspended for a period of 30 days.

4. For a fourth violation within a period of three years, the retailer shall be assessed a civil penalty in the amount of \$1,500.00 and the retailer's permit shall be suspended for a period of sixty (60) days.

5. For a fifth violation within a period of four years, the retailer's permit shall be revoked.

The Clerk shall give ten (10) days' written notice to the retailer by mailing a copy of the notice to the place of business as it appears on the application for a permit. The notice shall state the reason for the contemplated action and the time and place at which the retailer may appear and be heard.

(Code of Iowa, Sec. 453A.2, 453A.22 and 453A.36[6])

121.08 SELF-SERVICE SALES PROHIBITED. Beginning January 1, 1999, except for the sale of cigarettes through a cigarette vending machine as provided in Section 453A.36(6) of the *Code of Iowa*, a retailer shall not sell or offer for sale cigarettes or tobacco products, in a quantity of less than a carton, through the use of a self-service display.

(Code of Iowa, Sec. 453A.36A)

121.09 PERMIT REVOCATION. Following a written notice and an opportunity for a hearing, as provided by the *Code of Iowa*, the Council may also revoke a permit issued pursuant to this chapter for a violation of Division I of Chapter 453A of the *Code of Iowa* or any rule adopted thereunder. If a permit is revoked, a new permit shall not be issued to the permit holder for any place of business, or to any other person for the place of business at which the violation occurred, until one year has expired from the date of revocation, unless good cause to the contrary is shown to the Council. The Clerk shall report the revocation or suspension of a retail permit to the Alcoholic Beverages Division of the Department of Commerce within thirty (30) days of the revocation or suspension.

(Code of Iowa, Sec. 453A.22)

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CHAPTER 122

PEDDLERS, SOLICITORS AND TRANSIENT MERCHANTS

122.01 Purpose	122.11 Revocation of License
122.02 Definitions	122.12 Notice
122.03 License Required	122.13 Hearing
122.04 Application for License	122.14 Record and Determination
122.05 License Fees	122.15 Appeal
122.06 Bond Required	122.16 Effect of Revocation
122.07 License Issued	122.17 Rebates
122.08 Display of License	122.18 License Exemptions
122.09 License Not Transferable	122.19 Charitable and Nonprofit Organizations
122.10 Time Restriction	

122.01 PURPOSE. The purpose of this chapter is to protect residents of the City against fraud, unfair competition and intrusion into the privacy of their homes by licensing and regulating peddlers, solicitors and transient merchants.

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

1. “Peddler” means any person carrying goods or merchandise who sells or offers for sale for immediate delivery such goods or merchandise from house to house or upon the public street.
2. “Solicitor” means any person who solicits or attempts to solicit from house to house or upon the public street any contribution or donation or any order for goods, services, subscriptions or merchandise to be delivered at a future date.
3. “Transient merchant” means any person who engages in a temporary or itinerant merchandising business and in the course of such business hires, leases or occupies any building or structure whatsoever, or who operates out of a vehicle which is parked anywhere within the City limits. Temporary association with a local merchant, dealer, trader or auctioneer, or conduct of such transient business in connection with, as a part of, or in the name of any local merchant, dealer, trader or auctioneer does not exempt any person from being considered a transient merchant.

122.03 LICENSE REQUIRED. Any person engaging in peddling, soliciting or in the business of a transient merchant in the City without first obtaining a license as herein provided is in violation of this chapter.

122.04 APPLICATION FOR LICENSE. An application in writing shall be filed with the Clerk for a license under this chapter. Such application shall set forth the applicant’s name, permanent and local address and business address if any. The application shall also set forth the applicant’s employer, if any, and the employer’s address, the nature of the applicant’s business, the last three places of such business and the length of time sought to be covered by the license. An application fee of five dollars (\$5.00) shall be paid at the time of filing such application to cover the cost of investigating the facts stated therein.

122.05 LICENSE FEES. The following license fees shall be paid to the Clerk prior to the issuance of any license.

1. For one day or any part thereof\$ 50.00
2. For more than one day up to one week.....\$ 30.00 per day
3. For one week\$115.00
4. For more than one week but not more than one month.....\$ 85.00 per week
and \$16.00 for any day or fraction thereof
5. For one month\$100.00
6. For longer than one month but less than one year, all fees shall be
computed by first computing the monthly fee, then the weekly fee, then
the daily fee, and the sum of these fees shall be the fee charged.
7. For one year.....\$150.00

122.06 BOND REQUIRED. Before a license under this chapter is issued to a transient merchant, an applicant shall provide to the Clerk evidence that the applicant has filed a bond with the Secretary of State in accordance with Chapter 9C of the *Code of Iowa*.

122.07 LICENSE ISSUED. If the Clerk finds the application is completed in conformance with the requirements of this chapter, the facts stated therein are found to be correct and the license fee paid, a license shall be issued immediately.

122.08 DISPLAY OF LICENSE. Each solicitor or peddler shall keep such license in possession at all times while doing business in the City and shall, upon the request of prospective customers, exhibit the license as evidence of compliance with all requirements of this chapter. Each transient merchant shall display publicly such merchant's license in the merchant's place of business.

122.09 LICENSE NOT TRANSFERABLE. Licenses issued under the provisions of this chapter are not transferable in any situation and are to be applicable only to the person filing the application.

122.10 TIME RESTRICTION. All peddler's and solicitor's licenses shall provide that said licenses are in force and effect only between the hours of 8:00 a.m. and 6:00 p.m.

122.11 REVOCATION OF LICENSE. After notice and hearing, the Clerk may revoke any license issued under this chapter for the following reasons:

1. Fraudulent Statements. The licensee has made fraudulent statements in the application for the license or in the conduct of the business.
2. Violation of Law. The licensee has violated this chapter or has otherwise conducted the business in an unlawful manner.
3. Endangered Public Welfare, Health or Safety. The licensee has conducted the business in such manner as to endanger the public welfare, safety, order or morals.

122.12 NOTICE. The Clerk shall send a notice to the licensee at the licensee's local address, not less than ten (10) days before the date set for a hearing on the possible revocation of a license. Such notice shall contain particulars of the complaints against the licensee, the

ordinance provisions or State statutes allegedly violated, and the date, time and place for hearing on the matter.

122.13 HEARING. The Clerk shall conduct a hearing at which both the licensee and any complainants shall be present to determine the truth of the facts alleged in the complaint and notice. Should the licensee, or authorized representative, fail to appear without good cause, the Clerk may proceed to a determination of the complaint.

122.14 RECORD AND DETERMINATION. The Clerk shall make and record findings of fact and conclusions of law, and shall revoke a license only when upon review of the entire record the Clerk finds clear and convincing evidence of substantial violation of this chapter or State law.

122.15 APPEAL. If the Clerk revokes or refuses to issue a license, the Clerk shall make a part of the record the reasons therefor. The licensee, or the applicant, shall have a right to a hearing before the Council at its next regular meeting. The Council may reverse, modify or affirm the decision of the Clerk by a majority vote of the Council members present and the Clerk shall carry out the decision of the Council.

122.16 EFFECT OF REVOCATION. Revocation of any license shall bar the licensee from being eligible for any license under this chapter for a period of one year from the date of the revocation.

122.17 REBATES. Any licensee, except in the case of a revoked license, shall be entitled to a rebate of part of the fee paid if the license is surrendered before it expires. The amount of the rebate shall be determined by dividing the total license fee by the number of days for which the license was issued and then multiplying the result by the number of full days not expired. In all cases, at least five dollars (\$5.00) of the original fee shall be retained by the City to cover administrative costs.

122.18 LICENSE EXEMPTIONS. The following are excluded from the application of this chapter.

1. Newspapers. Persons delivering, collecting for or selling subscriptions to newspapers.
2. Club Members. Members of local civic and service clubs, Boy Scout, Girl Scout, 4-H Clubs, Future Farmers of America and similar organizations.
3. Local Residents and Farmers. Local residents and farmers who offer for sale their own products.
4. Students. Students representing the Rock Valley Community School District, Rock Valley Christian School, and Netherlands Reformed Christian School conducting projects sponsored by organizations recognized by the schools.
5. Route Sales. Route delivery persons who only incidentally solicit additional business or make special sales.
6. Resale or Institutional Use. Persons customarily calling on businesses or institutions for the purposes of selling products for resale or institutional use.

122.19 CHARITABLE AND NONPROFIT ORGANIZATIONS. Authorized representatives of charitable or nonprofit organizations operating under the provisions of

Chapter 504 of the *Code of Iowa* desiring to solicit money or to distribute literature are exempt from the operation of Sections 122.04 and 122.05. All such organizations are required to submit in writing to the Clerk the name and purpose of the cause for which such activities are sought, names and addresses of the officers and directors of the organization, the period during which such activities are to be carried on, and whether any commissions, fees or wages are to be charged by the solicitor and the amount thereof. If the Clerk finds that the organization is a bona fide charity or nonprofit organization the Clerk shall issue, free of charge, a license containing the above information to the applicant. In the event the Clerk denies the exemption, the authorized representatives of the organization may appeal the decision to the Council, as provided in Section 122.15 of this chapter.

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CHAPTER 123

HOUSE MOVERS

123.01 House Mover Defined
123.02 Permit Required
123.03 Application
123.04 Bond Required
123.05 Insurance Required
123.06 Permit Fee

123.07 Permit Issued
123.08 Public Safety
123.09 Time Limit
123.10 Removal by City
123.11 Protect Pavement
123.12 Overhead Wires

123.01 HOUSE MOVER DEFINED. A “house mover” means any person who undertakes to move a building or similar structure upon, over or across public streets or property when the building or structure is of such size that it requires the use of skids, jacks, dollies or any other specialized moving equipment.

123.02 PERMIT REQUIRED. It is unlawful for any person to engage in the activity of house mover as herein defined without a valid permit from the City for each house, building or similar structure to be moved. Buildings of less than 120 square feet are exempt from the provisions of this chapter.

123.03 APPLICATION. Application for a house mover’s permit shall be made in writing to the Clerk. The application shall include:

1. Name and Address. The applicant’s full name and address and if a corporation the names and addresses of its principal officers.
2. Building Location. An accurate description of the present location and future site of the building or similar structure to be moved.
3. Routing Plan. A routing plan approved by the Police Chief, street superintendent, and public utility officials. The route approved shall be the shortest route compatible with the greatest public convenience and safety.

123.04 BOND REQUIRED. The applicant shall post with the Clerk a penal bond in the minimum sum of five thousand dollars (\$5,000.00) issued by a surety company authorized to issue such bonds in the State. The bond shall guarantee the permittee’s payment for any damage done to the City or to public property, and payment of all costs incurred by the City in the course of moving the building or structure.

123.05 INSURANCE REQUIRED. Each applicant shall also file a certificate of insurance indicating that the applicant is carrying public liability insurance in effect for the duration of the permit covering the applicant and all agents and employees for the following minimum amounts:

1. Bodily Injury – \$50,000 per person; \$100,000 per accident.
2. Property Damage – \$50,000 per accident.

123.06 PERMIT FEE. A permit fee of fifty dollars (\$50.00) shall be payable at the time of filing the application with the Clerk. A separate permit shall be required for each house, building or similar structure to be moved.

123.07 PERMIT ISSUED. Upon approval of the application, filing of bond and insurance certificate, and payment of the required fee, the Clerk shall issue a permit.

123.08 PUBLIC SAFETY. At all times when a building or similar structure is in motion upon any street, alley, sidewalk or public property, the permittee shall maintain flag persons at the closest intersections or other possible channels of traffic to the sides, behind and ahead of the building or structure. At all times when the building or structure is at rest upon any street, alley, sidewalk or public property the permittee shall maintain adequate warning signs or lights at the intersections or channels of traffic to the sides, behind and ahead of the building or structure.

123.09 TIME LIMIT. No house mover shall permit or allow a building or similar structure to remain upon any street or other public way for a period of more than twelve (12) hours without having first secured the written approval of the City.

123.10 REMOVAL BY CITY. In the event any building or similar structure is found to be in violation of Section 123.09 the City is authorized to remove such building or structure and assess the costs thereof against the permit holder and the surety on the permit holder's bond.

123.11 PROTECT PAVEMENT. It is unlawful to move any house or building of any kind over any pavement, unless the wheels or rollers upon which the house or building is moved are at least one (1) inch in width for each one thousand (1,000) pounds of weight of such building. If there is any question as to the weight of a house or building, the estimate of the City as to such weight shall be final.

123.12 OVERHEAD WIRES. The holder of any permit to move a building shall see that all telephone, cable television and electric wires and poles are removed when necessary and replaced in good order, and shall be liable for the costs of the same.

CHAPTER 124

ADULT ENTERTAINMENT

124.01 Definitions

124.02 Regulations

124.03 Violation

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

1. “Adult amusement or entertainment” means an amusement or entertainment which is distinguished or characterized by an emphasis on acts or material depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in this section, including, but not limited to, topless or bottomless dancers, exotic dancers, strippers, male or female impersonators or similar entertainment.
2. “Adult book store or gift shop” is an establishment having as a substantial and significant portion of its stock in trade books, magazines and other periodicals or goods and items held for sale which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in this section.
3. “Adult hotel or motel” means a building with accommodations used for the temporary occupancy of one or more individuals and is an establishment wherein a substantial and significant portion of the materials presented are distinguished or characterized by their emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in this section, for observation by the individuals therein.
4. “Adult photo studio” is an establishment which, upon payment of a fee, provides photographic equipment and/or models for the purpose of photographing specified anatomical areas or specified sexual activities, as defined herein.
5. “Adult theater” is a theater wherein a substantial and significant portion of the materials presented are distinguished or characterized by an emphasis on acts or material depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in this section, for observation by the patrons therein.
6. “Adult uses” includes adult amusement or entertainment, adult book store or gift shop, adult hotel or motel, adult photo studio, adult theater and massage parlor.
7. “Massage parlor” is any building, room, place or establishment, where manipulated massage or manipulated exercise is practiced for pay upon the human body with an emphasis on specified sexual activities or specified anatomical areas, as defined herein, by anyone not a duly licensed physician, osteopath, chiropractor, registered nurse or practical nurse operating under a physician’s direction, physical therapist, podiatrist, registered speech pathologist and physical or occupational therapist who treats only patients recommended by a licensed physician and operates only under such physician’s direction, whether with or without the use of mechanical, therapeutic or bathing devices, and includes Turkish bath houses. The term does not include a regular licensed hospital, medical clinic or nursing home, duly licensed beauty parlors or barber shops.

8. “Specified anatomical areas” means less than completely and opaquely covered human genitalia, pubic region, buttocks; and a female breast below a point above the top of the areola; and human male genitals in a discernibly turgid state — even if completely and opaquely covered.
9. “Specified sexual activities” means patently offensive acts, exhibitions, representations, depictions or descriptions of:
 - A. Human genitals in a state of sexual stimulation or arousal;
 - B. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast;
 - C. Intrusion, however slight, actual or simulated, by an object, of any part of an animal’s body or any part of a person’s body into the genital or anal openings of any person’s body;
 - D. Cunnilingus, fellatio, anilingus, masturbation, bestiality, lewd exhibition of genitals or excretory function, actual or simulated;
 - E. Flagellation, mutilation or torture, actual or simulated, in a sexual context.

124.02 REGULATIONS.

1. **Location.** An adult use shall not be located within 1,000 feet of another adult use, nor shall the adult use be located within 1,000 feet of any public or parochial school, regularly scheduled school bus stop, licensed day care facility, church, public park, or any dwelling (one-family, two-family or multiple dwelling) or within 1,000 feet of City Hall. The 1,000-foot restriction shall be computed by measurement from the nearest property line of the land used for another adult use or in the case of any regularly scheduled school bus stop, public or parochial school, licensed day care facility, church, public park, dwelling or City Hall, by measurement to the nearest entrance of the building in which adult uses are to occur, using a route of direct horizontal distance.
2. **Concealment.** All building openings, entries, windows, etc., of an adult use shall be covered or screened in such a manner as to prevent a view into the interior from any public or semi-public area. Advertisements, displays or other promotional materials shall not be shown or exhibited so as to be visible to the public from pedestrian sidewalks, walkways or from other public or semi-public areas.
3. **Minors.** No minor shall be permitted in any establishment in which adult uses are permitted.
4. **Alcohol.** No alcohol shall be permitted in any establishment in which adult uses are permitted, unless such is specifically allowed pursuant to the *Code of Iowa*. This prohibition applies equally to the proprietor and the patrons of the establishment involved.
5. **Public Exposure.** Except as hereinafter provided, no person shall expose those parts of his or her body which are hereinafter listed to another in any public place, in any privately owned place open to the public, or in any place where such exposure is seen by another person or persons located in any public place:
 - A. A woman’s nipple, the areola thereof, or full breast, except as necessary in the breast-feeding of a baby.

B. The pubic hair, pubes, perineum or anus of a male or female, the penis or scrotum of a male or the vagina of a female, excepting such body parts of prepubescent infants of either sex.

This subsection does not apply to limited or minimal exposures incident to the use of public rest rooms or locker rooms or such other places where such exposures occur incident to the prescribed use of those facilities. This subsection also does not apply to exposures occurring in live stage plays, live theatrical performances or live dance performances conducted in a theater, concert hall or similar establishment which is primarily devoted to theatrical performances.

124.03 VIOLATION. A violation of the provisions of this chapter is a violation of this Code of Ordinances, subject to the Standard Penalty under Section 1.14 or a Municipal Infraction under Chapter 3. Each day a violation continues to exist is a separate violation.

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CHAPTER 135

STREET USE AND MAINTENANCE

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| 135.01 Removal of Warning Devices | 135.09 Excavations |
| 135.02 Obstructing or Defacing | 135.10 Maintenance of Parking or Terrace |
| 135.03 Placing Debris On | 135.11 Failure to Maintain Parking or Terrace |
| 135.04 Playing In | 135.12 Dumping of Snow |
| 135.05 Traveling on Barricaded Street or Alley | 135.13 Business District Commercial Snow Removal |
| 135.06 Use for Business Purposes | 135.14 Driveway Culverts |
| 135.07 Washing Vehicles | 135.15 Curb and Gutter Removal and Replacement |
| 135.08 Burning Prohibited | |

135.01 REMOVAL OF WARNING DEVICES. It is unlawful for a person to willfully remove, throw down, destroy or carry away from any street or alley any lamp, obstruction, guard or other article or things, or extinguish any lamp or other light, erected or placed thereupon for the purpose of guarding or enclosing unsafe or dangerous places in said street or alley without the consent of the person in control thereof.

(Code of Iowa, Sec. 716.1)

135.02 OBSTRUCTING OR DEFACING. It is unlawful for any person to obstruct, deface, or injure any street or alley in any manner.

(Code of Iowa, Sec. 716.1)

135.03 PLACING DEBRIS ON. It is unlawful for any person to throw or deposit on any street or alley any glass, glass bottle, nails, tacks, wire, cans, trash, garbage, rubbish, litter, offal, leaves, grass or any other debris likely to be washed into the storm sewer and clog the storm sewer, or any substance likely to injure any person, animal or vehicle.

(Code of Iowa, Sec. 321.369)

135.04 PLAYING IN. It is unlawful for any person to coast, sled or play games on streets or alleys, except in the areas blocked off by the City for such purposes.

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

135.05 TRAVELING ON BARRICADED STREET OR ALLEY. It is unlawful for any person to travel or operate any vehicle on any street or alley temporarily closed by barricades, lights, signs, or flares placed thereon by the authority or permission of any City official, police officer or member of the fire department.

135.06 USE FOR BUSINESS PURPOSES. It is unlawful to park, store or place, temporarily or permanently, any machinery or junk or any other goods, wares, and merchandise of any kind upon any street or alley for the purpose of storage, exhibition, sale or offering same for sale, without permission of the Council.

135.07 WASHING VEHICLES. It is unlawful for any person to use any public sidewalk, street or alley for the purpose of washing or cleaning any automobile, truck equipment, or any vehicle of any kind when such work is done for hire or as a business. This does not prevent any person from washing or cleaning his or her own vehicle or equipment when it is lawfully parked in the street or alley.

135.08 BURNING PROHIBITED. No person shall burn any trash, leaves, rubbish or other combustible material in any curb and gutter or on any paved or surfaced street or alley.

135.09 EXCAVATIONS. No person shall dig, excavate or in any manner disturb any street, parking or alley except in accordance with the following:

1. Permit Required. No excavation shall be commenced without first obtaining a permit therefor. A written application for such permit shall be filed with the City and shall contain the following:
 - A. An exact description of the property, by lot and street number, in front of or along which it is desired to excavate;
 - B. A statement of the purpose, for whom and by whom the excavation is to be made;
 - C. The person responsible for the refilling of said excavation and restoration of the street or alley surface; and
 - D. Date of commencement of the work and estimated completion date.
2. Public Convenience. Streets and alleys shall be opened in the manner which will cause the least inconvenience to the public and admit the uninterrupted passage of water along the gutter on the street.
3. Barricades, Fencing and Lighting. Adequate barricades, fencing and warning lights meeting standards specified by the City shall be so placed as to protect the public from hazard. Any costs incurred by the City in providing or maintaining adequate barricades, fencing or warning lights shall be paid to the City by the permit holder/property owner.
4. Insurance Required. Each applicant shall also file a certificate of insurance indicating that the applicant is carrying public liability insurance in effect for the duration of the permit covering the applicant and all agents and employees for the following minimum amounts:
 - A. Bodily Injury - \$50,000.00 per person; \$100,000.00 per accident.
 - B. Property Damage - \$50,000.00 per accident.
5. Restoration of Public Property. Streets, sidewalks, alleys and other public property disturbed in the course of the work shall be restored to the condition of the property prior to the commencement of the work, or in a manner satisfactory to the City, at the expense of the permit holder/property owner.
6. Inspection. All work shall be subject to inspection by the City. Backfill shall not be deemed completed, nor resurfacing of any improved street or alley surface begun, until such backfill is inspected and approved by the City. The permit holder/property owner shall provide the City with notice at least twenty-four (24) hours prior to the time when inspection of backfill is desired.
7. Completion by the City. Should any excavation in any street or alley be discontinued or left open and unfinished for a period of twenty-four (24) hours after the approved completion date, or in the event the work is improperly done, the City has the right to finish or correct the excavation work and charge any expenses therefor to the permit holder/property owner.

8. Responsibility for Costs. All costs and expenses incident to the excavation shall be borne by the permit holder and/or property owner. The permit holder and owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by such excavation.

9. Notification. At least forty-eight (48) hours prior to the commencement of the excavation, excluding Saturdays, Sundays and legal holidays, the person performing the excavation shall contact the Statewide Notification Center and provide the center with the information required under Section 480.4 of the *Code of Iowa*.

10. Permit Issued. Upon approval of the application and filing of insurance certificate, a permit shall be issued. A separate permit shall be required for each excavation.

11. Permit Exemption. Utility companies are exempt from the permit application requirement of this section. They shall, however, comply with all other pertinent provisions.

135.10 MAINTENANCE OF PARKING OR TERRACE. It shall be the responsibility of the abutting property owner to maintain all property outside the lot and property lines and inside the curb lines upon the public streets, except that the abutting property owner shall not be required to remove diseased trees or dead wood on the publicly owned property or right-of-way. Maintenance includes timely mowing, trimming trees and shrubs and picking up litter.

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

135.11 FAILURE TO MAINTAIN PARKING OR TERRACE. If the abutting property owner does not perform an action required under the above section within a reasonable time, the City may perform the required action and assess the cost against the abutting property for collection in the same manner as a property tax.

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

135.12 DUMPING OF SNOW. It is unlawful for any person to throw, push, or place or cause to be thrown, pushed or placed, any ice or snow from private property, sidewalks, or driveways onto the traveled way of a street or alley so as to obstruct gutters, or impede the passage of vehicles upon the street or alley or to create a hazardous condition therein; except where, in the cleaning of commercial sidewalks or drives in the business district it is necessary to move the snow onto the street or alley, such accumulation shall be removed promptly by the property owner or agent and in accordance with Section 135.13.

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

135.13 BUSINESS DISTRICT COMMERCIAL SNOW REMOVAL. For purposes of assisting the City with an orderly street snow removal process and when predictions or occurrences indicate the need, the City Superintendent may authorize an owner or tenant to throw, push, or place or cause to be thrown, pushed or placed any ice or snow from commercial sidewalks or drives located in the business district onto the traveled way of a street or alley. The Superintendent may make such rules, not in conflict with this chapter, which may include required participation in a notification system and specified time by which the ice or snow must be thrown, pushed, or placed on said street or alley. Any violation of the rules established by the Superintendent shall constitute a municipal infraction and may be enforced under the procedures applicable to municipal infractions. For purposes of this section, "Business District" shall be defined as those commercial businesses located along: Main Street from 16th Street to 13th Street; along 14th Street from 15th Avenue to 17th Avenue; and along 17th Avenue from 14th Street to 16th Street.

135.14 DRIVEWAY CULVERTS. The property owner shall, at the owner's expense, install any culvert deemed necessary under any driveway or any other access to the owner's property, and before installing a culvert, permission must first be obtained from the City. In the event repairs are needed at any time with respect to culverts, it shall be the responsibility of the property owner to make such repairs, and, in the event the owner fails to do so, the City shall have the right to make the repairs. If the property owner fails to reimburse the City for the cost of said repairs, the cost shall be certified to the County Treasurer and specially assessed against the property as by law provided.

135.15 CURB AND GUTTER REMOVAL AND REPLACEMENT. No person shall remove or replace curb or gutter without first obtaining a permit from the City. All curb and gutter work must be completed in accordance with the curb and gutter removal and replacement policy on file at City Hall. The work must be inspected by the City, and if the work is improperly done, the City may finish or correct the work with the expense charged to the property owner. Such assessment shall be collected with and in the same manner as general property taxes.

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CHAPTER 136

SIDEWALK REGULATIONS

136.01 Purpose	136.11 Interference with Sidewalk Improvements
136.02 Definitions	136.12 Awnings
136.03 Removal of Snow, Ice and Accumulations	136.13 Encroaching Steps
136.04 Responsibility for Maintenance	136.14 Openings and Enclosures
136.05 City May Order Repairs	136.15 Fires or Fuel on Sidewalks
136.06 Sidewalk Construction Ordered	136.16 Defacing
136.07 Permit Required	136.17 Debris on Sidewalks
136.08 Sidewalk Standards	136.18 Merchandise Display
136.09 Barricades and Warning Lights	136.19 Sales Stands
136.10 Failure to Repair or Barricade	

136.01 PURPOSE. The purpose of this chapter is to enhance safe passage by citizens on sidewalks, to place the responsibility for the maintenance, repair, replacement or reconstruction of sidewalks upon the abutting property owner and to minimize the liability of the City.

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

1. "Broom finish" means a sidewalk finish that is made by sweeping the sidewalk when it is hardening.
2. "Defective sidewalk" means any public sidewalk exhibiting one or more of the following characteristics:
 - A. Vertical separations equal to three-fourths ($\frac{3}{4}$) inch or more.
 - B. Horizontal separations equal to one (1) inch or more.
 - C. Holes or depressions equal to three-fourths ($\frac{3}{4}$) inch or more and at least four (4) inches in diameter.
 - D. Spalling over fifty percent (50%) of a single square of the sidewalk with one or more depressions equal to one-half ($\frac{1}{2}$) inch or more.
 - E. Spalling over less than fifty percent (50%) of a single square of the sidewalk with one or more depressions equal to three-fourths ($\frac{3}{4}$) inch or more.
 - F. A single square of sidewalk cracked in such a manner that no part thereof has a piece greater than one square foot.
 - G. A sidewalk with any part thereof missing to the full depth.
 - H. A change from the design or construction grade equal to or greater than three-fourths ($\frac{3}{4}$) inch per foot.
3. "Established grade" means that grade established by the City for the particular area in which a sidewalk is to be constructed.
4. "One-course construction" means that the full thickness of the concrete is placed at one time, using the same mixture throughout.

5. “Owner” means the person owning the fee title to property abutting any sidewalk and includes any contract purchaser for purposes of notification required herein. For all other purposes, “owner” includes the lessee, if any.
6. “Portland cement” means any type of cement except bituminous cement.
7. “Sidewalk” means all permanent public walks in business, residential or suburban areas.
8. “Sidewalk improvements” means the construction, reconstruction, repair, replacement or removal, of a public sidewalk and/or the excavating, filling or depositing of material in the public right-of-way in connection therewith.
9. “Wood float finish” means a sidewalk finish that is made by smoothing the surface of the sidewalk with a wooden trowel.

136.03 REMOVAL OF SNOW, ICE AND ACCUMULATIONS. It is the responsibility of the abutting property owners to remove snow, ice and accumulations promptly from sidewalks. If a property owner does not remove snow, ice or accumulations within a reasonable time, the City may do so and assess the costs against the property owner for collection in the same manner as a property tax.

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

136.04 RESPONSIBILITY FOR MAINTENANCE. It is the responsibility of the abutting property owners to repair, replace or reconstruct, or cause to be 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.

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

136.05 CITY MAY ORDER REPAIRS. If the abutting property owner does not maintain sidewalks as required, the Council may serve notice on such owner, by certified mail, requiring the owner to repair, replace or reconstruct sidewalks within a reasonable time and if such action is not completed within the time stated in the notice, the Council may require the work to be done and assess the costs against the abutting property for collection in the same manner as a property tax.

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

136.06 SIDEWALK CONSTRUCTION ORDERED. The Council may order the construction of permanent sidewalks upon any street or court in the City and may specially assess the cost of such improvement to abutting property owners in accordance with the provisions of Chapter 384 of the *Code of Iowa*.

(Code of Iowa, Sec. 384.38)

136.07 PERMIT REQUIRED. No person shall remove, reconstruct or install a sidewalk unless such person has obtained a permit from the City and has agreed in writing that said removal, reconstruction or installation will comply with all ordinances and requirements of the City for such work.

136.08 SIDEWALK STANDARDS. Sidewalks repaired, replaced or constructed under the provisions of this chapter shall be of the following construction and meet the following standards:

1. Cement. Portland cement shall be the only cement used in the construction and repair of sidewalks.
2. Construction. Sidewalks shall be of one-course construction.
3. Sidewalk Base. Concrete may be placed directly on compact and well-drained soil. Where soil is not well drained, a three-inch sub-base of compact, clean, coarse gravel or sand shall be laid. The adequacy of the soil drainage is to be determined by the City.
4. Sidewalk Bed. The sidewalk bed shall be so graded that the constructed sidewalk will be at established grade.
5. Length, Width and Depth. Length, width and depth requirements are as follows:
 - A. Residential sidewalks shall be at least four (4) feet wide and four (4) inches thick, and each section shall be no more than four (4) feet in length.
 - B. Business District sidewalks shall extend from the property line to the curb. Each section shall be four (4) inches thick and no more than six (6) feet in length.
 - C. Driveway areas shall be not less than six (6) inches in thickness.
6. Location. Residential sidewalks shall be located with the inner edge (edge nearest the abutting private property) one foot outside the property line, unless the Council establishes a different distance due to special circumstances.
7. Grade. Curb tops shall be on level with the centerline of the street which shall be the established grade.
8. Elevations. The street edge of a sidewalk shall be at an elevation even with the curb at the curb or not less than one-half ($\frac{1}{2}$) inch above the curb for each foot between the curb and the sidewalk.
9. Slope. All sidewalks shall slope one-quarter ($\frac{1}{4}$) inch per foot toward the curb.
10. Finish. All sidewalks shall be finished with a "broom" or "wood float" finish.
11. Curb Ramps and Sloped Areas for Persons with Disabilities. If a street, road, or highway is newly built or reconstructed, a curb ramp or sloped area shall be constructed or installed at each intersection of the street, road, or highway with a sidewalk or path. If a sidewalk or path is newly built or reconstructed, a curb ramp or sloped area shall be constructed or installed at each intersection of the sidewalk or path with a street, highway, or road. Curb ramps and sloped areas that are required pursuant to this subsection shall be constructed or installed in compliance with applicable Federal requirements adopted in accordance with the Federal Americans with Disabilities Act, including (but not limited to) the guidelines issued by the Federal Architectural and Transportation Barriers Compliance Board.

(Code of Iowa, Sec. 216C.9)

136.09 BARRICADES AND WARNING LIGHTS. Whenever any material of any kind is deposited on any street, avenue, highway, passageway or alley when sidewalk improvements are being made or when any sidewalk is in a dangerous condition, it shall be the duty of all persons having an interest therein, either as the contractor or the owner, agent, or lessee of the property in front of or along which such material may be deposited, or such

dangerous condition exists, to put in conspicuous places at each end of such sidewalk and at each end of any pile of material deposited in the street, a sufficient number of approved warning lights or flares, and to keep them lighted during the entire night and to erect sufficient barricades both at night and in the daytime to secure the same. The party or parties using the street for any of the purposes specified in this chapter shall be liable for all injuries or damage to persons or property arising from any wrongful act or negligence of the party or parties, or their agents or employees or for any misuse of the privileges conferred by this chapter or of any failure to comply with provisions hereof.

136.10 FAILURE TO REPAIR OR BARRICADE. It is the duty of the owner of the property abutting the sidewalk, or the owner's contractor or agent, to notify the City immediately in the event of failure or inability to make necessary sidewalk improvements or to install or erect necessary barricades as required by this chapter.

136.11 INTERFERENCE WITH SIDEWALK IMPROVEMENTS. No person shall knowingly or willfully drive any vehicle upon any portion of any sidewalk or approach thereto while in the process of being improved or upon any portion of any completed sidewalk or approach thereto, or shall remove or destroy any part or all of any sidewalk or approach thereto, or shall remove, destroy, mar or deface any sidewalk at any time or destroy, mar, remove or deface any notice provided by this chapter.

136.12 AWNINGS. It is unlawful for a person to erect or maintain any awning over any sidewalk unless all parts of the awning are elevated at least eight (8) feet above the surface of the sidewalk and the roof or covering is made of duck, canvas or other suitable material supported by iron frames or brackets securely fastened to the building, without any posts or other device that will obstruct the sidewalk or hinder or interfere with the free passage of pedestrians.

136.13 ENCROACHING STEPS. It is unlawful for a person to erect or maintain any stairs or steps to any building upon any part of any sidewalk without permission by resolution of the Council.

136.14 OPENINGS AND ENCLOSURES. It is unlawful for a person to:

1. Stairs and Railings. Construct or build a stairway or passageway to any cellar or basement by occupying any part of the sidewalk, or to enclose any portion of a sidewalk with a railing without permission by resolution of the Council.
2. Openings. Keep open any cellar door, grating or cover to any vault on any sidewalk except while in actual use with adequate guards to protect the public.
3. Protect Openings. Neglect to properly protect or barricade all openings on or within six (6) feet of any sidewalk.

136.15 FIRES OR FUELS ON SIDEWALKS. It is unlawful for a person to make a fire of any kind on any sidewalk or to place or allow any fuel to remain upon any sidewalk.

136.16 DEFACING. It is unlawful for a person to scatter or place any paste, paint or writing on any sidewalk.

(Code of Iowa, Sec. 716.1)

136.17 DEBRIS ON SIDEWALKS. It is unlawful for a person to throw or deposit on any sidewalk any glass, nails, glass bottle, tacks, wire, cans, trash, garbage, rubbish, litter, offal, or any other debris, or any substance likely to injure any person, animal or vehicle.

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

136.18 MERCHANDISE DISPLAY. It is unlawful for a person to place upon or above any sidewalk, any goods or merchandise for sale or for display in such a manner as to interfere with the free and uninterrupted passage of pedestrians on the sidewalk; in no case shall more than three (3) feet of the sidewalk next to the building be occupied for such purposes.

136.19 SALES STANDS. It is unlawful for a person to erect or keep any vending machine or stand for the sale of fruit, vegetables or other substances or commodities on any sidewalk without first obtaining a written permit from the Council.

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CHAPTER 137

VACATION AND DISPOSAL OF STREETS

137.01 Power to Vacate

137.02 Planning and Zoning Commission

137.03 Notice of Vacation Hearing

137.04 Findings Required

137.05 Disposal of Vacated Streets or Alleys

137.06 Disposal by Gift Limited

137.01 POWER TO VACATE. When, in the judgment of the Council, it would be in the best interest of the City to vacate a street, alley, portion thereof or any public grounds, the Council may do so by ordinance in accordance with the provisions of this chapter or in accordance with the *Code of Iowa*.

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

137.02 PLANNING AND ZONING COMMISSION. Any proposal to vacate a street, alley, portion thereof or any public grounds shall be referred by the Council to the Planning and Zoning Commission for its study and recommendation prior to further consideration by the Council. The Commission shall submit a written report including recommendations to the Council within thirty (30) days after the date the proposed vacation is referred to the Commission.

(Code of Iowa, Sec. 392.1)

137.03 NOTICE OF VACATION HEARING. The Council shall cause to be published a notice of public hearing of the time at which the proposal to vacate shall be considered.

137.04 FINDINGS REQUIRED. No street, alley, portion thereof or any public grounds shall be vacated unless the Council finds that:

1. Public Use. The street, alley, portion thereof or any public ground proposed to be vacated is not needed for the use of the public, and therefore, its maintenance at public expense is no longer justified.
2. Abutting Property. The proposed vacation will not deny owners of property abutting on the street or alley reasonable access to their property.

137.05 DISPOSAL OF VACATED STREETS OR ALLEYS. When in the judgment of the Council it would be in the best interest of the City to dispose of a vacated street or alley, portion thereof or public ground, the Council may do so in accordance with the provisions of Section 364.7, *Code of Iowa*.

(Code of Iowa, Sec. 364.7)

137.06 DISPOSAL BY GIFT LIMITED. The City may not dispose of real property by gift except to a governmental body for a public purpose or to a fair.

(Code of Iowa, Sec. 174.15[2] & 364.7[3])

[illegible]

CHAPTER 138

STREET GRADES

138.01 Established Grades

138.02 Record Maintained

138.01 ESTABLISHED GRADES. The grades of all streets, alleys and sidewalks, which have been heretofore established by ordinance are hereby confirmed, ratified and established as official grades.

138.02 RECORD MAINTAINED. The Clerk shall maintain a record of all established grades and furnish information concerning such grades upon request.

EDITOR'S NOTE			
The following ordinances not codified herein, and specifically saved from repeal, have been adopted establishing street and/or sidewalk grades and remain in full force and effect.			
ORDINANCE NO.	ADOPTED	ORDINANCE NO.	ADOPTED
52	May 8, 1966		
55	April 25, 1966		
67	July 7, 1975		
218	August 4, 1986		
223	April 12, 1988		
235	April 15, 1991		
244	January 20, 1992		
285	June 15, 1998		
300	May 1, 2000		
307	May 14, 2001		
312	September 10, 2001		
336	April 7, 2003		
337	April 7, 2003		
338	April 7, 2003		
339	April 7, 2003		

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CHAPTER 139

NAMING OF STREETS

139.01 Naming New Streets
139.02 Changing Name of Street
139.03 Recording Street Names

139.04 Official Street Name Map
139.05 Revision of Street Name Map

139.01 NAMING NEW STREETS. New streets shall be assigned names in accordance with the following:

1. Extension of Existing Street. Streets added to the City that are natural extensions of existing streets shall be assigned the name of the existing street.
2. Resolution. All street names, except streets named as a part of a subdivision or platting procedure, shall be named by resolution.
3. Planning and Zoning Commission. Proposed street names shall be referred to the Planning and Zoning Commission for review and recommendation.

139.02 CHANGING NAME OF STREET. The Council may, by resolution, change the name of a street.

139.03 RECORDING STREET NAMES. Following official action naming or changing the name of a street, the Clerk shall file a copy thereof with the County Recorder, County Auditor and County Assessor.

(Code of Iowa, Sec. 354.26)

139.04 OFFICIAL STREET NAME MAP. Streets within the City are named as shown on the Official Street Name Map which is hereby adopted by reference and declared to be a part of this chapter. The Official Street Name Map shall be identified by the signature of the Mayor, and bearing the seal of the City under the following words: "This is to certify that this is the Official Street Name Map referred to in Section 139.04 of the Code of Ordinances of Rock Valley, Iowa."

139.05 REVISION OF STREET NAME MAP. If in accordance with the provisions of this chapter, changes are made in street names, such changes shall be entered on the Official Street Name Map promptly after the change has been approved by the Council with an entry on the Official Street Name Map as follows: "On (date), by official action of the City Council, the following changes were made in the Official Street Name Map: (brief description)," which entry shall be signed by the Mayor and attested by the Clerk.

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CHAPTER 145

DANGEROUS BUILDINGS

145.01 Enforcement Officer
145.02 General Definition of Unsafe
145.03 Unsafe Building
145.04 Right of Entry
145.05 Notice to Owner

145.06 Conduct of Hearing
145.07 Posting of Signs
145.08 Right to Demolish; Municipal Infraction
145.09 Costs

145.01 ENFORCEMENT OFFICER. The Zoning Administrator is responsible for the enforcement of this chapter.

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

(Code of Iowa, Sec. 657A.1 & 364.12[3a])

145.03 UNSAFE BUILDING. “Unsafe building” means any structure or mobile home meeting any or all of the following criteria:

1. Various Inadequacies. Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration, or decay; (ii) faulty construction; (iii) the removal, movement, or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay, or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.
2. Manifestly Unsafe. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
3. Inadequate Maintenance. Whenever a building or structure, used or intended to be used for dwelling purposes, because of dilapidation, decay, damage, faulty construction, or otherwise, is determined by any health officer to be unsanitary, unfit for human habitation or in such condition that it is likely to cause sickness or disease.
4. Fire Hazard. Whenever any building or structure, because of dilapidated condition, deterioration, damage, or other cause, is determined by the Fire Marshal or Fire Chief to be a fire hazard.
5. Abandoned. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

145.04 RIGHT OF ENTRY. When it is reported to the Enforcement Officer that any building or structure or portion thereof may be in violation of this chapter and it is necessary

for the Enforcement Officer to examine or cause to be examined the same to determine whether said building, structure or portion thereof is an unsafe building as defined in this chapter, any authorized official of the City may, upon presentation of proper identification, enter such building, structure or portion thereof at all reasonable times to examine the same, provided that, except in emergency situations, said Enforcement Officer shall first serve upon the owner a written notice at least 24 hours in advance of the authorized official's intention to examine. In the event the owner and/or occupant refuses entry, the official is empowered to seek assistance from any Court of competent jurisdiction or administrative power in obtaining such entry.

145.05 NOTICE TO OWNER. The enforcement officer shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged and, if such is found to be an unsafe building as defined in this chapter, the enforcement officer shall give to the owner of such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises, within forty-eight (48) hours or such reasonable time as the circumstances require, to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof, and all such work shall be completed within ninety (90) days from date of notice, unless otherwise stipulated by the enforcement officer. If necessary, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected and approved by the enforcement officer.

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

1. Notice Served. Such notice shall be served by sending by certified mail to the owner of record, according to Section 364.12[3h] of the *Code of Iowa*, if the owner is found within the City limits. If the owner is not found within the City limits such service may be made upon the owner by registered mail or certified mail. The designated period within which said owner or person in charge is required to comply with the order of the enforcement officer shall begin as of the date the owner receives such notice.
2. Hearing. Such notice shall also advise the owner that he or she may request a hearing before the Council on the notice by filing a written request for hearing within the time provided in the notice.

145.06 CONDUCT OF HEARING. If requested, the Council shall conduct a hearing in accordance with the following:

1. Notice. The owner shall be served with written notice specifying the date, time and place of hearing.
2. Owner's Rights. At the hearing, the owner may appear and show cause why the alleged nuisance shall not be abated.
3. Determination. The Council shall make and record findings of fact and may issue such order as it deems appropriate.[†]

[†] **EDITOR'S NOTE:** Suggested forms of notice and of a resolution and order of the Council for the administration of this chapter are provided in the APPENDIX to this Code of Ordinances. Caution is urged in the use of this procedure. We recommend you review the situation with your attorney before initiating procedures and follow his or her recommendation carefully.

145.07 POSTING OF SIGNS. The enforcement officer shall cause to be posted at each entrance to such building a notice to read: “DO NOT ENTER. UNSAFE TO OCCUPY. CITY OF ROCK VALLEY, IOWA.” Such notice shall remain posted until the required repairs, demolition, or removal are completed. Such notice shall not be removed without written permission of the enforcement officer and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.

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

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

145.09 COSTS. Costs incurred under Section 145.07 shall be paid out of the City treasury. Such costs shall be charged to the owner of the premises involved and levied as a special assessment against the land on which the building or structure is located, and shall be certified to the County Treasurer for collection in the manner provided for other taxes. In addition, the City may take any other action deemed appropriate to recover costs incurred.

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

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CHAPTER 146

MANUFACTURED AND MOBILE HOMES

146.01 Definitions

146.03 Foundation Requirements

146.02 Conversion to Real Property

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

(Code of Iowa, Sec. 435.1)

1. “Manufactured home” means a factory-built structure, built under the authority of 42 U.S.C. Sec. 5403, which was constructed on or after June 15, 1976, and is required by Federal law to display a seal from the United States Department of Housing and Urban Development.
2. “Manufactured home community” means any site, lot, field or tract of land under common ownership upon which ten or more occupied manufactured homes are harbored, either free of charge or for revenue purposes, and includes any building, structure or enclosure used or intended for use as part of the equipment of the manufactured home community.
3. “Mobile home” means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but also includes any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home means any such vehicle built before June 15, 1976, which was not built to a mandatory building code and which contains no State or Federal seals.
4. “Mobile home park” means any site, lot, field or tract of land upon which three (3) or more mobile homes or manufactured homes, or a combination of any of these homes, are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electrical services available.

The term “manufactured home community” or “mobile home park” is not to be construed to include manufactured or mobile homes, buildings, tents or other structures temporarily maintained by any individual, educational institution or company on their own premises and used exclusively to house their own labor or students. The manufactured home community or mobile home park shall meet the requirements of any zoning regulations that are in effect.

146.02 CONVERSION TO REAL PROPERTY. A mobile home or manufactured home which is located outside a manufactured home community or mobile home park shall be converted to real estate by being placed on a permanent foundation and shall be assessed for real estate taxes except in the following cases:

(Code of Iowa, Sec. 435.26 & Sec. 435.35)

1. Retailer’s Stock. Mobile homes or manufactured homes on private property as part of a retailer’s or a manufacturer’s stock not used as a place for human habitation.

2. Existing Homes. A taxable mobile home or manufactured home which is located outside of a manufactured home community or mobile home park as of January 1, 1995, shall be assessed and taxed as real estate, but is exempt from the permanent foundation requirement of this chapter until the home is relocated.

146.03 FOUNDATION REQUIREMENTS. A mobile home or manufactured home located outside of a manufactured home community or mobile home park shall be placed on a permanent frost-free foundation system which meets the support and anchorage requirements as recommended by the manufacturer or required by the *State Building Code*. The foundation system must be visually compatible with permanent foundation systems of surrounding residential structures. Any such home shall be installed in accordance with the requirements of the *State Building Code*.

(Code of Iowa, Sec. 103A.10 & 414.28)

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CHAPTER 147

USE OF PUBLIC PROPERTY AND RIGHTS-OF-WAY

147.01 Purpose and Rule of Interpretation	147.10 Design Notice to City
147.02 Franchise, License or Lease Required	147.11 Above-Ground Cables, Wires, Conduits and Poles
147.03 Fees Required	147.12 Assignment
147.04 Limit on Term	147.13 Forfeiture
147.05 Placement of Facilities	147.14 Application
147.06 Indemnification and Insurance	147.15 Removal of Material; Bond Required
147.07 Regulation by the City	147.16 Home Rule
147.08 Construction and Excavation by Holders	147.17 New Technologies
147.09 City Construction and Paving	

147.01 PURPOSE AND RULE OF INTERPRETATION. The purpose of this chapter is to establish uniform rules and controls to ensure public safety and provide efficient delivery of services by the City and others wishing to utilize streets and other public property for the delivery of utility or other services, in order to protect public and private investment, ensure orderly use of public property and ensure the health, safety and welfare of the population, to provide for the regulation and administration of the public streets and other public property and secure the rights of the City to a return on its investment in public property or to recover the management costs incurred by the City. This chapter is to be interpreted in light of these findings for the benefit of the public and users of the streets and other public property.

147.02 FRANCHISE, LICENSE OR LEASE REQUIRED. No person or other entity shall use the public right-of-way or other public property without first obtaining a license and lease from the City. An application for a license and lease shall be filed with the City Manager on a form provided by the City and shall include at a minimum the following information: the name, address, and telephone number of a person whom the City may notify or contact at any time concerning the license or lease; an engineering site plan showing the proposed location of the facilities including any manholes, the size, type and proposed depth of any conduit or other enclosures; and any additional information the City may require. All license and leases required by this section need to be granted by the Council.

(Ord. 486-19 – Mar. 20 Supp.)

147.03 FEES REQUIRED. No franchise, license or lease for the use of public right-of-way or other public property shall be granted without requiring the grantee thereof to pay fees as follows:

1. **License Charge.** A license charge will be assessed on all licenses for space in the right-of-way. This license charge is a one-time charge for the term of the license or lease. Payment is expected when the license or lease is signed; however, a payment schedule may be entered into between the City and the licensee. If the license is renewed, a new license charge will be assessed. The fee is based on administrative and development costs associated with the processing and issuance of licenses and is established at \$500.00.

2. **Lease Charge.** All new and renewed leases shall be assessed an annual charge of five percent (5%) of the gross receipts of customers within the City limits as allowed by law. This charge reflects the actual costs the City incurs with acquiring and maintain the City's right-of-ways.

3. **Management Charge.** An annual right-of-way management charge will be assessed on July 1 of each year that the license or lease is in force unless the above lease charge is applied. The charge is based on the number of linear feet of right-of-way occupancy within the City right-of-way, and reflects the actual management cost the City incurs while managing, mapping, locating, and subdividing the right-of-way. The fee is established at \$0.25 per linear foot.

4. **Degradation Charge.** In addition to the license, lease charge, and annual management charge, any person or other entity shall pay a charge every time such person's facility requires excavation in the right-of-way/street. All street and sidewalk crossings will be bored unless open excavation is authorized by the City representative. However, if excavation of streets/sidewalks is necessary and approved, this charge will cover costs for street and sidewalk degradation and future replacement, inspection, and obstruction and routing of pedestrian and vehicle traffic. The charge is established at twenty-five dollars (\$25.00) per square yard. Streets/sidewalks are to be replaced initially at the expense of the entity and approved by the City representative. All or part of this charge may be waived if work is done in conjunction with City construction.

(Section 147.03 – Ord. 487-19 – Mar. 20 Supp.)

147.04 LIMIT ON TERM. No franchise, license or lease for use of the public right-of-way or other public property shall be granted for a term of more than twenty-five (25) years.

147.05 PLACEMENT OF FACILITIES. The facilities, fixtures and equipment of the distribution, transmission or sale of any utility services, or services provided under franchise, license or lease, shall be placed and maintained so as not to unnecessarily or unreasonably interfere with the travel on the streets, highways, avenues, alleys, bridges and public places in the City, nor shall such facilities, fixtures and equipment interfere with the proper use of the same, including, but not limited to, ordinary drainage, or the functioning of the sewers, underground pipe or other property of the City. In the event that facilities, fixtures and equipment of any person or other entity located within a public right-of-way must be relocated because of paving, road construction or road reconstruction, sewer construction or sewer reconstruction or the construction or reconstruction of public drainage systems or similar public works or the construction or reconstruction of the facilities of any City-owned utility, such relocation, at the written request of the City, shall be completed by the owner of such facilities at the owner's cost. The City shall upon request of any person or other entity holding a franchise, license or lease, review any plans for the construction of facilities, fixtures and equipment within the public right-of-way and advise the person or other entity of any conflict such construction may have with planned or anticipated public improvements, but failure of the City to so advise such person or other entity will not relieve the owner of such facilities of its obligations under this chapter. Notwithstanding the foregoing, the Council may require placement of equipment or facilities belonging to any holder of a franchise, license or lease be limited to locations designated by the Council if such limitation is deemed by the Council to be necessary to protect the integrity of use of present and future users of the public right-of-way or other public property.

147.06 INDEMNIFICATION AND INSURANCE. The holder of any franchise, license or lease shall indemnify and hold the City harmless at all times during the term of the franchise, license or lease from and against all claims for injury or damage to any person or property, including payments under worker's compensation laws, caused by the construction, erection, operation or maintenance of its facilities, fixtures or equipment, or the negligence of

its contractors or its employees. In case of any suit or action at law being commenced against the City, upon any claim for damage arising out of any loss, injury or damage claimed to have been caused by any installation, improvement, obstruction or excavation made or left in, under or upon such street, sidewalk, alley or public place by the holder of a franchise, license or lease, its agents, contractors or employees, upon being notified in writing by the City of such action or proceeding, the holder of said franchise, license or lease shall appear and make proper defense thereto at the expense of the holder of the franchise, license or lease; and if any judgment or decree shall in any such case be rendered against the City therein, the holder of said franchise, license or lease shall assume, pay and satisfy such judgment or decree, with the cost thereof. Immediately upon issuance of the franchise, license or lease, the holder of the franchise, license or lease shall purchase general liability insurance. The amount of insurance shall be a minimum of \$1,000,000 with a maximum deductible of \$5,000. The holder of the franchise, license or lease shall file with the Clerk a certificate of insurance which clearly discloses on its face coverage in conformity with these requirements. Upon request of the City, the holder of the franchise, license or lease shall submit a certified copy of the policy. In lieu of such insurance, the holder of the franchise, license or lease may provide proof of self-insurance which the City may deem to be an acceptable alternative.

147.07 REGULATION BY THE CITY. The City reserves the right to make reasonable general regulations for the use of streets and other public property which unless otherwise specifically provided shall apply to any holder of a franchise, license or lease.

147.08 CONSTRUCTION AND EXCAVATION BY HOLDERS. Authorization or a written permit shall be obtained from the City representative whenever it becomes necessary for the holder of any license or lease to excavate in streets, right-of-way, or public grounds of the City. The City's requirement is to bore all streets and sidewalks unless deemed impractical by the City Manager. Such permits shall state a particular part or point of the street where the excavation is to be made and the length of time in which such permit shall authorize the work to be done. All work shall be done according to City specifications. An exception to a requirement for a permit shall be made in cases of emergency involving public safety, in which case a permit will be obtained at the earliest opportunity after the work has started. In making excavations in the streets, right-of-way, or public grounds, the holder of a license or lease shall properly protect, according to safety standards generally accepted at the time of placement, as may be determined from time to time by the City representative, all excavations and obstructions by proper placement of shoring, surface plates, barricades, warning lights, and such other or additional devices as circumstances may warrant. If in the opinion of the City representative such excavation or obstruction is not properly and safely protected, the City representative shall notify such holder of a license or lease, who shall immediately comply with such reasonable instructions. Immediately after use, any trenches for excavations which the holder of a license or lease has opened shall be filled. However, no trench or excavation in the streets, right-of-way, or public grounds shall be filled or covered without giving the City the right and opportunity to inspect the same. If excavation is in a grassed area, sod replacement will be required unless seeding is acceptable as determined by the City representative. All backfilling in streets/sidewalks will be according to City specifications of at least ninety-five percent (95%) compaction. Temporary street surfacing will be placed in such excavations as soon as the same has been backfilled. Pavements, sidewalks, curbs and gutters, or other portions of streets and rights-of-way or public places opened, disturbed or damaged shall be promptly restored by saw cutting the edges of the existing surface and replaced with like materials at the expense of the holder of the license or lease and left in as good condition or better than before the opening, disturbance or damage occurred. In the event like replacement materials are not available, the holder of the license or

lease shall notify the City representative, who must approve the use of any alternate materials. In the event that the holder of a license or lease fails to comply with the provisions of this section, after having been given reasonable notice, the City may do such works as may be needed to properly repair such pavements, sidewalks, curbs and gutters or other portions of streets and public places and the cost thereof shall be repaid to the City by the holder of the license or lease. In cases where a cut or disturbance is made in a section of street paving or sidewalks, but causes greater disturbance than to just the area cut, rather than replace only the area cut, the holder of a license or lease shall replace that area as may be ordered by the City representative, which in no event shall exceed the panel or panels disturbed.

(Ord. 488-19 – Mar. 20 Supp.)

147.09 CITY CONSTRUCTION AND PAVING. Whenever the City shall pave or repave any street or shall change the grade line of any street or public place or shall construct or reconstruct any conduit, water main service or water connection, sewer or other City-owned public works or City-owned utility, it shall be the duty of the holder of any franchise, license or lease, when so ordered by the City, to relocate its service lines and other property in the streets or other public places at its own expense so as to conform to the established grade or line of such street or public place and so as not to interfere with the public improvements so constructed or reconstructed. In the case of other public improvements, including but not limited to urban renewal projects, the City may require the holder of a franchise, license or lease to relocate its poles, service lines and appurtenances in the streets at the owner's expense. The City may at its discretion assign personnel for inspection of excavation and related work being performed by the holder of a franchise, license or lease. Should the holder of the franchise, license or lease fail or refuse to do and perform the things provided in this section, the City may, after reasonable notice, perform the work and charge the expense thereof to the holder of the franchise, license or lease and the holder of the franchise, license or lease shall promptly pay said charges.

147.10 DESIGN NOTICE TO CITY. The holder of a franchise, license or lease shall promptly, upon request, furnish the Council a detailed map or maps of its distribution system both within the City limits and the area within two miles surrounding the City. The holder of a franchise, license or lease shall thereafter update the map or maps at least annually or upon request, showing all subsequent additions or deletions to the distribution system. Prior to any excavation by the City or its agents, a representative must contact the holder of any franchise, license or lease regarding current information on the location of underground lines or facilities in the area concerned. The obligation to contact the holder of a franchise, license or lease under this section shall be satisfied if contact is made with the corporation organized pursuant to Chapter 480 of the *Code of Iowa* or an entity with a similar function utilized by both the City and the Company.

147.11 ABOVE-GROUND CABLES, WIRES, CONDUITS AND POLES. All new cables, wires, and conduits shall be placed underground except where above-ground connection to buildings or other locations above ground are reasonably necessary. Such above-ground connection shall be by means of poles located, as far as reasonably practical, within alleys. No such poles shall be installed or erected until the Council has approved the proposed location, construction and pole heights. The replacement or upgrading of existing cables, wires and conduits need not be placed under ground unless necessary for the public health, welfare and safety.

147.12 ASSIGNMENT. No sale or assignment of any franchise, license or lease of the use of the public right-of-way or other public property shall be effective until it is approved by the

Council and until the holder thereof has filed in the office of the Clerk written notice of the proposed sale, transfer, disposition or assignment, such notice to clearly summarize the proposed procedure and the terms and conditions thereof. If the City determines it needs additional information, the holder of the franchise, license or lease shall be required to provide the information. The City shall be reimbursed by the holder of the franchise, license or lease for its reasonable costs incurred in reviewing all matters relating to the sale or assignment, including the reasonable costs for consultants or technical experts. Such approval by the City shall not be unreasonably withheld. The proposed vendee, assignee or lessee shall similarly file an instrument, duly executed, reciting such proposal, accepting the terms of the franchise, license or lease and agreeing to perform all of the conditions thereof.

147.13 FORFEITURE. The violation of any material portion of a franchise, license or lease by the holder thereof or its successors or assigns or its failure promptly to perform any of the provisions of this chapter shall be cause for forfeiture of said franchise, license or lease and the termination of all rights thereunder. Such forfeiture shall be accomplished by ordinance of the City after written notice to the holder thereof and a continuation of the violation, failure or default specified on the notice for at least thirty (30) days from the date the notice was served.

147.14 APPLICATION. This chapter shall apply to all franchises, licenses or leases and easements granted by the City, including all existing franchises, licenses or leases and easements.

147.15 REMOVAL OF MATERIAL; BOND REQUIRED. The holder of any franchise, license or lease, at the termination of the franchise, license or lease, shall remove from the public property or public right-of-way whatever was placed in the right-of-way and shall restore the property to a condition reasonably comparable to the condition it was in prior to the right-of-way being used. Before a franchise, license or lease is issued to any person, a bond shall be obtained to insure that the holder of the franchise, license or lease shall be responsible for removing whatever was placed in the public property or right-of-way and to further insure that the public property or right-of-way shall be restored to a condition reasonably comparable to the condition it was in prior to the right-of-way being used. The amount of the bond to be secured shall be determined by the City and shall be dependent upon the amount of cable, wire or other material that is being placed in the right-of-way and the estimated cost it would take to remove the material and restore the property at the expiration of the franchise, license or lease. In lieu of such bond, the holder of a franchise, license or lease may provide proof of self-insurance which the City may deem to be an acceptable alternative.

147.16 HOME RULE. This chapter is intended to be and shall be construed as consistent with the reservation of local authority contained in the 25th Amendment to the Iowa Constitution granting cities Home Rule powers. To such end, any limitation on the power of the City contained herein is to be strictly construed and the City reserves to itself the right to exercise all power and authority to regulate and control its local affairs and all ordinances and regulations of the City shall be enforceable against the holder of any franchise, license or lease.

147.17 NEW TECHNOLOGIES. Should, within the term of any franchise, license or lease, developments within the field for which the grant was made offer to the holder thereof the opportunity to effectively, efficiently and economically serve its customers through use of a substance or material other than those for which the grant was originally made, then the holder of the franchise, license or lease may petition the Council, which, with such

requirements or limitation as it deems necessary to protect public health, safety and welfare, may allow the use of such substances under the terms and conditions of the franchise, license or lease.

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CHAPTER 148

PUBLIC WATER SUPPLY WELLHEAD PROTECTION

148.01 Definitions	148.07 Exceptions
148.02 Substances Regulated	148.08 Determination of Locations Within Zones
148.03 Maps of Zones of Protection	148.09 Enforcement and Penalties
148.04 Restrictions Within the Primary Protection Zone	148.10 Inspections
148.05 Restrictions Within the Secondary Protection Zone	148.11 Notice of Violation and Hearing
148.06 Restrictions Within the Zone of Sensitivity	148.12 Injunctive Relief

148.01 DEFINITIONS.

1. “Alluvium” means sand, clay, etc., gradually deposited by moving water.
2. “Aquifer” means a rock formation, group of rock formations or part of a rock formation that contains enough saturated permeable material to yield significant quantities of water.
3. “Contamination” means the presence of any harmful or deleterious substances in the water supply.
4. “Flow system boundaries” means a delineation criterion that uses groundwater divides, surface water bodies or other hydrologic/physical features to delineate a Wellhead Protection Area.
5. “Groundwater” means subsurface water in the saturated zone from which wells, springs and groundwater runoff are supplied.
6. “Hazardous substances” means those materials specified in Section 148.02 of this chapter.
7. “Labeled quantities” means the maximum quantity of chemical as recommended on the label, for specific applications.
8. “Petroleum product” means fuels (gasoline, diesel fuel, kerosene and mixtures of those products), lubricating oils, motor oils, hydraulic fluids and other similar products.
9. “Pollution” means the presence of any substance (organic, inorganic, radiological or biological) or condition (temperature, pH, turbidity) in water that tends to degrade the usefulness of the water.
10. “Potable water” means water that is satisfactory for drinking, culinary and domestic purposes, meeting current drinking water standards.
11. “Primary containment” means the first level of product-tight containment, i.e., the inside portion of that container which comes into immediate contact on its inner surface with the hazardous material being contained.
12. “Public utility” means any utility (gas, water, sewer, electrical, telephone, cable television, etc.) whether publicly owned or privately owned.
13. “Secondary containment” means the level of product-tight containment external to and separate from the primary containment. Secondary containment shall consist of leak-proof trays under containers, floor curbing or other containment

systems and shall be of adequate size and design to handle all spills, leaks, overflows and precipitation until appropriate action can be taken. The specific design and selection of materials shall be sufficient to preclude any substance loss. Containment systems shall be sheltered so that the intrusion of precipitation is effectively prevented.

14. “Shallow well” means a well located and constructed in such a manner that there is not a continuous five-foot layer of low permeability soil or rock between the aquifer from which the water supply is drawn and a point twenty-five (25) feet below the normal ground surface.

15. “Toxic substance” means any substance that has the capacity to produce personal injury or illness to humans through ingestion, inhalation or absorption into the body.

16. “Transit” means the act or process of passing through the Wellhead Protection Zones, where the vehicle in transit may be parked (within the Wellhead Protection Area) for a period not to exceed two hours.

17. “Water pollution” means the introduction in any surface or underground water of any organic or inorganic deleterious substance in such quantities, proportions and accumulations that are injurious to human, plant, animal, fish and other aquatic life or property or that unreasonably interfere with the comfortable enjoyment of life or property or the conduct of business.

18. “Well” means a pit or hole sunk into the earth to reach a resource supply such as water.

19. “Well field” means a tract of land that contains a number of wells for supplying water.

20. “Wellhead Protection Zones” means zones delineated by flow-boundary and fixed radii criterion around wellheads, within which toxic substances will be regulated to protect the quality of the underground resource.

21. “Zone of contribution” means the area surrounding a pumping well that encompasses all areas or features that supply a groundwater recharge to the well.

148.02 SUBSTANCES REGULATED. The materials regulated by this chapter are the following:

1. Substances listed in 40 CFR Section 302.4, List of Hazardous Substances and Reportable Quantities.
2. Substances listed by the Iowa Labor Commissioner pursuant to Chapter 89B of the *Code of Iowa (Hazardous Chemicals Risks - Right to Know)*.
3. Substances listed in 40 CFR Section 261, subparts A, B, C and D, Federal Hazardous Waste List.

148.03 MAPS OF ZONES OF PROTECTION.

1. Maps. Zones of Protection maps and any amendments thereto are incorporated by reference and made a part of this chapter. These maps are on file at City Hall. The location of all wells in the City supplying potable water to the City Water System are shown on the official Wellhead Protection Map with Primary Zone, Secondary Zone and Zone of Sensitivity indicated.

2. Map Maintenance. The Zones of Protection maps may be updated on an annual basis. The reasons for such an update may include, but are not limited to, the following:
 - A. Changes in the technical knowledge concerning the aquifer;
 - B. Changes in permitted pumping capacity of City wells;
 - C. Addition of wells or elimination of existing wells;
 - D. Designation of new well fields.
3. Wellhead Protection Zones. The zones of protection indicated on the Zones of Protection maps are as follows:
 - A. Primary Protection Zone – an area extending 250 feet radially from any well supplying potable water to the City Water System, except where the zone boundary follows a flow system boundary to the zone of contribution.
 - B. Secondary Protection Zone – an area extending between 250 and 1,000 feet radially from any well supplying potable water to the City Water System, except where the zone boundary follows a flow system boundary to the zone of contribution.
 - C. Zone of Sensitivity – an area extending between 1,000 feet and 2,640 feet radially from any well supplying potable water to the City Water System, except where the zone boundary follows a flow system boundary to the zone of contribution.

148.04 RESTRICTIONS WITHIN THE PRIMARY PROTECTION ZONE.

1. Permitted Uses. The following uses are permitted uses within the Primary Protection Zone. Uses not listed are to be considered prohibited uses.
 - A. Parks, provided there are no on-site waste disposal or fuel storage tank facilities associated with this use, and the Iowa Department of Natural Resources *Separation Distances from Wells* for sources of contamination is complied with.
 - B. Playgrounds.
 - C. Wildlife areas; open spaces.
 - D. Lawns and gardens.
 - E. Nonmotorized trails, such as biking, skiing, nature and fitness trails.
2. Prohibited Uses. Additional restrictions are as follows:
 - A. No person shall discharge or cause or permit the discharge of a hazardous substance (including herbicide and pesticide application) to the soils, groundwater or surface water within the Primary Protection Zone. Any person knowing or having evidence of a discharge shall report such information to the Wellhead Protection Officer.
 - B. Any person responsible for discharging or causing or permitting such discharge of hazardous substances will be financially responsible for all environmental cleanup costs, and may be subject penalties provided for a violation of this Code of Ordinances.

148.05 RESTRICTIONS WITHIN THE SECONDARY PROTECTION ZONE.

1. Permitted Uses. The following uses are permitted in the Secondary Protection Zone. Uses not listed are to be considered prohibited.
 - A. All uses listed as permitted in the Primary Protection Zone.
 - B. Sewered residential, commercial uses.
 - C. Above-ground storage tanks of 660 gallons or less.
 - D. Basement storage tanks.
 - E. Livestock grazing and field cropping activities.
2. Prohibited Uses. Additional restrictions are as follows:
 - A. No person shall discharge or cause or permit the discharge of a hazardous substance to the soils, ground water, or surface water within the Secondary Protection Zone. Any person knowing or having evidence of a discharge shall report such information to the Wellhead Protection Officer.
 - B. Any person responsible for discharging or causing or permitting such discharge of hazardous substances will be financially responsible for all environmental cleanup costs, and may be subject to penalties provided for a violation of this Code of Ordinances.
 - C. Any person who stores, handles, produces or uses chemicals within the Secondary Protection Zone shall provide the relevant MSDS sheets to the Wellhead Protection Officer regardless of said person's status under Section 148.07 of this chapter.
 - D. No person shall apply herbicides or pesticides in any form to the soils, groundwater or surface water within the Secondary Protection Zone without first obtaining a permit to do so from the Council as under Section 148.07(4).

148.06 RESTRICTIONS WITHIN THE ZONE OF SENSITIVITY.

1. Permitted Uses. The following uses are permitted in the Zone of Sensitivity. Uses not listed are to be considered prohibited.
 - A. All uses listed as permitted in the Primary Protection Zone.
 - B. All uses listed as permitted in the Secondary Protection Zone.
 - C. All uses, handling and storage, when in compliance with and allowed by Federal, State and local laws and regulations.
2. Prohibited Uses. Additional restrictions are as follows:
 - A. No person shall discharge or cause or permit the discharge of a hazardous substance, in excess of labeled quantities, to the soils, ground water, or surface water within the Zone of Sensitivity. Any person knowing or having evidence of a discharge shall report such information to the Wellhead Protection Officer.
 - B. Any person responsible for discharging or causing or permitting such discharge of hazardous substances will be financially responsible for all environmental cleanup costs, and may be subject to penalties provided for a violation of this Code of Ordinances.

148.07 EXCEPTIONS.

1. The following activities or uses are exempt from the provisions of this chapter:

A. The transportation of any hazardous substance through the wellhead protection zones, provided the transporting vehicle is in transit.

B. Silviculture uses and mosquito control spraying providing that said uses comply with the Iowa Commercial and Public Pesticide Applicators and Dealers Licensing through the Iowa Department of Agriculture. The use and storage of herbicides and pesticides for silviculture uses are prohibited within the Primary Protection Zone but are allowed within the Secondary Protection Zone.

C. The use of any hazardous substance solely as fuel in a vehicle fuel tank or as lubricant in a vehicle.

D. Fire, police, emergency medical services, emergency management center facilities or public utility transmission facilities.

E. Retail sales establishments that store and handle hazardous substances for resale in their original unopened containers, only in the Secondary Protection Zone and the Zone of Sensitivity.

F. Consumer products located in the home which are used for personal, family or household purposes, only in the Secondary Protection Zone and the Zone of Sensitivity.

G. The storage and use of hazardous substances as a fuel or lubricant to provide auxiliary power for emergency use to the well field, provided an enclosed secondary containment system is provided for the hazardous substance.

H. The use of water treatment chemicals connected with the operation of the well.

2. The use of structures or facilities existing at the time of the adoption of the ordinance codified by this chapter may be continued even though such use may not conform with the regulations of this chapter. However, such structures or facilities may not be enlarged, extended, reconstructed or substituted subsequent to adoption of said ordinance unless an exemption is granted by the Council.

3. Any person who engages in nonresidential activities relating to the storage, handling, use and/or production of any toxic or hazardous substances who is exempt from this chapter by law shall not be subject to the restrictions contained herein.

4. All requests for permits or special exceptions in the Wellhead Protection Zones must be made in writing to the Council, must include MSDS sheets for all chemicals to be stored, handled, used or produced under the permit or special exception, and may be required to include an environmental assessment report at the discretion of the Council. Any exemptions or permits granted will be made conditional and may include environmental monitoring and cleanup costs. The exemption or permit will be made void if environmental and/or safety monitoring indicates that the facility or activity is emitting any releases of harmful contaminants to the surrounding environment. The facility will be held financially responsible for all environmental cleanup costs. Any permits granted for the application of the

herbicides or pesticides within the Secondary Protection Zone will be valid for one application only.

148.08 DETERMINATION OF LOCATIONS WITHIN ZONES. In determining the location of properties within the zones depicted on the Zones of Protection Maps, the following rules shall apply:

1. Properties located wholly within one zone reflected on the applicable Zone of Protection Map shall be governed by the restrictions applicable to that zone.
2. For properties having parts lying within more than one zone as reflected on the applicable Zone of Protection Map, each part shall be governed by the restrictions applicable to the zone in which it is located.

148.09 ENFORCEMENT AND PENALTIES.

1. The Water Superintendent is designated as the Wellhead Protection Officer unless another person is specifically designated by the Council to supervise the implementation and enforcement of this chapter.
2. The Wellhead Protection Inspector shall be designated by the Council.
3. No building permit shall be issued which is a violation of the Iowa Department of Natural Resources *Separation Distances from Wells*, a violation of this chapter or a source of contamination for a City well.
4. No new underground tanks will be allowed for auxiliary fuel storage in the Primary or Secondary Zones.
5. Any person who fails to comply with the provisions of this chapter shall be subject to provisions and penalties provided for a violation of this Code of Ordinances.

148.10 INSPECTIONS.

1. The Wellhead Protection Inspector shall have the power and authority to enter and inspect all buildings, structures and land within Wellhead Protection Zones for the purpose of making an inspection. Failure of a person having common authority over a property to permit an inspection shall be sufficient grounds and probable cause for a court of competent jurisdiction to issue a search warrant to the Protection Officer or Inspector to inspect such premises.
2. In the event a building or structure appears to be vacant or abandoned, and the owner cannot be readily contacted in order to obtain consent for an inspection, the officer or inspector may enter into or upon any open unsecured portion of the premises in order to conduct an inspection thereof.
3. The Wellhead Protection Officer or Inspector may inspect each City well annually and shall maintain an inventory, if applicable, of all hazardous substances which exist within the Primary and Secondary Protection Zones. One format that may be used is Iowa DNR Form OMB No. 2050-0072. MSDS sheets on these chemicals will be made available to the Inspector as under 148.05(2)(C). An emergency plan shall be prepared and filed with the County Emergency Management Agency indicating the procedures which will be followed in the event of spillage of a regulated substance so as to control and collect all such spilled materials.

148.11 NOTICE OF VIOLATION AND HEARING. Whenever an officer or an inspector determines that there is a violation of this chapter, said officer shall give notice thereof, and such notice of violation shall:

1. Be in writing;
2. Be dated and signed by the officer or inspector;
3. Specify the violation or violations; and
4. State that said violations shall be corrected within ten (10) days of the date on which the inspector issued the notice of violation.

148.12 INJUNCTIVE RELIEF. If any person who engages in nonresidential activities stores, handles, uses and/or produces toxic substances within the Wellhead Protection Zones, as indicated on the Zones of Protection Maps, continues to operate in violation of the provisions of this chapter, then the City may file an action for injunctive relief in the court of jurisdiction.

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CHAPTER 149

CONTROL OF STORM WATER DRAINAGE

149.01 Purpose

149.02 Three Levels of Surface Drainage Requirements

149.03 Acceptable Temporary Detention

149.04 When a Detention Variance Is Granted

149.05 Building Construction

149.01 PURPOSE. The purpose of this chapter is to set requirements for the control of storm water drainage in connection with the construction of impervious surface area such as hard surface parking, driveways, building roofs, etc. It must be recognized that the flow of surface water is greatly increased with the construction of impervious surface area as compared to the original vegetation ground cover. It must also be recognized that underground storm sewer drainage is normally designed at a capacity level of two inches per hour. When rainfall events exceed storm sewer capacity, swales or other surface grade provisions must be made around buildings to accommodate excess runoff. This is imperative for lots that are located in a natural water course.

149.02 THREE LEVELS OF SURFACE DRAINAGE REQUIREMENTS. There are three levels of surface drainage requirements listed hereafter. The applicable level is based upon the square feet of impervious surface on a contiguous site (not separated by public right-of-way). The impervious surface area is the square footage of the proposed improvement or combination of existing and proposed impervious surface area on the site. Credit will be allowed if an existing impervious surface area is replaced with another surface within one year. The replaced square footage will be deducted from the total square footage of the new impervious area.

1. Level 1: 0 – 7,000 square feet of impervious surface area. Storm water runoff to be reduced by using reasonably acceptable measures.
2. Level 2: 7,001 – 30,000 square feet impervious surface area. Allowable runoff from the site shall be equal to that of a rainfall intensity of two inches per hour for residential development. When the calculated allowable runoff is exceeded, storm water detention must be designed with a minimum capacity of 50% of the difference between the allowable runoff and a 100-year rainfall event. Also, the site plan must clearly describe where storm water that is not detained will flow off the site. A partial or full variance may be granted, with conditions, by the City only if detention is determined to be unnecessary or impractical.
3. Level 3: Above 30,000 square feet impervious surface area. Allowable runoff from the site shall be equal to that of a rainfall intensity of two inches per hour for residential development. When the calculated allowable runoff is exceeded, storm water detention must be designed with a minimum capacity of 100% of the difference between the allowable runoff and a 100-year rainfall event. Also, the site plan must clearly describe where storm water that is not detained will flow off the site. A partial or full variance may be granted, with conditions, by the City only if detention is determined to be unnecessary or impractical. Calculations must be certified by a professional engineer licensed in the State of Iowa and familiar with storm water detention calculations.

149.03 ACCEPTABLE TEMPORARY DETENTION. Acceptable temporary detention may include but is not limited to: on- or off-site detention, on- or off-site absorption areas, joint detention for multiple properties, and provisions made for entire subdivisions.

149.04 WHEN A DETENTION VARIANCE IS GRANTED. When a partial or full detention variance is granted, a fee shall be applied to compensate the City for its costs of making drainage improvements related to the additional surface runoff. The fee calculation shall be six dollars (\$6.00) per cubic foot of storm water detention excused by the variance. The fee shall be paid upon completion of construction.

149.05 BUILDING CONSTRUCTION. When building construction takes place on property located in or near a natural surface water drainage area or swale, provisions must be made for excess surface water flows. Any building placed in such an area must be constructed with adjoining grade at least 6" above the elevation of any downstream surface constraint. In addition, adequate swale provisions must be constructed on the property to allow excess runoff water to flow around the building without blocking or unreasonably restricting surface flows in the natural drainage area.

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CHAPTER 150

BUILDING NUMBERING

150.01 Definitions

150.02 Owner Requirements

150.03 Building Numbering Plan

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

1. “Owner” means the owner of the principal building.
2. “Principal building” means the main building on any lot or subdivision thereof.

150.02 OWNER REQUIREMENTS. Every owner shall comply with the following numbering requirements:

1. Obtain Building Number. The owner shall obtain the assigned number to the principal building from the Clerk.

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

2. Display Building Number. The owner shall place or cause to be installed and maintained on the principal building the assigned number in a conspicuous place to the street in figures not less than two and one-half (2½) inches in height and of a contrasting color with their background.

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

3. Failure to Comply. If an owner refuses to number a building as herein provided, or fails to do so for a period of thirty (30) days after being notified in writing by the City to do so, the City may proceed to place the assigned number on the principal building and assess the costs against the property for collection in the same manner as a property tax.

(Code of Iowa, Sec. 364.12[3h])

150.03 BUILDING NUMBERING PLAN. Building numbers shall be assigned in accordance with the building numbering plan on file in the office of the Clerk.

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CHAPTER 151

TREES

151.01 Definition

151.02 Planting Restrictions

151.03 Duty to Trim Trees

151.04 Trimming Trees to Be Supervised

151.05 Disease Control

151.06 Inspection and Removal

151.01 DEFINITION. For use in this chapter, “parking” means that part of the street, avenue or highway in the City not covered by sidewalk and lying between the lot line and the curb line; or, on unpaved streets, that part of the street, avenue or highway lying between the lot line and that portion of the street usually traveled by vehicular traffic.

151.02 PLANTING RESTRICTIONS. No tree shall be planted in any parking or street except in accordance with the following:

1. Alignment. All trees planted in any street shall be planted in the parking midway between the outer line of the sidewalk and the curb. In the event a curb line is not established, trees shall be planted on a line ten (10) feet from the property line.
2. Spacing. Trees shall not be planted on any parking which is less than nine (9) feet in width, or contains less than eighty-one (81) square feet of exposed soil surface per tree. Trees shall not be planted closer than twenty (20) feet from street intersections (property lines extended) and ten (10) feet from driveways. If it is at all possible trees should be planted inside the property lines and not between the sidewalk and the curb.
3. Prohibited Trees. No person shall plant in any street any fruit-bearing tree or any tree of the kinds commonly known as cottonwood, poplar, box elder, Chinese elm, evergreen, willow or black walnut.

151.03 DUTY TO TRIM TREES. The owner or agent of the abutting property shall keep the trees on, or overhanging the street, trimmed so that all branches will be at least fifteen (15) feet above the surface of the street and eight (8) feet above the sidewalks. If the abutting property owner fails to trim the trees, the City may serve notice on the abutting property owner requiring that such action be taken within seven (7) days. If such action is not taken within that time, the City may perform the required action and assess the costs against the abutting property for collection in the same manner as a property tax.

(Code of Iowa, Sec. 364.12[2c, d & e])

151.04 TRIMMING TREES TO BE SUPERVISED. Except as allowed in Section 151.03, it is unlawful for any person to trim or cut any tree in a street or public place unless the work is done under the supervision of the City.

151.05 DISEASE CONTROL. Any dead, diseased or damaged tree or shrub which may harbor serious insect or disease pests or disease injurious to other trees is hereby declared to be a nuisance.

151.06 INSPECTION AND REMOVAL. The Council shall inspect or cause to be inspected any trees or shrubs in the City reported or suspected to be dead, diseased or damaged, and such trees and shrubs shall be subject to the following:

1. City Property. If it is determined that any such condition exists on any public property, including the strip between the curb and the lot line of private property, the Council may cause such condition to be corrected by treatment or removal. The Council may also order the removal of any trees on the streets of the City which interfere with the making of improvements or with travel thereon.

2. Private Property. If it is determined with reasonable certainty that any such condition exists on private property and that danger to other trees or to adjoining property or passing motorists or pedestrians is imminent, the Council shall notify by certified mail the owner, occupant or person in charge of such property to correct such condition by treatment or removal within fourteen (14) days of said notification. If such owner, occupant or person in charge of said property fails to comply within 14 days of receipt of notice, the Council may cause the condition to be corrected and the cost assessed against the property.

(Code of Iowa, Sec. 364.12[3b & h])

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CHAPTER 160

FLOOD PLAIN REGULATIONS

160.01 Statutory Authority, Findings of Fact and Purpose	160.13 Application for Permit
160.02 Definitions	160.14 Action on Application
160.03 Lands to Which Chapter Applies	160.15 Construction and Use to Be as Provided in Application and Plans
160.04 Rules for Interpretation of Flood Hazard Boundaries	160.16 Variances
160.05 Compliance	160.17 Factors Upon Which the Decision to Grant Variances Shall Be Based
160.06 Abrogation and Greater Restrictions	160.18 Conditions Attached to Variances
160.07 Interpretation	160.19 Nonconforming Uses
160.08 Warning and Disclaimer of Liability	160.20 Penalties for Violation
160.09 Severability	160.21 Amendments
160.10 Flood Plain Management Standards	
160.11 Administration	
160.12 Flood Plain Development Permit Required	

160.01 STATUTORY AUTHORITY, FINDINGS OF FACT AND PURPOSE.

1. Statutory Authority. The Legislature of the State of Iowa has in Chapter 364, *Code of Iowa*, as amended, delegated the power to cities to exercise any power and perform any function said cities deem appropriate to protect and preserve the rights, privileges, and property of the City or of its residents, and to preserve and improve the peace, safety, health, welfare, comfort, and convenience of its residents.

2. Findings of Fact.

A. The flood hazard areas of the City of Rock Valley are subject to periodic inundation which can result in loss of life and property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare of the community.

B. These flood losses, hazards, and related adverse effects are caused by: (i) the occupancy of flood hazard areas by uses vulnerable to flood damages, which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding; and (ii) the cumulative effect of obstructions on the flood plain, causing increases in flood heights and velocities.

3. Statement of Purpose. It is the purpose of this chapter to protect and preserve the rights, privileges, and property of the City of Rock Valley and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing flood losses with provisions designed to:

A. Restrict or prohibit uses that are dangerous to health, safety, or property in times of flood or which cause excessive increases in flood heights or velocities.

B. Require that uses vulnerable to floods, including public facilities that serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.

C. Protect individuals from buying lands that may not be suited for intended purposes because of flood hazard.

D. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

160.02 DEFINITIONS. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

1. “Base flood” means the flood having one percent (1%) chance of being equaled or exceeded in any given year. (See “100-year flood.”)
2. “Basement” means any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. (Also see “lowest floor.”)
3. “Development” means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations. “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.
4. “Existing construction” means any structure for which the start of construction commenced before the effective date of the community’s Flood Insurance Rate Map and may also be referred to as “existing structure.”
5. “Existing factory-built home park or subdivision” means a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the effective date of these flood plain management regulations.
6. “Expansion of existing factory-built home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
7. “Factory-built home” means any structure designed for residential use which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on a building site. For the purpose of this chapter, factory-built homes include mobile homes, manufactured homes and modular homes and also includes “recreational vehicles” which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.
8. “Factory-built home park” means a parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.
9. “Flood” means a general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.

10. “Flood elevation” means 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 floodwaters related to the occurrence of the 100-year flood.
11. “Flood Insurance Rate Map (FIRM)” means the official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.
12. “Flood plain” means any land area susceptible to being inundated by water as a result of a flood.
13. “Flood plain management” means 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 flood plain management regulations.
14. “Flood proofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities which will reduce or eliminate flood damage to such structures.
15. “Floodway” means 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 foot.
16. “Floodway fringe” means 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.
17. “Historic structure” means any structure that is:
 - A. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing in the National Register;
 - B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (i) by an approved State program as determined by the Secretary of the Interior; or (ii) directly by the Secretary of the Interior in states without approved programs.
18. “Lowest floor” means the floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:

- A. The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section 160.10(4)(A); and
- B. 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
- C. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one foot above the 100-year flood level; and
- D. The enclosed area is not a basement, as defined in this section.

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.

19. "Minor projects" means small development activities (except for filling, grading and excavating) valued at less than \$500.00.

20. "New construction" (new buildings, factory-built home parks) means those structures or development for which the start of construction commenced on or after the effective date of the Flood Insurance Rate Map.

21. "New factory-built home park or subdivision" means a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of these flood plain management regulations.

22. "100-year flood" means a flood, the magnitude of which has a one percent (1%) chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded at least once every 100 years.

23. "Recreational vehicle" means a vehicle which is:

- A. Built on a single chassis;
- B. Four hundred (400) square feet or less when measured at the largest horizontal projection;
- C. Designed to be self-propelled or permanently towable by a light duty truck; and
- D. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

24. "Routine maintenance of existing buildings and facilities" means repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:

- A. Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;
- B. Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;

- C. Basement sealing;
 - D. Repairing or replacing damaged or broken window panes;
 - E. Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.
25. “Special flood hazard area” means the land within a community subject to the 100-year flood. This land is identified as Zone A on the Flood Insurance Rate Map.
26. “Start of construction” includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.
27. “Structure” means anything constructed or erected on the ground or attached to the ground, including (but not limited to) buildings, factories, sheds, cabins, factory-built homes, storage tanks and other similar uses.
28. “Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.
29. “Substantial improvement” means any improvement to a structure which satisfies either of the following criteria:
- A. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure, either: (i) before the “start of construction” of the improvement; or (ii) if the structure has been “substantially damaged” and is being restored, before the damage occurred. The term does not, however, include any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of a “historic structure,” provided the alteration will not preclude the structure’s designation as a “historic structure.”
 - B. Any addition that increases the original floor area of a building by 25 percent or more. All additions constructed after the effective date of the first flood plain 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.

30. "Variance" means a grant of relief by a community from the terms of the flood plain management regulations.

31. "Violation" means the failure of a structure or other development to be fully compliant with this chapter.

160.03 LANDS TO WHICH CHAPTER APPLIES. The provisions of this chapter shall apply to all areas having special flood hazards within the jurisdiction of the City. For the purpose of this chapter, the special flood hazard areas are those areas designated as Zone A on the Flood Insurance Rate Map for the City, dated November 1, 1985, as amended, which is hereby adopted and made a part of this chapter.

160.04 RULES FOR INTERPRETATION OF FLOOD HAZARD BOUNDARIES. The boundaries of the Special Flood Hazard areas shall be determined by scaling distances on the official Flood Insurance Rate Map. When an interpretation is needed as to the exact location of a boundary, the Administrator shall make the necessary interpretation. The Zoning Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Administrator in the enforcement or administration of this chapter.

160.05 COMPLIANCE. No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations which apply to uses within the jurisdiction of this chapter.

160.06 ABROGATION AND GREATER RESTRICTIONS. It is not intended by this chapter to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provision of this chapter shall prevail. Any ordinances inconsistent with this chapter are hereby repealed to the extent of the inconsistency only.

160.07 INTERPRETATION. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Council and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

160.08 WARNING AND DISCLAIMER OF LIABILITY. The standards required by this chapter are considered reasonable for regulatory purposes. This chapter does not imply that areas outside the designated special flood hazard areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

160.09 SEVERABILITY. If any section, clause, provision or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

160.10 FLOOD PLAIN MANAGEMENT STANDARDS. All uses must be consistent with the need to minimize flood damage and shall meet the following applicable performance standards. Where 100-year flood data have not been provided on the Flood Insurance Rate Map, the Department of Natural Resources shall be contacted to compute such data. The

applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

1. All Development. All development within the special flood hazard areas shall:
 - A. Be consistent with the need to minimize flood damage.
 - B. Use construction methods and practices that will minimize flood damage.
 - C. Use construction materials and utility equipment that are resistant to flood damage.
 - D. Obtain all other necessary permits from Federal, State and local governmental agencies including approval when required from the Iowa Department of Natural Resources.
2. Residential Buildings. All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one foot above the 100-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than one foot 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.
3. Nonresidential Buildings. All new or substantially improved nonresidential buildings shall have the lowest floor (including basement) elevated a minimum of one 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 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 National Geodetic Vertical Datum) to which any structures are flood-proofed shall be maintained by the Administrator.
4. All New and Substantially Improved Structures:
 - A. Fully enclosed areas below the lowest floor (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:
 - (1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

(2) The bottom of all openings shall be no higher than one foot above grade.

(3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

Such areas shall be used solely for parking of vehicles, building access and low damage potential storage.

B. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

C. New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5. Factory-Built Homes.

A. All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one foot above the 100-year flood level.

B. 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.

6. Utility and Sanitary Systems.

A. On-site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.

B. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system as well as the discharge of effluent into floodwaters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one foot above the 100-year flood elevation.

C. New or replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system. Water supply treatment facilities other than on-site systems shall be provided with a level of protection equal to or greater than one foot above the 100-year flood elevation.

D. Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.

7. Storage of Flammable Materials and Equipment. Storage of equipment and materials that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one foot above the 100-year flood level.

Other material and equipment must either be similarly elevated or: (i) not subject to major flood damage and anchored to prevent movement due to floodwaters; or (ii) readily removable from the area within the time available after flood warning.

8. Flood Control Structures. Flood control structural works such as levees, flood-walls, etc. shall provide, at a minimum, protection from a 100-year flood with a minimum of three feet of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources.

9. Watercourse Alterations. Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.

10. Subdivision. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this chapter. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the 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 Special Flood Hazard Area.

11. Accessory Structures.

A. 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:

- (1) The structure shall not be used for human habitation.
- (2) The structure shall be designed to have low flood damage potential.
- (3) The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
- (4) The structure shall be firmly anchored to prevent flotation which may result in damage to other structures.
- (5) The structure's service facilities such as electrical and heating equipment shall be elevated or flood-proofed to at least one (1) foot above the 100-year flood level.

B. 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.

12. Recreational Vehicles.

A. Recreational vehicles are exempt from the requirements of subsection 5 of this section regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.

(1) The recreational vehicle shall be located on the site for less than 180 consecutive days, and

(2) The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

B. Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of subsection 5 of this section regarding anchoring and elevation of factory-built homes.

13. Pipeline Crossings. Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

160.11 ADMINISTRATION. The City Administrator shall implement and administer the provisions of this chapter and will herein be referred to as the Administrator. Duties and responsibilities of the Administrator shall include, but not necessarily be limited to, the following:

1. Review all flood plain development permit applications to assure that the provisions of this chapter will be satisfied.
2. Review all flood plain development permit 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 flood plain construction.
3. Record and maintain a record of the elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of all new or substantially improved structures in the special flood hazard area.
4. Record and maintain a record of the elevation (in relation to National Geodetic Vertical Datum) to which all new or substantially improved structures have been flood-proofed.
5. Notify adjacent communities and/or 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.
6. Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this chapter.

160.12 FLOOD PLAIN DEVELOPMENT PERMIT REQUIRED. A flood plain development permit issued by the Administrator shall be secured prior to any flood plain development (any manmade change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations) including the placement of factory-built homes.

160.13 APPLICATION FOR PERMIT. Application for a flood plain development permit shall be made on forms supplied by the Administrator and shall include the following information:

1. Work To Be Done. Description of the work to be covered by the permit for which application is to be made.
2. Location. Description of the land on which the proposed work is to be done (i.e., lot, block, tract, street address or similar description) that will readily identify and locate the work to be done.
3. Use or Occupancy. Indication of the use or occupancy for which the proposed work is intended.
4. Flood Elevation. Elevation of the 100-year flood.
5. Floor Elevation. Elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of buildings or of the level to which a building is to be flood-proofed.
6. Cost of Improvement. For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.
7. Other. Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this chapter.

160.14 ACTION ON APPLICATION. The Administrator shall, within a reasonable time, make a determination as to whether the proposed flood plain development meets the applicable standards of this chapter and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefor. The Administrator shall not issue permits for variances except as directed by the Council.

160.15 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATION AND PLANS. Flood Plain Development Permits, issued on the basis of approved plans and applications, authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this chapter. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State, that the finished fill, building floor elevations, flood proofing, or other flood protection measures were accomplished in compliance with the provisions of this chapter, prior to the use or occupancy of any structure.

160.16 VARIANCES. The Zoning Board of Adjustment may authorize upon request in specific cases such variances from the terms of this chapter that will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship. Variances granted must meet the following applicable standards:

1. Cause. Variances shall only be granted upon: (i) a showing of good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.
2. Required To Afford Relief. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

3. Notice To Applicant. In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this chapter, the applicant shall be notified in writing over the signature of the Administrator that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage; and (ii) such construction increases risks to life and property.

160.17 FACTORS UPON WHICH THE DECISION TO GRANT VARIANCES SHALL BE BASED. In passing upon applications for variances, the Zoning Board of Adjustment shall consider all relevant factors specified in other sections of this chapter and:

1. The danger to life and property due to increased flood heights or velocities caused by encroachments.
2. The danger that materials may be swept on to other land or downstream to the injury of others.
3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
5. The importance of the services provided by the proposed facility to the City.
6. The requirements of the facility for a flood plain location.
7. The availability of alternative locations not subject to flooding for the proposed use.
8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
9. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
10. The safety of access to the property in times of flood for ordinary and emergency vehicles.
11. The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
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.
13. Such other factors which are relevant to the purpose of this chapter.

160.18 CONDITIONS ATTACHED TO VARIANCES. Upon consideration of the factors listed in Section 160.17, the Zoning Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose of this chapter. Such conditions may include, but not necessarily be limited to:

1. Modification of waste disposal and water supply facilities.
2. Limitation of periods of use and operation.
3. Imposition of operational controls, sureties, and deed restrictions.

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 purposes of this chapter.

5. Flood proofing measures.

160.19 NONCONFORMING USES.

1. A structure or the use of a structure or premises which was lawful before the passage or amendment of this chapter, but which is not in conformity with the provisions of this chapter, may be continued subject to the following conditions:

A. If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this chapter.

B. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.

2. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty percent (50%) of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this chapter. This limitation does not include the cost of any alteration to comply with existing State or local health, sanitary, building or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.

160.20 PENALTIES FOR VIOLATION. Violations of the provisions of this chapter or failure to comply with any of the requirements shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than thirty (30) days. Nothing herein contained shall prevent the City of Rock Valley from taking such other lawful action as is necessary to prevent or remedy violation.

160.21 AMENDMENTS. The regulations and standards set forth in this chapter may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval from the Department of Natural Resources.

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CHAPTER 165

ZONING REGULATIONS

EDITOR'S NOTE

“The Zoning Ordinance of the City of Rock Valley, Iowa,” adopted January 3, 2008, by Ordinance No. 366, and updated by Ordinance No. 455-16 on May 19, 2016 with amendments thereto, contained in a separate volume, are a part of this Code of Ordinances and are in full force and effect. The following ordinances have been adopted amending the Official Zoning Map of the City and are specifically saved from repeal.

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CHAPTER 170

SUBDIVISION REGULATIONS

170.01 Purpose	170.12 Block Design Standards
170.02 Jurisdiction	170.13 Lot Design Standards
170.03 Definitions	170.14 Monuments
170.04 Preliminary Plat Approval	170.15 Required Improvements
170.05 Final Plat Approval	170.16 Parks, Schools and Open Spaces
170.06 Plats Outside Corporate Limits	170.17 Fees
170.07 Preliminary Plat Requirements	170.18 Variances
170.08 Final Plat Requirements	170.19 Enforcement
170.09 Subdivision Design Standards	170.20 Amendments
170.10 Street Design Standards	170.21 Chain Subdividing
170.11 Easements	

170.01 PURPOSE. It is deemed essential to establish minimum standards for the design and development of all new subdivisions so that existing developments will be protected and so that adequate provisions are made for public utilities and other public requirements and to improve the health, safety and general welfare of the public.

170.02 JURISDICTION. In accordance with the provisions of Section 354.9 of the *Code of Iowa*, and all amendatory acts thereto, these regulations are adopted by the City governing the subdivision of all lands within the corporate limits of the City and governing subdivision of all lands within two (2) miles of the corporate limits.

170.03 DEFINITIONS. For the purpose of this chapter, certain terms and words are herein defined:

1. “Access street” means a street that is parallel to and adjacent to a major thoroughfare or highway; and which provides access to abutting properties and protection from through traffic.
2. “Block” means an area of land within a subdivision that is entirely bounded by streets, highways, or ways, except alleys; or by streets, highways or ways, except alleys, and the exterior boundary or boundaries of the subdivision.
3. “Building lines” shall be shown on all lots intended for residential use of any character, and on commercial and industrial lots when required by ordinance. Such building lines shall not be less than required by the Zoning Ordinance. Where the subdivided area is not under zoning control, the Commission shall require building lines in accordance with the needs of each addition.
4. “City Engineer” means any duly qualified person or firm designated by the Council.
5. “Commission” means the Planning and Zoning Commission of the City.
6. “Collector streets” means those which carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.
7. “Cul-de-sac” means a short, minor street, having one end open to motor traffic, the other end being permanently terminated by a vehicular turn-around.

8. "Easement" means a grant by the property owner of the use for a specific purpose, of a strip of land by the general public, a corporation, or a certain person or persons, and within the limits of which the owner of the fee shall not erect any permanent structures but shall have the right to make any other use of the land subject to such easement which is not inconsistent with the rights of the grantee. Public utilities shall have the right to trim or remove trees which interfere with the use of such easements.
9. "Engineer" means a registered engineer authorized to practice civil engineering, as defined by the Registration Act of the State of Iowa.
10. "Half street" means a one-half width street right-of-way on the boundary of a subdivision dedicated by the subdivider to the City for future development when another subdivision is platted along the side of the half street. Half streets are not permitted in new subdivisions.
11. "Lot" means a portion of a subdivision or other parcel of land intended for the purpose, whether immediate or future, of transfer of ownership or for building development.
12. "Major thoroughfare" means a street used primarily for fast, large-volume traffic.
13. "Minor street" means a street used primarily for access to the abutting properties.
14. "Mobile Home Subdivision" means a subdivision designed according to this chapter and designed only for the location of mobile homes on lots owned by the mobile home owner.
15. "Performance bond" means a surety bond or cash deposit made out to the City in an amount equal to the full cost of the improvements which are required by this chapter, such cost being estimated by the City Engineer. Said improvements will be constructed in accordance with this chapter.
16. "Plat" means a map, drawing or chart on which the subdivider's plan of the subdivision is presented and which the subdivider submits for approval and intends in final form to record.
17. "Right-of-way" means the area measured between property lines, dedicated to and accepted for public use and providing access to abutting properties.
18. "Roadway" means that portion of the street available for vehicular traffic, and where curbs are laid, measured from back to back of curbs.
19. "Subdivision" means the division of land into three (3) or more lots for the purpose, whether immediate or future, of transfer of ownership or building development; or any change in existing street lines or public easement. The term, when appropriate to the context, relates to the process of subdividing or to the land subdivided, or the resubdivision of land heretofore divided or platted into lots or other divisions of land, or if a new street is involved, any division of land.
20. "Surveyor" means a registered surveyor authorized to practice surveying, as defined by the Registration Act of the State of Iowa.

170.04 PRELIMINARY PLAT APPROVAL. In obtaining preliminary approval of a proposed subdivision by the City, the subdivider shall submit a preliminary plat in accordance with the following order and procedure:

1. Preliminary Plat Filed. The subdivider shall first prepare and file with the Zoning Administrator four (4) copies of a preliminary plat conforming in detail to the requirements set forth in this chapter. Eight (8) copies of the preliminary plat shall be submitted for subdivisions within the extraterritorial limits of the City.
2. Referral. The Zoning Administrator shall forthwith refer two (2) copies of the preliminary plat to the Council. In the case of a subdivision outside the corporate limits of the City, the Zoning Administrator shall refer two (2) copies of the preliminary plat to the County Board of Supervisors and keep the County Zoning Administrator advised of the status of the plat and actions taken thereon.
3. Review by Council. The Council or their designees shall carefully examine said plat as to its compliance with the laws and ordinances of the City, existing street system, and sound engineering practices. The Council may confer with the subdivider on changes deemed advisable and the kind and extent of such improvements to be made. Before recommending approval or rejection of a preliminary plat, the Council may, at its discretion, hold a public hearing on the proposed plat, and shall approve or disapprove the preliminary plat within thirty (30) days after the preliminary plat is first submitted to the City.
4. Authority to Prepare Final Plat. Upon approval of the preliminary plat by the Council, the subdivider may proceed with the preparation of the final plat and detailed construction drawings and specifications for the improvements required under these regulations. The approval of the preliminary plat by the Council shall be null and void unless the final plat is presented to the Council within 180 days after date of approval.
5. Approval Conditional. Approval of the preliminary plat by the Council is revocable and does not constitute final plat approval of the subdivision by the Council or the Council's authorization to proceed with construction of improvements within the subdivision.

170.05 FINAL PLAT APPROVAL. In obtaining approval of a proposed subdivision by the City, the subdivider shall submit a final plat in accordance with the following order and procedures:

1. Plans and Information Submitted. Before submitting the final plat to the Commission for approval, the subdivider shall furnish all plans and information as required by this chapter, including eight (8) copies of the final plat. One copy of the final plat shall be an electronic copy and one shall be a reproducible mylar.
2. Commission Action. The Commission shall then consider the final plat and shall submit a recommendation to the Council, together with a copy of the resolution showing action of the Commission.
3. Council Action. The Council shall then consider the plat and if the same is acceptable and in accordance with this chapter, the Council may accept the same. If said plat is disapproved by the Council, such disapproval shall point out in writing wherein said proposed plat is objectionable.
4. Plat Recorded. The passage of a resolution by the Council accepting the plat shall constitute final approval of the platting of the area shown on the final plat, but

the subdivider or owner shall cause such plat to be recorded in the office of the County Recorder, as provided in Chapter 354 of the *Code of Iowa* and amendatory acts thereto, and shall file satisfactory evidence of such recording in the office of the Clerk before the City shall recognize the plat as being in full force and effect.

170.06 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 subsection 1 and 2 of Section 170.05 above, except that eight (8) copies of the plat shall be filed with the Zoning Administrator and the Zoning Administrator shall refer one (1) copy to the County Engineer and one (1) copy to the County Planning and Zoning Commission, and request their recommendations to be submitted to the City Planning and Zoning Commission. The Commission shall have forty-five (45) days to submit a recommendation to the Council and 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 referrals of the plat.

170.07 PRELIMINARY PLAT REQUIREMENTS. The preliminary plat of a subdivision is not intended to serve as a recorded plat. Its purpose is to show on a map all facts needed to enable the Commission to determine whether the proposed layout of the land in question is satisfactory from the standpoint of the public interest.

1. Number of Copies and Scale. The required number of copies of the preliminary plat shall be submitted as prescribed for review. The scale of the map shall be one inch equals one hundred feet (1" = 100'), and placed on a drawing, the dimensions of which will be 18 inches by 24 inches. A scale other than 1" to 100' may be used if prior approval is obtained from the Commission and County Recorder.
2. Contents of Preliminary Plat. The preliminary plat shall contain the following:
 - A. Name of subdivision, date, point of compass, scale, and official description of the property being platted.
 - B. Name and address of recorded owner and of developer.
 - C. Name and address of engineer and/or land surveyor.
 - D. Existing buildings, railroads, underground utilities and other rights-of-way.
 - E. Location, names and widths of all existing and proposed roads, alleys, streets and highways in or adjoining the area being subdivided.
 - F. Location and names of adjoining subdivisions, and the names of the owners of adjoining subdivisions, and the names of the owners of adjoining acreage parcels.
 - G. Proposed lot lines with approximate dimensions and the square foot area of non-rectangular lots.
 - H. Areas dedicated for public use, such as schools, parks and playgrounds.
 - I. Contour lines at intervals of not more than five (5) feet.
 - J. Building setback lines.

- K. Boundaries of the proposed subdivision shall be indicated by a heavy line.
 - L. Zoning classification of the area.
 - M. Proposed utility service, including location and size or capacity, and:
 - (1) Source of water supply.
 - (2) Provision for sewage disposal.
 - (3) Provision for storm water drainage, including proposed storm sewers, ditches, culverts, bridges and other structures.
 - N. A vicinity sketch at a legible scale showing the relationship of the plat to its general surroundings.
 - O. Lot numbers.
 - P. A typical cross-section of the proposed streets showing the roadway location, type and width of surfacing, type of drainage and other improvements to be installed.
3. Accompanying Material. The following shall accompany the preliminary plat at the time of filing:
- A. Any plat that cannot reasonably be served by public sewer shall show results of soil percolation tests made by the Engineer preparing the plat.
 - B. Restrictions, if any, proposed to be included in the owner's dedication of the plat.
 - C. Written statement by the appropriate officials of the availability of gas and electricity to the proposed subdivision.
 - D. Written and signed statements explaining how and when the subdivider proposes to provide and install all required improvements required by this chapter. Such statement shall acknowledge required inspections and approvals by the City Engineer.

170.08 FINAL PLAT REQUIREMENTS. The final plat area may include all or part of the preliminary plat. Final plat requirements are as follows:

1. Number of Copies and Scale. When and if the preliminary plat is approved, the subdivider shall submit six (6) copies of the final plat for review by the Commission. The scale of the map shall be one inch equals one hundred feet (1" = 100'), and placed on a drawing the dimensions of which will be 18 inches by 24 inches. A scale other than 1" to 100' may be used if prior approval is obtained from the Commission and County Recorder.
2. Contents of Final Plat. The final plat shall contain the following:
 - A. Accurate boundary lines, with dimensions and angles which provide a survey of the tract, closing with an error of not more than one foot in 10,000 feet on the boundary, and one foot in 5,000 feet for any individual lot. Distances shall be measured to the nearest one-hundredth of a foot.
 - B. Accurate references to known or permanent monuments giving the bearing and distance from some corner of a congressional division of the County of which the subdivision is a part.

- C. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.
 - D. Accurate metes and bounds description of the boundary.
 - E. Street names.
 - F. Complete curve notes for all curves included in the plat.
 - G. Street right-of-way lines with accurate dimensions in feet and hundredths of feet with angles to right-of-way lines and lot lines.
 - H. Lot numbers and dimensions.
 - I. Accurate locations and descriptions of easements for utilities and any limitations on such easements.
 - J. Accurate dimensions for any property to be dedicated or reserved for public, semi-public or community use.
 - K. Building lines and dimensions.
 - L. Location, type, material and size of all monuments and markers.
 - M. Name of the subdivision.
 - N. Name and address of owners and subdivider.
 - O. North point, scale and date.
 - P. Certification by a registered land surveyor of the State of Iowa.
3. Accompanying Material. The following shall accompany the final plat at the time of filing:
- A. Plans and profiles, approved by the City Engineer, of all streets, alleys, sanitary sewers, storm sewers and water lines at a 50-foot horizontal scale and 5-foot vertical scale. Profiles shall show location, size and grade of all conduits, sanitary and storm sewers, pipelines, etc. Profiles of shall be drawn so that north will be oriented to the top or to the left side of the drawing.
 - B. Any protective covenants or restrictions to be imposed upon the plat shall be submitted for approval.
 - C. A dedication to the City, properly executed, for all streets intended as public streets, and for any other property intended for public use except for areas outside the corporate limits.
 - D. The following documents:
 - (1) A certificate by the owner and spouse, if any, that the subdivision is with their 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 acknowledgments of deeds.
 - (2) A statement from the mortgage holders or lienholders, if any, that the plat is prepared with their free consent and in accordance with their desire, signed and acknowledged before an officer authorized to take the acknowledgment of deeds. An affidavit and bond as

provided for in Section 354.12 of the *Code of Iowa* may be recorded in lieu of the consent of the mortgage or lienholder. When a mortgage or lienholder consents to the subdivision, a release of mortgage or lien shall be recorded for any areas conveyed to the City or dedicated to the public.

(3) An opinion by an attorney-at-law who has examined the abstract of title of the land being platted. The opinion shall state the names of the proprietors and holders of mortgages, liens or other encumbrances on the land being platted and shall note the encumbrances, along with any bonds securing the encumbrances.

(4) A certificate of the County Treasurer that the land is free from certified taxes and certified special assessments or that the land is free from certified taxes and that the certified special assessments are secured by bond in compliance with Section 354.12 of the *Code of Iowa*.

(5) A resolution and certificate for approval by the Council and for signatures of the Mayor and Clerk.

E. Drainage plans for the positive removal of storm water.

170.09 SUBDIVISION DESIGN STANDARDS. The standards and details of design herein contained are intended only as minimum requirements so that the general arrangement and layout of a subdivision may be adjusted to a wide variety of circumstances. However, in the design and development of a plat, the subdivider shall use standards consistent with the site conditions so as to assure an economical, pleasant and durable neighborhood.

170.10 STREET DESIGN STANDARDS. Minimum design standards for streets are as follows:

1. Comprehensive Plan. All proposed plats and subdivisions shall conform to the Comprehensive Plan. All proposed plats and subdivisions shall also conform to additional proposed street plans as set out by the City.
2. Continuation of Existing Streets or Planned Streets. Proposed streets shall provide for continuation or completion of any existing streets (constructed or recorded) or any streets which are part of an approved preliminary subdivision plan, in adjoining property, at equal or greater width, but not less than sixty (60) feet in width, and in similar alignment, unless variations are recommended by the Commission.
3. Circulation. The street pattern shall provide ease of circulation within the subdivision as well as convenient access to adjoining streets, thoroughfares, or unsubdivided land as may be required by the Commission. In a case where a street will eventually be extended beyond the plat, but is temporarily dead ended, an interim turnaround may be required.
4. Street Intersections. Street intersections shall be as nearly at right angles as possible.
5. Cul-de-sac. Whenever a cul-de-sac is permitted, such street shall be no longer than six hundred (600) feet and shall be provided at the closed end with a turnaround having a street property line diameter of at least one hundred ten (110) feet in the case of residential subdivisions. The right-of-way width of the street leading to the turnaround shall be a minimum of sixty (60) feet. A turnaround diameter greater than

110 feet may be required by the Commission in the case of commercial or industrial subdivisions if it is deemed necessary.

6. Street Names. All newly platted streets shall be named and in a manner conforming to the prevailing street naming system. A proposed street that is obviously in alignment with other existing streets, or with a street that may logically be extended although the various portions be at a considerable distance from each other, shall bear the same name. Names of new streets shall be subject to the approval of the Commission in order to avoid duplication or close similarity of names.

7. Physical and Cultural Features. In general, streets shall be platted with appropriate regard for topography, creeks, wooded areas, and other natural features which would lend themselves to attractive treatment.

8. Half Streets. Dedication of half streets will not be permitted. Where there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, the other half shall be platted if deemed necessary by the Commission.

9. Alleys. Alleys may be required in business areas and industrial districts for adequate access to block interiors and for off-street loading and parking purposes. Except where justified by unusual conditions, alleys will not be approved in residential districts. Dead-end alleys shall be provided with a means of turning around at the dead end thereof.

10. Neighborhood Plan. If any overall plan has been made by the Commission for the neighborhood in which the proposed subdivision is located, the street system of the latter shall conform in general thereto.

11. Land Not Platted. Where the plat to be submitted includes only part of the tract owned by the subdivider, the Commission may require topography and a sketch of a tentative future street system of the unsubdivided portion.

12. Major Thoroughfares. Where a new subdivision, except where justified by limiting conditions, involves frontage on a heavy trafficway, the street layout shall provide motor access to such frontage by one of the following means:

- A. A parallel street, supplying frontage for lots backing onto the trafficway;
- B. A series of cul-de-sacs or short loops entered from and planned at right angles to such a parallel street, with their terminal lots backing onto the highway;
- C. An access drive separated by a planting strip from the highway to which a motor access from the drive is provided at points suitably spaced;
- D. A service drive or alley at the rear of the lots.

Where any one of the above-mentioned arrangements is used, deed covenants or other means should prevent any private residential driveways from having direct access to the trafficway.

13. Dedication. A dedication to the City shall be given for all streets before the same will be accepted for City maintenance.

14. Street Grades. Streets and alleys shall be completed to grades which have been officially determined or approved by the City. All streets shall be graded to the full width of the right-of-way and adjacent side slopes graded to blend with the natural

ground level. The maximum grade shall not exceed six percent (6%) for main and secondary thoroughfares, or ten percent (10%) for minor or local service streets. All changes in grades on major roads or highways shall be connected by vertical curves of a minimum length in feet equivalent to twenty (20) times the algebraic difference between the rates of grades, or greater, if deemed necessary by the City; for minor streets, fifteen (15) times. The grade alignment and resultant visibility, especially at intersections, shall be worked out in detail to meet the approval of the City.

15. Street Rights-of-way and Widths. Minimum rights-of-way, unless otherwise recommended by the Commission, shall be provided as follows:

- A. Thoroughfares – 80 feet;
- B. Collector streets – 66 feet;
- C. Residential or minor streets – 60 feet
- D. Cul-de-sacs – 110 feet in diameter.
- E. Alleys – 20 feet.

16. Other Considerations. Other considerations shall be as follows:

- A. The street and alley layout shall provide access to all lots and parcels of land within the subdivision.
- B. Street jogs of less than 200 feet shall be avoided.
- C. No dead-end streets or alleys will be permitted except at subdivision boundaries.
- D. Thoroughfare and collector streets in a subdivision shall extend through to the boundaries thereof.
- E. Intersection of more than two streets at a point shall not be permitted.

170.11 EASEMENTS. Easements shall be provided as follows:

- 1. Minimum Width. Easements not less than five (5) feet in width shall be provided along each side of the rear lot lines of all lots, and along such other lot lines as may be required by public and private utility companies and the Council.
- 2. Greater Width. Easements of greater width may be required for trunk lines, pressure lines, open drainage courses or high voltage lines and shall be provided as determined by the utility or Council.
- 3. Utility Easements. Utility easements shall convey to the City, its successors and assigns, the perpetual right within the areas shown on the plat and described in the easement, to construct, reconstruct, operate and maintain electric lines consisting of poles, wires, cables, conduits, fixtures, anchors and other similar equipment, including the right to trim or remove trees within such areas where necessary to secure a clearance of four (4) feet from the wires or poles, together with the right to extend to any telephone, telegraph, electric or power company, the right to use separately or jointly with the City, the areas included in the easement for the purposes above enumerated.
- 4. Water Course. Whenever any stream or important surface water course is located in an area that is being subdivided, the subdivider shall, at the subdivider's own expense, make adequate provision for widening the channel so that it will

properly carry the surface water, and shall provide and dedicate to the City an easement along each side of the stream, which easement shall be for the purpose of installation of public utilities. The waterway easement shall be adequate to provide for these purposes, and said easement shall be a minimum of twenty feet on each side plus stream design width and a total width adequate to provide any necessary channel straightening or relocation.

170.12 BLOCK DESIGN STANDARDS. The following minimum design standards are application to blocks:

1. Length. No block shall be longer than 990 feet.
2. Intersections. At street intersections, block corners shall be rounded with a radius of not less than sixteen (16) feet; unless at any one intersection a curve radius has been previously established, then such radius shall be used as standard.
3. Crosswalks. Crosswalks may be required by the City in blocks over 700 feet long or in areas where curbed streets require excessive out of the way travel. If required, they shall be constructed by the developer. Rights-of-way for crosswalks shall not be less than ten (10) feet.

170.13 LOT DESIGN STANDARDS. The following minimum design standards are applicable to lots:

1. Corner Lots. Corner lots shall not be less than twenty (20) feet greater in width than the minimum required interior lot width so as to permit adequate building setbacks on both front and side streets.
2. Double Frontage Lots. Double frontage lots, other than corner lots, shall be prohibited except where such lots back on to a major street or highway or except in the case of large commercial or industrial lots.
3. Street Access. Each lot shall be provided by means of a public street with satisfactory access to an existing public street.
4. Street Frontage. Each lot shall be provided with not less than sixty (60) feet of access frontage to a public street.
5. Size. No lot shall be less in size or shape than that required to provide an adequate building size in compliance with the Zoning Ordinance.
6. Health Standards. For the purpose of complying with minimum health standards, the following minimum lot sizes shall be observed:
 - A. Lots which cannot be reasonably served by an existing public sanitary sewer system and public water mains shall have a minimum width of 100 feet, measured at the building line, and an area of not less than 20,000 square feet or the minimum permitted by the Zoning Ordinance, whichever is larger.
 - B. Lots which are not within a reasonable distance of a public sanitary sewer system but are connected to a public water supply main shall have a minimum width of 80 feet and an area of 10,000 square feet or the minimum permitted by the Zoning Ordinance, whichever is larger.
7. Lot Line Angle. Side lot lines where possible shall be at right angles or radial to the street lines.

170.14 MONUMENTS. Permanent monuments and survey markers shall be provided as follows:

1. Plat Boundary Corners. Concrete monuments at least 36 inches long and four inches square with a suitable center point shall be set at all boundary corners of the plat and at all block corners. Except in cases where it is deemed clearly unreasonable or infeasible by the Commission, these monuments shall be described in relation to the standard subdivisional lines of the section to which the monument is placed.
2. Lot Lines. Iron pin or pipe monuments $\frac{3}{4}$ -inch in diameter and 24 inches long or suitable concrete markers shall be placed at all points on boundary lines where there is a change of direction and at all lot corners.
3. Surveyor's Registration. The registered land surveyor shall affix a cap of reasonably inert material bearing an embossed or stencil cut marking of the Iowa registration number of the registered land surveyor to the top of the monument.

170.15 REQUIRED IMPROVEMENTS. Required improvements are as follows:

1. Installation and Warranty. The subdivider shall be responsible for installation and/or construction of all improvements required by this chapter, and shall warrant the design, materials, and workmanship of such improvements, installation and/or construction for a period of two (2) years from and after completion. Such warrant shall be by bond or other acceptable collateral; shall be subject to review by the City Attorney; 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, contributed to, etc., such defective improvements.
2. Acceptance by Council. Before the Council approves the final plat, all of the required improvements shall be constructed and accepted by formal resolution of the Council. Before passage of said resolution of acceptance, the City Engineer shall report that said improvements meet all City specifications and ordinances or other requirements and agreements between the subdivider and the City.
3. Bond in Lieu of Construction. The installation and/or construction of improvements may be waived if the subdivider will post a performance bond or certified check with the City, guaranteeing that said improvements will be constructed within a period of two (2) years from final acceptance of the plat; however, if a performance bond is posted, 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. If a performance bond is posted, such bond shall be subject to review by the City Attorney prior to acceptance; shall specifically assure the expedient installation and completion of all improvements within the specified construction time period; and shall indemnify the City from any and all costs or losses of the development and construction.
4. Requirements Waived. The Council may waive the requirements of this section for the construction and installation of some or all of the improvements in cases of dedications of land or rights-of-way to public use where such dedication is in excess of the needs of the subdivision and is desired by a public agency in lieu of a purchase or condemnation.

5. Resubdivisions. The Council may waive the requirements for the construction and installation of some or all of the improvements in cases of resubdivisions where only the size, shape or arrangement of the lots is being changed and no new streets are required and in cases of dedications of land or rights-of-way to public use where such dedication is in excess of the needs of the subdivision and is desired by a public agency in lieu of a purchase or condemnation proceeding.
6. Construction Standards and Schedule. All plans, specification, installation, and construction required by this section shall conform to all current City specifications and standards, and shall be subject to the review, approval, and inspection by the City Engineer or other authorized City representative. The subdivider shall furnish the City Engineer with a construction schedule prior to commencement of any and/or all construction, and shall notify the City Engineer, not less than twenty-four (24) hours in advance, of readiness for required inspections.
7. Grading. The subdivider shall at the subdivider's own expense bring all streets and alleys within the platted area which are being dedicated for public use to the grade approved by the Council after receiving the report and recommendations of the City Engineer.
8. Sanitary Sewer. The subdivider shall at the subdivider's own expense provide the subdivision with a complete sanitary sewer system including all necessary pumping stations, force mains, pumping equipment, and other appurtenances, which shall connect with a sanitary sewer outlet or treatment facility approved by the Council. The sewers shall extend to the subdivision boundaries as necessary to provide for the extension of the sewers to adjacent property. Where oversized sewers are required to serve other areas of the watershed, the additional cost shall be borne by the City or assessed on an area basis to the properties served.
9. Storm Drains. The subdivider shall at the subdivider's own expense provide the subdivision with adequate drains, ditches, culverts, complete bridges, storm sewers, intakes, and manholes to provide for the collection and removal of all surface waters. These improvements shall extend to the boundaries of the subdivision so as to provide for extension to adjoining properties. Where over-size storm sewers or drainage structures are required to serve other areas of the watershed, the additional cost shall be borne by the City or assessed on an area basis to the properties served.
10. Water. The subdivider shall at the subdivider's own expense provide the subdivision with a complete water main supply system including hydrants, valves and other appurtenances which shall be extended into and through the subdivision to the boundary lines, and which shall provide a water connection for each lot, and shall be connected to the City water system. Fire hydrants shall be uniform throughout the subdivision and shall meet the design standards approved by the Council. Where oversized mains are required to serve other areas of the watershed, the additional cost shall be borne by the City or assessed on an equal basis to the properties served.
11. Curb and Gutter. The subdivider may at the subdivider's own expense install curb and gutter on all streets on the plat being dedicated for public use. Curb and gutter shall be constructed of Portland cement concrete in accordance with designs and specifications and at grades approved by the Council.
12. Surfacing. The subdivider shall at the subdivider's own expense surface all streets being dedicated for public use from curb to curb. Surfacing shall consist of not less than six (6) inches of Portland cement concrete over a prepared subgrade and

shall be constructed in accordance with designs and specifications and at grades approved by the Council. Where a surface width in excess of thirty-one (31) feet (back to back of curb) is required, the cost of the additional surface width, which may be assumed to be the center portion of the roadway surface, shall be paid by the City. On collector and thoroughfare streets where a higher standard or greater thickness of street surface is deemed necessary by the Council than is herein required, the additional cost shall be borne by the City. Asphalt may be used in lieu of concrete provided that the street is constructed in accordance with current City specifications.

13. Markers or Monuments. The subdivider shall at the subdivider's own expense place markers or monuments as required in Section 170.14 of this chapter and shall provide the City with G.I.S. coordinates of the plat.

14. Underground Utilities Required. The Council may require that all utility lines except electric lines of nominal voltage in excess of fifteen thousand (15,000) volts, be installed underground. The subdivider shall be responsible for making the necessary arrangements with the utility companies for installation of such facilities. If overhead utility lines or wires are permitted, they shall be placed in the easements provided in the rear of the lots. In their determination on whether or not to require underground utilities, the Council may consider that soil, topographical or other conditions make such installations within the subdivision unreasonable or impractical.

15. Location of Utilities. Utilities shall be provided in rear lot easements wherever possible. When it is necessary to install utilities in street rights-of-way, the following requirements shall apply:

A. Time of Installation. After grading is completed and approved and before any pavement base is applied, all of the in-street underground work (water mains, gas mains, etc., and all service connections) shall be completely installed and approved through the length of the street and across the flat section. Where the utility mains are outside the pavement area, the subdivider may be allowed to omit the installation of service connections provided that at such time as these service connections are needed, they may be jacked across the street without breaking or weakening the existing pavement.

B. Rock. Where rock is known to exist beneath the pavement area and at such depth as to interfere with the jacking of service connections, the complete installation of service connections before any base is applied shall be required. In cases where underground utilities must be provided within the right-of-way of streets, they should not be installed under the paved portions of such streets.

16. Specifications. The type of construction, the materials, the methods, and standards of subdivision improvements shall be equal to the current specifications of the City for like work. Plans and specifications shall be submitted to the Council for approval prior to construction, and construction shall not be started until plans and specifications have been approved.

17. Acceptance. All of the above improvements shall, upon their completion, inspection, approval, and acceptance by the City become the property of the City.

18. Improvements within Extraterritorial Jurisdiction. Improvements in the two-mile control area shall be the same as required above, provided they are not less than that required by the County subdivision policy, and provided further, that all road and

drainage construction plans shall be approved by the County Engineer. Completed roads shall be accepted by the Board of Supervisors for public maintenance.

19. As-Built Drawings. The developer shall furnish the City with a complete set of as-built drawings at the completion of installation of utilities.

170.16 PARKS, SCHOOLS AND OPEN SPACES.

1. Minimum. A minimum of five percent (5%) of the net area of subdivisions of any five (5) acres or over shall be dedicated for public parks, playgrounds or open space.

2. Payments in Lieu of Dedication. The subdivider may, in lieu of dedication of such land, donate in cash to the City a sum equal to the value of 5% of the net area of the subdivision for such park, playground or open space purposes to benefit residents of the subdivision. The purchase price of such land shall be equivalent to the value of said land as established by an independent appraisal.

3. School Reservations. Areas which are planned for public school use shall be reserved for purchase by the school district within one (1) year from the endorsement date of the final plat. After such time or upon written waiver from the school district, the subdivider may replat such areas for the subdivider's own purposes.

4. Public Open Spaces. Public open spaces shall, wherever possible, be located contiguous to other such areas in adjacent subdivisions, in order to provide for maximum use of the resulting area. Such areas shall be shown on the preliminary plat. The Council may not approve a site which is undesirable for such public or civic uses.

5. Large Open Spaces. If the Council desires a public open space larger than 5% of the net area of the proposed subdivision, the subdivider shall reserve the area in excess of the dedication requirement for purchase by the appropriate public agency within one (1) year from the endorsement date of the final plat. The purchase price of such land shall be equivalent to the value of said land as established by an independent appraiser. After such time, the subdivider may replat such acreage for the subdivider's own purposes.

6. Preservation of Other Features. Natural features, historic sites and similar community assets shall be preserved.

170.17 FEES. Each preliminary plat submitted for approval shall be accompanied by a fee to be determined by resolution of the Council, which fee shall be credited to the General Fund of the City.

170.18 VARIANCES. Where the strict application of standards or requirements established by this chapter would cause substantial hardship or impose unreasonable restrictions on the development of a tract of land because of natural or physical conditions or limitations not created by the owner or developer, the Commission may recommend and the Council may grant such variances from these standards or requirements as may be necessary to permit the reasonable development of the land while preserving the intent of this chapter.

170.19 ENFORCEMENT. In addition to other remedies and penalties prescribed by law, the provisions of this chapter shall be enforced as follows:

1. Plat Invalid; Recording Prohibited. No plat or subdivision in the City or within two (2) miles thereof (subject to exceptions as provided in Section 354.9 of the *Code of Iowa*) shall be recorded or filed with the County Auditor or County Recorder, nor shall any plat or subdivision have any validity until it complies with the provisions of this chapter and has been approved by the Council as prescribed herein.
2. Public Improvements. No public improvements over which the Council has control shall be made with City funds, nor shall any City funds be expended for street maintenance, street improvements or other services in any area that has been subdivided after the date of adoption of the ordinance codified in this chapter (February 7, 1980), unless the subdivision and streets have been approved in accordance with the provisions of this chapter and the street accepted by the Council as a public street.
3. Sale of Lots. Any person who shall dispose of or offer for sale or lease any lots in the City or addition thereto or within the jurisdictional area thereof unless the plat thereof has been approved, acknowledged and recorded in accordance with this chapter and recorded, shall forfeit and pay fifty dollars (\$50.00) for each lot or part of lot sold or disposed of, leased or offered for sale. Each day that a violation exists constitutes a separate offense.
4. Zoning Permits. No zoning compliance permit required by the Zoning Ordinance shall be issued until and unless all improvements required by this chapter have been made in accordance with City plans and specifications and accepted by the Council.

170.20 AMENDMENTS. This chapter may be changed and amended from time to time by the Council; provided, however, such amendments shall first be submitted to the Commission for review and study. The Commission shall report within thirty (30) days, after which the Council shall give notice of and hold a public hearing on the proposed amendment. The amendment shall become effective from and after its adoption and required publication.

170.21 CHAIN SUBDIVIDING. No more than two (2) building permits for each separate tract existing at the effective date of this chapter, February 7, 1980, shall be issued unless the tract has been platted in accordance with this chapter, except that this provision shall not limit the number of building permits that may be issued for accessory buildings as defined by the Zoning Ordinance or additions or improvements to a main or accessory building already legally located upon said tract.

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CODE OF ORDINANCES CITY OF ROCK VALLEY, IOWA

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